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BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE) DOCKET NO.
APPLICATION OF CHEVELON BUTTE) L-21080A-19-0171-00182
RE LLC, IN CONFORMANCE WITH)
THE REQUIREMENTS OF ARIZONA)
REVISED STATUTES 40-360, ET) CASE NO. 182
SEQ., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING THE CHEVELON BUTTE)
WIND GEN-TIE PROJECT, WHICH)
INCLUDES THE CONSTRUCTION OF A)
NEW 345 KV TRANSMISSION LINE)
AND ASSOCIATED INTERCONNECTION)
FACILITIES ORIGINATING IN)
COCONINO COUNTY AND)
INTERCONNECTING WITH THE APS)
PREACHER CANYON-CHOLLA 345KV)
LINE IN NAVAJO COUNTY,)
ARIZONA.)
_____)

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At: Flagstaff, Arizona
Date: September 18, 2019
Filed: September 23, 2019

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REPORTER'S TRANSCRIPT OF PROCEEDINGS
VOLUME III
(Pages 289 through 373)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at the High Country Conference Center, 307
5 West Dupont Avenue, Flagstaff, Arizona, commencing at
6 9:27 a.m. on the 18th of September, 2019.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9 LAURIE WOODALL, Arizona Corporation Commission
10 LEONARD DRAGO, Department of Environmental Quality
11 JOHN RIGGINS, Arizona Department of Water Resources
12 MARY HAMWAY, Cities and Towns
13 GIL VILLEGAS, JR., Counties
14 JAMES PALMER, Agriculture
15 PATRICIA NOLAND, Public Member
16 JACK HAENICHEN, Public Member
17 KARL GENTLES, Public Member

18

19 APPEARANCES:

20 For the Applicant, Chevelon Butte Wind RE, LLC:
21 DICKINSON WRIGHT, PLLC
22 Mr. Albert Acken
23 1850 North Central Avenue, Suite 1400
24 Phoenix, Arizona 85004

25

1 CHMN. CHENAL: Good morning, everyone. This
2 is the time set for the final, hopefully -- if not
3 final, then next-to-final session of the hearing on the
4 application of the applicant. And I think we're going
5 to hear a little testimony from Mr. Unrein on the --
6 what will be deemed Exhibit 14, CVN 14, and then we'll
7 hear a closing statement from Mr. Acken, Acken.

8 MEMBER HAMWAY: Acken.

9 CHMN. CHENAL: Acken. And then we'll begin
10 deliberations.

11 So Mr. Acken.

12 MR. ACKEN: Thank you, Mr. Chairman, Members
13 of the Committee. I apologize for the delay this
14 morning.

15 On the screen in front of you, and we do have
16 a handful of hard copies, is an exhibit that we have
17 marked as CVN 14, and this is our latest attempt to
18 provide additional specificity regarding both the
19 requested corridor and requested substation footprints
20 for the CEC.

21 I'm going to turn over to Mr. Unrein to
22 describe it. And what we would envision, if the
23 Committee decides to issue a CEC, that this exhibit
24 would replace what was identified as Exhibit A in the
25 CEC, and probably Exhibit B too. It can replace both

1 of those. And at the proper time, we can discuss
2 that.

3 But first of all, Mr. Unrein, if you would
4 take a few minutes and describe CVN 14.

5 MR. UNREIN: Sure. So as Mr. Acken said,
6 this is the same exhibit mapping panels that we
7 prepared yesterday, but we did add some additional
8 clarity on the dimensional attributes of the two
9 substations, as requested, as well as clearly labeling
10 the map number to be able to easily reference the
11 different map panel key, which is located at the bottom
12 right of each page.

13 So we labeled the width, both the Y and the X
14 axis dimensions, of both Substation 1 and Substation 2.
15 So on Map 1, as shown right here, is Substation 2. And
16 then on Map 3 we added the dimensions of Substation 1,
17 which is diagonal on the west end, so that's why
18 there's -- there's two different measurements on the X
19 axis, but we feel that this provides full dimensional
20 clarity on all of the substation locations, the
21 requested corridor, and the expanded corridor near the
22 canyon crossing, which is shown on Map 6. And this
23 should be easily -- it should be easy to reference,
24 even when printed in black and white, which map
25 number, and therefore, which part of the site we are

1 looking at.

2 CHMN. CHENAL: Member Noland.

3 MEMBER NOLAND: Mr. Chairman, I want to thank
4 you for this, because this is exactly what I wanted to
5 see. It really defines the areas. And I'm kind of a
6 stickler on that, but if we're going to include it as
7 an exhibit, I just think it has to be a little more
8 specific, and this one is perfect for me.

9 MR. ACKEN: Thank you, Chairman, and Member
10 Noland.

11 Mr. Unrein, just one last thing on Map 6 of
12 6. Does this also show the dimensions of where the
13 corridor expands in width?

14 MR. UNREIN: So on the last page, it's the
15 last mile where the corridor begins to expand outside
16 of the 500 -- the 500-foot corridor. And we do show
17 it's 6,250 feet, you can see it right inside of that
18 corridor. So that shows that exact length of when our
19 corridor expands outside of 500 feet. And then as
20 shown, we have several width dimensions shown at
21 different intervals for clarity.

22 MR. ACKEN: Thank you.

23 The applicant moves to admit CVN 14.

24 CHMN. CHENAL: Any objection to CVN 14?

25 (No response.)

1 CHMN. CHENAL: Hearing none, CVN 14 is
2 admitted.

3 (Exhibit CVN 14 was admitted into evidence.)

4 MR. ACKEN: Mr. Chairman, that completes our
5 testimony.

6 I was going to do a half-an-hour closing; but
7 in light of the lost time, I think the Committee would
8 probably appreciate it if I didn't. I do want to
9 highlight a couple of issues, if you think this is the
10 appropriate time.

11 CHMN. CHENAL: If you don't mind, let me just
12 ask the Committee if there's any question before we
13 close the testimony part of the hearing, although we do
14 ask questions during the deliberative phase. But does
15 the Committee have any questions before Mr. Acken
16 begins his closing?

17 (No response.)

18 CHMN. CHENAL: Doesn't look like it, so
19 please proceed. Thank you.

20 MR. ACKEN: Okay, thank you.

21 We thank the Committee for your time and
22 consideration.

23 On the screen, I'd like to show Slide 14 from
24 CVN 2. Again, this highlights the needs and benefits
25 of the Wind Tie, of which the Gen-Tie is an essential

1 component to interconnect with the regional
2 transmission system.

3 We hope you agree that our testimony has
4 shown this is an extremely well-sited Project. It's a
5 remote area, few travelers, very few residents, and all
6 of them are located some distance away from the
7 Project. We have the support of the private landowner;
8 we are working with the State Land Department. And as
9 our environmental witnesses testified, this Project can
10 be built with minimal to no impacts to biological,
11 cultural, or land use resources. In that regard, I
12 think it really is a unique Project, period, for any
13 transmission line.

14 And then as you saw yesterday, those of you
15 that went on the tour, this Project is well sited to
16 capture Arizona's wind resources. And I think that's
17 the thing that we're most excited about, is the fact
18 that this Project will more than double the capacity of
19 Arizona in-state wind generation, and it will do so by
20 interconnecting with an existing 345 kV transmission
21 system that, as soon as -- well, as Cholla is
22 decommissioned, will be underutilized. So you have an
23 opportunity to take and greatly expand Arizona's wind
24 generation, and utilize an existing transmission
25 infrastructure that otherwise would be underutilized in

1 the state.

2 So for all those reasons, we think this is an
3 excellently-sited Project, we hope you agree, and we
4 respectfully request that you grant a CEC for the
5 Gen-Tie Project. Thank you.

6 CHMN. CHENAL: Thank you, Mr. Acken.

7 Any comments, questions from the Committee
8 before we begin the deliberative phase?

9 (No response.)

10 CHMN. CHENAL: Doesn't look like it. So now
11 we begin the deliberative phase. And just as a
12 reminder, we're going to have up on the screen the CEC
13 which was offered by the applicant. I accepted the
14 changes that the applicant had requested, because there
15 were track changes from previous CEC conditions. So we
16 accepted the document, so that the version that the
17 applicant has proposed is on the screen, with the
18 addition of certain edits that I made for discussion
19 purposes only, as we've done in previous cases.

20 These aren't necessarily conditions that I'm
21 recommending, but some of these -- I think, as we get
22 into it, a couple of them are the result of action by
23 the Corporation Commission with regard to our last CEC,
24 amendments that were made to it.

25 So as we go through it, we'll start with the

1 caption, and we will be referring to -- the right
2 screen is the starting version, in other words, it's
3 the version of the applicant with my changes. So the
4 right screen is -- we'll just refer to it as CVN 15,
5 and just for shorthand we'll just say Exhibit 15, okay?
6 We won't have to say CVN every time.

7 On the left screen, the larger screen, will
8 be the CEC that we will make changes to as we go
9 through the deliberative process. And when we end with
10 a document, that will be Exhibit 16, CVN 16. So that
11 when anyone reads the transcript in the future, they'll
12 know what to look at, where the starting point was and
13 the ending point.

14 So hopefully that makes sense. It's
15 consistent with the way we've done it for about the
16 last five or six hearings. So any questions on that
17 before we begin?

18 (No response.)

19 CHMN. CHENAL: All right. What we do
20 traditionally is we start with the caption, and then
21 we'll go -- well, we try to do paragraph by paragraph,
22 but obviously we can't always fit that on the screen.
23 But we all have hard copies, so maybe we can do it by
24 paragraph. And then we do it condition by condition,
25 okay? We vote on the language as to the form and we'll

1 vote, you know, on it as we go through as to the form,
2 but we won't approve the final vote of the CEC until
3 the end.

4 So let's start with the caption. And again,
5 I'm looking at the right screen, Exhibit 15. Are there
6 any changes the Committee wishes to make to the
7 language of the caption?

8 MEMBER WOODALL: Mr. Chairman.

9 CHMN. CHENAL: Member Woodall.

10 MEMBER WOODALL: The caption is what is filed
11 with the Commission, and it is used throughout all of
12 the proceedings, so it's a combination of what the
13 applicant wrote, and this is the caption. Whether it's
14 got typos in it or not, this is the caption that is
15 used, so I -- I don't know if it would be helpful for
16 us to try to make changes to it. That's just my
17 thought.

18 CHMN. CHENAL: And I generally agree with
19 you. But in the past, we've seen a typo on the form
20 submitted by the applicant, versus what had been
21 submitted in previous docket entries, and someone
22 caught it and so we cleaned it up as a favor to the
23 applicant. So if anyone sees anything obvious that
24 should be changed, let's talk about it; but if not, may
25 I have a motion to approve the caption?

1 MEMBER HAMWAY: So moved.

2 MEMBER PALMER: Second.

3 CHMN. CHENAL: We have motion and a second.

4 All in favor say "aye."

5 (A chorus of ayes.)

6 CHMN. CHENAL: Thank you. Let's move, then,

7 to the next -- the paragraph -- give me one moment.

8 Page 1, Lines 12 through 21. We'll need to fill in the
9 dates. September, on Line 17, it would be September 16
10 through 18.

11 MEMBER NOLAND: Mr. Chairman.

12 CHMN. CHENAL: Member Noland.

13 MEMBER NOLAND: I move that we adopt the
14 paragraph as modified, putting in the date through the
15 18th.

16 MEMBER HAMWAY: Second.

17 CHMN. CHENAL: We have a motion and a second.

18 All in favor say "aye."

19 (A chorus of ayes.)

20 CHMN. CHENAL: Thank you. Let's move to

21 Page 1, Lines 22 through 28.

22 MEMBER HAMWAY: I make a motion we approve
23 Lines 22 through 28.

24 MEMBER NOLAND: Second.

25 CHMN. CHENAL: We have a motion and a second.

1 All in favor say "aye."

2 (A chorus of ayes.)

3 CHMN. CHENAL: Let's move to Page 2, Lines 1
4 through 8. Any discussion?

5 MEMBER PALMER: Do we need to strike Lines 10
6 and 11?

7 CHMN. CHENAL: Yes. I was going to Line 8,
8 but let's go to Line 13. So let's strike Lines 10 and
9 11. And any discussion regarding Lines 1 through 11?

10 (No response.)

11 CHMN. CHENAL: If there are none, may I have
12 a motion to approve?

13 MEMBER HAMWAY: So moved.

14 MEMBER GENTLES: Second.

15 CHMN. CHENAL: We have a motion and a second.

16 All in favor say "aye."

17 (A chorus of ayes.)

18 CHMN. CHENAL: Let's look at Lines -- Page 2,
19 Lines 12 through 18. We're going to have to wait until
20 the end to add the vote. But other than that, any
21 discussion regarding Lines 12 through 18 on Page 2?

22 (No response.)

23 CHMN. CHENAL: May I have a motion, please?

24 MEMBER PALMER: Motion to approve, with the
25 vote to be added later.

1 MEMBER HAMWAY: Second.

2 CHMN. CHENAL: We have a motion and a second.
3 All in favor say "aye."

4 (A chorus of ayes.)

5 CHMN. CHENAL: Page 2, Lines 20 through 28,
6 let's take a moment to read those.

7 Any discussion on Page 2, Lines 20 through
8 28?

9 MEMBER HAENICHEN: Mr. Chairman.

10 CHMN. CHENAL: Member Haenichen.

11 MEMBER HAENICHEN: It may be that there's
12 some ambiguity when it says "and one switching
13 station," because it doesn't say which one then. Do we
14 have to specify that, or we're going to let that be at
15 the discretion of the applicant?

16 CHMN. CHENAL: Mr. Acken, the switching
17 station, it's going to be an east or a west switching
18 station; is that correct?

19 MR. ACKEN: Mr. Chairman, Member Haenichen,
20 correct. The applicant is requesting approval to build
21 one switching station. We're requesting optionality to
22 use either location, but there will be only one
23 switching station.

24 MEMBER HAENICHEN: Chairman, but it doesn't
25 say that, so we need to give them the optionality.

1 CHMN. CHENAL: Mr. Acken.

2 MR. ACKEN: Mr. Chairman, Member Haenichen,
3 we address our request, at least our attempt to provide
4 that optionality. I believe it is on Page 3, beginning
5 on Line 9.

6 CHMN. CHENAL: So as I understand it,
7 Mr. Acken, the request to build the switching station
8 is requested on Page 2, and then the optionality is
9 discussed on Page 3?

10 MR. ACKEN: Exactly, Mr. Chairman.

11 CHMN. CHENAL: Member Haenichen, does that
12 address your concern?

13 MEMBER HAENICHEN: Yes. As long as everyone
14 is satisfied with that, I'm okay with it.

15 CHMN. CHENAL: Well, let's move on for now on
16 Page 2, and then let's look at it at Page 3, and we can
17 always come back to it.

18 So Page 2, Lines 20 through 28, is there any
19 further discussion?

20 (No response.)

21 CHMN. CHENAL: May I have a motion, please?

22 MEMBER HAMWAY: So move.

23 MEMBER NOLAND: Second.

24 CHMN. CHENAL: Motion and a second. All in
25 favor say "aye."

1 (A chorus of ayes.)

2 CHMN. CHENAL: Let's go to Page 3, Lines 1
3 through 8. Let's take a moment to read.

4 Any further discussion on Page 3, Lines 1
5 through 8?

6 MEMBER NOLAND: Mr. Chairman, I move that we
7 adopt the language.

8 MEMBER HAENICHEN: Second.

9 CHMN. CHENAL: We have a motion and a second.
10 All in favor say "aye."

11 (A chorus of ayes.)

12 CHMN. CHENAL: Thank you. Now let's look at
13 Page 3, Lines 9 through 15. Let's take a moment to
14 review.

15 Let me ask the applicant, Mr. Acken, we're at
16 Page 3, Lines 9 through 15. Does the map that's going
17 to be attached as Exhibit 14, since we do not have it
18 up on the board, does the map reflect those two
19 optional locations?

20 MR. ACKEN: Mr. Chairman, it does. In our
21 original proposal we had discussion of the maps, the
22 requested right-of-way width, the corridor width, and
23 the substation footprints in the following paragraph,
24 and I will have some proposed revisions to that
25 paragraph to reflect CVN 14 and the discussion that

1 we've had over the past few days. But, yes, that is
2 the intent, that it's specified explicitly, and my
3 thought was to do it in the next paragraph from an ease
4 of editing.

5 CHMN. CHENAL: Okay. Does the Committee have
6 any questions or wish further discussion on Page 3,
7 Lines 9 through 15?

8 (No response.)

9 CHMN. CHENAL: Member Haenichen, does this
10 address your concern? Does this language address your
11 concern you raised in your question previously?

12 MEMBER HAENICHEN: Yes, it does, and I move
13 that we adopt this portion.

14 MEMBER GENTLES: Second.

15 CHMN. CHENAL: We have a motion and a second.
16 All in favor say "aye."

17 (A chorus of ayes.)

18 CHMN. CHENAL: Now let's look at Page 3,
19 Lines 16 through 25. Take a moment to review. And I
20 think, Mr. Acken, you wish to propose some additional
21 language here.

22 MR. ACKEN: Mr. Chairman, I do. What I'd
23 like to do is have Mr. Moe put up our proposed
24 revisions on the screen for the Committee to review. I
25 don't know about the rest of you, but I find it a lot

1 easier to understand visually, when I see the language.

2 And so as he --

3 First of all, is that okay, Mr. Chairman?

4 CHMN. CHENAL: Certainly, yes.

5 MR. ACKEN: So as Mr. Moe does that, I'll
6 describe them.

7 So, originally, we proposed to have an
8 Exhibit A for the overall corridor, and then an
9 Exhibit B that provided more detail regarding the
10 eastern terminus with the switching station locations.
11 Now that we have map panels that provide more detail
12 for the entire route, we envision having one Exhibit A,
13 but rather than a map of the Project, Exhibit A is now
14 maps of the Project, and then we would identify the
15 switching stations and substations by the specific
16 panel that they are included in in Exhibit A.

17 So with that, I'll give Mr. Moe an
18 opportunity to draft it for the Committee's
19 consideration.

20 CHMN. CHENAL: Sure, thank you.

21 MR. ACKEN: Okay. Mr. Chairman, thank you.

22 What is now depicted on the screen reflects our
23 proposed revisions to the narrative description of the
24 maps and the right-of-way and the corridor.

25 MEMBER HAENICHEN: Mr. Chairman.

1 CHMN. CHENAL: Yes.

2 MEMBER HAENICHEN: There's a misspelling
3 there of "areas."

4 CHMN. CHENAL: What line, Member Haenichen?

5 MEMBER HAENICHEN: Line 17.

6 MEMBER WOODALL: Areas.

7 MEMBER PALMER: That's aria.

8 MR. ACKEN: I believe "it is" should be
9 struck out. It may be hard to read.

10 MEMBER NOLAND: It's hard to see that.

11 MEMBER WOODALL: Yeah, could someone just
12 read that aloud for those of us that have visual
13 problems.

14 MR. ACKEN: So as we proposed, it would read,
15 "Maps of the Project depicting the approved
16 transmission line corridor and substation footprints
17 are set forth in Exhibit A." That would be the first
18 sentence.

19 There's no change to the second sentence.

20 The third sentence would read, "As shown in
21 Exhibit A, Map 6, from the vicinity of the West
22 Switching Station Option to the APS Preacher
23 Canyon-Cholla 345 kV line, a linear distance of
24 approximately one (1) mile, the corridor expands up to
25 1,300 feet wide to accommodate topography and potential

1 interconnection options."

2 The last sentence reads -- Actually, I'm
3 having a hard time with my eyes. Mr. Moe, do you mind
4 reading that?

5 MR. MOE: Yeah. So can you hear me?
6 Starting at Line 23, the last sentence reads, "The
7 approved footprints for the switching station options
8 and substations are as follows: Substation 1, 51.4
9 acres, (Exhibit A, Map 3); Substation 2, 32 acres,
10 (Exhibit A, Map 1); West Switching Station Option, 9.8
11 acres; and East Switching Station Option, 8.6 acres,
12 (Exhibit A, Map 6)."

13 MR. ACKEN: Thank you.

14 CHMN. CHENAL: I think on the last line, 26,
15 before the word "exhibit," I think there should be an
16 open paren.

17 Member Villegas.

18 MEMBER VILLEGAS: Mr. Chairman, maybe this is
19 just a technicality, but the document, on Line 22,
20 refers to up to 1300 feet wide; and the Map 6, the
21 maximum width, I think, refers to 1200.

22 MR. UNREIN: Mr. Chairman.

23 CHMN. CHENAL: Yes, Mr. Unrein.

24 MR. UNREIN: Would you like me to speak to
25 that?

1 CHMN. CHENAL: Please.

2 MR. UNREIN: Okay. So we have 1300 in here
3 because it's a very -- it's a very difficult polygon to
4 measure the width of, if you look at it, the way
5 there's an angle coming down. So if you start moving
6 where you're measuring, you can get up to 1300 feet;
7 but again, you're correct, the measurements we've shown
8 do show 1200 feet. But if you start taking
9 measurements and moving along the X axis, how you're
10 measuring it, it can creep up to 1300 feet
11 conservatively. So it's just a very tough polygon to
12 accurately measure. But we -- We would be open to
13 changing it in the CEC to 1200 to more accurately
14 reflect the map.

15 CHMN. CHENAL: Member Villegas.

16 MEMBER VILLEGAS: It's the pleasure of the
17 Committee that your language includes up to 1300 feet,
18 so I'm comfortable with that.

19 CHMN. CHENAL: And then where's the reference
20 to the 1200 feet, Mr. Unrein?

21 MR. UNREIN: That is in Map 6 of what would
22 be Exhibit A, CVN 14. And if you're looking at it,
23 you'll see it's just a very challenging shape to
24 measure.

25 CHMN. CHENAL: So, Member Villegas, you

1 indicated you're comfortable with the language as
2 written on Line 22.

3 Is the Committee comfortable with that
4 language?

5 (No response.)

6 CHMN. CHENAL: Any further discussion with
7 respect to the language on Page 3, Lines 16 through 27,
8 as modified by the applicant?

9 (No response.)

10 CHMN. CHENAL: May I have a motion?

11 MEMBER VILLEGAS: So moved.

12 MEMBER NOLAND: Second.

13 CHMN. CHENAL: We have a motion and a second.
14 All in favor say "aye."

15 (A chorus of ayes.)

16 CHMN. CHENAL: All right, thank you.

17 Now we have the first wrinkle, because the
18 document we are looking at, the hard copy, no longer
19 mirrors what we have up on the screen, which is
20 Exhibit 15. So I'm going to be referring to the
21 exhibit and the lines there, so it won't necessarily
22 match up with the hard copy. So if you're able to, I'd
23 follow along on the screen.

24 So let's move to the next page, Mr. Moe.

25 So now we're looking at Page 4, Lines 1

1 through 5. Member Woodall asked me if I could read the
2 first few words of the beginning. So that language
3 begins with, "The Project may" on Line 1 and concludes
4 on Line 5.

5 So any discussion on Page 4, Lines 1 through
6 5?

7 In not, may I have motion?

8 Oh, Member Gentles.

9 MEMBER GENTLES: Mr. Chair, it looks like
10 there's a typo, two ins, on Line 1. "The Project may
11 be built in in phases."

12 CHMN. CHENAL: Excellent. Well, if there's
13 two phases, there should be two ins, right?

14 (Laughter.)

15 MEMBER GENTLES: Yeah.

16 MEMBER WOODALL: Mr. Chairman, at this time,
17 I would propose that you -- that the Committee empower
18 you to make any subsequent technical and informing
19 language changes, typos, et cetera. I think it's
20 helpful for us to do this now; but if you find one
21 after the fact, I would --

22 Does anyone on the Committee object to the
23 Chairman having that authority?

24 MEMBER PALMER: No, I agree.

25 MEMBER WOODALL: It appears not. You are

1 dutifully empowered to find errant commas.

2 CHMN. CHENAL: The power of a scrivener.

3 Okay, I'll make those changes. Thank you.

4 MEMBER GENTLES: Mr. Chairman.

5 CHMN. CHENAL: Mr. Gentles.

6 MEMBER GENTLES: Are there timelines

7 associated with each of the phases?

8 CHMN. CHENAL: Mr. Acken.

9 MR. ACKEN: Mr. Chairman, Member Gentles,
10 yes. In our proposed CEC Condition 1, we had proposed
11 five years for Phase One and then 10 years for Phase
12 Two, but I believe that will be a topic of discussion
13 here in a moment.

14 CHMN. CHENAL: Any further discussion or
15 questions?

16 (No response.)

17 CHMN. CHENAL: If not, may I have a motion to
18 approve Page 4, Lines 1 through 5?

19 MEMBER HAMWAY: So moved.

20 MEMBER GENTLES: Second.

21 CHMN. CHENAL: All in favor say "aye."

22 (A chorus of ayes.)

23 CHMN. CHENAL: All right. Now let's move
24 down to the conditions.

25 And Mr. Moe, if you could try to pull up the

1 entire Condition 1 on the screen.

2 So now I'll simply be referring to the
3 conditions and not necessarily, you know, the lines.
4 So let's take a moment to read Condition 1. So I
5 think -- And I think it's easier to follow along with
6 the hard copy, because now we're doing it by condition,
7 as opposed to line, so it should match up nicely.

8 So time frame. The last CEC that we approved
9 that went before the Commission, there were two
10 amendments proposed by Commissioner Burns, and both
11 were accepted by the Corporation Commission.

12 And I had a visit from the applicant in that
13 case, who came to my office and alerted me. Because I
14 normally attend those hearings, but I was out of town
15 that day and could not attend. So the applicant -- I
16 believe the Commission wanted this matter brought to my
17 attention, and the applicant was happy to do so. So
18 we'll talk about both of them, but this one relates to
19 the time frame.

20 I provided to the Committee, prior to this
21 hearing, a short e-mail that discussed the
22 conditions -- or, the changes, as well as the
23 transcript of the Corporation Commission that those
24 items were discussed. So the time frame amendment that
25 was proposed and adopted by the Commission extended the

1 term of the Certificate from five years to 10 years.

2 And without going into too much detail, I
3 think the general reason for that was it would allow
4 the applicant in that case more time to construct the
5 project, and it would obviate the need to come in and
6 use staff time and resources to extend it from five to
7 10 years or whatever additional time period was
8 necessary. So it was kind of just basically a
9 resource. One of the basic reasons, as I read it, was
10 it would save the time and effort of trying to get the
11 extension from five to 10 years. So the request was to
12 make it 10 years.

13 So following that request from the
14 Commission, I changed the time frame for both phases.
15 The first phase was five; I'm changing it to 10 years.
16 And the second phase was 10 years, so I left that one
17 alone. So that's the background to it.

18 If anyone has any questions or wishes to
19 discuss that condition, let's do so now.

20 MEMBER NOLAND: Mr. Chairman.

21 CHMN. CHENAL: Member Noland.

22 MEMBER NOLAND: Well, Mr. Chairman, I think
23 it covers it with saying 10 years for both Phase One
24 and Phase Two. So it's not 10 years after the first
25 phase, it's 10 years for both phases to complete those,

1 and I would approve of that.

2 CHMN. CHENAL: So any changes to the language
3 as reflected on the left screen?

4 MR. ACKEN: Mr. Chairman, Member Noland,
5 anticipating that potential question, we did have --
6 develop some proposed language to simplify this
7 condition so that it applies to both phases.

8 So, Mr. Moe, if you could maybe take a swing
9 at that. And then you have to go to the first line,
10 the first line. No. Well, this authorization to
11 construct the Project, or you could say both phases of
12 the Project, depending on the Committee's preference.

13 MEMBER HAMWAY: I'd say both.

14 MEMBER GENTLES: I'd say both.

15 MEMBER NOLAND: Both phases.

16 MEMBER GENTLES: Both phases.

17 CHMN. CHENAL: Let's say Phase One and Phase
18 Two, because they're both defined terms.

19 MEMBER HAMWAY: Okay.

20 CHMN. CHENAL: I think, Mr. Moe, we would
21 like one to be spelled out, o-n-e, and then t-w-o,
22 because that's how they've been defined.

23 MR. ACKEN: So I can try reading that. I do
24 have new glasses, so I'm learning to deal with
25 progressives.

1 CHMN. CHENAL: Before that, does anyone want
2 that language to be read?

3 MEMBER HAMWAY: I'm fine.

4 MEMBER GENTLES: I'm fine.

5 MEMBER WOODALL: No. My only question would
6 be if the Commission wants to set different time frames
7 for the different phases. But they can do that at the
8 Open Meeting, so I don't have any difficulties with it.

9 CHMN. CHENAL: Well, but as the Committee's
10 job of trying to set a fair time frame, so the record
11 is clear, the applicant is proposing that both phases
12 can be constructed within 10 years, and that was the
13 outside extent of the request; is that correct?

14 MR. ACKEN: Yes, Mr. Chairman.

15 CHMN. CHENAL: Okay.

16 MEMBER NOLAND: Mr. Chairman, I move that we
17 adopt the language as modified.

18 MEMBER PALMER: Second.

19 CHMN. CHENAL: Any further discussion?

20 (No response.)

21 CHMN. CHENAL: All in favor say "aye."

22 (A chorus of ayes.)

23 CHMN. CHENAL: Thank you.

24 Let's move to Condition Number 2, Mr. Moe.

25 All right. With respect to Condition 2,

1 Member Villegas.

2 MEMBER VILLEGAS: Just a question: Was there
3 a reason why the counties were left out of the
4 notification?

5 CHMN. CHENAL: Mr. Acken.

6 MR. ACKEN: Mr. Chairman, Committee Member
7 Villegas, no. We just used the standard template from
8 prior conditions. Why it doesn't reference counties, I
9 don't have an answer for you, other than we just
10 followed past protocol. And perhaps the reason that's
11 been done in the past is because you also have to go
12 through the county processes and whatever follow-up and
13 additional notification requirements you will have with
14 them. Certainly, I believe in the natural course of
15 those proceedings they're going to know about this as
16 well.

17 With that said, we have no philosophical
18 objection to including the county.

19 MEMBER PALMER: For clarity, could we insert
20 cities, towns, and counties?

21 CHMN. CHENAL: I think so, and I think we
22 need to be a little more specific. One of the changes
23 I proposed, as you see later, is Board of Supervisors
24 of Coconino and Navajo Counties. Maybe if we could
25 include that language.

1 MEMBER VILLEGAS: Mr. Chairman.

2 CHMN. CHENAL: Member Villegas.

3 MEMBER VILLEGAS: Thank you.

4 MEMBER GENTLES: Mr. Chairman.

5 CHMN. CHENAL: Yes, Member Gentles.

6 MEMBER GENTLES: On Line 19, "reasonable
7 means to properly notify" is a little bit -- a little
8 bit vague.

9 And then Line 21, "residents within a one (1)
10 mile radius of the centerline," does that -- if it's
11 just with -- is it that the normal practice or --

12 MEMBER NOLAND: Yes.

13 MEMBER GENTLES: Just within 1 mile?

14 MR. ACKEN: Mr. Chairman and Member Gentles,
15 yes. Most of the conditions -- All of the conditions
16 that you will see, as proposed by the applicant, we tie
17 it to preexisting conditions that were approved by this
18 Committee in prior decisions. And in this case, I
19 think we used the most recent case as our starting
20 point and made no changes to that language.

21 MEMBER GENTLES: So just for my background,
22 Mr. Chair, so the residents that live 8 miles away,
23 would they be included in this notification?

24 CHMN. CHENAL: Well, actually, they would be,
25 in the sense that, Mr. Gentles, because we require that

1 notification -- I'm looking for the language here.

2 MR. ACKEN: Line 25.

3 CHMN. CHENAL: Yeah, people that made public
4 comment at the proceeding would be notified of the
5 request for the extension. And so all those people --
6 That's the reason we have the sign-in sheet, so that
7 those people would be notified.

8 MEMBER GENTLES: Okay. So that only includes
9 people that made public comment, not people, right?

10 MEMBER HAMWAY: That's right.

11 CHMN. CHENAL: Yes. And we can discuss this,
12 and maybe this is a good time to do it. The normal
13 cases that we have, you have a lot of residents nearby,
14 and so we felt that the 1 mile was adequate. This is a
15 rural, very, you know, desolate area without a lot of
16 residents. So, I mean, if you think the notification
17 process should be more robust, you know, we certainly
18 can discuss that.

19 MEMBER NOLAND: Mr. Chair.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: Mr. Chairman, I think this is
22 even more generous than county regulations for zoning
23 and whatever. But in this case, why don't we just do
24 the 5-mile radius for both residents and cities, towns,
25 and counties. That would be my suggestion. You know,

1 going out to 8 miles or 10 miles, that doesn't make too
2 much sense to me. Though I know those people that
3 testified were 8 miles away, but they testified and
4 they're going to be sent the notification, so that
5 would include them too.

6 CHMN. CHENAL: Member Gentles.

7 Oh, Member Haenichen.

8 MEMBER HAENICHEN: Yes, I agree with
9 Member Noland. Just psychologically, the people who
10 see the 1-mile thing are going to feel as though
11 they're being left out. And since it does no harm, I
12 would agree with the language as modified by Member
13 Noland.

14 CHMN. CHENAL: Member Gentles.

15 MEMBER GENTLES: I'm okay with that.

16 CHMN. CHENAL: All right. So -- And we're
17 not talking about a lot of people to extend it from 1
18 to 5 miles, if the tour gave me any insight into that
19 yesterday.

20 So does the applicant have any problem with
21 extending the notification on Line 24 to 5 miles?

22 MR. ACKEN: Short answer, no. There are
23 actually -- I think in Navajo County you do capture
24 more residents within that 5-mile -- or, more
25 residential structures within that 5-mile buffer, but I

1 understand and it's something that we can make happen.

2 CHMN. CHENAL: All right, thank you.

3 Member Woodall.

4 MEMBER WOODALL: So this is going to expand
5 the area of notice from what you did for the initial
6 CEC application public process; is that correct?

7 MR. ACKEN: Yes, Member Woodall.

8 MEMBER WOODALL: So we're going to be
9 sending -- we're going to be requiring you to send out
10 notices to people that you're going to be attempting to
11 extend the time of your Project to people who never
12 received notice of it in the first place?

13 MR. ACKEN: Perhaps. I guess the one caveat
14 is, you know, the public notice requirement for
15 publication. In theory, people see that public notice.
16 But as far as a direct notice, you're correct.

17 MEMBER WOODALL: Okay, thank you. I have no
18 other comment to make on the topic.

19 MEMBER NOLAND: Mr. Chairman.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: And this is only if they're
22 going to do an extension. And I think, in that case,
23 it would be worth expanding, because there will be new
24 people in the area that didn't get the original notices
25 and all of that if it's 10 years from now. And there

1 may be less 10 years from now, who knows.

2 MEMBER GENTLES: Mr. Chairman.

3 CHMN. CHENAL: Member Gentles.

4 MEMBER GENTLES: I think my comments were
5 just based on making sure that the same people that got
6 the notice would get the extension notice as well. And
7 it sounds like that's going to be the case, so I'm
8 comfortable with that.

9 CHMN. CHENAL: All right, very good.

10 Mr. Moe, let's go back up to Line 23 when
11 you're finished there. Instead of counties, right
12 before counties, let's do this. And I'll say the
13 language I'd like to see there, and then we can discuss
14 it. "The Boards," with a capital B, "of Supervisors,"
15 with a capital S, "of Coconino and Navajo Counties,"
16 with a capital C. And counties with a capital C,
17 please. You're hired.

18 (Laughter.)

19 MR. NEMETH: You can't steal him.

20 MEMBER NOLAND: Mr. Chairman, I move that we
21 adopt this language as modified with the 5-mile radius
22 notification.

23 MEMBER HAENICHEN: Second.

24 CHMN. CHENAL: We have a motion and a second.
25 All in favor say "aye."

1 (A chorus of ayes.)

2 CHMN. CHENAL: Thank you.

3 Now, Mr. Moe, if you could put on the screen
4 Condition 3, please.

5 MR. ACKEN: Mr. Chairman, at the appropriate
6 time, I'd like to ask for one revision to both 3 and 4.

7 CHMN. CHENAL: Sure.

8 MR. ACKEN: So I understand the reference to
9 Board of Supervisors and why that's being included.
10 Our one concern as it relates to Coconino County, and
11 this applies to both Condition 3 and 4, is, as the
12 testimony indicated, we may obtain approval at the
13 Planning and Zoning Commission, and then we will not
14 subsequently go to the Board of Supervisors in Coconino
15 County. And so we just want to make sure that it's
16 clear that it's a Coconino County requirement that we
17 will comply with, but it may not be a Board of
18 Supervisors requirement.

19 MEMBER WOODALL: It does say, "including, but
20 not limited to," so I personally don't think you need
21 to write down Planning and Zoning. But if that's what
22 you want to do, fine.

23 MR. ACKEN: Mr. Chairman, Member Woodall,
24 that's why we would propose just to leave it as
25 Coconino County and Navajo County, rather than try and

1 parse it with Planning and Zoning.

2 CHMN. CHENAL: I understand the distinction,
3 because under one of the -- the permit structure in --
4 was it Navajo County where you just need the Planning
5 and Zoning, you don't need the Board of Supervisors?

6 MEMBER HAMWAY: It's Coconino.

7 MR. ACKEN: It's Coconino.

8 CHMN. CHENAL: Okay. And I think my previous
9 request that it be the Board of Supervisors for the
10 counties is -- sometimes it's hard to know. A county
11 is a large entity, so, you know, who should get the
12 notice? It should be, I think, the Board of
13 Supervisors.

14 But here you're dealing with -- and I'm going
15 to strike the language and suggest that we strike the
16 words "the Boards of Supervisors" for those counties,
17 because we're talking about county regulations, not
18 Board of Supervisor regulations.

19 So would that allay the concern of the
20 applicant if we were to do that, Mr. Acken?

21 MR. ACKEN: Yes, Mr. Chairman, and thank you.
22 And certainly the reference to Arizona State Land
23 Department makes sense.

24 CHMN. CHENAL: Member Woodall.

25 MEMBER WOODALL: So, Mr. Acken, it would be

1 helpful to me for you to commit to contacting the
2 County and telling them, because you have to send them
3 a copy of the CEC anyway, who do you want us to direct
4 this to at the County? Because I've had people say, we
5 get stuff and we don't know what to do with it, so it
6 just goes in the round file. So I don't know if it's
7 the clerk. But if you could make those inquiries, that
8 would be helpful.

9 And I'm not asking you to tell us now. I'm
10 just saying, when you send in the CEC, will you confirm
11 that whoever you're sending it to at the County is the
12 right person that needs to see it?

13 MR. ACKEN: Mr. Chairman, Member Woodall, we
14 will do so. My practice is to send formal
15 notifications to the clerk of the Board of Supervisors
16 to make sure that the Board of Supervisors received it,
17 and that has worked previously. But in that context,
18 when you're referring to the Board of Supervisors, the
19 clerk is their authorized representative to accept
20 service.

21 CHMN. CHENAL: So any further discussion
22 on -- with respect to Condition 3, striking the words,
23 "the Boards of Supervisors for," and leaving the rest
24 of the edits and requested condition of the applicant?

25 (No response.)

1 CHMN. CHENAL: May I have a motion, please?

2 MEMBER HAMWAY: I move that we accept the
3 language in Condition 3 as modified.

4 MEMBER VILLEGAS: Second.

5 CHMN. CHENAL: All in favor say "aye."

6 (A chorus of ayes.)

7 CHMN. CHENAL: Thank you.

8 Mr. Moe, would you go to Condition 4, please.

9 And I would suggest that we remove the words,
10 "the Boards of Supervisors for," consistent with what
11 we did with Condition 3.

12 Any discussion regarding Condition 4?

13 MEMBER PALMER: Motion to approve.

14 MEMBER WOODALL: I have a question.

15 CHMN. CHENAL: Member Woodall.

16 MEMBER WOODALL: I see it says, "The Arizona
17 State Land Department and their agencies and
18 subdivisions." So I'm not exactly sure if that's
19 referring to the Land Department or -- it's kind of
20 unclear for me. I mean, who are we talking about
21 there?

22 CHMN. CHENAL: Well, I think it's all the
23 agencies -- I mean, all of the entities.

24 MEMBER WOODALL: No, but I'm saying "and
25 their agencies and subdivisions." So does that mean

1 you have to send it to the water department?

2 CHMN. CHENAL: No. Maybe there should
3 probably be a comma after the word "department" on Line
4 24.

5 MEMBER WOODALL: Is there?

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: This takes me right back
9 to -- I hate to say this every hearing time, but the
10 more you try to specify, the worse problems you have.
11 The language says, "any governmental entity having
12 jurisdiction, including, but not limited to."

13 And so, you know, they know who they have
14 been working with for the permits, for the zoning, for
15 this, for that, and I think this just gets to be a can
16 of worms when we try to get too specific. And that's
17 my last lecture for the day.

18 MEMBER HAMWAY: We can only hope.

19 MEMBER NOLAND: You know that's not true.

20 (Laughter.)

21 CHMN. CHENAL: All right. Mr. Moe, would
22 you -- the reason I added the language is to be
23 consistent with the language of the Committee. The
24 reason I suggested adding the clause regarding the
25 agencies and subdivisions in Condition 4 is because

1 that language is in Condition 3.

2 So, Mr. Moe, if you could scroll up to
3 Condition 3, you will see that same language in
4 Condition 3. So I thought if we're having it in
5 Condition 3, we just approved that language, to be
6 consistent we should have it in Condition 4.

7 MEMBER WOODALL: I don't think it's necessary
8 in either, but I'm not going to comment any further on
9 it. Thank you.

10 CHMN. CHENAL: Well, we should either not
11 have it in 3 and 4 or we should have it in 3 and 4. I
12 don't think we should have it in 3 and not 4. So what
13 would be the Committee's preference?

14 MEMBER PALMER: I'll make a motion that we
15 approve 3 with the same language of agencies and
16 subdivisions as in 3.

17 MEMBER HAMWAY: You mean 4.

18 CHMN. CHENAL: You mean 4, approve it in 4.

19 MEMBER PALMER: Approve 4 with the
20 language -- to conform with the language that's in 3,
21 agencies and subdivisions.

22 MEMBER HAMWAY: Second.

23 CHMN. CHENAL: Okay. We have a motion and a
24 second. Any further discussion?

25 (No response.)

1 CHMN. CHENAL: All in favor say "aye."

2 (A chorus of ayes.)

3 MEMBER WOODALL: Pass.

4 MEMBER NOLAND: No.

5 CHMN. CHENAL: We'll do the math here.

6 MEMBER HAMWAY: I think we're good.

7 CHMN. CHENAL: There's eight ayes and one
8 pass and one no, so the ayes have it. So we'll include
9 the language in Condition 4 and move to Condition 5.
10 Let's take a moment to review Condition 5,
11 please.

12 Any discussion?

13 MEMBER VILLEGAS: Motion to approve.

14 MEMBER HAENICHEN: I move to approve 5 as
15 presented.

16 MEMBER VILLEGAS: Second.

17 CHMN. CHENAL: We have a motion and a second.
18 All in favor say "aye."

19 (Chorus of ayes.)

20 CHMN. CHENAL: Now, we're going to move to
21 Condition 6, and I'm going to suggest we take a break
22 because we're at approximately 90 minutes, time flies
23 when we're having fun, 15-minute break.

24 I think a lot of the conditions will go
25 quickly after it. But with this avian condition, I'd

1 like to -- I can confer with the applicant, because I
2 have some additional language to propose, regarding the
3 letter that Member Woodall brought up yesterday of Game
4 and Fish to have the applicant comply with the matters
5 set forth in that letter. So without wasting
6 everyone's time, I can work with the applicant and get
7 that language up on the screen, so when we come back
8 after the break we'll be ready to go.

9 MEMBER WOODALL: I think that would be very
10 logical to have some reference to the July 2nd letter
11 contained in Exhibit C to the application by Game and
12 Fish. I think that would be great.

13 CHMN. CHENAL: And Member Woodall, would you
14 volunteer to help me provide that language?

15 MEMBER WOODALL: I think I just did.

16 CHMN. CHENAL: Roger, okay. Let's take a
17 15-minute break.

18 (A recess was taken from 10:24 a.m. to
19 10:41 a.m.)

20 CHMN. CHENAL: Let's go back on the record
21 and resume reviewing the conditions.

22 Now, if you can look at your hard copy of
23 Exhibit 6, you'll see that -- excuse me -- Condition 6
24 deals with impacts to avian species. So I had wanted
25 to include a condition that -- or, language to the

1 condition referencing back to the Game and Fish letter
2 that's attached to the application where there's some
3 references to requests -- or, conditions, requests from
4 the Game and Fish Department.

5 And I was thinking, and I know Member Woodall
6 was thinking, well, let's add language that the
7 applicant will comply with the requirements set forth
8 in that Game and Fish letter -- the recommendations and
9 requirements.

10 So as I was discussing the language that I
11 was going to propose with the applicant during the
12 break, we had a short discussion on the language, I was
13 informed that the recommendations of the Game and Fish
14 Department actually pertain to the turbine portion of
15 the Project, not the Gen-Tie portion of the Project.
16 And I think the applicant, with good reason, doesn't
17 want us to be placing conditions in this CEC that
18 might -- that really would relate to the turbine part
19 of the Project.

20 So I think we'll have Mr. Graber, on the
21 record, go back to that letter from Game and Fish,
22 which we have up on the screen, and maybe just provide
23 a little background on what this letter pertains to.
24 And then we have developed some language to add to the
25 condition, which we'll get to after Mr. Graber

1 discusses this letter and provides a little background.

2 Mr. Acken.

3 MR. ACKEN: Thank you, Mr. Chairman.

4 And as the Chairman indicated, on the screen
5 is the letter from the Game and Fish Department. I
6 believe it's -- if we could scroll up and make sure I
7 get the date correct -- it's July 2nd, 2019. This is
8 Attachment C-1 to Exhibit C to the application, which
9 is CVN 1.

10 With that, Mr. Graber, please walk through
11 the recommendations or perspective of Game and Fish,
12 the requests that they've made one by one, starting
13 with "sPower will place a 1-mile buffer along canyons."
14 And describe the context for that and whether it
15 applies to the Wind Farm, the Gen-Tie Project, or both.

16 MR. GRABER: Yes. Thank you, Mr. Chairman
17 and Mr. Acken. And apologies that I think as we were
18 discussing this subject yesterday, we were mixing Wind
19 Project with Gen-Tie Project. The Gen-Tie Project
20 is -- the Gen-Tie Project has the best management
21 practice that we're considering for the APLIC standards
22 that we discussed yesterday.

23 Regarding the bullet points here, the 1-mile
24 buffer along the canyons is pertinent to eagle nest
25 structures. We had eagle nest structures that were

1 further to the north in the Project area, as well as
2 one that's south to the Project area. The 1-mile
3 buffer associated with those nests do not overlap with
4 the Gen-Tie Project area, so therefore, it doesn't
5 pertain.

6 CHMN. CHENAL: It instead pertains to the
7 turbines?

8 MR. GRABER: It instead pertains to the
9 turbines, exactly, the turbine locations, of which the
10 applicant has already revised turbine locations.

11 Pertaining to the migration surveys, Arizona
12 Game and Fish's concern was, again, with the Wind
13 Project design, in that the corridors -- the two
14 canyons could have some raptor use within those
15 canyons. So they were interested in having a half-mile
16 buffer away from the canyons where those turbines were
17 located.

18 The particular asks were for us to either do
19 some additional surveys or have a half-mile buffer
20 from -- you know, from the canyons to the wind turbines
21 themselves. So, again, that doesn't apply to the
22 Gen-Tie Project.

23 MR. ACKEN: Next discuss the second primary
24 bullet point referring to eagle use surveys.

25 MR. GRABER: Yes. Again, the eagle surveys

1 are also specific to the Wind Project area. This is --
2 The purpose of this was to gain a better understanding
3 of eagle use as it pertained to the design of the wind
4 turbine portion of the Project, not only to inform
5 eagle-minutes, which informed -- which, you know, are
6 inputs for Fish and Wildlife Services modeled specific
7 to wind, they were also interested in understanding the
8 eagle flight paths as it pertained to the Wind Project
9 design.

10 Regarding the next bullet point, regarding
11 hunting, the applicant would be coordinating with
12 Arizona Game and Fish Department, the leasee, and
13 hunters regarding access, restrictions during
14 construction. So this one does pertain to the Gen-Tie
15 Project.

16 And the final main bullet point there is
17 about the ferruginous hawk nest, considerations for
18 either nest buffering or some sort of Migratory Bird
19 Treaty Act strategy. I could get into that in depth,
20 but I'll choose not to. That ferruginous hawk nest is
21 well northeast of the wind Project area, well outside
22 of the Gen-Tie Project.

23 CHMN. CHENAL: All right, I think that's
24 sufficient. We have established that there's really
25 only one aspect of the concerns of Game and Fish that

1 are applicable to the Gen-Tie Project.

2 So if the Committee does not have any
3 questions on this, I'd like to go back to -- thank you,
4 Mr. Graber -- go back to the conditions and the
5 language. If we could have Mr. Moe insert the language
6 that was developed by the applicant during the break.

7 MEMBER HAENICHEN: Mr. Chairman.

8 CHMN. CHENAL: Yes, Member Haenichen.

9 MEMBER HAENICHEN: I'm just wondering whether
10 personnel at Game and Fish has ever given a lot of
11 thought to the distinction between the line and the
12 turbine field. And just as a courtesy, if nothing
13 else, it might be good for somebody at the applicant to
14 have that conversation with them.

15 CHMN. CHENAL: Mr. Acken or Mr. Unrein, if
16 you could comment or provide some background. I assume
17 you've had these discussions with Game and Fish, the
18 applicant has.

19 MR. UNREIN: Thank you, Chairman and
20 Committee Member.

21 So we have had many, many months and many
22 hours of robust discussion with the Arizona Game and
23 Fish Department on this Project as a whole, including
24 turbine infrastructure, transmission lines, et cetera.
25 So we are very confident that the Arizona Department of

1 Game and Fish is more than aware of the transmission
2 line and all of the infrastructure that we intend to
3 install.

4 And we've met with -- We've met with AGFD in
5 person in their headquarters in Phoenix, we've met with
6 Fish and Wildlife Service at their regional
7 headquarters in Albuquerque, and we've been working
8 with them collaboratively for almost a year now.

9 MEMBER HAENICHEN: Well, I'm sure you have.
10 But what I was really getting at is, vis-a-vis putting
11 language into this particular application that we don't
12 think is appropriate, but would that -- would they
13 agree with that?

14 MR. ACKEN: Chairman Chenal, Mr. Haenichen, I
15 think Mr. Unrein is struggling to understand the
16 question.

17 As I understand it, correct me if I'm wrong,
18 you would like the applicant to work with Game and Fish
19 so that Game and Fish better understands the relative
20 responsibilities and role of this Committee,
21 understanding that its jurisdiction is limited to the
22 Gen-Tie, so to the extent that they are bringing forth
23 recommendations, if they could be maybe more precise as
24 to recommendations related to the Gen-Tie versus the
25 Wind Project as a whole. Is that the question?

1 MEMBER HAENICHEN: That's exactly what I'm
2 getting at.

3 MR. ACKEN: With that, I'll turn it back to
4 Mr. Unrein.

5 MR. UNREIN: Okay, apologies. I understand.
6 I better understand the question now.

7 Yes, as we continue working with Arizona Game
8 and Fish Department and the Fish and Wildlife Service,
9 we will endeavor to more clearly bifurcate the Gen-Tie
10 Project and Wind Farm in our written -- in our written
11 consultation record with the state and federal wildlife
12 agencies, if that answers the question.

13 MEMBER HAENICHEN: Thank you, that does
14 answer it.

15 CHMN. CHENAL: All right, very good.

16 Now, Mr. Moe, I'd like to include the
17 language that was developed during the break and put it
18 in Condition 6, and I'm not sure if it should be --
19 where it should be.

20 Mr. Acken, if you have a suggestion.

21 MR. ACKEN: Mr. Chairman, I think I'd like to
22 see the language up there.

23 Mr. Moe, if you could take the proposed
24 language that begins with "To the extent applicable,"
25 and put it right where your cursor is, and let's see

1 how that reads for the Committee's consideration.

2 CHMN. CHENAL: So the language that has just
3 been inserted in Condition 6 I think is reasonable,
4 given the testimony we've just heard from Mr. Graber
5 that the letter applies, in part, to the Gen-Tie
6 Project and, in part, to the Wind Project.

7 So any further discussion on Condition 6 with
8 that additional language?

9 (No response.)

10 CHMN. CHENAL: If not, may I have a motion?

11 MEMBER PALMER: Motion to approve
12 Condition 6.

13 CHMN. CHENAL: With the additional --

14 MEMBER PALMER: With the added language, yes.

15 CHMN. CHENAL: Do we have a second?

16 MEMBER NOLAND: Second.

17 CHMN. CHENAL: We have a motion and a second.
18 All in favor say "aye."

19 (A chorus of ayes.)

20 CHMN. CHENAL: Thank you.

21 Now, Condition 7. This is one where I added
22 the additional language, and that, unfortunately, does
23 not reflect the condition which it came from in a
24 previous case. But I believe that there was testimony
25 yesterday that this is what the applicant said they

1 would do, they would certainly consult with the State
2 Historic Preservation Office, and I believe the State
3 Land Department, correct me if I'm wrong. And so I
4 think that's already something they've agreed to do.

5 And I believe you also testified you've
6 already been in consultation with Coconino and Navajo
7 Counties with regard to cultural resources, but I don't
8 want to overstate.

9 So, Mr. Acken.

10 MR. ACKEN: Mr. Chairman, as it relates to
11 the State Land Department and State Historic
12 Preservation Office, that's correct.

13 As it relates to the counties, the county
14 permitting processes will include a review of that.
15 Our concern with this condition is -- and we can put
16 Mr. Barr back on the stand, because I don't know that
17 we have testimony on this precise point -- is that
18 there isn't a dedicated individual or division, if you
19 will, at either county in order to have that specific
20 cultural resources consultation. So our concern is
21 there's nobody to reach out to to have that specific
22 discussion.

23 CHMN. CHENAL: And you've indicated that
24 there is some consultation with the counties with
25 cultural resources?

1 MR. ACKEN: In the context of the permitting
2 applications, the special use permit, the conditional
3 use permit.

4 CHMN. CHENAL: I'm not so concerned about the
5 counties as I was more concerned about the Arizona
6 State Land Department and the SHPO. So, I mean,
7 unless --

8 MEMBER WOODALL: Personally, I would delete
9 the counties and just leave the Land Department and
10 SHPO.

11 CHMN. CHENAL: And I'm fine with that. So
12 unless there's an objection by the Committee.

13 Member Villegas.

14 MEMBER VILLEGAS: Mr. Chairman, I agree with
15 Mr. Acken. In my recollection, I haven't found a
16 department or agency that deals specifically with this
17 area within the county, so I wouldn't be opposed to
18 including the Board of Supervisors for the county.

19 CHMN. CHENAL: Let's do that, and just leave
20 that Chevelon will consult with the State Land
21 Department, the language that's up on the screen.

22 And, Mr. Acken, are you looking for something
23 to make some comment?

24 MR. ACKEN: Thank you, Mr. Chairman.

25 Mr. Barr has informed me that you might want

1 to include a statutory reference. There's a statutory
2 reference in that second sentence that talks about
3 discovery of, what is it, paleontological, historical
4 sites, or significant objects on state, county,
5 municipal land, and references that statutory provision
6 41-844.

7 In prior versions of this condition, not in
8 the one that we use, it was not in 181, there's a
9 reference to 41-865. And so we would request that
10 there be a specific reference to 41- -- A.R.S 41-865 at
11 the conclusion of that introductory sentence, so that
12 it would read, "Chevelon shall consult with the Arizona
13 State Land Department and the State Historic
14 Preservation Office (SHPO) with respect to cultural
15 resources in accordance with A.R.S. Section 41-865." I
16 do believe that's something that's been in prior CECs;
17 it must have fallen out at some point.

18 CHMN. CHENAL: I don't think it did,
19 Mr. Acken. If you look at your Condition 10, I think
20 you'll find the language there.

21 MR. ACKEN: Okay, thank you.

22 CHMN. CHENAL: So any further discussion with
23 Condition 7 as is reflected on the screen?

24 (No response.)

25 CHMN. CHENAL: May I have a motion?

1 MEMBER NOLAND: So move.

2 MEMBER WOODALL: Second.

3 CHMN. CHENAL: We have a motion and a second.

4 All in favor say "aye."

5 (A chorus of ayes.)

6 CHMN. CHENAL: Let's move to Condition

7 Number 8, please. Any discussion regarding Condition

8 Number 8?

9 MEMBER NOLAND: Mr. Chairman, I move that we
10 adopt Condition Number 8 as written.

11 MEMBER GENTLES: Second.

12 CHMN. CHENAL: We have a motion and a second.

13 All in favor say "aye."

14 (A chorus of ayes.)

15 CHMN. CHENAL: Let's pull up Condition 9.

16 Mr. Moe, is there a way to make that a little larger
17 there? Good.

18 Condition 9 relates to the interference with
19 radio and television signals. It's a pretty standard
20 condition. Any discussion by the Committee of
21 Condition 9?

22 MEMBER PALMER: Motion to adopt.

23 MEMBER HAMWAY: Second.

24 CHMN. CHENAL: We have a motion and a second.

25 All in favor say "aye."

1 (A chorus of ayes.)

2 CHMN. CHENAL: Thank you.

3 Condition 10 regarding the matter we just
4 discussed, the human remains. So any discussion
5 regarding Condition 10?

6 (No response.)

7 CHMN. CHENAL: If not, may I have a motion?

8 MEMBER HAMWAY: So moved as written.

9 CHMN. CHENAL: We have a motion. Do we have
10 a second?

11 MEMBER VILLEGAS: Second.

12 CHMN. CHENAL: All in favor say "aye."

13 (A chorus of ayes.)

14 CHMN. CHENAL: Thank you.

15 Condition Number 11.

16 MEMBER GENTLES: Mr. Chairman, so moved.

17 CHMN. CHENAL: We have a motion for
18 Condition 11 regarding signage. Do we have a second?

19 MEMBER NOLAND: Second.

20 CHMN. CHENAL: We have a motion and a second.
21 You'll note that this is language that we developed in
22 previous cases, substantially reduced the information
23 on the signage.

24 So all in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Thank you.

2 Let's move to Number -- Condition 12. This
3 is another standard condition. You'll note that I
4 added the Board of Supervisors and the State Land
5 Department.

6 Any further discussion with regard to
7 Condition 12 as revised?

8 MEMBER VILLEGAS: So moved.

9 CHMN. CHENAL: We have a motion. Do we have
10 a second?

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: We have a motion and a second.
13 All in favor say "aye."

14 (A chorus of ayes.)

15 CHMN. CHENAL: Thank you. Condition 13
16 regarding the non-reflective surfaces. Any further
17 discussion?

18 (No response.)

19 CHMN. CHENAL: If not, may I have a motion,
20 please?

21 MEMBER NOLAND: So moved.

22 MEMBER HAMWAY: Second.

23 CHMN. CHENAL: We have a motion and a second.
24 All in favor say "aye."

25 (Chorus of ayes.)

1 CHMN. CHENAL: Thank you. Let's look at
2 Condition 14. Again, a standard provision. Any
3 further discussion?

4 MEMBER HAENICHEN: I'll move 14.

5 MEMBER HAMWAY: Second.

6 CHMN. CHENAL: We have a motion and a second.
7 All in favor say "aye."

8 (A chorus of ayes.)

9 CHMN. CHENAL: Thank you.
10 15.

11 You know what, folks? It just occurred to
12 me, I wanted to pick up with just one more reference
13 on, I want to say it's Condition 6. I apologize. But
14 there was a second item I wanted to put into the record
15 with Mr. Graber.

16 All right. You'll see in Condition 6 that --
17 and this is standard language -- that the mitigation
18 measures will be accomplished through compliance with
19 the 2006 standards of the Avian Power Line Interaction
20 Committee, and also the 2012 guidelines of the Avian
21 Power Line Interaction Committee.

22 So on Exhibit 7-2 to the application,
23 there's -- to the application, there were references to
24 two very specific studies that were done, and the
25 applicant indicated that they would construct the

1 proposed transmission lines following the guidelines
2 outlined in "Suggested Practices for Raptor Protection
3 on Power Lines: The State of the Art in 2006," and
4 "Reducing Avian Collisions with Power Lines: The State
5 of the Art in 2012."

6 And, Mr. Graber, I just wanted you to confirm
7 that the two specific guidelines or studies that were
8 reflected in Exhibit C-2 to your application are, in
9 fact, the same conditions that are referred to in
10 Condition 6.

11 MR. GRABER: Yes, they are.

12 CHMN. CHENAL: Okay, thank you very much.

13 Mr. Moe, if we can go back to the next
14 condition. Did we do 14, if someone could remember?

15 MEMBER NOLAND: Yes.

16 MEMBER PALMER: Yes, we did.

17 CHMN. CHENAL: Okay, so we did 14. So let's
18 go to Condition 15. Again, this is a standard
19 condition. Is there any further discussion on
20 Condition 15?

21 (No response.)

22 CHMN. CHENAL: If not, may I have a motion?

23 MEMBER PALMER: Motion to approve.

24 MEMBER HAMWAY: Second.

25 CHMN. CHENAL: We have a motion and a second.

1 All in favor say "aye."

2 (A chorus of ayes.)

3 CHMN. CHENAL: Thank you.

4 Now, Condition 16. Again, a standard
5 provision. Any further discussion on Condition 16?

6 (No response.)

7 CHMN. CHENAL: If not, may I have a motion?

8 MEMBER HAMWAY: I move we accept Condition 16
9 as written.

10 MEMBER NOLAND: Second.

11 CHMN. CHENAL: We have a motion and a second.
12 All in favor say "aye."

13 (A chorus of ayes.)

14 CHMN. CHENAL: Let's look at Condition
15 Number 17.

16 MEMBER HAENICHEN: I move we approve
17 Condition 17 as written.

18 MEMBER GENTLES: Second.

19 MEMBER PALMER: Mr. Chairman, does this
20 reflect the changes we got from the Corporation
21 Commission?

22 MEMBER HAMWAY: Yeah, Commissioner Burns.

23 CHMN. CHENAL: Member Palmer, the changes
24 that I'm familiar with from Commissioner Burns related
25 to the time length from five to 10 years and deleting a

1 Condition 24 in that case relating to corridors
2 language. I don't remember that they had specific
3 language referencing what's in Condition 17. And I
4 don't remember if the letter that I received from the
5 Staff at the Corporation Commission addressed this
6 language.

7 MEMBER NOLAND: Mr. Chairman.

8 MEMBER WOODALL: It did.

9 MEMBER NOLAND: I believe it did, and I think
10 it's the standard that they've asked for with gas lines
11 and crossings and so on, and it's reflected in
12 Condition 17.

13 MEMBER WOODALL: The letter itself is CVN
14 Exhibit 8, so...

15 CHMN. CHENAL: And can the applicant confirm
16 that the Condition 17 is the exact language that's in
17 the requested language on this issue from the
18 Commission?

19 MR. ACKEN: Mr. Chairman, it is the exact
20 language from 181. Recall, we filed our proposed CEC
21 contemporaneously with Staff filing their letter. So
22 beforehand, we didn't have an opportunity to confirm;
23 I'm happy to double-check right now, but certainly that
24 was the intent. And if it's the Committee's wish to
25 have -- direct us to make conforming changes to reflect

1 CVN 8, if there are any differences, we could do that
2 as well.

3 MEMBER WOODALL: Actually, I've located a
4 difference. I read too quickly. B in CVN 8 reads,
5 "Ensure that measurements are taken during an outage
6 simulation of the Project that may be caused by the
7 collocation." And B, as contained in the formal CEC,
8 starts with, "Ensure that studies are performed."

9 So I would recommend maybe we could modify
10 that condition just to reflect the current language
11 that Staff of the Utilities Division is suggesting.

12 CHMN. CHENAL: And so I'm going to make a
13 suggestion at this point, so we don't have to go
14 through and take the time to verify every word is
15 identical, that the Committee just would vote that for
16 this Condition 17 we use the same language that was
17 recommended by the Commission in the Staff letter to
18 me.

19 MEMBER WOODALL: Excellent idea.

20 CHMN. CHENAL: And is the applicant okay with
21 that, Mr. Acken?

22 MR. ACKEN: Mr. Chairman, we are. I'm
23 informed that there are no underground gas transmission
24 lines in the vicinity of the Project, so we certainly
25 can live with it.

1 CHMN. CHENAL: So let's just make a note when
2 we -- you know, assuming we vote in favor of the CEC,
3 that you make sure that the language that's in this
4 condition is the same language as in the Staff's letter
5 to me.

6 MR. ACKEN: We will do so.

7 CHMN. CHENAL: Okay. With that, any further
8 discussion with regard to Condition 17?

9 (No response.)

10 CHMN. CHENAL: May I have a motion to approve
11 the language of Condition 17 to mirror the language
12 that's in the Staff letter to me?

13 MEMBER HAMWAY: So moved.

14 MEMBER NOLAND: Second.

15 CHMN. CHENAL: We have a motion and a second.
16 Any further discussion?

17 (No response.)

18 CHMN. CHENAL: All in favor say "aye."

19 (A chorus of ayes.)

20 CHMN. CHENAL: Thank you.

21 Condition 18. The only substantive change,
22 other than adding the Arizona State Land Department, is
23 the date that the letter is to be submitted, the annual
24 certification letter, would be submitted commencing
25 September 1st, 2020. And I think we've done it like

1 that in the past, but I'm not particular on the date.
2 So if the Committee has other ideas or the applicant
3 wants to comment on September 1st, 2020.

4 MEMBER WOODALL: If I may, I would propose
5 commencing on one year from the date that a final
6 decision is issued in this matter, and -- because we
7 don't know how long it's going to take them to -- I
8 mean, I'm sure it will be done very quickly, but I
9 would just recommend referencing the date of a final
10 decision in this matter.

11 Mr. Acken, if you want to tweak that up a
12 bit, that's fine, but you understand I mean if the
13 Commission approves the CEC and signs it.

14 MR. ACKEN: Yes, Mr. Chairman --

15 MEMBER WOODALL: And have that be the
16 triggering date for one year from that date, you have
17 to do your first compliance.

18 CHMN. CHENAL: I'm going to politely disagree
19 with my esteemed Member. I think there should be a
20 definitive date in here. Because to put it like that
21 means someone is going to have to take the CEC, then go
22 to the record to figure out what that date is, and I
23 don't think it's as clear as a definitive date.

24 And the other comment I'd make is, under the
25 statutes, if the Committee issues its certificate and

1 the Commission does not act on it within a certain
2 period of time, our decision is the definitive action,
3 and now you have confusion as to what is the proper
4 date. Is it the date we issued it? Is it the date 60
5 days, if there's no action by the Commission? I just
6 think, for clarity, it's always better to have a
7 specific date than to have to go through an exercise of
8 looking at other documents and calculating the date.

9 Member Woodall.

10 MEMBER WOODALL: I would note that typically,
11 there was one exception, and that was, I believe, an
12 error, the decision is attached to the Certificate and
13 it says that the Commission approves the Certificate
14 attached hereto and has conditions. So the decision
15 itself is going to have the decision number and it's
16 going to have a date on it. So I don't know that
17 there's going to be a lot of rummaging that's
18 necessary, but I don't have strong feelings one way or
19 the other.

20 MEMBER NOLAND: Mr. Chairman.

21 CHMN. CHENAL: Member Noland.

22 MEMBER NOLAND: I move that we adopt
23 Condition 18 with the date of September 1st, 2020.

24 MEMBER HAMWAY: Second.

25 CHMN. CHENAL: We have a motion and a second.

1 Any further discussion?

2 (No response.)

3 CHMN. CHENAL: All in favor say "aye."

4 (A chorus of ayes.)

5 MEMBER WOODALL: Pass.

6 CHMN. CHENAL: 19, Condition 19. You'll see
7 the only change that I, for discussion, added was that
8 we include the Arizona State Land Department.

9 Is there any discussion by the Committee?

10 (No response.)

11 CHMN. CHENAL: And I assume the applicant is
12 not opposed to the additional language?

13 MEMBER HAENICHEN: I move 19 as modified.

14 MEMBER HAMWAY: Second.

15 CHMN. CHENAL: Okay. Does the applicant have
16 any objection to --

17 MR. ACKEN: Condition 19?

18 CHMN. CHENAL: -- Condition 19?

19 MR. ACKEN: Thank you, Mr. Chairman, we do
20 not.

21 CHMN. CHENAL: Okay. We have a motion and a
22 second. All in favor say "aye."

23 (A chorus of ayes.)

24 CHMN. CHENAL: Thank you very much.

25 Let's look at Condition Number 20 regarding

1 transfer or assignment. Again, this is a standard
2 condition.

3 Any further discussion regarding Condition
4 20?

5 (No response.)

6 CHMN. CHENAL: May I have a motion?

7 MEMBER HAMWAY: So moved.

8 MEMBER GENTLES: Second.

9 CHMN. CHENAL: We have a motion and a second.
10 All in favor say "aye."

11 (A chorus of ayes.)

12 MEMBER WOODALL: Pass.

13 CHMN. CHENAL: Thank you.

14 Condition 21. Any further discussion
15 regarding Condition 21?

16 (No response.)

17 CHMN. CHENAL: If not, may I have a motion?

18 MEMBER HAMWAY: I move we accept the language
19 in 21 as written.

20 MEMBER PALMER: Second.

21 CHMN. CHENAL: We have a motion and a second.
22 All in favor say "aye."

23 (A chorus of ayes.)

24 CHMN. CHENAL: Thank you.

25 Condition Number 22.

1 MEMBER HAMWAY: I move we accept the language
2 as written in Condition 22.

3 MEMBER VILLEGAS: Second.

4 CHMN. CHENAL: We have a motion and a second.
5 Any further discussion?

6 (No response.)

7 CHMN. CHENAL: All in favor say "aye."

8 (A chorus of ayes.)

9 MEMBER WOODALL: Pass.

10 CHMN. CHENAL: Condition 23.

11 MEMBER PALMER: Motion to adopt Condition 23.

12 MEMBER HAMWAY: Second.

13 CHMN. CHENAL: We have a motion and a second.
14 Any further discussion?

15 (No response.)

16 CHMN. CHENAL: All in favor say "aye."

17 (A chorus of ayes.)

18 CHMN. CHENAL: Thank you.

19 Condition Number 24. You'll see on
20 Condition 24 regarding working with private landowners,
21 on Line 22 I suggest we strike the words "where
22 practicable," because that language is kind of the
23 beginning language of the sentence on Lines 20 and 21.
24 So it says, "Any such right-of-way agreement shall,
25 where practicable and after consultation with the

1 landowner, require Chevelon" to do the very, you know,
2 acts that are set forth there. So I thought it was
3 redundant, but I'm not -- The applicant had proposed
4 it. If the applicant thinks that's not clear...

5 MR. ACKEN: Mr. Chairman, we were unclear
6 about the intent of the change, and that did give us
7 some concern. Because there will be a need to use new
8 roads. The testimony is, yes, we will use existing
9 roads for construction access to the extent
10 practicable; but obviously, with a Project, you can't
11 do that all over.

12 So we were concerned with that language. I
13 understand what you're saying now, where it's captured
14 in the initial clause. My personal preference is maybe
15 redundancy isn't always a bad thing; and if it gives us
16 a little additional comfort and clarity, I'd like to
17 keep that language in.

18 CHMN. CHENAL: You know, and I'm okay with
19 removing it. That was just more of a stylistic change.
20 But if it causes concern to the applicant, I can -- we
21 can add the words "where practicable" back in on
22 Line 22. So let's just do that, unless a Member of the
23 Committee is strongly opposed to adding that language
24 back in.

25 MEMBER WOODALL: Mr. Chairman, I'm going to

1 be voting no on this condition because it's basically
2 telling the applicant what to put in its contracts. I
3 agree we can tell them that they should try to use
4 existing roads for construction to minimize vegetation
5 disturbance, but I don't think we should be telling
6 them what to put in their contracts. And I don't need
7 to have any further discussion on the topic; I've said
8 this before.

9 CHMN. CHENAL: Yes, we've had that discussion
10 many times. And we have, in the past, had discussion
11 on it and voted to include this condition, and I think
12 it's an important one to include.

13 But let's do this. Is there any further
14 discussion on Condition 24 as revised, including adding
15 back in the words "where practicable" on Line 22?

16 (No response.)

17 CHMN. CHENAL: And if not, may I ask for a
18 motion?

19 MEMBER NOLAND: So moved.

20 MEMBER HAMWAY: Second.

21 CHMN. CHENAL: We have a motion and a second.
22 Any further discussion?

23 (No response.)

24 CHMN. CHENAL: All in favor say "aye."

25 (A chorus of ayes.)

1 MEMBER WOODALL: Nay.

2 CHMN. CHENAL: 25. And this is the language
3 that says, "Once the right-of-way has been acquired,
4 the applicable corridor will be null and void." This
5 one was one of Commissioner Burns' amendments to the
6 last case, and the transcript sets forth the rationale
7 for it.

8 So I don't know if the applicant was aware of
9 that; and whether or not they were aware of it, they
10 did comply with our request to include potentially
11 applicable conditions from previous cases.

12 So this is an edit that I made, and there may
13 be discussion on it, there may not be. But in
14 conformance with Commissioner Burns' amendment to our
15 last case, I suggested the condition be deleted. So
16 maybe we can have a discussion on that; or if not, we
17 vote on it.

18 So is there any discussion on deleting
19 Condition 25?

20 (No response.)

21 CHMN. CHENAL: If not, may I have a motion?

22 MEMBER HAMWAY: So moved.

23 MEMBER PALMER: Second.

24 CHMN. CHENAL: We have a motion and a second.

25 All in favor say "aye."

1 (A chorus of ayes.)

2 MEMBER NOLAND: No.

3 CHMN. CHENAL: Thank you.

4 All right. Now, 25 and 26, these -- I can
5 tell you right now that 25 probably isn't applicable,
6 but I'd like to hear a little discussion on that from
7 the applicant. And 26 probably is, in the sense that
8 in previous Gen-Tie cases we have put in this
9 condition, where there is an interconnection with a
10 transmission line, to provide this notice to the
11 Commission Staff.

12 So either we can have a little discussion on
13 that, Mr. Acken, and Mr. Unrein, you may have some
14 comments to add, and we can have some discussion.

15 MR. ACKEN: Thank you, Mr. Chairman. And we
16 may exhaust my knowledge pretty quickly on 25 and 26.
17 As a group, we were unclear what was meant by
18 "transmission service agreements." We don't think
19 that's -- it's not something we're familiar with on
20 this Project, and therefore, we don't think it's
21 applicable, unless there's something we're missing, as
22 it relates to Condition -- what is now shown as
23 proposed Condition 25.

24 MEMBER WOODALL: So is it your understanding
25 that a transmission service agreement would be the

1 result of an application with APS for you to get
2 service? Because I know you were talking about whether
3 or not you have a transmission line to get power for
4 the construction or some other form of energy. And my
5 understanding of the terminology is that transmission
6 service agreement would be that, to try to get your 12
7 or 14 lines, but I could be wrong. I'm not an
8 engineer.

9 MR. NEMETH: Good morning. When we
10 interconnect into an existing APS line, what we do is
11 we submit an interconnection request, and that
12 interconnection request triggers a number of studies
13 that have to be done.

14 MEMBER WOODALL: That part I know, sir. I'm
15 just talking about the distribution line, that's what I
16 was getting at.

17 CHMN. CHENAL: Mr. Nemeth, could you complete
18 your thought on that, because --

19 MEMBER WOODALL: I'm sorry.

20 CHMN. CHENAL: -- Member Woodall may be
21 familiar with it, but I'd like to hear it, and I think
22 maybe other Committee Members would.

23 MR. NEMETH: Of course. As I said, we would
24 submit an interconnection request, and then we would go
25 through their process with them, which would be through

1 a system impact study, a facility study, which results
2 in what's called a large generation interconnection
3 agreement, which I believe is referred slightly
4 different, but in Condition 26.

5 So that LGIA, if you will, or interconnection
6 agreement, allows us to put the power from the Wind
7 Farm through our Gen-Tie Line, into the interconnection
8 substation or switching station, onto their APS line.

9 I guess when you're referring to the
10 transmission services agreement, were you referring to
11 it almost as a distributed generation?

12 MEMBER WOODALL: Yeah. And I could have the
13 wrong terminology there, because they've got a
14 reference here to FERC, which obviously wouldn't cover
15 a distribution line. But if you decide you do need
16 electricity, and you need to have an 11- to 12-mile
17 line that APS is going to provide it to you, they have
18 costs in their tariffs for how much that's going to
19 cost, and then you have to enter into an agreement with
20 them -- my understanding is you have to enter into an
21 agreement with them, my understanding is, to say, yes,
22 we're going to pay the cost for the poles and the lines
23 to come out this far.

24 And I didn't know if that was referred to as
25 a transmission services agreement or not, or maybe it

1 was just a line extension agreement. So I'm not sure.
2 So if none of us knows what we're talking about here,
3 maybe we shouldn't have it in here.

4 MR. NEMETH: Yeah, agreed. No, I understand.
5 I'm not familiar with what APS would call that type of
6 an agreement, or if it would even be an agreement, and
7 if it would just be you submit an application and they
8 extend the line or not. So ideally, due to maybe some
9 of the -- how it would apply here, we would ask that
10 this condition would be striked.

11 CHMN. CHENAL: I think Condition 25 applies
12 to transmission line projects, not Gen-Tie projects. I
13 think those are agreements that the merchant -- or, the
14 utility enters into transmission agreements with its
15 customers to transport power, and I think that's what's
16 referred to and we've used in other cases. But this is
17 not a transmission line; this is a Gen-Tie line, so I
18 don't think there's any question that 25 does not
19 apply.

20 So let's do them one at a time. Is there any
21 objection by the Committee to deleting what's
22 referenced as Condition 25 relating to transmission
23 service agreements?

24 MEMBER WOODALL: Move to delete Condition 25.

25 MEMBER HAMWAY: Second.

1 CHMN. CHENAL: We have a motion and a second.
2 All in favor say "aye."

3 (A chorus of ayes.)

4 CHMN. CHENAL: Thank you.

5 Now, let's go to 26, which will become 25,
6 that relates to the transmission interconnection
7 agreement. And this we have used on Gen-Tie lines in
8 the past, in cases involving Gen-Tie lines, and I think
9 it's appropriate here and something that the Staff has
10 asked for in past cases.

11 So what's the view of the applicant with
12 respect to Condition 26 on the screen?

13 MR. ACKEN: The request from the applicant is
14 to delete "transmission," so that it would read,
15 "Chevelon shall provide the Commission Staff with
16 copies of the interconnection agreement(s) it
17 ultimately enters into." Because they're not really
18 necessarily transmission interconnection agreements,
19 but they are interconnection agreements.

20 CHMN. CHENAL: Fine.

21 MEMBER NOLAND: Mr. Chairman.

22 CHMN. CHENAL: Member Noland.

23 MEMBER NOLAND: I move that we adopt
24 Condition now 25, that was formerly 26, deleting the
25 word "transmission."

1 MEMBER WOODALL: Second.

2 CHMN. CHENAL: Okay. We have a motion and a
3 second, but let's make sure that the applicant has
4 concluded its comments with respect to this.

5 If you have any additional comments, can we
6 hear them now before we vote on this.

7 MR. ACKEN: Thank you, Mr. Chairman, we have
8 no further comment.

9 CHMN. CHENAL: Thank you.
10 Member Haenichen.

11 MEMBER HAENICHEN: What about the second word
12 "transmission" on Line 8?

13 MR. ACKEN: That makes sense because --

14 MEMBER HAENICHEN: That's okay?

15 MR. ACKEN: -- our interconnection agreement
16 will be with APS, who's the transmission provider.

17 CHMN. CHENAL: Okay. And, Mr. Moe, would you
18 be kind enough to, in the previous Condition 25, strike
19 25, and 26 becomes 25.

20 All right. Now, looking at Condition 25
21 regarding the interconnection agreements, is there any
22 further discussion by the Committee regarding 25?

23 (No response.)

24 CHMN. CHENAL: If not, may I have a motion?

25 MEMBER NOLAND: I already did.

1 CHMN. CHENAL: Oh, we have a motion. Do we
2 have a second?

3 MEMBER HAMWAY: Second.

4 MEMBER DRAGO: You already had a motion.

5 CHMN. CHENAL: Okay. We have a motion and a
6 second, but I already see we need to strike the case
7 references on Lines 9 and 10. Mr. Moe, if you'd be
8 kind enough to do that.

9 So we have a motion and a second to approve
10 Condition 25 as reflected on the screen. All in favor
11 say "aye."

12 (A chorus of ayes.)

13 CHMN. CHENAL: Thank you very much.

14 Now we come to the findings of fact and
15 conclusions of law. And with respect to, I'll just
16 say, Findings of fact Number 1, any discussion?

17 MEMBER HAENICHEN: I move Number 1.

18 MEMBER HAMWAY: Second.

19 CHMN. CHENAL: We have a motion and a second.
20 All in favor say "aye."

21 (A chorus of ayes.)

22 CHMN. CHENAL: Now, Finding of Fact Number 2.

23 MEMBER HAMWAY: I move Number 2.

24 MEMBER NOLAND: Second.

25 CHMN. CHENAL: Any further discussion?

1 (No response.)

2 CHMN. CHENAL: All in favor say "aye."

3 (A chorus of ayes.)

4 CHMN. CHENAL: Finding of Fact Number 3. Any
5 further discussion?

6 MEMBER NOLAND: I move Finding of Fact
7 Number 3.

8 MEMBER HAENICHEN: Second.

9 CHMN. CHENAL: All in favor say "aye."
10 (A chorus of ayes.)

11 CHMN. CHENAL: Now, Finding of Fact Number 4.
12 Any further discussion?

13 (No response.)

14 CHMN. CHENAL: If not, may I have a motion?

15 MEMBER HAMWAY: So moved on Fact Number 4.

16 MEMBER PALMER: Second.

17 CHMN. CHENAL: We have a motion and a second.
18 All in favor say "aye."

19 (A chorus of ayes.)

20 CHMN. CHENAL: Now, Number 5. Let me just
21 make a comment on 5; this relates to the need of the
22 Project.

23 We had a lot of testimony during the hearing
24 on the Wind Farm side of the Project; and I think it
25 was appropriate to do that, even though our

1 jurisdiction doesn't extend past the Gen-Tie Line. But
2 in order to determine the need for the Gen-Tie Line, I
3 think it's hard not to consider the Project, the Wind
4 Farm Project itself. So we probably went a little
5 further than we have in other cases, but I think in
6 this case it was helpful to do that, I think the record
7 is more clear, and I just think it's something we have
8 the power to do as we look into the need component.

9 So having said that, any further discussion
10 on Finding of Fact 5?

11 (No response.)

12 CHMN. CHENAL: May I have a motion?

13 MEMBER PALMER: Motion to approve.

14 MEMBER HAMWAY: Second.

15 CHMN. CHENAL: We have a motion and a second.

16 All in favor say "aye."

17 (A chorus of ayes.)

18 CHMN. CHENAL: And Finding of Fact Number 6.

19 Any further discussion?

20 (No response.)

21 CHMN. CHENAL: May I have a motion?

22 MEMBER HAMWAY: I move we accept Finding of

23 Fact Number 6 as written.

24 MEMBER GENTLES: Second.

25 CHMN. CHENAL: We have a motion and a second.

1 All in favor say "aye."

2 (A chorus of ayes.)

3 MEMBER NOLAND: Mr. Chairman.

4 CHMN. CHENAL: Member Noland.

5 MEMBER NOLAND: I move that we adopt the CEC
6 as modified by this Committee for Case Number 182.

7 CHMN. CHENAL: And that, Member Noland, is as
8 reflected on what will become CVN 16?

9 MEMBER NOLAND: Yes.

10 CHMN. CHENAL: We have a motion to approve
11 the CEC as reflected on Exhibit 16. May I have a
12 second?

13 MEMBER HAMWAY: Second.

14 CHMN. CHENAL: We have a motion and a second.
15 We're going to take a roll call vote. But if it is
16 approved, I will ask the applicant to take Exhibit 16,
17 with the modifications that have been made by Mr. Moe,
18 who's done an excellent job, including with respect to
19 including the language specifically from the Staff on
20 the gas line language from the letter, and then I will
21 review it and sign it.

22 And I understand I have authority from the
23 Committee to make any scrivener's errors, but I'd
24 certainly like a law review edit of the CEC. I think
25 implicit in the motion is to include the maps that are

1 to be attached as Exhibit A, the ones that we reviewed
2 this morning, I think that's Exhibit 14. And then I
3 will sign it and we will -- I will file it with docket
4 control.

5 We will take a roll call vote. And at the
6 conclusion of it, if Mr. Moe will insert the roll call
7 vote in the beginning of the CEC. That's the one blank
8 that's still left.

9 And so let's -- We haven't heard much from
10 Member Riggins. Very insightful questions, but not
11 that many, so let's give him the honor of the first
12 vote and we'll go down the line.

13 MEMBER RIGGINS: John Riggins, I vote aye.

14 MEMBER DRAGO: Len Drago, I vote aye.

15 MEMBER PALMER: Jim Palmer. And I would like
16 to congratulate the applicant on a good presentation.
17 I don't suppose there's ever a project that 100 percent
18 of everybody is in support of, but I'd like to point
19 out that the property owners involved in this have
20 owned this property for over 130 years, and certainly
21 their property rights are very important in this. And
22 this is something they desire to do, and I think that
23 has to be weighed in on the decision as well, as
24 opposed to someone who lives perhaps 10 miles away from
25 this, and I think it's important to recognize that.

1 And with that explanation, I vote aye.

2 MEMBER HAMWAY: Mary Hamway, I vote aye.

3 MEMBER WOODALL: Laurie Woodall, aye.

4 MEMBER GENTLES: Karl Gentles. And since
5 this is my first vote, I'll just make note of that, and
6 I do vote aye.

7 MEMBER HAENICHEN: Jack Haenichen, I vote
8 aye.

9 MEMBER NOLAND: Patricia Noland. And I'd
10 like to state that I really see a huge need for this,
11 especially with the impending closing of several of the
12 coal-fired plants up in this area. And the space that
13 will be available on existing lines that will be tied
14 into the closing of the other plants has had a huge
15 impact on this area, both in Navajo County and in
16 Coconino County. And so I think there's a great need
17 for this, and I vote aye.

18 MEMBER VILLEGAS: Gil Villegas, and I vote
19 aye.

20 CHMN. CHENAL: Tom Chenal, and I also vote
21 aye. And I commend the applicant. I think it was an
22 excellent presentation. It was a little difficult to
23 separate the Wind Farm aspect from the Gen-Tie Line,
24 but I think the record is pretty clear on it. And I
25 think there's a need for this, and so I vote aye.

1 So the ayes have it.

2 Mr. Moe, if you would put in 10 to zero, if
3 my math is correct.

4 Any further comments by the Committee?

5 (No response.)

6 CHMN. CHENAL: I have none, other than I'll
7 ask the applicant to provide, again, an already edited
8 CEC with the attachments, and I will sign it and we'll
9 get it filed with docket control. And thank you for an
10 excellent presentation, not only by the attorney, but
11 also by staff and the witnesses.

12 MR. ACKEN: Thank you, Mr. Chairman, Members
13 of the Committee. We greatly appreciate your attention
14 and consideration.

15 Mr. Unrein.

16 MR. UNREIN: Yeah, Chairman and Committee,
17 thank you very much for taking the time in the last two
18 and a half days to hear our application and to vote in
19 favor of issuing a Certificate of Environmental
20 Compatibility.

21 We're very excited about this Project, and we
22 think it's going to bring numerous economic and
23 environmental benefits to northern Arizona. And this
24 is the first of many hearings that we're going to have
25 in 2019 and potentially 2020. We have two hearings

1 with counties in October, you know, the ACC Open
2 Meeting in November, more county hearings in December
3 and January, so we're very excited as we move this
4 Project through various regulatory bodies and
5 decision-makers.

6 And we thank you, as the first key
7 decision-making body hearing our Project, we thank you
8 for the positive comments and approving, as a
9 Committee, the CEC.

10 CHMN. CHENAL: Thank you, Mr. Unrein,
11 Mr. Acken.

12 Anything further from the Committee?

13 (No response.)

14 CHMN. CHENAL: If not, this hearing is
15 adjourned.

16 (The hearing adjourned at 11:37 a.m.)

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1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

3

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

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

13 I CERTIFY that I have complied with the
14 ethical obligations set forth in ACJA 7-206(F)(3) and
15 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,
16 Arizona, this 22nd day of September, 2019.

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KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

21

22

23 I CERTIFY that Coash & Coash, Inc., has
24 complied with the ethical obligations set forth in ACJA
25 7-206(J)(1)(g)(1) through (6).

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COASH & COASH, INC.
Registered Reporting Firm
Arizona RRF No. R1036

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