

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee at the OFFICES OF THE ATTORNEY GENERAL, 15
5 South 15th Avenue, Phoenix, Arizona, commencing at
6 10:06 a.m. on the 21st day of August, 2018.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9

10 APPEARANCES:

11 For the Applicant, Salt River Project:

12 JENNINGS, STROUSS & SALMON, P.L.C.
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16 JENNINGS, STROUSS & SALMON, P.L.C.
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and

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1 INTERESTED PARTIES:

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3 Barbara M. and Charles L. Feenstra Trust, the John and
4 Brenda Van Otterloo Family Trust, Billy and Nora D.
5 Maynard, the Billy and Nora D. Maynard Trust, Dianne
6 Maynard, Mesa-Casa Grande Land Co. LLC, Rijlaarsdam
Dairy, the Rijlaarsdam Family Trust, the Jacob and Mary
Rijlaarsdam Trust, Robinson Farms Inc., Robo Land LLC,
the H. and Glenda Stechnij Trust, Pieter and Jody Van
Rijn:

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For the Town of Queen Creek:

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15 For PPGN-Ellsworth, LLLP; PPGN-Core, LLLP; PPGN-Crismon,
16 LLLP; PPGN-Williams, LLLP; and PPGN-Ray, LLLP:

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GAMMAGE & BURNHAM
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1 INTERESTED PARTIES:

2 For Vlachos Enterprises, LLC; D&M Land Holding Company
3 LLC; and Vlachos Family Revocable Trust:

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14 OTHER INTERESTED PARTIES:

15 Mr. Grant Smedley
16 Mr. Michael Jones
17 Ms. Michele Maser
18 Mr. Michael O'Connor
19 Salt River Project

20 Mr. Andrew Cohn
21 Ms. Lisa Bullington
22 Mr. Anthony Feiter
23 Proving Grounds, LLC

24 Mr. Christopher Cacheris
25 PPGN Entities

Ms. Marie Elena Cobb
Assistant to Chairman Chenal

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1 CHMN. CHENAL: This is the time set for the
2 prehearing conference on the SRP application.

3 May we have appearances, please.

4 MR. OLEXA: Garrett Olexa, Your Honor, from
5 Jennings, Strouss & Salmon, representing the applicant,
6 Salt River Project.

7 MR. RICH: Good morning, Your Honor. Court Rich
8 from the Rose Law Group along with Eric Hill.

9 I have a long list of clients that I intervened
10 on behalf of yesterday. If you'd like me to read them
11 all into the record, I can.

12 CHMN. CHENAL: Have you filed a document that
13 reflects the parties you're entering an appearance on
14 behalf of?

15 MR. RICH: I have done that, Your Honor.

16 CHMN. CHENAL: Why don't you just give us the
17 shorthand version.

18 MR. RICH: Okay. We represent a group of
19 dairymen owning property just west of the Loop 202 that
20 are in the development process with the City of Mesa.
21 The list of those property owners has been filed along
22 with our Notice of Intervention.

23 CHMN. CHENAL: You might as well give us the
24 names.

25 MR. RICH: Sorry. It look longer to try not to

1 say them than it would to actually say them.

2 The Charles Feenstra Dairy LLC, Van Rijn Dairy,
3 the Barbara M. and Charles L. Feenstra Trust, the John
4 and Brenda Van Otterloo Family Trust, Billy and Nora D.
5 Maynard, the Billy and Nora D. Maynard Trust, Dianne
6 Maynard, Mesa-Casa Grande Land Co. LLC, Rijlaarsdam
7 Dairy, the Rijlaarsdam Family Trust, the Jacob and Mary
8 Rijlaarsdam Trust, Robinson Farms Inc., Robo Land LLC,
9 the H. and Glenda Stechnij Trust, Pieter and Jody Van
10 Rijn.

11 And that's it. Thank you.

12 CHMN. CHENAL: Yeah. I didn't receive the
13 document. I don't have it at least.

14 MR. RICH: We filed it yesterday. It was
15 docketed yesterday afternoon.

16 CHMN. CHENAL: And if it wasn't sent to me by
17 email, I'm a day behind getting the docketing to catch
18 up. And I've seen the list and seen all the names. I
19 just said the dairy group.

20 MR. RICH: I appreciate that, Your Honor.

21 CHMN. CHENAL: Next.

22 MR. BRASELTON: Good morning, Mr. Chairman. Jim
23 Braselton from Dickinson Wright on behalf of the Town of
24 Queen Creek, and with me is my associate Vail Cloar.

25 CHMN. CHENAL: Thank you.

1 MR. ARTIGUE: Good morning, Your Honor.

2 My name is Cameron Artigue of the law firm of
3 Gammage & Burnham. I'm here with a partner Susan Demmitt
4 and client Chris Cacheris.

5 We are here on behalf of five entities that own
6 property on the northeast side of the proposed State
7 Route 24 alignment. They are PPGN-Ellsworth, PPGN-Core,
8 PPGN-Crismon, PPGN-Williams, and PPGN-Ray, all of them
9 limited liability limited partnerships.

10 CHMN. CHENAL: Thank you.

11 Who else do we have that's making an appearance?

12 MS. RAMALEY: Karilee Ramaley, R-a-m-a-l-e-y,
13 in-house counsel for Salt River Project, the applicant.

14 MR. SUNDLOF: Ken Sundlof of Jennings, Strouss &
15 Salmon for the applicant.

16 MR. COHN: Andrew Cohn for Pacific Proving.

17 MR. TAEBEL: Wilbert Taebel for the City of
18 Mesa.

19 CHMN. CHENAL: I'm sorry, the last?

20 MR. TAEBEL: Wilbert Taebel for the City of
21 Mesa.

22 MR. TAPIA: And Marcos Tapia, Tiffany & Bosco,
23 on behalf of the Vlachos Enterprises, LLC; D&M Land
24 Holding Company LLC; and the Vlachos Family Revocable
25 Trust.

1 CHMN. CHENAL: Okay. Thank you very much. I do
2 have that filing, actually.

3 Okay. Is there anyone else who is here
4 appearing on behalf of any parties or potential parties?

5 (No response.)

6 CHMN. CHENAL: Okay. Well, we have kind of a
7 normal checklist of items that we like to cover, and the
8 procedural order kind of outlined what those will be.
9 Maybe the applicant can -- through counsel can give me
10 kind of an update on where the parties are.

11 I saw some hopeful pleadings filed yesterday.
12 Some of the parties had filed proposed testimony of their
13 witnesses, and it looks as though a point of contention
14 when we had our prefiling conference regarding an
15 alignment along State Route 24 as to whether it was going
16 to be on the north side or the south side, although it
17 seems to run north-south, but the north side versus the
18 south side has been resolved. And based upon the
19 supplemental application -- or pleading filed in
20 connection with the application, it seems as though SRP
21 has taken the position it will be building on the south
22 side of State Route 24, and that seemed to me to relieve
23 some of the pressure.

24 So maybe we could have an update on where the
25 parties are, and then I'd like to hear from the potential

1 intervenors, some as a matter of rights, Mesa and Queen
2 Creek and others. Then we'll address the motions to
3 intervene and the applications to intervene at the
4 hearing, because the Committee decides that.

5 But I'd like to just hear first the update, and
6 then we can get the positions of the potential
7 intervenors and intervenors.

8 MR. OLEXA: Certainly, Chairman.

9 You're accurate, there have been some updates,
10 and I believe it should result in a lot less contention
11 and a lot more agreement.

12 With regard to the State Route 24, it is
13 accurate that Salt River Project, on August 3rd, after
14 filing their application on August 1st, filed a
15 supplement and in that supplement, amended the language
16 that referred to the alignment along the SR-24. And so
17 the exclusive proposed route along that center section is
18 now on the south side. The northeast side of the SR-24
19 is no longer a proposed option.

20 And to further supplement that, on
21 August 15th -- and I don't know whether Mr. Chairman has
22 had a chance yet to even review our summary of proposed
23 testimony -- but our aviation expert received an update
24 from the FAA, and the FAA indicated that there has been a
25 change in their procedure in the way they calculate

1 certain surfaces. And the bottom line that comes from
2 that is that SRP can build and will build normal size or
3 standard size poles along the south side of State Route
4 24. So it's a big development and also one that I think
5 will comfort some of the people that raised issues during
6 the prefiling conference.

7 So those are the two primary updates.

8 CHMN. CHENAL: All right. Thank you very much.

9 So let's hear from the parties that want to
10 participate in the hearing.

11 Maybe, Mr. Rich, start with you.

12 MR. RICH: Thank you.

13 CHMN. CHENAL: State your clients' positions
14 based upon these developments.

15 MR. RICH: Sure. Thank you, Chairman.

16 And the developments that SRP referred to don't
17 impact the positions that my clients are taking. We are
18 located just west of the Loop 202 on the northern portion
19 of the alignment, so the very first segment that comes
20 south off of the origin point.

21 And our clients have been working with the City
22 of Mesa for the last three years on a master planned
23 development with a mix of uses that will remove the
24 dairies, which are not so compatible with the development
25 that has encroached on the area, take those out of there,

1 and replace it with a master plan.

2 They've also been working in partnership with
3 the Arizona State Land Department on planning that
4 property as well as that property that spans to the other
5 side, to the east side, of Loop 202.

6 As far as updates on that, my understanding is
7 that yesterday, the State Land Department presented SRP
8 with an email that said while they own land on both sides
9 of the freeway, they're agreeable with an alignment on
10 the east side. My hope is that that -- certainly, SRP
11 has to consider that information. But, to my knowledge,
12 there's no one asking for this line to be sited on the
13 western side of Loop 202.

14 So our hope is that the treatment that goes on
15 24 got implemented, where we just stop talking about the
16 west side, in which case, I can stay home and it can be
17 quick; or we can continue to talk about why the east side
18 is the better location from our perspective.

19 CHMN. CHENAL: Well, obviously, it doesn't sound
20 like that issue has been decided as of right now. So as
21 we get closer to the hearing, if that's something to be
22 resolved, I appreciate that's something to know about.
23 And at least that will resolve one of the issues that's
24 still outstanding, I guess, in terms of the location of
25 the proposed line.

1 MR. RICH: We'll certainly keep you updated from
2 our end. It's our hope that we'll have an opportunity to
3 talk about that more with SRP.

4 CHMN. CHENAL: And while I'm thinking of it,
5 Tuesday, your schedule is still impacted by the hearing
6 at the Corporation Commission?

7 MR. RICH: What I said, Mr. Chairman, still
8 stands. I just don't know until their agenda comes out.
9 The issues that hadn't been resolved at that point in
10 time still haven't shown up and are due to show up at any
11 point in time, and I will let you know as soon as
12 possible if those issues do come up.

13 CHMN. CHENAL: As you've probably seen -- we'll
14 go over it in a few minutes -- the way the hearing is set
15 up is to have the tour on Tuesday morning, to basically
16 take the morning. So that won't change at this point. I
17 was curious more than anything.

18 MR. RICH: Okay.

19 CHMN. CHENAL: The dairy group. What's your
20 position?

21 MR. RICH: Right. I guess I'd like time to
22 reflect on if that's the moniker I want to use.

23 CHMN. CHENAL: You don't want that moniker, but
24 it's better than 15 names.

25 MR. RICH: Yes.

1 CHMN. CHENAL: Who wants to go next?

2 MR. ARTIGUE: Mr. Chairman, Cameron Artigue on
3 behalf of the Harvard entities, PPGN entities.

4 This is where we're at on the north versus south
5 issue.

6 CHMN. CHENAL: On State Route 24.

7 MR. ARTIGUE: On State Route 24. Exactly.

8 The supplemental application that SRP filed on
9 August 3rd is good news. It's welcome news. We support
10 and endorse the south alignment. My clients are on the
11 north side.

12 And if that stipulation -- if the south
13 alignment is indelibly part of this proceeding, we can
14 scale back our participation, wish SRP well, and be done
15 with it.

16 Our concern is sort of twofold. One is that
17 there's nothing in the rules of the Committee or law that
18 says that that sort of supplement is self-executing and
19 irrevocable as it were.

20 And, secondly, I want to preclude the
21 possibility that the Committee, as this matter proceeds,
22 said, Well, this is really governed by the original
23 application and the original application encompassed both
24 sides of State Route 24, so let's do something creative
25 and different.

1 So what we discussed yesterday with Mr. Olexa
2 is, is it possible to have a stipulation on the record or
3 a written stipulation that kind of closes the door in a
4 more permanent way on the north alignment for the
5 purposes of Case 180? And that's what we would like to
6 see somehow.

7 CHMN. CHENAL: Let me think out loud for a
8 minute, which every lawyer will cringe when they hear
9 that. The lawyers don't like to think out loud.

10 The Committee often considers alternate routes
11 proposed by the applicant. To my knowledge, we have not
12 gone off the routes proposed by the applicants but have
13 considered routes, you know, alternative routes.

14 Where the applicant has now basically taken a
15 position as to where it's going to place the transmission
16 line along the south side of State Route 24, I think
17 notice has been given to the public that that's the route
18 that will be -- that's being proposed, and that's the
19 only route that's being proposed. At least the north
20 side is no longer an alternative route that's being
21 proposed as I read the supplement.

22 I guess I would say that were the Committee to
23 consider the north side, that would be a material change
24 such that we'd have to renote the hearing to another
25 time to give fair notice to the public, which includes

1 the people here today and their clients, that, in fact,
2 the Committee would be considering something other than
3 what the applicant is proposing as we sit here today.

4 So never say never, but my position would be
5 that, based upon the controversy that that location has
6 generated to date, it would be a material change to take
7 the position on the south side and then go back to the
8 north side. So I would take a position that if that were
9 to occur, we would have to renotify the hearing. So that
10 should provide some comfort.

11 But, you know -- and I don't think -- I'd like
12 to hear what the applicant has to say about that position
13 in terms of it would have to be renoticed, but I think
14 that would be a material change. And I think just the
15 basic -- I can't cite right now to a specific rule, but
16 my recollection and I think, certainly, the spirit of the
17 way the statutes and the rules interplay, that material
18 changes require renoticing.

19 I'm comfortable that that would not occur where
20 the Committee would go forward and hear any -- and put
21 out a CEC, issue a CEC, where it would be along the north
22 side of State Route 24. That doesn't mean you shouldn't
23 show up.

24 MR. ARTIGUE: May I say something briefly, Your
25 Honor. I think what you said is -- I think you're on the

1 right -- I think that's accurate and fair. What is more
2 important than what I think, though, is what SRP thinks,
3 and I would like to hear whether Mr. Olexa agrees with
4 what you said.

5 CHMN. CHENAL: I saw some nodding of the head in
6 an affirmative manner, but let's hear from Mr. Olexa.

7 MR. OLEXA: Thank you, Mr. Chairman.

8 I generally agree with the Chairman's comments
9 about -- first of all, take a step back.

10 I don't think we need a stipulation. I think
11 that the amended or supplemental pleading that was filed
12 that replaces the language that was in the original
13 application stands. And I think that is the only
14 language with regard to that center section of -- or
15 segment of our project. And so that language focuses on
16 the south side, and it has eliminated the northeast side
17 of the State Route 24 as an option.

18 And so if, in fact -- and there was reference, I
19 think, to -- in your comments, Mr. Chairman, about the
20 potential for, I guess, the Committee to think of their
21 own proposed route. And I believe you accurately stated
22 that if, in fact, that were to be a consideration, that
23 because it is material, that essentially you'd need to
24 renote the hearing and there would need to be another
25 hearing because the Committee cannot just select its own

1 option or route, if you will, without giving proper
2 notice and giving a chance for the people that may be
3 affected by it to be heard.

4 Those are my thoughts on that particular issue.
5 I don't think we need the proposed stipulation. And I
6 think it's clear that we're proceeding and we're moving
7 forward on the assumption and the position that the south
8 side of the State Route 24 is the position that we're
9 going to be proposing to the Committee for the CEC.

10 And along those lines, yesterday, we filed
11 summaries of testimony that are expected. Those are all
12 consistent with focusing simply on the south side. We
13 filed a proposed CEC that focuses exclusively on that
14 southwest side of the State Route 24 with regard to that
15 section of the project.

16 So nothing has indicated that -- or suggested in
17 any way that SRP intends to sway from the position that's
18 made clear in the supplement to its CEC application.

19 CHMN. CHENAL: I agree we don't need a
20 stipulation. The applicant has filed an application.
21 And for that section, the only proposed route is along
22 the south side of State Route 24. So that is the only
23 area that will be considered by the Committee. And like
24 I said, if it's going to be something else, I believe we
25 would have to renote the hearing.

1 Now, Mr. Artigue, I wouldn't not show up just
2 based on that. I think it would be important to state
3 your position, and I think that we should have that on
4 the record at the beginning of the hearing. And I'll
5 make that clear as well.

6 But we deal in unknowns, but I view this unknown
7 as being a very, very small risk that we would deviate
8 from what our discussion is today where we would have to
9 renote the hearing.

10 MR. ARTIGUE: Your Honor, I appreciate all that,
11 and the glass is much more full than it is empty from my
12 perspective.

13 My concern is not just an academic one. It's
14 also got this practical impact. And there's no magic to
15 the word "stipulation." If we call it understanding,
16 meeting of the minds, agreement, I'm okay with any
17 formulation that evinces jointness or some sort of mutual
18 understanding.

19 My concern is that if I can tell my client that
20 there is no theoretical possibility of the northern
21 alignment coming out of this proceeding, then I can go
22 into the hearing and play a -- endorse the southern
23 alignment and do less.

24 If there is a theoretical possibility that the
25 northern alignment is lurking somewhere in the

1 proceeding, then I may need to call a witness to testify
2 about how we have, in fact, relied upon the August 3rd
3 supplement in preparing our case because we had to file
4 our witnesses and exhibits yesterday. And we developed
5 those witnesses and we developed those exhibits in
6 reliance upon the statement of SRP that the northern
7 alignment was deleted and withdrawn. And if that's not
8 100 percent ironclad, then, you know, it may involve sort
9 of this kind of hypothetical testimony. I mean, we can
10 do that. I'm happy to go out to Mesa.

11 MR. COHN: Mr. Chairman, if I could, on behalf
12 of Pacific Proving, which is the affected party because
13 we have property on the north and the south side. And
14 Mr. Artigue is much more articulate than I am in
15 presenting the legal issues as it relates to the
16 stipulation.

17 But the issue is that SRP has hidden the pea on
18 us a little bit, and we're having to prepare for this
19 based upon their original application and now their
20 supplemental application. Their new-found issue with the
21 FAA could have been done two years ago or a year ago.
22 Now, suddenly, it's a new-found revelation that they can
23 go ahead and be on the south side without any impact.

24 I really -- I heard you at the last hearing that
25 you wanted everybody to be really judicious with

1 everybody's time with this hearing because commissioners
2 were coming from all parts of the state. I think we can
3 minimize the testimony, minimize the timeframe of this
4 hearing if they will say on the record that they will not
5 go to the north side. And I don't understand, whether
6 it's a stipulation, an agreement, a memorandum that's put
7 into the record, what the hesitation is.

8 CHMN. CHENAL: Well, let me respond to that.
9 They have by filing their application. Their application
10 now only covers that south side of State Route 24. So
11 that's better than a stipulation. That's their
12 application for just that limited area.

13 What I'm suggesting is perhaps a very
14 theoretical but a very -- I wouldn't want to handicap it
15 because it's so small. But the Committee isn't going to
16 be bound by such a stipulation. They may come up with an
17 alternative route in their mind that is at odds with what
18 the application is. And that is the reason that I think
19 we ought to be there and put it on the record and be
20 clear that that would require a material change.

21 So we won't need a stipulation. The applicant
22 has made it very clear that for that portion of the
23 project, it's only going to be on the south side. And if
24 not, it's going to require a new application, and we'll
25 have to renote this sometime next year. So I don't

1 think that's going to happen.

2 But I just don't want -- I can't say 100 percent
3 that the Committee won't want to ask questions about the
4 north side and there might be some discussion about it.
5 And I want to make it clear on the record, and I think,
6 Mr. Artigue, you should be there to confirm that, yes, we
7 support the south side. We're opposed to the north side.
8 We prepared our case basically on the new development.
9 And I think that would be the more prudent way to do it
10 than just not show up.

11 But I'm not concerned in the slightest that
12 there's going to be any effort given by the Committee,
13 although I can't speak for them, to any route other than
14 the south side for that part of the line.

15 MR. COHN: I respectfully disagree, but we'll
16 prepare our case based upon the current facts.

17 CHMN. CHENAL: Well, let's put it like this: If
18 the applicant were to come in and propose the north side
19 route, I think we'd stop the hearing at that point.

20 MR. COHN: Again, I respectfully disagree, but
21 we'll prepare based upon the current facts.

22 CHMN. CHENAL: So, Mr. Artigue, I think we show
23 up. If your client's in support of the south side, I
24 know you've filed proposed testimony and such. And I
25 don't know if your intention, then, assuming that this is

1 just focused on the south side, if you still want to
2 present testimony or how you want to proceed.

3 MR. ARTIGUE: We will make that decision, Your
4 Honor, and I will be there in September.

5 CHMN. CHENAL: Again, I -- I know anything can
6 happen, but this hearing will concern -- at least that
7 part of the line will focus on only the southern part.
8 And if we were to find a -- you know, discussion or a
9 concern about putting it anywhere else, that, to me,
10 would be a material change, and we'd have to redo the
11 hearing. So I think that should provide the comfort that
12 you and your clients should need.

13 There was someone else that came in after the
14 hearing started.

15 MS. AYRES: Sorry, the traffic was terrible on
16 Washington.

17 Cassandra Ayres, Beus Gilbert, for Proving
18 Grounds, although Andrew is doing a fine job.

19 CHMN. CHENAL: Okay. And the position of Mesa
20 and Queen Creek in terms of the -- with the change that's
21 been proposed.

22 MR. TAEBEL: I'm going to go ahead and stand so
23 you're not looking through these folks.

24 So Mesa's primary concern related to the
25 alignment there in the center section being on the

1 southern side of Route 24 and also the FAA-related
2 issues. So what we've heard this morning seems
3 promising, but we also recognize that there are unknown
4 unknowns. We recognize that we'll be in support just
5 generally of SRP's application, but we'll be there the
6 first part of September.

7 CHMN. CHENAL: Thank you very much.

8 MR. TAEBEL: Thank you, Your Honor.

9 MR. BRASELTON: Your Honor, Jim Braselton for
10 the Town of Queen Creek.

11 The Town's concern is the southernmost portion
12 of the project in the northernmost portion of Queen
13 Creek, and they don't envision there being a significant
14 amount of controversy over that. It appears that the
15 applicant and the property owners and the Town have been
16 working together and have come up with a Crismon Road
17 north-south alignment that the Town supports. So,
18 hopefully, our portion will be short, and there won't be
19 any dispute over that segment.

20 CHMN. CHENAL: Thank you. Very good.

21 Have we missed anybody in terms of -- yes.

22 MR. TAPIA: Mr. Chairman, Marcos Tapia,
23 Tiffany & Bosco.

24 I think, from our end, it's pretty simple as
25 well. We're in support of the current alignment. Our

1 clients' property runs alongside the Crismon Road and
2 Germann Road intersection there.

3 So we essentially just wanted to file the notice
4 and just have opportunity independently to potentially
5 advocate in one way or another, but at this point, we're
6 generally in support. The work with the Town of Queen
7 Creek and SRP has gone well, and that alignment
8 currently, as it stands, is what we would support,
9 essentially.

10 If it changes, if something were to be
11 different, that's what I think we would see as
12 detrimental to our clients' property, especially if it
13 bifurcates parcels or anything like that. But,
14 essentially, we're in support.

15 CHMN. CHENAL: Okay. Thanks very much.

16 Well, let's go through my kind of standard
17 checklist.

18 We have lodging that's been confirmed for
19 members of the Committee, those who want to take
20 advantage of it.

21 MR. OLEXA: Yes, Your Honor. It's my
22 understanding that the hotel rooms have been booked at
23 the Hilton Mesa-Phoenix, which is about three miles south
24 of the Convention Center. My understanding is I think at
25 least five of the Committee members have reserved rooms

1 thus far there.

2 CHMN. CHENAL: And I appreciate the flexibility
3 of SRP in connection with the lodging arrangements for
4 this hearing.

5 I know the applicant has complied with the
6 notice to affected jurisdictions. I saw that was filed.

7 MR. OLEXA: Yes, Your Honor.

8 CHMN. CHENAL: Okay. Let's talk about posting.
9 Has the posting been accomplished?

10 MR. OLEXA: It has. We filed the CEC
11 application originally on August 1st. There was a
12 posting in the Phoenix Business Journal on August 3rd, I
13 believe it was, and published in the Arizona Republic on
14 August 7th. So both within that ten-day window. There
15 were also copies of the application distributed to the
16 three libraries that we identified during the prefiling
17 conference.

18 Copies of the Notice of Hearing were sent by
19 certified mail to the affected jurisdictions. Those were
20 all the jurisdictions that were identified during the
21 prefiling conference.

22 The signs were erected along the proposed
23 alignments on August 6th. Those are very large signs. I
24 think they're about 4-by-6. And those signs were in a
25 format and in a location depicted in the exhibit that we

1 presented to the Chairman during the prefiling
2 conference.

3 CHMN. CHENAL: With the corrected dates?

4 MR. OLEXA: Correct.

5 CHMN. CHENAL: Because the ones that were
6 proposed, obviously, had different dates since we decided
7 to move up the hearing date.

8 MR. OLEXA: Correct.

9 CHMN. CHENAL: And you'll have some testimony
10 and exhibits on the posting and publishing?

11 MR. OLEXA: We will, Mr. Chairman. We have
12 photographs of the signs, and we have confirmation of the
13 publication in the Business Journal as well as the
14 Arizona Republic. Those are identified as exhibits, and
15 we will have someone on our panel identify and testify to
16 those.

17 CHMN. CHENAL: Okay. Very good.

18 Have you had an opportunity to review the agenda
19 that I filed?

20 MR. OLEXA: I have, Your Honor, and we had no
21 objection or any issue with anything in there.

22 CHMN. CHENAL: All right. So we have the
23 hearing starting September 6th and 7th and then
24 continuing on the 10th. That's all outlined in the
25 Notice of Hearing.

1 What do you believe to be the estimated time
2 that's going to be required for this hearing?

3 MR. OLEXA: Mr. Chairman, we obviously had
4 scheduled seven days based on the contentious prefiling
5 conference and the number of parties that may intervene.
6 It does look like so far we have six different parties or
7 intervenors, so we do have a fairly significant number of
8 people participating.

9 But because the issues themselves have really
10 been limited and reduced significantly, I'm not sure that
11 we're going to need the full seven days. I suspect
12 that -- talking with potential intervenors' counsel, I
13 understand that they may collectively have five witnesses
14 amongst them. We do have six witnesses. I suspect that
15 we could probably put our witnesses within a two-day
16 period, maybe two and a half. We also have the tour in
17 there.

18 CHMN. CHENAL: Yeah. So far, the attorneys that
19 have estimated how long these hearings are going to take
20 are batting zero. Not 100, not 200, but zero. But we'll
21 see. Two days. Two and a half.

22 MR. OLEXA: Well, maybe three.

23 CHMN. CHENAL: Okay. For your case.

24 MR. OLEXA: For my portion, SRP's portion.

25 And then, like I said, there is the route tour

1 that's planned, which would -- it was scheduled for the
2 morning of --

3 CHMN. CHENAL: Tuesday, the 11th.

4 MR. OLEXA: And we would look to start 9:30,
5 roughly, maybe 10:00 that day and take maybe two hours
6 for the tour.

7 CHMN. CHENAL: We have on the notice it's 9, but
8 we could make it 9:30. We could talk to the Committee
9 and see what time we wanted to start it. So we have it
10 noticed as 9, if my recollection serves correctly.

11 MR. OLEXA: You're absolutely right. I was
12 looking at the day before, but it says September 11th at
13 approximately 9.

14 CHMN. CHENAL: So if we did that, it was a
15 couple, two and a half hours. Because I expect a tour
16 will be taken on this. I can assure you it will be since
17 I've always said that if one Committee member wants the
18 tour, we'll do it. And I know one right now who wants to
19 see the tour.

20 MR. OLEXA: Okay.

21 CHMN. CHENAL: We can decide when we get back
22 from the tour whether we want to start up the hearing
23 again, depending how much time it's taken, or if we want
24 to recess for lunch.

25 MR. OLEXA: Okay.

1 CHMN. CHENAL: And that will give Mr. Rich --
2 unless you want to do it after lunch.

3 MR. RICH: Thank you.

4 CHMN. CHENAL: What do the other parties believe
5 they will need in terms of time? And let's make this
6 assumption that it will be the south side of Route 24,
7 and that that will be clarified at the beginning of the
8 hearing.

9 Mr. Rich.

10 MR. RICH: Your Honor, we provided notice
11 yesterday and a witness summary for one witness, and I
12 don't think my direct case will be very long with him.
13 Certainly, it may depend on SRP's position and what we
14 hear prior, but I don't anticipate my witness taking a
15 great deal of time.

16 CHMN. CHENAL: Queen Creek.

17 MR. BRASELTON: Your Honor, we have one witness,
18 and I will try to keep it as short -- I can't imagine
19 more than an hour, hour and a half, between direct exam
20 and cross exam.

21 CHMN. CHENAL: Mesa.

22 MR. TAEBEL: Your Honor, also one witness, and I
23 would hope that two hours would do it.

24 CHMN. CHENAL: Okay. PPGN, what do you think,
25 Mr. Artigue?

1 MR. ARTIGUE: With the assumption it's on the
2 south side, Your Honor, zero witnesses.

3 CHMN. CHENAL: Well, it will be on the south
4 side.

5 MR. ARTIGUE: South side, zero witnesses; north
6 side, different story.

7 CHMN. CHENAL: I think for planning purposes --
8 we seem to keep hearing north side, but it's going to be
9 the south side. So that would be zero witnesses.

10 And then, Mr. Tapia.

11 MR. TAPIA: Zero witnesses, Your Honor, as well.

12 CHMN. CHENAL: So one more.

13 MS. AYRES: We echo Mr. Artigue's comment.
14 Probably zero witnesses, but we may want to have Mr. Cohn
15 testify. But I think we'll go with zero.

16 CHMN. CHENAL: Okay. All right. You're not
17 bound by that, just so the parties know. You're not
18 bound by that. It's just kind of a feel for how much
19 time we're going to need.

20 So we'll start Thursday afternoon, September 6,
21 at 1. We'll have opening statements. We'll try to
22 clarify the matters that we discussed today to provide
23 comfort that it's simply going to be the south side, and
24 we'll get a feel for how long the hearing will take, I
25 think, after that point.

1 Then we'll have the hearing on Friday, and then
2 we'll resume the following week.

3 We'll have the tour Tuesday. I don't think
4 there's any reasonable expectation we could complete it
5 any time prior to Tuesday morning. But Tuesday -- at the
6 end of the hearing on Tuesday, we should have a better
7 feel for how much time we're going to need.

8 The standard practice, as most of you know if
9 you've been through this before, is at the conclusion of
10 the hearing, the Committee will go through the CEC pretty
11 much, you know, paragraph by paragraph, condition by
12 condition. And then we'll vote on the language basically
13 as to form only as we go through it. And we're working
14 on the screen, so we'll have the applicant's assistance
15 with real-time edits as we go through it.

16 And then the Committee will vote on it at the
17 end, up or down vote. If it decides to issue a CEC,
18 we'll issue a CEC based on the document that we've kind
19 of created there after the hearing is closed.

20 But that can take some time, especially if
21 there's controversy as to what the route should be, what
22 the corridor width should be. There may be some
23 discussion on certain conditions. But I think we've --
24 through the process that we've just explained and we've
25 done in other cases, I think we have a pretty standard

1 list of CEC conditions, although we always can be
2 surprised.

3 So that takes usually, you know, a half a day to
4 go through that process. So if we're Tuesday, Wednesday
5 morning, if we're close to being completed with it -- and
6 based on what I've heard, it looks like we would be -- we
7 would probably finish up around Wednesday. We'll see.
8 But I think that's -- you know, what I've just heard in
9 terms of how many witnesses people have, that's probably
10 a pretty good guess. We'll see.

11 MR. OLEXA: That's a reasonable estimate, it
12 sounds like.

13 CHMN. CHENAL: We'll have sign-in forms at the
14 hearing, Mr. Olexa?

15 MR. OLEXA: Yes, Mr. Chairman.

16 CHMN. CHENAL: With contact information.
17 Because one of the conditions -- if you want to extend
18 the length of the CEC, one of the conditions requires you
19 to notify people who appeared at the hearing. And you'll
20 have that information, name, address, phone or email, on
21 the sign-in sheets.

22 MR. OLEXA: We will.

23 CHMN. CHENAL: You don't see a need for
24 security?

25 MR. OLEXA: I don't see a need for this

1 particular hearing.

2 CHMN. CHENAL: Public comment sessions. I'm
3 pretty liberal on when we hear public comment. I want to
4 make it as convenient as possible for the people that
5 take the time to show up and speak.

6 We will have a general public comment hearing
7 the first evening of the hearing at 6 p.m. on
8 September 6th. But if people show up during the hearing,
9 we'll accommodate them as best we can.

10 We've already commented, Mr. Olexa, on the tour.
11 You'll have kind of a protocol developed that you can
12 review with the other parties?

13 MR. OLEXA: Absolutely, Mr. Chairman.

14 CHMN. CHENAL: And, in addition, it's nice to
15 have a Google flyover.

16 MR. OLEXA: That's already been set up.

17 CHMN. CHENAL: We want to make sure we have
18 good -- we like robust Wi-Fi. We'll have that at the
19 Mesa Convention Center.

20 MR. OLEXA: We've been told that there's Wi-Fi
21 available. I assume that it's robust.

22 CHMN. CHENAL: Well, I've heard from a couple of
23 Committee members in some of the past hearings, when
24 there's slow Wi-Fi, it causes a problem because they get
25 on the docket and look up stuff at the Corporation

1 Commission. It just helps to have strong Wi-Fi.

2 Any issues regarding the logistics of the
3 hearing itself that we haven't already talked about?

4 MR. OLEXA: Not that I'm aware of, Mr. Chairman.

5 CHMN. CHENAL: Just the hearing, the venue, and
6 the logistics.

7 MR. OLEXA: I'm not aware of any issues at this
8 point.

9 CHMN. CHENAL: Okay.

10 I haven't received, I don't believe, all the
11 summaries from the parties that wish to intervene. If
12 you haven't done it already, you may have filed it, but I
13 haven't received it. We'll verify the docket and get it
14 that way. But if you haven't done it, I'd just ask you
15 make sure that -- the procedural order requires it to be
16 done last night, but let's just get it done right away.

17 We're not going to play hardball on that as long
18 as the list of exhibits that are provided, the exhibits
19 are exchanged. You don't have to file the exhibits with
20 the Docket because sometimes that can be very voluminous
21 and difficult. So I revised the procedural order some
22 time ago, file the witness summaries or testimony with
23 Docket and exchange it. The exhibits, just make sure you
24 exchange it among yourselves, and you can send a copy to
25 me as well.

1 We normally assign exhibit letters, like SRP, so
2 let's figure out how we would like the exhibits to be
3 marked by each of the parties or intervenors. Three
4 letters will work.

5 So, Mr. Rich, what do you think for your ...

6 MR. RICH: Two is fine. I can make even it
7 shorter. My clients are developing the Interloop
8 project, so perhaps IL.

9 CHMN. CHENAL: Okay. Marie, do you want to make
10 sure you keep a record of this.

11 Queen Creek.

12 MR. BRASELTON: TQC, Town of Queen Creek.

13 CHMN. CHENAL: Mesa?

14 MR. TAEBEL: COM.

15 CHMN. CHENAL: PPGN?

16 MR. ARTIGUE: PPGN works.

17 CHMN. CHENAL: You've already done it, so --

18 MR. ARTIGUE: We used PPGN.

19 MS. AYRES: Proving Grounds will use PG.

20 CHMN. CHENAL: Okay. And SRP. So I think we
21 have them.

22 Have I missed anybody?

23 MR. TAPIA: VLA.

24 CHMN. CHENAL: I'm sorry.

25 MR. TAPIA: That's okay.

1 CHMN. CHENAL: Six intervenors and the
2 applicant. I was thinking six overall, and I counted up
3 six. I'm sorry, I apologize.

4 Okay. Obviously, if there's a way to narrow the
5 issues for the hearing, that would be appreciated, so I
6 would encourage you all to talk amongst yourselves. It
7 looks like you've been doing that on the location on
8 State Route 24.

9 I'm unaware of any legal issues that need to be
10 addressed at this point. Mr. Olexa, are you?

11 MR. OLEXA: Mr. Chairman, I'm not aware of any
12 objections or motions or any type of legal issues that
13 need to be addressed.

14 MR. RICH: Your Honor, can I ask a clarifying
15 question with regard to the procedural order and its
16 impact on exhibits.

17 CHMN. CHENAL: Sure.

18 MR. RICH: To the extent there are exhibits, I
19 referenced an email yesterday from the State Land
20 Department to SRP. It wasn't available to me yesterday
21 in time to have prefiled it.

22 CHMN. CHENAL: Just supplement it.

23 MR. RICH: I want to make sure I have the
24 opportunity to supplement with that.

25 Also, I want to make sure I'm not

1 misinterpreting. To the extent we need to use an exhibit
2 to impeach a witness, I don't need to prefile that now.
3 I'm not sure what their witnesses are going to say.

4 CHMN. CHENAL: Right.

5 MR. RICH: Just want to make that clear.

6 CHMN. CHENAL: That would be consistent with
7 Superior Court. So just supplement.

8 And if any of you have additional exhibits that
9 you want to supplement the record, just make sure you go
10 ahead and do it and provide copies to everyone else at
11 the hearing. We're trying to prevent surprises at the
12 hearing. We have never really had a problem with
13 exhibits in any hearing so far, so I think the parties
14 cooperate well in that regard.

15 The applicant, I assume, has made financial
16 arrangements with the Corporation Commission for the
17 expenses -- for reimbursement of the expenses for the
18 hearing; is that correct?

19 MR. OLEXA: That's my understanding, Your Honor.

20 CHMN. CHENAL: Is there any ongoing litigation
21 related to this project, Mr. Olexa?

22 MR. OLEXA: Not that I'm aware of, Mr. Chairman.

23 CHMN. CHENAL: PPGN, I believe your client has
24 filed a proposed condition to the CEC.

25 MR. ARTIGUE: Yes, we have.

1 CHMN. CHENAL: So I just -- if the other parties
2 have CEC conditions that they would like the Committee to
3 consider, I think it would be good to have those sooner
4 rather than later and not wait till we deliberate and,
5 you know, provide them at that time. I think it's better
6 that we do it as soon as possible. I'm not holding you
7 to it, necessarily, in the sense that you won't have the
8 opportunity to provide them later, but it's just not --
9 it won't be as well received, let's put it like that, at
10 the last minute as opposed to having the Committee have
11 the opportunity to look at them ahead of time.

12 It doesn't mean you can't change them. It's not
13 binding on the parties. But if it's something like PPGN
14 submitted something, it's helpful to have that ahead of
15 time. And it helps us to make sure we cover those issues
16 in the presentation of the evidence, and it helps the
17 Committee to formulate questions regarding the proposed
18 CEC conditions that the parties offer.

19 Now, will the applicant provide notebooks? We'd
20 like to see notebooks of the exhibits.

21 MR. OLEXA: Mr. Chairman, my understanding is at
22 your suggestion, we have arranged tablets --

23 CHMN. CHENAL: Very good.

24 MR. OLEXA: -- for the Committee.

25 CHMN. CHENAL: That's what I was going to ask,

1 if that was available, because that's very helpful to the
2 Committee.

3 MR. OLEXA: Yes. That has been arranged.
4 That's the way we'll proceed.

5 CHMN. CHENAL: Perfect.

6 So what applicants have done in the past is
7 they've provided the Commission with either iPads or this
8 will be a tablet loaded with the documents already.

9 It's much easier to review the application, the
10 exhibits, and the documents and the slides of the
11 witnesses. It's much easier to follow. We really
12 haven't had a case where we've done that where there's
13 been basically intervenors who have taken kind of a --
14 it's been -- where it's been -- there's actually been not
15 adversarial, but there's been contrary positions taken.

16 So I guess it's up to the applicant to decide if
17 they will allow -- to allow those documents to be loaded,
18 your documents to be loaded on their tablet. That's up
19 to the applicant. But short of that, the Commission
20 would need notebooks of your exhibits at the hearing.
21 And if you could also include in that any proposed CEC
22 conditions, that would be very helpful.

23 All right. That basically completes my
24 checklist.

25 Mr. Olexa, do you have any items you wish to

1 address?

2 MR. OLEXA: Mr. Chairman, I believe that covers
3 everything. Thank you.

4 CHMN. CHENAL: All right. Mr. Rich?

5 MR. RICH: Nothing else, Your Honor.

6 CHMN. CHENAL: Anybody? Anything else we need
7 to discuss?

8 MR. ARTIGUE: No, Your Honor.

9 CHMN. CHENAL: I'm not seeing anything or
10 hearing anything. So if that's the case -- if any issues
11 arise between now and the hearing, I will be out of town
12 this Friday through Labor Day, but I still can be
13 reached. I still have my email, and I can be -- if we
14 need to have a telephone conference or a procedural issue
15 comes up, let me know, and we'll get it resolved because
16 I hate to wait until I come back and have to deal with an
17 issue after Labor Day and this hearing starts the 6th.
18 So if there's an issue that comes up and you need my
19 assistance, I'll make myself available and we'll get it
20 resolved.

21 If there are no other matters to discuss, we're
22 adjourned.

23 Thank you.

24 (The prehearing conference concluded at
25 10:59 a.m.)

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the foregoing pages are a full,
5 true, and accurate record of the proceedings, all done to
6 the best of my skill and ability; that the proceedings
7 were taken down by me in shorthand and thereafter reduced
8 to print under my direction.

9 I CERTIFY that I am in no way related to any of
10 the parties hereto nor am I in any way interested in the
11 outcome hereof.

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and ACJA
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,
15 this 24th day of August, 2018.

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CAROLYN T. SULLIVAN, RPR
Arizona Certified Reporter
No. 50528

26 I CERTIFY that COASH & COASH, INC., has complied
27 with the ethical obligations set forth in ACJA
28 7-206(J)(1)(g)(1) through (6).

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