

1 BEFORE THE ARIZONA POWER PLANT LS-339

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE) DOCKET NO.
 4 APPLICATION OF SUNDOG ENERGY) L-21284A-23-0335-00229
 CENTER LLC, IN CONFORMANCE WITH)
 5 THE REQUIREMENTS OF ARIZONA) LS CASE NO. 229
 REVISED STATUTES, SECTIONS)
 6 40-360, ET. SEQ., FOR)
 CERTIFICATE OF ENVIRONMENTAL)
 7 COMPATIBILITY AUTHORIZING THE)
 SUNDOG SOLAR 230KV GENERATION)
 8 TIE LINE PROJECT LOCATED IN) EVIDENTIARY HEARING
 PINAL COUNTY, ARIZONA.)
 9 _____)

10 At: Casa Grande, Arizona

11 Date: February 5, 2024

12 Filed: February 9, 2024

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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 VOLUME I
16 (Pages 1 through 184)

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 Court Reporting, Video & Videoconferencing
 1555 East Orangewood Avenue, Phoenix, AZ 85020
 602.266.6535 admin@glennie-reporting.com

By: Jennifer Honn, RPR
 Arizona CR No. 50558

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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 777 North Pinal Avenue, Casa Grande,
5 Arizona, commencing at 1:00 p.m. on February 5, 2024.

6

7 BEFORE: ADAM STAFFORD, Chairman

8 GABRIELA S. MERCER, Arizona Corporation Commission
9 LEONARD DRAGO, Department of Environmental Quality
10 DAVID FRENCH, Arizona Department of Water Resources
(via videoconference)
11 R. DAVID KRYDER, Agriculture Interests
SCOTT SOMERS, Incorporated Cities and Towns
12 (via videoconference)
MARGARET "TOBY" LITTLE, PE, General Public
13 DAVE RICHINS, General Public
JOHN GOLD, General Public

14

15 APPEARANCES:

16

For the Applicant:

17

Albert H. Acken, Esq.
ACKEN LAW
111 East Dunlap Avenue
Suite 1-172
Phoenix, Arizona 85020

19

Sarah Noe, Esq.
BALLARD SPAHR
One East Washington Street
Suite 2300
Phoenix, Arizona 85004

22

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1 CHMN STAFFORD: Let's go on the record.

2 Now is the time set for the hearing on the
3 application for certificate of environmental
4 compatibility by SunDog Energy Center, docket number
5 L-21284A-23-0335-00229, for line site case 229.

6 Let's take roll. Member Richins.

7 MEMBER RICHINS: Here.

8 CHMN STAFFORD: Member Little.

9 MEMBER LITTLE: Representing the public,
10 present.

11 CHMN STAFFORD: Member Drago.

12 MEMBER DRAGO: Present.

13 CHMN STAFFORD: Member Kryder.

14 MEMBER KRYDER: Here.

15 CHMN STAFFORD: Member Gold.

16 MEMBER GOLD: Here.

17 CHMN STAFFORD: Member Mercer.

18 MEMBER MERCER: Present.

19 CHMN STAFFORD: Member Hill.

20 MEMBER HILL: Present.

21 CHMN STAFFORD: I believe we have online
22 Member Somers.

23 MEMBER SOMERS: Here.

24 CHMN STAFFORD: And Member French.

25 MEMBER FRENCH: Present.

1 CHMN STAFFORD: Thank you. I'd like to
2 admonish the public that the ex parte rule's in effect,
3 and that communications with the Committee should be made
4 on the record during the public comment session. If they
5 do have a procedural question, they may ask the Chair,
6 me.

7 Let's take appearance of the applicant.

8 MR. ACKEN: Thank you, Mr. Chairman,
9 members of the Committee. Bert Acken of Acken Law and
10 Sarah Noe of Ballard Spahr, on behalf of the applicant,
11 SunDog Energy Center, LLC.

12 CHMN STAFFORD: Now, there have been no
13 requests for interventions in this matter; correct?

14 MR. ACKEN: That's correct.

15 CHMN STAFFORD: Would you like to make an
16 opening statement, Mr. Acken?

17 MR. ACKEN: I would. Thank you,
18 Mr. Chairman.

19 I'd like to use a few visuals. We're --
20 you know, as most of these cases are, they're heavy on
21 maps and visual presentations, and you're going to see
22 our witnesses provide us information in greater detail.

23 But I think it is helpful to at least
24 preview what you're going to see during their testimony.

25 So, again, SunDog Energy Center, it's an

1 affiliate of Invenergy, LLC. This is the second project
2 Invenergy has brought before the Committee. The first
3 one was the Hashknife Energy Center in northeast Arizona.

4 We are requesting approval for a SunDog
5 Solar 230kV generation gen-tie line project. The -- I
6 want to show a different map first. I'll use this one.

7 It's an approximately 1.7 mile transmission
8 line to interconnect the SunDog Solar Energy to the
9 regional transmission grid at Pinal Central substation.

10 So the map on the left is R-17. This is a
11 corridor map and there's some details about the corridor
12 that I'm going to explain in additional detail in a
13 little while.

14 The key things I want to point out for now
15 is -- and Mr. Petry, if you have the good pointer, I'd
16 ask that you follow along for me and highlight.

17 So starting from the project substation in
18 the northwest portion of this area, the upper left of the
19 slide, the project will head east for approximately a
20 half mile, then it will head south in that blue
21 corridor -- we're having a bit of a technical difficulty.
22 Maybe --

23 Thank you, Grace.

24 So again starting from the western
25 terminus, the project will commence in the project

1 substation which Mr. Petry is highlighting with the green
2 laser pointer.

3 From there, it will traverse to the east
4 for approximately a half mile, turn south for a little
5 less than half a mile, before turning east again for
6 another half mile or so, before it enters the Pinal
7 Central substation.

8 I'll detail this corridor in a little bit
9 more detail, but the things I wanted to highlight for you
10 is, you know, you see it's a variable width corridor.

11 We're requesting a up to 100-foot
12 right-of-way in which the place -- the project, the
13 variable width corridor is designed to provide for
14 flexibility in a couple locations to address landowner
15 concerns and opportunities to coordinate with affected
16 landowners on the specific placement of the project.

17 So that's why you see as we -- both north
18 of the existing residential area into just to the east of
19 the project substation, and they get -- then again, where
20 the project enters the existing Pinal Central substation,
21 and what's being highlighted there is actually the Pinal
22 County fairgrounds.

23 That area, we're providing a little
24 additional flexibility to work with those landowners.

25 The entire project is located on private

1 land with a small segment as I mentioned on Pinal County
2 fairgrounds.

3 This map shows the affected jurisdictions.
4 So in gray is Pinal County. The teal, or I think I've
5 heard mint, which I kind of like, the mint color is
6 Coolidge. And so you see most of the gen-tie is in Pinal
7 County with a small portion as it enters that Pinal
8 Central substation that's in Coolidge.

9 Pink color is Eloy. Incorporated Eloy.

10 Also in this map you can see the hatched
11 area for the generation project that is located entirely
12 in unincorporated Pinal County.

13 We will talk about the status of the
14 development for the generation project, the
15 nonjurisdictional generation project. We received a
16 major comprehensive plan amendment approval in 2020 from
17 Pinal County, and is going through the rezoning process
18 concurrently.

19 So this one's a little different than some
20 where we're actually doing them at the same time. So
21 we're in realtime, we're going through the county
22 entitlement process.

23 We have a panel of three witnesses. You
24 see them eagerly awaiting the opportunity to speak.
25 Katie DeSpain is the project manager of Invenergy. As

1 well as Devin Petry and Colin Agner of SWCA. They're
2 going to provide the testimony you would expect to see in
3 support of the CEC application, talk about the applicant,
4 the route, the requested right-of-way and corridor.

5 Mr. Petry will provide a virtual tour of
6 the project. The panel will also address public notice
7 and outreach conducted in support of the application, the
8 environmental resources conducted.

9 And then of course expert opinion regarding
10 the environmental compatibility of this project
11 consistent with the Committee's prior decisions.

12 So there are a few unique factors that I
13 wanted to highlight in my opening to kind of set the
14 stage, so that you're going to hear them again during the
15 presentation. And the first one is this corridor, the
16 blue section in particular.

17 So in case 212, the Eleven Mile Solar case,
18 this Committee adopted a condition requiring Eleven Mile
19 Solar to work in good faith with SunDog, who intervened
20 in that case on the placement of the transmission route
21 on Eleven Mile Solar's project.

22 You will see in the testimony Eleven Mile
23 Solar's project is currently under development. It
24 covers a large area of our study area and in the vicinity
25 of the project, and we had to get a -- had to have a way

1 to cross their project in order to access Pinal Central.

2 That process was successful. That
3 condition worked as intended. And we do have an easement
4 in place with Eleven Mile Solar, the area shown in blue
5 on our project corridor, that is an easement, again,
6 established effective as a result of this Committee's
7 decision in case 2012 [sic].

8 Another big issue in this case is land use.
9 And both existing and future land use. If the Committee
10 takes a tour, you will see that this is an area that is
11 undergoing development currently.

12 A lot of electrical infrastructure
13 development, some residential development as well.
14 Figure -- this is I believe it is A-3 from the
15 application, but it's slide R-41 shows future land uses
16 in the area.

17 Future land use shown in blue are solar
18 generating facilities. To the lower left in the hash, it
19 goes from the lower left to the upper right is the Eleven
20 Mile Solar project that is actively being constructed as
21 we speak.

22 The SunDog project is shown to the upper
23 left -- thank you -- highlighted right there, and further
24 north, that's the location of the SunDog project.

25 Other future land uses of note, the beige

1 is existing and future residential. The purple is the
2 Pinal County fairgrounds. In red is commercial. Green
3 is agriculture.

4 We do have opposition from one or two
5 adjacent homeowners. That's reflected in the application
6 materials, and I believe you will have public comment to
7 that effect here.

8 We are going to provide testimony that
9 siting electrical infrastructure next to residential
10 areas is common, consistent with Pinal County's land use
11 plan, and environmentally compatible.

12 While our testimony will show that these
13 land uses can -- are compatible, visual impacts can be
14 minimized consistent with the Committee's authority to
15 adopt reasonable conditions.

16 The testimony will show that mitigation
17 measures are best developed in consultation with affected
18 parties, which requires their good faith participation.

19 The one nearby resident who has been most
20 vocal has been unwilling to meet with the applicant to
21 this time to discuss their concerns and see if there are
22 mitigation measures that we could adopt.

23 With that said, the applicant has done what
24 it can do on its own, and that's what you see with the
25 proposed corridor.

1 So this area, if you could highlight where
2 we have the opposition, from those homeowners right
3 there, we have extended the corridor north in that area
4 480 feet wide, up to 287, to provide the Committee with
5 options if there is a desire in that area to address
6 those concerns by placing the right-of-way further away
7 from existing residential.

8 A third point that I want to talk about and
9 preview for you is an example of how the project can
10 work. That's going to be presented with respect to
11 cultural resources.

12 The testimony will show that through
13 consultation process with SHPO, State Historic
14 Preservation Office, the applicant learned of an
15 archeological site that was present in what is now the
16 heavily disturbed area around the Pinal Central
17 substation.

18 Consistent with the SHPO's recommendation,
19 the applicant will today prepare -- will propose a
20 condition to avoid that site if possible, and monitor and
21 mitigate if avoidance is not possible. And I want to
22 highlight that because that's the role of this process is
23 identify concerns, identify measures to mitigate those
24 concerns. And we will do that.

25 The fourth and last kind of unique point

1 that I want to highlight for this committee in my opening
2 is this map, which is a little busy.

3 This is Pinal Central substation. You will
4 see this in Mr. Agner's presentation, but I wanted to
5 preview it for you. Pinal Central, as this Committee,
6 many of these Committee members may be aware, was
7 approved, I believe it was in case 120 or case 126.

8 SRP was the project applicant on behalf of
9 a number of Arizona entities in order to bring regional
10 transmission from the Palo Verde area all the way from
11 the west, south to this area, at the time this was called
12 the Pinal South substation, and then up to the north and
13 east to interconnect with the rest of SRP's system.

14 So in effect completing an extra-high
15 voltage loop, if you will, around the Phoenix
16 metropolitan area.

17 That substation is a regional asset for the
18 state of Arizona. What you have shown in this map are
19 all of the lines that interconnect and will interconnect
20 at that switchyard substation.

21 So on the left, you have SRP Duke Pinal
22 Central, and the SRP Desert Basin Pinal Central lines.
23 Those are a 500 and 230kV line on double circuit
24 structures that interconnect into Pinal Central from the
25 west. And then again on double circuit structures they

1 head out to the east to Randolph and Browning.

2 Other existing lines in the area include
3 existing WAPA ED2 lines. These are 115kV voltage. They
4 actually do not currently interconnect at Pinal
5 substation, but it is my understanding that WAPA does
6 have future plans to interconnect those. They have
7 existing WAPA ED2 substation, which predated Pinal
8 Central. That substation has been in existence for quite
9 some time.

10 In addition to WAPA's infrastructure and
11 Pinal Central to the left, you see a couple dashed lines.
12 One is for the APS-Sundance-Pinal Central line. This
13 project, believe it or not, was sited 15 years ago, maybe
14 more.

15 I was sitting in Ms. Noe's seat when we
16 sited that project. But it is -- APS has informed us
17 that that project is moving forward with an estimated
18 in-service date I believe of 2025. But the witnesses
19 will address that. So you have that project coming in.

20 As well as the project that you recently
21 approved, Eleven Mile Solar. And if we take the tour,
22 you will see the rapid construction of Eleven Mile Solar
23 including their substation which is located just south of
24 the fairgrounds in the area that's being highlighted on
25 the map.

1 To the east of this area, you have
2 NextEra's Pinal Central Energy Center Mr. Petry's
3 highlighting the solar array and then the
4 interconnection, and its substation is located adjacent
5 to the east of Pinal Central.

6 That project was approved by the Committee
7 I believe in case 174 -- or 2 -- I'll get that number
8 correct. TEP Pinal Central to Tortolita is an existing
9 500kV line that interconnects at that substation, and
10 then from there it ultimately heads south towards
11 Tortolita to interconnect into TEP's system.

12 And then the final one that you have that
13 you see highlighted there are the two AC lines associated
14 with line 1 of the SunZia project. So, remember,
15 SunZia's a DC line that will convert to an AC line to
16 interconnect at Pinal Central.

17 So why do I mention all of that? Our
18 testimony will show that the Pinal Central substation in
19 this location has been long designated by the state of
20 Arizona as an important location for electrical
21 infrastructure. And it is an important resource for the
22 state of Arizona that we utilize it fully.

23 To that point, this project does have a
24 completed system impact study prepared by Salt River
25 Project, which not surprisingly in my layperson's view

1 shows no impacts to the regional system by the
2 interconnection of the project because, again, it's
3 interconnecting at a regional switchyard substation that
4 is designed for that specific purpose.

5 So with that, I'll do what I normally do is
6 kind of orient you. We have our application. I hope
7 there's a handful of copies of the application itself
8 circulating.

9 We also have place mats for this hearing in
10 front of each and every of you. It shows, on one side
11 you'll see the corridor map that we are requesting along
12 with existing land uses in the area. These maps are the
13 best that we could do, but understand this is a rapidly
14 developing area with electrical infrastructure.

15 On the other side is the map showing future
16 land use. You can see by the orientation it even shows
17 the AES project, which I didn't even mention, further
18 south outside of the project study area.

19 We have an exhibit binder with exhibits,
20 our number, 20 exhibits that we will present testimony in
21 support of throughout. We have a handful of copies -- 19
22 at this time, exhibits. And there are some hard copies
23 of that as well as the copies available for you
24 electronically.

25 So with that, that conclude the remarks I

1 wanted to make at the opening. Obviously if there are
2 questions that the Committee has based on my opening that
3 you want to make sure we address as part of our direct
4 case, please let us know, we will do so. And otherwise
5 we're prepared to move forward with our direct case.

6 CHMN STAFFORD: All right. Thank you,
7 Mr. Acken. And you'll be calling all your witnesses as
8 one panel?

9 MR. ACKEN: We will.

10 CHMN STAFFORD: Then let's get them sworn
11 in.

12 Ms. DeSpain, would you prefer an oath or
13 affirmation?

14 MS. DESPAIN: Affirmation.

15 (Ms. DeSpain was affirmed by Chairman
16 Stafford.)

17 CHMN STAFFORD: Mr. Petry, oath or
18 affirmation?

19 MR. PETRY: Affirmation, please.

20 (Mr. Petry was affirmed by Chairman
21 Stafford.)

22 And Mr. Agner, oath or affirmation?

23 MR. AGNER: Affirmation, please.

24 (Mr. Agner was affirmed by Chairman
25 Stafford.)

1 CHMN STAFFORD: Mr. Acken, please proceed.

2 MR. ACKEN: Thank you, Chairman.

3

4 KATIE DESPAIN, DEVIN PETRY, and COLIN AGNER,
5 called as witnesses as a panel on behalf of Applicant,
6 having been previously affirmed or sworn by the Chairman
7 to speak the truth and nothing but the truth, were
8 examined and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MR. ACKEN:

12 Q. Ms. DeSpain, if you would please, state your
13 name and business address for the record?

14 A. (Ms. DeSpain) My name is Katie DeSpain. My
15 business address is One South Wacker Drive, Suite 1800,
16 Chicago, Illinois 60606.

17 Q. By whom are you employed and in what capacity?

18 A. (Ms. DeSpain) I'm employed by Invenergy as an
19 associate of renewable development. For this project I
20 serve as the project developer for the SunDog Solar 230kV
21 generation tie-line project, which we'll referring to as
22 "the project."

23 Q. Next describe your educational and professional
24 background.

25 A. (Ms. DeSpain) I graduated from Rice University,

1 Houston, Texas with a bachelor's of science in civil and
2 environmental engineering. I also hold a certificate in
3 engineering leadership, and also served as the president
4 of Rice University's rocketry team.

5 And my professional background, I've been with
6 Invenergy. I am an associate of renewable development
7 where I oversee multiple solar energy storage projects in
8 the state of Arizona. I'm responsible for my projects
9 from conception up until start of construction including
10 things like permitting, land acquisition, and
11 environmental and engineering studies.

12 Q. And what topics will you cover today in your
13 testimony?

14 A. (Ms. DeSpain) I'll be providing an overview of
15 the applicant. I'll describe the project, the purpose
16 and need for the project, I'll be describing the proposed
17 route corridor and right-of-way for the project. And
18 I'll be describing our public and stakeholder
19 environment.

20 Q. Thank you.

21 Mr. Petry, same line of questioning for you.
22 State your name and business address, please.

23 A. (Mr. Petry) Sure. My name is Devin Petry. My
24 business address is 20 East Thomas Road, Suite 1700,
25 that's in Phoenix, Arizona 85012.

1 Q. And next describe your professional and
2 educational background.

3 A. (Mr. Petry) Sure. I received a bachelor of
4 arts degree in geography the University of Arizona. I am
5 a senior environmental planner and strategic growth
6 director with SWCA Environmental Resources, based here in
7 Phoenix. I have 16 years of experience with consulting
8 work and most of that has been doing facility siting
9 studies and permitting here in the southwest.

10 Q. And describe your prior testimony before the
11 Committee?

12 A. (Mr. Petry) Sure. I have appeared before this
13 Committee in 10 prior cases.

14 Q. Most of the Committee by this time is familiar
15 with SWCA, but for the completeness of the record and for
16 members who may not be as familiar, who is SWCA?

17 A. (Mr. Petry) We are -- SWCA is a national
18 environmental consulting company. We're based out of
19 Phoenix, Arizona, but, again, operate nationally.

20 We provide comprehensive environmental planning,
21 permitting, siting, regulatory compliance and natural and
22 cultural resources consulting support. And, again, based
23 here in Arizona. Been here in Arizona for over 40 years,
24 and national presence.

25 Q. And what was SWCA's role with respect to this

1 project and the CEC application prepared in support of
2 it?

3 A. (Mr. Petry) SWCA was retained by the applicant,
4 SunDog Energy Center, to assist with the public
5 involvement activities, develop and complete the
6 application for a CEC as well as undertake the
7 environmental resource studies that supported that
8 application. I served as the project manager for SWCA,
9 assisted by my colleague, Mr. Colin Agner.

10 Q. And how specifically did SWCA assist the
11 applicant with developing the application material?

12 A. (Mr. Petry) We assisted by collecting the
13 environmental data, completing the resource studies,
14 supported the application, as well as the public outreach
15 process.

16 We helped with the public outreach process and
17 all of that information is contained in Exhibits A
18 through J of the CEC application. And I and Mr. Agner
19 personally coordinated these exhibits and efforts and
20 oversaw the compilation of that information.

21 Q. What topics will you cover in your testimony?

22 A. (Mr. Petry) The purpose of my direct testimony
23 today is to provide the siting committee with information
24 on a few aspects of the application itself, the project
25 overall.

1 Those include specifically scenic areas,
2 historic sites and structures and archeological sites, as
3 included in the application Exhibit E. Also noise and
4 interference which is included in Exhibit I, and then I
5 will provide the Committee with a presentation of the
6 project's virtual tour.

7 Q. Thank you, Mr. Petry.

8 Turning now to Mr. Agner. State your name and
9 business address.

10 A. (Mr. Agner) Sure. My name is COLIN AGNER, and
11 my business address is 343 West Franklin Street, Tucson,
12 Arizona 85701.

13 Q. And who is your employer and in what capacity
14 are you employed?

15 A. (Mr. Agner) I am an environmental planner and
16 project manager at SWCA Environmental Consultants. And
17 as Mr. Petry just testified to, I was the assistant
18 project manager for this case.

19 Q. Next describe your professional and educational
20 background.

21 A. (Mr. Agner) I received a bachelor of science
22 degree from Westminster College in New Wilmington,
23 Pennsylvania, and I also received a master of science
24 degree in planning from the University of Arizona.

25 I'm an environmental planner and project manager

1 at SWCA Environmental Consultants, and have 12 years of
2 experience in environmental surveys, environmental
3 permitting and planning.

4 Q. And I see you also have previous testimony
5 experience before this Committee; is that correct?

6 A. (Mr. Agner) Yes, I testified for this Committee
7 in line siting case number 219.

8 Q. What is the purpose of your testimony today?

9 A. (Mr. Agner) The purpose of my testimony is to
10 provide the siting committee with information on the
11 environmental studies completed in support of the
12 application, which include existing and planned land
13 uses, which is application Exhibits A and B; biological
14 resources, which is application Exhibit C and D;
15 recreation purposes and aspects, which is application
16 Exhibit F; and existing plans, which is application
17 Exhibit H.

18 Q. Thank you all for the intro. We're going to
19 start off with a discussion of the applicant.

20 So for that, Ms. DeSpain, provide some
21 background about both the specific applicant, which is
22 SunDog Energy Center, LLC, as well as its affiliate
23 Invenergy, LLC?

24 A. (Ms. DeSpain) SunDog Energy Center, LLC is an
25 affiliate of Invenergy, LLC. Invenergy is the world's

1 leading privately held clean energy company.

2 Our core business focuses on developing, owning
3 and operating wind, solar, and battery energy storage
4 facilities. Invenergy has been around for over 20 years
5 and has developed over 30 gigawatts of capacity.

6 One project I'll point out on slide R-7, is the
7 Samson Solar Energy Center, highlighted in yellow, which
8 is being constructed in Texas and is one of the largest
9 solar facilities in the United States.

10 Invenergy is an American-led, American-managed
11 company based in Chicago, Illinois, with regional offices
12 and employees throughout the United States and
13 internationally, including full-time employees right here
14 in Arizona.

15 Q. In addition to the Samson Solar project,
16 describe Invenergy's experience with other solar and
17 storage projects.

18 A. (Ms. DeSpain) Invenergy has extensive
19 experience with solar and battery energy storage
20 projects. On slide L-8 you can see our solar experience,
21 which includes 27 projects currently in operation and an
22 additional 25 either contracted or under construction.

23 Similarly, for battery energy storage, there are
24 17 projects in operation with an additional four either
25 contracted or under construction.

1 One other notable example of a solar project
2 that Invenergy is developing is the Yuma Solar Energy
3 Center, which is currently being constructed in Yuma
4 County, Arizona. It's a 70-megawatt solar and storage
5 project that will be operational this year, 2024.

6 Q. In addition to the Yuma project, what other
7 projects does Invenergy have in Arizona?

8 A. (Ms. DeSpain) Including the Yuma project,
9 Invenergy has 12 projects in the state of Arizona that
10 are either in construction or operational. 11 battery
11 storage projects, and one solar project.

12 We are proud to partner with Arizona Public
13 Service for all 12 of these projects. And in addition to
14 these we have other solar and storage projects that are
15 currently in earlier stages of development, such as the
16 SunDog Solar Energy Center.

17 All of the projects that I have listed are shown
18 on the right on slide R-9, and are located in Yuma or
19 Maricopa counties while SunDog Energy Center is located
20 in Pinal County.

21 Q. Given Invenergy's presence in Arizona, how does
22 Invenergy give back to the local community?

23 A. (Ms. DeSpain) Invenergy contributes positively
24 to the communities where we work in a number of different
25 ways. First of all, we provide support for first

1 responders. So an example of this was our donation to
2 support the Sun City fire department at the El Sol --
3 associated with the El Sol battery energy storage
4 facility.

5 And we also provided training for Sun City fire
6 department staff on battery energy safety. Pictures from
7 those events are on the left-hand side of slide R-10. In
8 addition to this we also provide support in contributions
9 to local important events in our communities, include
10 sponsoring the Pinal County Fair small stock show, and
11 sponsoring the United Way of Pinal County golf
12 tournament. Pictures from the Pinal County Fair are
13 shown in the middle picture and on the upper right-hand
14 side of slide R-10.

15 And finally we are also members and involved
16 with local organizations such as the Pinal Partnership,
17 WESTMARC, United Way of Pinal County, and the Coolidge
18 Chamber of Commerce.

19 Q. Thank you. Now we're going to start talking
20 about the project facilities at issue here. But before
21 we dive into the transmission line, take a moment and
22 describe for the Committee the nonjurisdictional solar
23 and battery project that the transmission line will
24 interconnect to the regional grid.

25 A. (Ms. DeSpain) Yes. The SunDog Energy Center

1 is the nonjurisdictional solar facility. It is
2 200 megawatts of solar and 200 megawatts of battery
3 energy storage, and we'll be referring to as "The solar
4 facility." It is also composed of an on-site substation
5 and related facilities. It is projected to be
6 operational by 2026.

7 Q. Next, provide a high-level overview of the
8 transmission line itself.

9 A. (Ms. DeSpain) The generation tie-line is a
10 1.7-mile, 230kV alternating current generation intertie
11 transmission line. It will deliver power from the
12 adjacent solar facility to Pinal Central substation which
13 is operated by Salt River Project.

14 Q. Why is this project needed and what purpose does
15 it serve?

16 A. (Ms. DeSpain) This project is needed to connect
17 the solar facility to the regional electrical
18 transmission grid via Pinal Central substation for use by
19 electric customers.

20 The purpose of the CEC application is to secure
21 approval of the generation tie-line project.

22 We also know that this project is needed because
23 Arizona is in need of more renewable resources on
24 Arizona's grid, and this is confirmed by statements made
25 by SRP and APS.

1 For example, on slide L-13, we can see from
2 SRP's 2023 integrated system plan that they are preparing
3 to add 7,000 megawatts of new renewable resources
4 including 6,000 megawatts of new large-scale solar
5 resources of which this project is one, by 2035.

6 Similarly, APS projects a growth of
7 3,400 megawatts of capacity needs or nearly 230 megawatts
8 annually by 2038.

9 These needs are also reflected in slide R-13
10 which shows a graphic prepared by SRP that shows that
11 today's energy mix is only a small percentage of
12 renewables, but their plan for the year 2035 anticipates
13 supplying the majority of their energy through renewable
14 resources.

15 Similarly, APS's table provided at the right,
16 excuse me, shows that sources of energy growth are large
17 and include new data centers, large manufacturing and
18 industrial facilities and electrical vehicles.

19 To conclude, SRP also says that they will need
20 to double or triple their power resource capacity in the
21 next decade to achieve these goals. We believe that this
22 project is a valuable asset to help Arizona utilities
23 meet these goals, and it is also located in an ideal
24 location next to the Pinal Central substation to minimize
25 gen-tie length.

1 Q. Next, talk about the structures that will be
2 used. We mentioned the solar battery project, we talked
3 about generally about the transmission line, but what
4 will the structures look like?

5 A. (Ms. DeSpain) The structures for this project
6 will be constructed using galvanized or weathered steel
7 or wood monopole or multi-pole structures. They will
8 be -- they will have at least 25 feet of ground
9 clearance, and the aboveground height will be 70 to
10 90 feet. The structures will be placed 600 to 700 feet
11 apart, and dead-end structures will be used at the
12 90-degree turns near Pinal Central substation.

13 The structures proposed are shown on slide R-14,
14 where the structures highlighted in the green box are
15 ones that will be used on the generation tie-line itself
16 with the other structure only being used in the
17 substation area.

18 Q. Thank you. Now, I'd like you to talk a little
19 more about the route itself. I previewed it in my
20 opening, but of course my opening is not testimony; yours
21 is.

22 So for the record, and so that we have this
23 testimony in the record, would you walk the Committee
24 through the proposed route and the context of the area in
25 which it is located?

1 A. (Ms. DeSpain) Yes, I can. So I'll be looking
2 at slide R-16. The line will start at the project
3 substation which is outlined in the orange box right
4 where my cursor is. From there it will be routed about
5 six tenths of a mile east before making a 90-degree turn
6 and being routed four tenths of a mile south.

7 At this point it continues to parallel the
8 existing 230kV and 500kV transmission lines that are
9 already there. It will follow those transmission lines
10 across the Pinal County fairgrounds before jogging down
11 and into the Pinal Central substation which we can see in
12 the red box.

13 Q. Thank you for mentioning the existing
14 transmission line located in the area, because I did not
15 do that in my opening. So the corridor, you said it runs
16 parallel in places to existing transmission lines. Could
17 you describe those for the Committee? If you could go
18 back to the prior slide.

19 A. (Ms. DeSpain) Describe the --

20 Q. The 500 -- I'm sorry, the 500 and 230kV
21 transmission line that crosses the Pinal Count
22 fairgrounds where you will parallel it?

23 A. (Ms. DeSpain) Yes. So we've designed the
24 corridor to be variable width, and we're looking to site
25 it in proximity to the existing transmission lines

1 wherever possible.

2 The red and orange are both part of the same
3 pole structure that crosses east to west through the
4 fairgrounds, and we will be attempting to parallel that
5 as much as we can without entering SRP's existing
6 easement.

7 Q. Thank you very much. And sorry for that
8 digression. Now I'd like you to talk about the
9 right-of-way and that variable-width corridor and the
10 opportunities that the corridor provides.

11 A. (Ms. DeSpain) Yes. So our corridor is a
12 variable width to allow for maximum flexibility from both
13 landowners and nearby operating utilities which Mr. Acken
14 described earlier.

15 An example of this is in this area here where we
16 have a wider corridor contemplated to allow for maximum
17 flexibility and coordination with Pinal County through
18 the fairgrounds.

19 These details are still being coordinated with
20 Pinal County, but we wanted to allow for maximum
21 flexibility in those areas. The corridor itself spans
22 from 100 to 600 feet, depending on the area, and the
23 right-of-way will be sited within that corridor to a
24 maximum width of 100 feet.

25 As Bert mentioned in the opening, I wanted to

1 call attention to the blue portion of the corridor here
2 running south and east, which was established pursuant to
3 Condition 24 in CEC case number 212.

4 As Mr. Acken described, this was the Eleven Mile
5 Solar case where we intervened with the request that
6 Orsted work with us in good faith to allow an easement
7 over their solar property. We were able to successfully
8 work with Orsted to negotiate that easement, and now have
9 incorporated that easement into our final corridor today.

10 I also wanted to call brief attention to a
11 newspaper article that we know was published that shows
12 an incomplete map missing the legend that has caused
13 confusion. We wanted to clarify on the record that this
14 is the only route that has ever been publicly proposed
15 for this project. There were no alternate routes
16 contemplated.

17 MEMBER GOLD: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Gold.

19 MEMBER GOLD: Question for Ms. DeSpain.

20 I'm looking at your route, and I'm looking
21 at a possible alternative, but, again, I'm not an
22 engineer. When you leave your first facility and you
23 go up there, and you go due east to connect with an
24 existing transmission line, okay.

25 Now go back to the starting point. What

1 happens if you go straight due south, keep going south
2 now, and connect with that existing transmission line?

3 Why not just go -- why did you choose to go
4 east and then -- I'm sorry -- why did you choose to go
5 east and then south instead of south and then east around
6 the residential areas.

7 MS. DESPAIN: Yes. So we can see from the
8 map that the property with the diagonal hashmarks is part
9 of our solar facility.

10 MEMBER GOLD: So you own that already.

11 MS. DESPAIN: We are leasing that from the
12 landowner, yes. But once we cross Laughlin Road, that
13 then becomes Orsted's property where their Eleven Mile
14 solar center is currently being built. And so --

15 MEMBER GOLD: Wait. Let's stop. You don't
16 have to go down that far. If you just go down to the
17 southern boundary, the southeastern boundary of your
18 project, there's already a transmission line going
19 east/west if I understand it from this map.

20 MS. DESPAIN: Yes, so that --

21 MEMBER GOLD: That way you would simply
22 have a transmission line along your solar farm, and then
23 you would meet an existing line, so you wouldn't be
24 throwing up extra transmission lines where they don't
25 exist now.

1 MS. DESPAIN: So that existing line is
2 owned by SRP, and they have their own easement. We did
3 ask SRP about sharing facilities or sharing their
4 easement in coordination with them for this gen-tie line,
5 and their response is that they were not able to allow us
6 to share any of their lines or share any of their
7 easements in that area.

8 The reason they cited was to keep room open
9 for their future growth. So SRP was reserving that area
10 for future line development, for lines being developed by
11 them, so we were not allowed to share their easement.

12 In the area that shows our route
13 paralleling those existing lines, that would still be our
14 separate easement. They're not allowing us to share
15 their easement in that area either. So we're having to
16 get new easements for this line.

17 MEMBER LITTLE: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: To clarify, you were able
20 to get easements in the area where you are running
21 parallel to the existing 500 and 230kV lines, but you
22 could not get easements to the west of that in the area
23 that Mr. Gold was talking about?

24 MS. DESPAIN: So I'll -- I'll -- yes, let
25 me clarify. So taking us from our project substation

1 over this -- this parcel here, we have a purchase option
2 on that parcel so we're able to develop facilities there.

3 Going south and east in this blue area
4 along, this is the Orsted property, so we have a
5 100-foot-wide easement through there. That is where it
6 starts to parallel the existing transmission lines.

7 Once we switch from the blue color back to
8 the tan color, this is now not -- no longer owned by
9 Orsted. This is part of the Pinal County fairgrounds and
10 that easement is still under negotiations with the Pinal
11 County fairgrounds at this time.

12 MEMBER LITTLE: I understand that. I'm
13 curious about the route that was proposed by Member Gold,
14 which possibility of going south to, what is that,
15 Laughlin Road and then across. You would have -- you
16 would have to obtain easements from the properties that
17 are on the north side of Laughlin Road and could not do
18 that?

19 MS. DESPAIN: We would have either had to
20 obtain an easement through this -- this was a number of
21 parcels, more of a residential development right here.
22 Or we would have had to obtain an easement on the south
23 side of this existing transmission line, and this is
24 through Orsted's facility.

25 MEMBER LITTLE: Orsted -- excuse me. I

1 didn't mean to interrupt you, but Orsted is another solar
2 facility?

3 MS. DESPAIN: Yes. They are the same solar
4 company that owns the piece in blue here. So this piece
5 in blue was the easement that we were able to get, and
6 the -- our ability to obtain easements has informed our
7 route.

8 MEMBER LITTLE: And they would not give you
9 an easement along Laughlin Road.

10 MS. DESPAIN: I don't recall the specifics
11 of our conversation. I could -- I could try to --

12 CHMN STAFFORD: My understanding was that
13 along Laughlin Road, that's the easement that SRP has for
14 their 500kV line.

15 MS. DESPAIN: So, so we've have to go
16 around that and then protrude further into their solar
17 facility, which is now under construction.

18 CHMN STAFFORD: Okay. So --

19 MEMBER LITTLE: There's a lot of room on
20 either side of that -- of Laughlin Road.

21 CHMN STAFFORD: But south of Laughlin Road,
22 are you telling me that's a development from Orsted,
23 they're building a solar field south of Laughlin Road;
24 correct?

25 MS. DESPAIN: That's correct.

1 CHMN STAFFORD: So --

2 MEMBER RICHINS: Chairman, just --

3 MEMBER LITTLE: But they're also building

4 one to the east of the blue vertical line there, too.

5 But they gave them an easement there. I'm just curious

6 whether or not -- I guess the question is did you attempt

7 to talk to them about the possibility of getting an

8 easement along Laughlin Road east/west on the west side

9 of --

10 MS. DESPAIN: I can follow up on that.

11 MEMBER LITTLE: Please do.

12 MS. DESPAIN: I was not the primary contact

13 for those negotiations, but I can get that information.

14 I can do my best to get that for you.

15 CHMN STAFFORD: Member Richins, do you have

16 a question?

17 MEMBER RICHINS: Yeah, Chairman. I just

18 wanted to confirm that -- so SRP has the 500kV easement

19 along that -- south of that neighborhood? And if you go

20 north of that neighborhood, it's just additional

21 homeowners. So you're trading out homeowners for

22 homeowners on that route.

23 So it doesn't really get you anywhere to go

24 north of there, because you still have homeowners that

25 are in that area. So -- and SRP is blocking you to the

1 south. Is that -- am I understanding that right?

2 MS. DESPAIN: That's correct.

3 MEMBER GOLD: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member Gold.

5 MEMBER GOLD: But there were already poles
6 on that road. If you -- what's the name of the road
7 again?

8 CHMN STAFFORD: Laughlin.

9 MEMBER GOLD: Laughlin Road? You already
10 have transmission lines on that road extending from off
11 the map on the west to where it connects to your blue
12 line that runs east/west. There were already power lines
13 there.

14 So the only homes that you would be
15 affecting would be the ones north/south next to the solar
16 field as opposed to the ones north/south where your
17 present line is going.

18 It would seem that it would be a lot less
19 intrusive to push to do it on the south on that road. Do
20 you have any -- where's your documentation or something
21 that you have attempted to do that? And why is it being
22 refused? I mean, it's not your company that's refusing
23 it, but why are they refusing it? I'm just curious.
24 They want to build something else but you got plenty of
25 land to build something else on.

1 CHMN STAFFORD: Yeah. Member Gold, I
2 believe that was what she was going to follow up with and
3 then have another answer because my understanding was
4 that along Laughlin Road, that easement is controlled by
5 SRP, and that they -- she was going to follow up and find
6 out what discussions there were with SRP to potentially
7 place the line along -- parallel to Laughlin Road at the
8 southern end of that community. And then she was going
9 to follow up with that after we take a break, I believe.

10 MEMBER GOLD: Mr. Chairman, a question for
11 you, then, because I don't know this answer. Who
12 actually controls what lines are granted and what lines
13 aren't granted?

14 MEMBER RICHINS: You do.

15 MEMBER GOLD: We grant the lines to SRP?

16 CHMN STAFFORD: Yes, I think -- a CEC is a
17 necessary condition to build the line, but it is not
18 sufficient. It's going to take approval from the county
19 and whatever other landowners are involved in addition to
20 a CEC from this Committee and ultimately the Commission.

21 MEMBER GOLD: So if the existing line
22 already was approved apparently with our approval and
23 everybody else who approved it, can we now say exert
24 pressure on that other company to allow this company to
25 use that line?

1 CHMN STAFFORD: Well, we could certainly
2 issue a CEC that would authorize them to build it there.
3 Whether they would be able to ultimately do so or not
4 would be up to county, the landowner and whoever else
5 controls the easement to -- for the existing line.

6 MEMBER GOLD: Okay.

7 CHMN STAFFORD: Is that -- is that -- my
8 understanding correct, does that gel with what you
9 understand, Mr. Acken?

10 MR. ACKEN: Yes, Mr. Chairman. Thank you,
11 and try to be mindful of my role and your role in
12 advising the Committee. But, yes, we will provide
13 additional clarification on this point.

14 But you have -- there's multiple factors
15 that go into siting a line. The CEC is one. Developers
16 like Invenergy unlike SRP don't have condemnation
17 authority; right? So we have to work with willing
18 landowners.

19 And so what Ms. DeSpain was testifying, and
20 we'll clarify and follow up, is in order to get an
21 easement south of the existing SRP lines, we would need
22 both the authority of SRP and Orsted, neither of which
23 has given us authority.

24 Orsted pursuant to that condition gave us
25 authority for the area shown in blue. SRP has not given

1 authority to use that line. And as I mentioned in my
2 opening, you also have APS with a certificate of corridor
3 in that exact same area.

4 So there's a lot going on in that area
5 beyond what you see today. And so I know it sounds
6 appealing, but it's -- it may -- well, I will tell you
7 that it's not -- it's not for lack of effort on this team
8 trying to do that. But there are some real limitations
9 and restrictions. And we'll provide additional details
10 on what those are.

11 CHMN STAFFORD: Yeah, because my
12 understanding, I believe I heard Ms. DeSpain say earlier
13 that one of the reasons SRP was unwilling to give you a
14 shared easement with you along Laughlin Road where it has
15 an existing 500vK line, it has additional transmission
16 planning that itself -- for itself in that area.

17 So it sounds to me like they intend to do
18 something with their own in that spot and put their own
19 line there, in addition to what they already have, and
20 that's why they don't want to share it with somebody
21 else. I mean, that's kind of the CliffsNotes version
22 what I've heard in testimony.

23 Can you please clarify that my
24 understanding is correct, Ms. DeSpain?

25 MS. DESPAIN: Yes, that's correct. When we

1 reached out to them about using or sharing their easement
2 on the fairgrounds parcel specifically, they provided
3 this response: "SRP is not willing to allow another
4 entity to attach to our transition poles or towers or
5 occupy the easement on this parcel. We need to maintain
6 all of our options for SRP's future growth needs."

7 CHMN STAFFORD: All right. We need to get
8 that as an exhibit potentially, Mr. Acken.

9 MR. ACKEN: Yes, we will do that.

10 And the other thing I want to address again
11 is the APS certified corridor that's in this area. And
12 again, that predates -- that may predate the SRP line
13 through there. So there are a lot of prior projects that
14 the Committee approved. They can't all be built in the
15 same location.

16 MEMBER LITTLE: Mr. Chairman?
17 Mr. Chairman?

18 MEMBER RICHINS: Oh, I'm sorry.

19 CHMN STAFFORD: Member Little.

20 MEMBER LITTLE: I have one further question
21 about possible routes. Did you pursue going north out of
22 the substation to, what is it, 387?

23 MS. DESPAIN: 287. Yes.

24 MEMBER LITTLE: 287. I get them mixed up.
25 And then going directly east, continue further east and

1 then going south from there?

2 MS. DESPAIN: Yes. So we looked at
3 multiple possible routes. If we had paralleled
4 Highway 287 straight east, these are three properties
5 lined up here, we would need to have secured easements
6 through all three, and we did not -- we were not able to
7 negotiate those successfully.

8 CHMN STAFFORD: Who are those landowners?

9 MS. DESPAIN: I don't have the names off
10 the top of my head. Orsted is one of them, because they
11 own up to about here. And then it's subdivided again
12 into these two smaller parcels, one person is operating a
13 hay barn out of one of those areas, and then there's
14 another facility. These are both associated with the old
15 Eleven Mile gin which has since been split apart.

16 We also looked at running through the
17 Highway 287 right-of-way. We had questions from the
18 county about that, and we determined that that
19 right-of-way was not wide enough to accommodate a 230kV
20 line.

21 Once you hit the corner of Highway 287 and
22 Eleven Mile Corner Road running south, this landowner,
23 this farm is a farm owned by the Caywood family and they
24 have it in place as a -- as a exhibition farm, a training
25 farm, and they were unwilling to negotiate with us for an

1 easement on that property.

2 And then if we had come on the other side
3 of Eleven Mile Corner Road, this is all the fairgrounds
4 property -- well, from here to here is all the
5 fairgrounds property, and if we had tried to route an
6 easement along the frontage of Eleven Mile Corner Road,
7 that we believed would be more intrusive, because we
8 would have been running in front of the existing
9 buildings and we would not have been paralleling the
10 existing lines that are already in place.

11 So we did evaluate a number of options.

12 One more thing I will call out on the
13 routing is that SRP determined that our point of change
14 of ownership needed to be in this corner, so we were
15 given that as direction as well. We could only come in
16 from this corner, so, you know, routes that contemplated
17 coming in from the south or coming in from the north over
18 here somewhere would not been acceptable because of that
19 restriction by SRP.

20 CHMN STAFFORD: Thank you. Member Richins,
21 did you have a question?

22 MEMBER RICHINS: Yeah. I was curious as to
23 can you confirm why the intertie is located where it is
24 for your project?

25 MS. DESPAIN: Sorry. I'm not sure I

1 understand the question.

2 MEMBER RICHINS: So the gray box at the
3 very end of your line.

4 MS. DESPAIN: Yes. Yes.

5 MEMBER RICHINS: Right here, can you just
6 confirm why you're located there? Because you have a
7 pretty big project with a pretty good footprint. So
8 just -- just talk about the thinking of why you're in
9 that spot.

10 MS. DESPAIN: We set our project substation
11 generally to minimize the length of a generation
12 tie-line. So this corner of our project would minimize
13 that length and allow us to be -- to have the shortest
14 path to Pinal Central than if we had located it on the
15 other side of the project. So we have our project
16 substation and the battery energy storage facilities
17 located in that area as well to maximize efficiency.

18 MEMBER RICHINS: So, Chairman, follow up.

19 So confirming that you're there because
20 that's the shortest route? Were there --

21 CHMN STAFFORD: She answered the question.

22 I thought I saw her nod her head, but we need to get your
23 responses --

24 MS. DESPAIN: Yes.

25 CHMN STAFFORD: -- orally on the record.

1 Otherwise the court reporter can't catch it.

2 MS. DESPAIN: Yes. I understand. Yes.

3 MEMBER RICHINS: Yeah so -- so it was the
4 shortest location, but there -- there are likely other
5 places on your property that intertie could be -- you
6 just, you were going for the cheapest route, the least
7 expensive, path of least resistance is why you're there.

8 MS. DESPAIN: Yeah, so we look for, you
9 know, this is just a general siting practice for
10 facilities is that we try to place the project substation
11 so that our high-voltage transmission line will be the
12 shortest length it can, so, yes.

13 MEMBER RICHINS: Are there other locations
14 on your property where the intertie could be located
15 efficiently?

16 MS. DESPAIN: Our current design only
17 contemplates this location. I haven't heard any
18 discussion about other potential locations for it. This
19 is, you know, this is essentially the lower -- we -- we
20 can't -- I don't know if these place mats can show --
21 they don't show the full solar area.

22 But it really extends up this way mostly.
23 So it's up and across. And so this corner of the project
24 logically makes the most sense for our project substation
25 to be.

1 MEMBER RICHINS: But given an exploration
2 of alternative interties, other routes could be explored.
3 Because it seems like we're in a pretty tight box here
4 with this gen -- with the intertie located where you're
5 putting it. So I'm just curious, is that if we were to
6 explore other locations for that on that property, if
7 that opens up the -- out of this -- it's extremely tight,
8 and I don't know that you could put a transmission line
9 anywhere else than where you're siting it for that
10 location.

11 MS. DESPAIN: Right.

12 MEMBER RICHINS: So I just wanted to
13 confirm that.

14 MS. DESPAIN: Yes. In my opinion I don't
15 think that siting it somewhere else would reduce the
16 issues. I think if you sited it somewhere else within
17 our property, you would just -- you would be bringing the
18 gen-tie line through and across the solar facility and
19 then we would end up right back here because of the
20 restrictions I was talking about, you know, between the
21 public right-of-ways and landowners that are not
22 interested in granting us easements and because of the
23 angle we need to approach it from.

24 If we routed it farther away, we could run
25 more of the gen-tie through the solar facility up until

1 this area, and then in my opinion it seems like we would
2 need to follow the same path.

3 MEMBER RICHINS: Okay. That's -- yeah, I
4 just wanted to confirm that. I mean, I was curious about
5 that blue -- the 212 CEC that -- that granted that,
6 what's to carry on north up there, if you were to go
7 north and then over to the west to your property? I --
8 I -- because I'm not sure what goes beyond there as the
9 world of possibility exists.

10 MS. DESPAIN: North of here is not owned by
11 Orsted. I don't know if anyone knows who owns that
12 parcel. I don't off the top of my head. I believe it's
13 another private landowner. And then, let's see, on the
14 other side --

15 MEMBER RICHINS: Alligator Farms
16 Properties, limited liability company is north of 287.
17 You have an LLC that's unnamed, Sidewinder Farming
18 Incorporated, then you get to the Hohokam Irrigation
19 District and then --

20 MS. DESPAIN: And then this property in
21 this corner is additionally part of the Orsted solar
22 facility, which is shown, yeah, in the crosshatch on the
23 place mat. Uh-huh.

24 MEMBER RICHINS: Okay. Thank you. Thank
25 you.

1 MEMBER GOLD: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Gold.

3 MEMBER GOLD: I have another question for
4 Ms. DeSpain. Assuming you exhaust all options with SRP
5 and Orsted, which I'm guessing you have already done; is
6 that correct? To get the easement where you could go due
7 south and then turn east. Have you exhausted all
8 possibilities?

9 MS. DESPAIN: That's the information I'm
10 going to try to achieve at the break is go back in our
11 records and see if I have any written record of exactly
12 what the negotiations were.

13 MEMBER GOLD: So if you -- let's assume
14 that you have that option. I think it would be
15 preferable to the locals and less poles and wires for the
16 residents to see that would be the preference.

17 But there's another option. What about
18 going in the north, your east/west corridor in the north
19 going due east, that area right now is pristine. What if
20 you were to run your lines underground? What would the
21 cost of that be to appease the locals?

22 MS. DESPAIN: Running our lines underground
23 in --

24 MEMBER GOLD: Yeah, so they don't have to
25 see poles. You're going six tenths of a mile instead of

1 running them on poles, run them underground.

2 MS. DESPAIN: Running large transmission
3 lines like this underground usually is cost prohibitive
4 in these scenarios because it would cost so much more
5 than running them aboveground.

6 MEMBER GOLD: Well, perhaps there's a way
7 where you could regain that cost. You know, the locals'
8 property value, I guess they are believing will decrease
9 if you have phone lines -- you know, telephone pole
10 lines, phone lines, whatever else lines you have, they're
11 wires blocking their view to the north, their property
12 values are going down.

13 Is there a way you could negotiate with the
14 homeowners to say, "Hey, look, it will cost us this much
15 extra, would you be willing to go for a portion of it if
16 we agree to go for a portion of it?" Have you pursued
17 that option?

18 MS. DESPAIN: Sorry. Mr. Acken, were you
19 going to say something?

20 MR. ACKEN: I think the testimony, and
21 Ms. DeSpain can confirm certainly was in my opening. It
22 will be in her testimony.

23 The discussions with neighboring landowners
24 have been very brief. I can't make a neighbor speak with
25 us. And so as much as we might like to talk to them

1 about potential opportunities, if they're not willing to
2 speak with us, there's nothing really we can do.

3 I know they're here. I know they're
4 prepared to provide public comment. I'm very curious to
5 see to that end what they might be -- have interest in
6 doing as it relates to mitigation.

7 Remember this Committee's job is to
8 evaluate projects, the environmental compatibility
9 thereof and impose reasonable conditions. And how can
10 we -- it's very difficult to identify reasonable
11 conditions without the input of a party who claims to be
12 affected.

13 And I put that in question because I think
14 I don't want there to be an assumption that's not
15 supported by evidence in this record that there is any
16 property value impact. That is an assumption. We will
17 provide testimony -- will be prepared to provide
18 testimony on that fact.

19 But, again, this process exists and has
20 existed since before I was born to provide an opportunity
21 for people who have concerns to come in, identify
22 reasonable measures to address their concerns. They
23 don't do that, we're limited. Our hands are somewhat
24 tied.

25 MEMBER GOLD: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Gold.

2 MEMBER GOLD: You said those people were
3 here. Perhaps during the break you can begin some type
4 of discussion with them, if they don't wish to have a
5 discussion with you, then we have no choice but to go
6 along with the options you gave us.

7 MR. ACKEN: Understood.

8 MEMBER GOLD: So I would suggest that that
9 option be taken.

10 MEMBER RICHINS: Chairman --

11 MR. ACKEN: Duly noted. Thank you.

12 CHMN STAFFORD: Yes, Member Richins.

13 MEMBER RICHINS: I would like to add
14 something for the record. It has been the tradition of
15 this Committee to be very careful about how we evaluate
16 undergrounding power lines.

17 We have to remember that when we
18 underground a power line in a section here, that cost is
19 subsidized by everybody else on that system, everybody.
20 Not just the neighbors that are affected.

21 And it's the multiples of hundreds of
22 thousands of dollars, likely the undergrounding cost
23 would outstrip the entire property value of that
24 neighborhood. It's so prohibitively expensive.

25 But we have to remember that if we require

1 SRP or APS or any of these companies to underground, that
2 cost is subsidized by everybody that would never have
3 seen that power line in the first place. So we all see
4 power lines that are part of the urban infrastructure.
5 They become so innocuous we probably don't even notice
6 them most of the time. But requiring undergrounding in
7 one place, I will never ever, ever, ever, ever support
8 undergrounding in one place and making the rest of the
9 people on that system bear the cost of that subsidy for
10 that homeowner.

11 CHMN STAFFORD: Ms. DeSpain, the northern
12 portion of the corridor that runs to the east looks like
13 you have a 500 -- 485-foot width for that section;
14 correct?

15 MS. DESPAIN: That's correct.

16 CHMN STAFFORD: Right. And so you could
17 potentially move that line another 400 feet north of
18 where it is, the yellow line on that map is; correct?
19 And be within, say assuming the CEC is granted with this
20 route and this corridor, you would be able to place the
21 line a good 400 feet further away from existing homes;
22 correct?

23 MS. DESPAIN: Yes. So the -- the reason
24 that we have this wider corridor here is to accommodate
25 any potential movement north. That would be -- I don't

1 want to say that we can move it a specific number of feet
2 just because I want to make sure that we look at what
3 other easements are on that property. I think there's an
4 easement, you know, for the state highway and maybe for a
5 distribution line at that north end, but other than those
6 existing easements granted to other parties, we can move
7 the line within that property, yes.

8 CHMN STAFFORD: Okay. Then my suggestion
9 to you is another thing to look at during the break would
10 be to try to come up with an estimate of how far north
11 you could move that line within that corridor.

12 MS. DESPAIN: Yes.

13 CHMN STAFFORD: Thank you. Member Gold,
14 did you have another question?

15 MEMBER GOLD: Mr. Chairman, yes.

16 I know the power lines are going to be put
17 in place after existing housing. I also believe that
18 that will reduce property values. I mean, it has
19 everything I've experienced in the past, and I know
20 people who have had the power lines buried, and Tucson
21 Electric Power, which is specifically one I'm familiar
22 with, had a price of how much it costs to bury lines on
23 an area that was urban at the time.

24 Now, this seems to be an open corridor of
25 500 feet or so where you could bury lines and not affect

1 the people's property values, which I believe will be
2 affected. So what I'm saying is if the people are here
3 and you have an opportunity during the break, by all
4 means speak with them, discuss it.

5 If they refuse to talk to you, then you do
6 what you have to do. But if they're willing to talk, if
7 there's a compromise available that you can come up with,
8 please let us know what that compromise is, you know,
9 after the break or sometime during this hearing.

10 MS. DESPAIN: Understood. Thank you.

11 MEMBER GOLD: Thank you.

12 CHMN STAFFORD: Any other questions from
13 members?

14 (No response.)

15 CHMN STAFFORD: All right.

16 MEMBER LITTLE: Mr. Chairman?

17 CHMN STAFFORD: Yes, Member Little.

18 MEMBER LITTLE: One further question. That
19 section that is north of the homes there, that piece
20 right there, is that currently owned by your company or
21 leased by your company?

22 MS. DESPAIN: It is currently under a
23 purchase option. So will be owned --

24 MEMBER LITTLE: Could be?

25 MS. DESPAIN: -- at some point. Yes.

1 MEMBER LITTLE: Thank you.

2 CHMN STAFFORD: All right. Mr. Acken.

3 MR. ACKEN: Thank you, Mr. Chairman,
4 members of the Committee. My colleague's been taking
5 rapid notes so that we can follow up on a number of items
6 and we will do so.

7 I have one more question for Ms. DeSpain
8 and then we're going to switch to the virtual tour, so
9 maybe in the interest of time we can get that question in
10 and then take a break.

11 CHMN STAFFORD: You're reading my mind,
12 Mr. Acken.

13 MR. ACKEN: All right. Thank you,
14 Mr. Chairman.

15 BY MR. ACKEN:

16 Q. Ms. DeSpain, final question for you: What are
17 the affected jurisdictions for this project?

18 A. (Ms. DeSpain) The affected jurisdictions are
19 Pinal County and the city of Coolidge.

20 Q. And that's shown on the slide of R-18?

21 A. Yes, it is.

22 MR. ACKEN: Thank you. For the next
23 portion I'm going to hand it over to Ms. Noe to do the
24 direct. After break it sounds like.

25 CHMN STAFFORD: All right. I think it is

1 the good time to take a break. Let's take a 15-minute
2 recess. We stand in recess.

3 (Recess from 2:17 p.m. to 2:46 p.m.)

4 CHMN STAFFORD: Let's go back on the
5 record. Mr. Acken, do you have some information for us
6 after the break?

7 MR. ACKEN: Mr. Chairman, the short answer
8 is no. We did spend most of the break consulting with
9 the neighbors who had expressed concerns, so I think we
10 had a productive initial discussion with them. But as
11 far as an outcome, no, we do not have an outcome to
12 report there.

13 As far as the follow-up items that we're
14 going to run to ground, we do have notes and I anticipate
15 some of that's going to have to be run down with third
16 parties and we'll be in a better position as far as our
17 rebuttal case to address it. We certainly will at that
18 time.

19 But I will say, and I'm happy to report and
20 I appreciate the neighbors for doing this. We did sit
21 down and we had some initial discussions. You know,
22 we've got a ways to go, but we started those discussions
23 and we will continue to do so.

24 CHMN STAFFORD: Well, the beginning of a
25 dialogue is a start, and when there's no dialogue there's

1 not much room for progress until you start having
2 discussions.

3 I had a quick question for you. I recall
4 during your opening you had a slide, a map that showed
5 some of the other transmission projects in the region.
6 Could you please tell us where that is in the
7 presentation?

8 MR. ACKEN: I will. I believe that will be
9 covered in Mr. Agner's presentation. So we'll get to it
10 in the existing land use. It should be slide R --

11 MEMBER RICHINS: Doesn't your place mat
12 show all your --

13 (Indiscernible cross-talk.)

14 CHMN STAFFORD: Speak into the microphone,
15 please.

16 MR. ACKEN: It's R-40, so it will be in the
17 discussion of existing land use which is a blowup of
18 Pinal Central, so yes, it's in your place mat and some of
19 the general maps. But we've got that specific map with
20 all the various facilities labeled, because we wanted to
21 zoom in and try and help make it a little bit clearer.
22 But that'll be part of Mr. Agner's testimony upcoming.

23 CHMN STAFFORD: Looks like it's on R-22 as
24 well. Oh, it's going to be SD-19 is the presentation
25 slides. Slide --

1 MR. ACKEN: Okay. That shows it but,
2 again, that's kind of the overview map. The map that I
3 used to discuss Pinal Central has the labels that's R-40.
4 So that's the one, that's our best effort to zoom in and
5 illustrate all the infrastructure going in at Pinal
6 Central.

7 CHMN STAFFORD: Thank you. Please proceed.

8 MR. ACKEN: Thank you. Again, for this
9 portion of our direct testimony, Ms. Noe will be handling
10 the direct.

11 BY MS. NOE:

12 Q. Mr. Petry. Are you ready with the virtual tour?

13 A. (Mr. Petry) I am. If I can get assistance from
14 Peaks. I'm ready.

15 Q. All right. With that, Mr. Petry is going to
16 take us through the virtual tour of this project.

17 A. (Mr. Petry) Thank you. So I'll go ahead and
18 let this video start, and I'll pause it at the very
19 beginning to just provide a quick overview of what you
20 will be seeing.

21 So I'm paused here at the very beginning. I
22 want to provide you with a nice overview of the project
23 region.

24 I want to start by centering in on the Pinal
25 Central Station that's shown in red, red rectangular box

1 in the center of the screen here at the Pinal Central
2 substation.

3 This of course is the area where the project is
4 proposed to interconnect. And you can see extending to
5 the left or the west out of the Pinal Central substation
6 the proposed corridor.

7 This is what we've seen previously with the
8 expanded corridor width as it extends across the Pinal
9 County fairgrounds and to the north.

10 And back off here for a moment.

11 Where we are now in the very center you can see
12 a darker kind of grayish-black area. That is the Eleven
13 Mile Solar Center project. And that area extends not
14 only in the center of our screen where a portion of the
15 corridor was determined through case 212, but also
16 further south and to the west of the project region here.

17 And you can see in this area, this black area,
18 Eleven Mile Solar Center project area, where that solar
19 facility is actually under construction now south of the
20 existing residential area we were discussing previously.

21 And it is in the same location where the
22 existing SRP 500 and 230-kilovolt transmission lines run
23 east to west.

24 I'll also illustrate, shine a light here on the
25 project substation itself. This is, again, where the

1 project is proposed to connect from and over to the east
2 and south and into the Pinal Central substation.

3 The last thing I'll point out here while we're
4 paused at the proposed SunDog Energy Center solar
5 facility itself. It is illustrated in the orange colored
6 overlay up in the upper left or north and western
7 portions of the view you see now.

8 And from here, I'm going to let this play
9 forward. And what you'll be seeing is, again, an aerial
10 overview perspective of the project region. And this
11 will include some of the facilities that exist today as
12 well as the proposed project facilities imposed into the
13 region.

14 And we'll zoom around from different
15 perspectives and into a couple areas where we have
16 completed visual simulations for the project as well.

17 And I would invite the Committee, please, if you
18 have any questions at any point as we're going through
19 here, anything you'd like to ask about or point out,
20 please stop me and we can pause and I'd be happy to
21 answer your questions.

22 So from here we'll zoom forward. We're going to
23 see the labels on the screen drop off and be replaced by
24 a legend in the upper right corner of the screen.

25 So this is where we zoom in at the Pinal Central

1 substation. You can see some of that existing
2 transmission infrastructure at and around the substation
3 itself, including the Pinal Central energy center to the
4 upper right.

5 We're looking to the west now, zooming in over
6 and above the Pinal Central substation, and this is the
7 portion where the project corridor would end. The
8 easternmost portion of the project corridor within the
9 Pinal Central substation.

10 As we pan further to the west we'll see where
11 the ED-2 -- existing ED-2 substation is located right
12 here south of the corridor. And you can see where the
13 proposed project structures themselves identified along
14 this yellow line, the center portion of the corridor, we
15 cross Eleven Mile Corner Road and cross the existing 500
16 and 230-kilovolt transmission lines that exist today.

17 CHMN STAFFORD: Mr. Petry, that dotted red
18 line, that is the existing 500kV line?

19 MR. PETRY: Yes, the dotted red line and
20 dotted orange line are representative of the existing 500
21 and 230-kilovolt transmission lines that exist today.

22 CHMN STAFFORD: Okay. Thank you. Please
23 proceed.

24 MR. PETRY: Pause right here for a moment
25 as well. You can see from here the Pinal County

1 fairgrounds. To the left or south of the corridor is
2 where the racetrack facility is located. And to the
3 north or right of the corridor is the area where most of
4 the fairground facilities themselves are located, some of
5 the buildings and outstructures and those types of thing.

6 And it's that area to the north where we
7 see much of the fairground activity. For example, over
8 the weekend they were hosting the corn festival. Pinal
9 County corn fest. And that development was all north of
10 this area or to the right of where you see here now.

11 CHMN STAFFORD: And that area to the north
12 or the right, that's -- is that where they place the
13 rides and such when they hold the fair at the
14 fairgrounds?

15 MR. PETRY: Yes, I believe so. Most of the
16 carnival rides and those types of activities are in the
17 northern portion of the fairgrounds facilities, and it's
18 really, you know, mainly just race facilities or
19 race-type events that occur in the racetrack area to the
20 south.

21 CHMN STAFFORD: Thank you. Please proceed.

22 MEMBER LITTLE: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Little.

24 MEMBER LITTLE: I have one question. Do
25 you want to stop it, Devin, please. It looks like the

1 corridor that's being requested actually overlaps part of
2 the raceway.

3 MR. PETRY: Well, I can respond to that
4 question there. The corridor does extend far enough
5 south that you can see from the aerial imagery, and I can
6 back up just a bit so you can see that better.

7 You can see the outer portion of some of
8 the raceway facility itself where there are some tracks
9 in some areas where the dirt has been disturbed in those
10 areas.

11 The purpose of the corridor extending that
12 far south is to allow for, again, the flexibility
13 throughout the facility. But the purpose, again, in that
14 particular location would be to allow for any necessary
15 spanning of racetrack facilities.

16 MEMBER LITTLE: Okay.

17 MR. PETRY: Or any of the potential, you
18 know, specific uses within the recreational facility
19 there. So the idea is to avoid impacts or preventing the
20 opportunity for any of those sort of recreational
21 opportunities so that's, again, we have a broader
22 corridor that does extend over a portion of the tracks
23 there.

24 As we travel further to the west, I will
25 pause here for just a moment, because this is an area

1 that was being discussed previously in today's hearing.

2 And I want to remind the Committee that
3 what you see identified in the black or grayish area
4 here, both in the center of the screen and also to the
5 left which from this view would be essentially looking
6 southwest, that is Orsted's Eleven Mile Solar project
7 area. Those areas are actively under development today.

8 That solar facility is being developed now.
9 And so you can see, point it out with the -- right here,
10 this is the portion of the corridor that was previously
11 defined that extends through Orsted's project site and
12 the portion that was prescribed under case 212.

13 Those existing 230/500 lines -- now, this
14 is an example of one here -- continue to the west. And
15 this is the area where not only is there the existing
16 transmission line, there's Orsted's Eleven Mile Solar
17 project under development, but future planned
18 transmission infrastructure by APS. APS has a planned
19 transmission line in that area as well.

20 CHMN STAFFORD: Wait. So APS also has a
21 planned transmission line there next to SRP's lines which
22 they also potentially plan to expand or add to?

23 MR. PETRY: APS has a corridor, a certified
24 corridor for their Sundance to Pinal Central project that
25 is very broad in this area. But it does cover that area

1 right there, yes.

2 As we move forward, we're going to pan to
3 the north. This is a view looking north where again the
4 project is running through Orsted's Eleven Mile Solar
5 project, within a portion of the corridor designated
6 under case 212 to the west.

7 You can see the residential area. This is
8 the residential area that we've discussed previously.
9 And you can see some of these blue teardrop shapes within
10 the residential area. That's where we have some of our
11 key observation points, visual points, visual simulations
12 developed, so we'll zoom into those here in a moment.

13 From here we're going to pan back to the
14 west and this is a view looking west. You can see --

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Gold.

17 MEMBER GOLD: Would you back up just a
18 little bit please, Mr. Petry, so where you've got the
19 residential area? The houses. No, no, go forward, right
20 to that corner where you have -- you go from going north
21 to going west. Right at the corner there. Will you stop
22 right there?

23 How many homeowners, how many properties
24 are there right at that corner?

25 MR. PETRY: In that corner, we understand

1 there to be two primary property owners at that corner.
2 Two separate residential structures with some affiliated
3 outstructures, barn-type structures, those types of
4 things --

5 MEMBER GOLD: There's --

6 MR. PETRY: -- and -- sorry.

7 MEMBER GOLD: No, there's two residential
8 structures. And is this a true depiction of the actual
9 houses that exist today?

10 MR. PETRY: As you can probably tell with
11 the imagery itself, this is a conceptual representation
12 of those houses as they exist today. These are
13 structures that have been determined based on their
14 footprint and given some relative heights based on the
15 landscape today. The same is true with some of the
16 fairground facilities and other buildings and structures
17 you see.

18 MEMBER GOLD: Question: Will you have
19 actual photos? I know we're going to do a tour, but do
20 you actually have photos that show what's in this area,
21 what the density is?

22 MR. PETRY: Yes, Member Gold, we do. We
23 have some great photos, and this blue teardrop-shaped
24 icon is the location from where we have developed a
25 visual simulation, and so that will show, and not only an

1 existing-condition photograph from that location but also
2 a photograph, you know, of what the project might look
3 like from that location as well.

4 MEMBER GOLD: Thank you, Mr. Petry.

5 MR. PETRY: You're welcome.

6 So, again, we'll move forward here looking
7 to the west. This is a portion of the corridor that has
8 been expanded to the north of that residential area all
9 way up to the south side of State Route 287. That's the
10 roadway you see running east to west on your -- the right
11 portion of your screen now.

12 You can see the proposed transmission line
13 right here in yellow. There we go. And the existing
14 distribution line running along State Route 287 at this
15 location.

16 CHMN STAFFORD: Mr. Petry, I see two lines,
17 yellow or yellowish lines on the left. What is the
18 leftmost yellow line?

19 MR. PETRY: Yes. So the yellow line here
20 that I -- I would call yellow, that has the structures
21 placed in the middle of it, that is representative of the
22 proposed center line of the facility itself.

23 And if you look to the left of that, the
24 more golden color, that is representative of the proposed
25 corridor. That would be the southern boundary of the

1 proposed corridor at this location. The northern
2 boundary of that corridor would be right here, south of
3 287.

4 CHMN STAFFORD: And the northern boundary
5 is north of the existing distribution line?

6 MR. PETRY: Yes, at the southern edge of
7 State Route 287.

8 MEMBER LITTLE: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Little.

10 MEMBER LITTLE: Mr. Petry, who owns that
11 distribution line? Is that an ED-2 line?

12 MR. PETRY: I don't know. We can look into
13 that. I do believe it likely is an ED-2 line extending
14 over to --

15 MEMBER LITTLE: I'm sure it is.

16 MR. PETRY: -- WAPA substation adjacent to
17 Pinal Central.

18 MEMBER LITTLE: Yeah. I'm wondering about
19 the possibility of using that right-of-way and under
20 building the distribution line on the transmission lines.
21 As an option. Just making a statement.

22 CHMN STAFFORD: As a follow up to that,
23 Mr. Petry, are you aware if that option was pursued at
24 all by the applicant? Or inquired of?

25 MR. PETRY: I would not be aware of such

1 decisions or pursuits of such development opportunities.

2 That would be something best answered by Ms. DeSpain.

3 MS. DESPAIN: I would need to look back at
4 our records to answer that question more fully. I
5 believe that so far we've avoided a siting that would
6 interfere with ED-2's existing facilities.

7 CHMN STAFFORD: Okay. And then I believe I
8 asked before the break if you were aware of how far north
9 in that corridor you would be able to place this line.
10 You said that there were other easements and
11 rights-of-way, or something that potentially involved the
12 further you got north. Do you have an answer to that
13 question yet?

14 MS. DESPAIN: Yes. So it appears that from
15 the current title commitments we have that the -- so I'll
16 try to describe this the best I can. We could move the
17 corridor -- or we could move the line north until the
18 right-of-way is 50 feet south of the northern property
19 line. So if I could borrow that.

20 So we see the property line which is in
21 this case the same as the corridor boundary in this
22 yellow color. We can see here that this is presumably
23 ED-2's. I'd have to check distribution easement. So
24 50 feet from here, say, to here, that would be the
25 northern edge of where we could move that line and the

1 line would be sited, you know, this would be 100 feet
2 wide so the line would be sited in the middle there.

3 CHMN STAFFORD: So approximately 50 feet
4 south of the existing transmission line potentially.

5 MS. DESPAIN: Yes, depending on the width,
6 yeah.

7 CHMN STAFFORD: Okay. All right. Thank
8 you very much. Any other questions from members before
9 they resume the virtual tour?

10 (No response.)

11 CHMN STAFFORD: Please proceed, Mr. Petry.

12 MR. PETRY: Thank you.

13 So we continue traveling west, and we get
14 to the point where the project would enter into the
15 proposed project substation, the far west portion of the
16 project area.

17 We're now looking to the north, and we'll
18 zoom out a bit to provide an oblique perspective, and
19 zooming in to key observation point 2.

20 So this is representative of the travel
21 route viewers at and along the roadway here, and shows
22 the proposed project substation as well as some of the
23 interconnecting structures at the far western portion of
24 the project itself.

25 You can see on the far right some of

1 existing distribution infrastructure running north to
2 south as well as some of that existing distribution
3 infrastructure east to west along 287.

4 We will provide much more detail and
5 background on these visual simulations later in my
6 testimony as well.

7 From here we'll zoom to the southeast. And
8 we're going to take a look at key observation point 3.
9 This is one of the KOPs, again developed from within the
10 residential area here. This is looking to the southeast;
11 and this illustrates the existing 230 and 500kV
12 transmission infrastructure as well as the proposed
13 project facilities. You can see existing transmission
14 lines as well as the proposed project facilities.

15 CHMN STAFFORD: Do you have a question
16 Member Gold? Member Mercer?

17 MEMBER MERCER: We were just talking about
18 the lines. The bigger lines that are already there. The
19 smaller ones are the proposed.

20 CHMN STAFFORD: Right. Right. So the
21 500kV line is the taller structure to the left. And then
22 on to the right of that is the proposed structure for the
23 230kV line; correct?

24 MR. PETRY: Correct.

25 CHMN STAFFORD: All right. Thank you.

1 MEMBER HILL: Can I ask a clarifying
2 question?

3 CHMN STAFFORD: Yes, Member Hill.

4 MEMBER HILL: Just to tag onto that, there
5 is a CEC approved for an APS line to go through there.

6 MEMBER KRYDER: Speak into your microphone.

7 MEMBER HILL: Thank you. As previously
8 stated there's a CEC for a APS transmission line that
9 could be added to that corridor in the future as well?

10 MR. PETRY: That is correct.

11 MEMBER HILL: Okay. I'm just trying to
12 visualize the full buildout potential here. So thank
13 you.

14 CHMN STAFFORD: I have a quick question
15 about the -- follow-up about the APS line. It's going to
16 be another 500kV line; is that what it is? I think
17 Ms. DeSpain --

18 MR. PETRY: Yeah, it's going to be a
19 planned 230kV transmission line.

20 CHMN STAFFORD: All right. And it will be,
21 and it's not going to be collocated on the existing
22 5000kV line, it will be a separate line separate poles.

23 MR. PETRY: It will be a separate line.

24 CHMN STAFFORD: And it will be -- which
25 direction are we facing here, west?

1 MR. PETRY: Right here we're facing
2 east/southeast.

3 CHMN STAFFORD: Okay. So would it be, on
4 which side of that 500kV line is the new APS 230 line
5 going to be located?

6 MR. PETRY: Well, what we understand today
7 is that they have a certificated corridor in that area,
8 an approved corridor. As to exactly where their planned
9 right-of-way is located, I don't know at this point.
10 We're trying to obtain further information on that.

11 CHMN STAFFORD: Okay. But the corridor is
12 large enough for it to be located on either side of that
13 500kV line; correct?

14 MR. PETRY: I believe that it's located
15 south of that 509kV line.

16 CHMN STAFFORD: Which would be --

17 MR. PETRY: To the right.

18 CHMN STAFFORD: -- to this side of it?

19 MR. PETRY: To the image that you're seeing
20 now.

21 CHMN STAFFORD: To the right?

22 MR. PETRY: Yes.

23 CHMN STAFFORD: To the right of where the
24 proposed line is, then, your line, your proposed line.

25 MR. PETRY: Correct.

1 CHMN STAFFORD: Okay. Trying to get
2 oriented on where everything is.

3 MR. PETRY: There's a lot there.

4 Thank you. Go ahead and skip forward here.
5 Perfect. I'm going to skip back so we didn't miss
6 anything here. My apologies for the whiplash.

7 So from here again we're panning back to
8 KOP-4. This is a view looking to the north/northeast.
9 And this is a view from Member Gold, the residents that
10 you had asked about previously, this is a view, this is
11 the corner location there of that residential area on the
12 northeast portion of the residential area.

13 And what you're seeing here is where the
14 proposed project is within the corridor as defined by
15 case 212 in this area right here. You see the proposed
16 project structure as in its current location it is at its
17 northernmost point within that corridor -- within the
18 portion of the corridor on Orsted's solar facility.

19 From there, you see conductors traveling to
20 the left, which would be -- which, pardon me, getting my
21 buttons mixed here, you can see conductors moving to the
22 left, which would be to the west. And so this is where
23 the line, this is the turning structure where the line
24 would turn from north to south to east to west running
25 along the northern portion of this residential

1 development.

2 MEMBER GOLD: Mr. Chairman.

3 CHMN STAFFORD: Member Gold.

4 MEMBER GOLD: A question, Mr. Petry. How
5 far is that pole and the lines from the actual residents
6 in your presentation here?

7 MR. PETRY: Yeah, in the simulation
8 itself -- well, I'll tell you, the line itself at its
9 closest point to this residence is approximately 145 feet
10 from the residential structure itself.

11 MEMBER GOLD: And they're 90 feet tall.

12 MR. PETRY: And they're approximately
13 90 feet tall, yes.

14 MEMBER GOLD: But you have the capacity to
15 move them 500 feet further or 400 feet further.

16 MR. PETRY: There is the capacity and the
17 corridor designed to allow the potential movement further
18 to the north.

19 MEMBER GOLD: Okay. Thank you.

20 MS. NOE: I'm sorry to interrupt.

21 Mr. Petry, could you please clarify which portion of the
22 line you're talking about that we have the capacity to
23 move, the northern versus the eastern line?

24 MR. PETRY: Certainly, and I can refer to
25 one of our exhibits as well. What I would like to do is

1 refer to the place mat that's before you. That would be
2 Exhibit SD-5, the requested corridor map.

3 And I can direct the Committee to the very
4 center portion of this corridor map. Essentially where
5 we see the northernmost portion of the corridor, right
6 before it heads south. This portion up here, this
7 northernmost portion is where there is the siting
8 flexibility and the wider requested corridor to allow
9 that siting flexibility in order to potentially move that
10 line further to the north.

11 MS. NOE: Thank you.

12 MR. PETRY: From here we'll move forward.
13 We're going to move to the east crossing over the Orsted
14 Eleven Mile Solar project, and back over and into the
15 Pinal County fairgrounds.

16 This is key observation point 1, and this
17 is representative of the recreational viewers from within
18 the Pinal County fairgrounds. And what you can see in
19 this image, again, we're looking south, you can see some
20 of the grandstands and seating -- mobile seating areas
21 over here -- that can be moved around for various events.

22 You can see some of the existing
23 transmission infrastructure there today. That includes
24 this structure here, the existing 230 and 500kV
25 facilities. You can see some of the existing

1 distribution and other transmission infrastructure at and
2 around the Pinal Central substation, which is sort of
3 obscured from this view, by the block wall. You can see
4 some components of that from this view here.

5 What you can also see is the proposed
6 project facilities crossing through this corridor portion
7 across the Pinal County fairgrounds. So from here we're
8 panning back to the north with a view to the south --
9 pardon me -- panning back to the east with a view to the
10 west.

11 And we can see where the corridor crosses
12 over Eleven Mile Corner Road here through the Pinal
13 County fairgrounds. North of the existing 230/500kV
14 transmission infrastructure, through Orsted's Eleven Mile
15 Solar project area into the expanding corridor area south
16 of 287, and then into the project substation on the far
17 western portion.

18 The last thing I'll point out again briefly
19 is just point the Committee again to the location of the
20 solar facility, project substation, project solar
21 facility extending to the north and west. Some portion
22 of the south and west. Much of the area immediately
23 south. The location of Orsted's Eleven Mile Solar center
24 project in this location here.

25 I'd be happy to answer any questions that

1 Committee Members might have at this point as well.

2 CHMN STAFFORD: Any questions from members?

3 (No response.)

4 CHMN STAFFORD: Please proceed.

5 MR. PETRY: Thank you.

6 MS. NOE: With that, yep, thank you so

7 much. You read my mind. Toggle back to the

8 presentation. Thank you.

9 BY MS. NOE:

10 Q. Now, Mr. Petry, as you alluded we will get back
11 to the detailed look at the different viewpoints, but I'd
12 like to take a step back and talk about the application
13 and notice requirements first.

14 MS. DESPAIN: Sorry. I just wanted to
15 point out that the slides are reversed. L should be on
16 the left. And R should be on the right. Thank you.

17 MS. NOE: Thank you for your incredible
18 attention to detail.

19 BY MS. NOE:

20 Q. So Mr. Petry, could you please provide an
21 overview of how the SunDog project provided public notice
22 of the CEC application?

23 A. (Mr. Petry) Certainly. After filing the CEC
24 application on December 20, 2023, we provided notice of
25 the application via newspaper, posting of signs, and the

1 public posting of the application itself.

2 Slide R-24 shows the public notice and the
3 affidavits of publication that were provided for the
4 display advertisements that are placed both in the Casa
5 Grande Dispatch and the Tri-Valley Dispatch on
6 December 26 and December 28 respectively.

7 Both of those publications are in an area of
8 general circulation within the project area.

9 And Exhibit SD-6 contains full copies of the
10 affidavits as well as the advertisements themselves.

11 Q. You had mentioned that signs were posted
12 notifying public members about the proposed gen-tie line.
13 Was a map of the proposed sign posting locations
14 discussed with Chairman Stafford at the pre-filing
15 conference?

16 A. (Mr. Petry) Yes.

17 Q. And did SunDog, in fact, post those signs along
18 the generation tie-line route?

19 A. (Mr. Petry) Yes, SunDog installed signs at all
20 locations where permission was granted as soon as
21 possible. We received permission from private landowners
22 in earlier January, and the two signs that were on
23 private land were installed on January 10, 2024.

24 We installed these signs in locations where the
25 greatest opportunity for viewing was identified.

1 Generally like to do that by public roadways or areas
2 where residents and stakeholders come and go and can
3 really see them.

4 Slide L-22 shows the photos of those two
5 installed signs. The content of the signs and the map
6 are shown on slide R-22 here on the right.

7 Q. Were physical and electronic copies of the CEC
8 application made available to the public?

9 A. (Mr. Petry) Yes. A physical copy of the
10 application themselves was made available at both the
11 Eloy public library and the Coolidge public library.

12 An electronic copy of the application has been
13 made available on the SunDog project website as well as
14 the Corporation Commission's project docket as well.

15 E-mails from both the City of Eloy community
16 services manager as well as the City of Coolidge library
17 manager are on the screen, both confirming receipt of the
18 applications and that they are available for public
19 review. Those are also included in Exhibit SD-7.

20 CHMN STAFFORD: I have a quick follow-up
21 question back with the signs. Was it this case or am I
22 confusing it with another, there was contemplated to have
23 a third sign but permission was not able to be obtained
24 from I believe it was the county or the city? Is that
25 this case? Am I correct?

1 MR. PETRY: Yes, sir, that is correct. We
2 had a third sign location identified very near Pinal
3 Central substation, but we weren't able to get that one
4 installed.

5 CHMN STAFFORD: And what was -- whose land
6 was that? Was that county or city land?

7 MR. PETRY: That would have been county
8 land.

9 CHMN STAFFORD: Thank you.

10 BY MS. NOE:

11 Q. And so, Mr. Petry, was a -- excuse me --
12 Ms. DeSpain told us that the affected jurisdictions
13 include Pinal County and the city of Coolidge. Was a
14 notice of the CEC application timely provided to each of
15 those entities as required by the Procedural Order?

16 A. (Mr. Petry) Yes. Copies of the notice of
17 hearing, the Procedural Order and the agenda were mailed
18 via certified mail to each of those affected
19 jurisdictions on December 28, 2023. And Exhibit SD-9 is
20 the notice of mailing to those jurisdictions that was
21 filed on the docket on January 3, 2024.

22 MS. NOE: I'm now going to turn it back
23 over to co-counsel, Mr. Acken, and Ms. DeSpain to discuss
24 the public and stakeholder involvement in this
25 application process.

1 MR. ACKEN: Thank you, Ms. Noe.

2 BY MR. ACKEN:

3 Q. Ms. DeSpain, I'd like you to walk the Committee
4 through the additional public outreach measures you
5 undertook for the transmission line project above and
6 beyond statutorily required and other requirements of the
7 Procedural Order that Mr. Petry discussed. Could you
8 provide an overview, please?

9 A. (Ms. DeSpain) Yes. I can. SunDog Energy
10 Center, LLC, with the assistance of SWCA launched a
11 public involvement program to provide members of the
12 public and other stakeholders with opportunities to ask
13 questions and provide input on the project.

14 The methods we used to accomplish this included
15 informational letters, in-person and virtual public open
16 houses, newspaper advertisements, a project website, a
17 project telephone line, project e-mail address, and
18 social media advertisements.

19 Q. Let's start off with those informational letters
20 and describe those for the Committee.

21 A. (Ms. DeSpain) Two informational letters were
22 sent to approximately 435 stakeholders within one mile of
23 the project, which we're referring to as the study area.

24 The first letter introduced the project and
25 announced opportunities for comment including the

1 in-person and virtual open houses.

2 The second letter announced the filing of the
3 application and the dates of the project's Arizona Power
4 Plant and Transmission Line Siting Committee public
5 hearing.

6 Q. And those letters can be see on slide R-26?

7 A. (Ms. DeSpain) That's correct.

8 Q. And is the exhibit that's been marked for
9 identification as SD-11 a true and accurate copy of those
10 two letters?

11 A. I believe so, yes.

12 Q. Did SunDog conduct an in-person open house under
13 this project?

14 A. (Ms. DeSpain) Yes, we conducted an in-person
15 open house on July 26, 2023, at Mary C O'Brien Elementary
16 School. This was an informal open house format where
17 members of the public could attend, review informational
18 posters and communicate with members of the project team.

19 We had 10 members of the public sign in and
20 three left formal comments, all of which can be found in
21 the CEC application, Exhibits J5-B through J-5D. A copy
22 of the sign-in sheet is shown on slide R-27 as well as an
23 example of one of the poster boards.

24 Q. In addition to the in-person open house, did you
25 conduct a virtual open house under this project?

1 A. (Ms. DeSpain) We did. The virtual open house
2 was actually launched on June 9, 2023, to correct an
3 error in the slide. And it was an -- it is an online
4 resource to review display boards with project info and
5 maps and exhibits, both about the project itself and
6 about the affiliated solar facility.

7 The virtual open house also provided information
8 and instructions on how to provide input and ask
9 questions.

10 The -- during the one-month comment period, we
11 saw 86 viewers of the virtual open house and received
12 zero comments -- sorry -- screenshots from the virtual
13 open house can be found on slide R-28 there on the right.

14 MEMBER GOLD: Mr. Chairman?

15 CHMN STAFFORD: Member Gold.

16 MEMBER GOLD: You said how many people
17 showed up?

18 MS. DESPAIN: To the virtual open house --

19 MEMBER GOLD: Yes.

20 MS. DESPAIN: There were 86 views.

21 MEMBER GOLD: Okay. And what about your
22 actual open house?

23 MS. DESPAIN: The actual open house we had
24 10 people sign in on the sign-in sheet and three left
25 formal comments.

1 MEMBER GOLD: And you'll get to that.

2 MS. DESPAIN: Yes. And those three
3 comments also can be found in the application in
4 Exhibit J.

5 MEMBER GOLD: Can you put where I can find
6 those? Are they in here? Can I go through my --

7 MR. ACKEN: Member Gold, they're actually,
8 I believe they're in two locations, and I'll ask
9 Ms. DeSpain, who as you see has a far better attention to
10 detail than I do.

11 I think they're in a couple location. One
12 is in the CEC application, Exhibit J, identified which is
13 the public outreach exhibit. And then additionally, we
14 have a public outreach summary that we provide pursuant
15 to the Procedural Order prior to the prehearing
16 conference.

17 That's been marked for identification as
18 SD-12. So if you're looking in the binder of exhibits
19 you will find that in SD-12, and I'll ask the panel to
20 confirm I believe that one is the most current version.

21 MS. DESPAIN: That's correct.

22 MR. ACKEN: Thank you.

23 MEMBER LITTLE: Mr. Chairman.

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: I notice that on J-1 that

1 applicant initiated a one-month comment period requesting
2 that comments be provided by August 18, and then on the
3 top of the next page it says, "Comments will continue to
4 be accepted throughout the duration of the project."

5 I just wanted to be sure that the public is
6 aware of that. That on the website or wherever else you
7 receive your comments that it's clear to the public that
8 even though we're past August whatever, blah, blah, we
9 can still give comment.

10 MS. DESPAIN: Yes, that one-month comment
11 period was applying to the virtual open house
12 specifically, and I think the public may have been more
13 aware of the virtual open house when we sent out mailers
14 announcing it in close proximity to the in-person open
15 house as a replacement for those who couldn't attend the
16 in-person.

17 We -- I will also cover other ways that
18 we've notified the public of opportunities for comment.
19 Our project website is one of those main ways, and that
20 is still active. There's no comment limit or period in
21 effect for that.

22 MEMBER LITTLE: Thank you.

23 MR. ACKEN: Thank you.

24 BY MR. ACKEN:

25 Q. Ms. DeSpain, we'll get to the project website in

1 just one second, but let's first talk about newspaper
2 advertisements that you published to inform the public
3 and provide an opportunity to solicit comments?

4 A. (Ms. DeSpain) Yes, newspaper advertisements
5 were placed in the Casa Grand Valley newspaper on
6 July 13th and July 20th, 2023. And slide R-29 shows
7 those advertisements.

8 Q. And now you've previewed it, let's talk about
9 the project website.

10 A. (Ms. DeSpain) Yes. The project website
11 provides the public, members, other interested parties,
12 stakeholders with information about the project and
13 opportunities for public comment.

14 The website address was included in the public
15 materials that were distributed. And prior to this
16 hearing, the website was updated with a dial-in number
17 and a virtual link to access this hearing.

18 And on slide R-30 we can see screenshots from
19 the project website.

20 Q. In addition to the website could members of the
21 public contact you by picking up the phone and making a
22 call?

23 A. (Ms. DeSpain) They could. We also had a
24 project telephone line as an additional opportunity to
25 learn about the project. This telephone line was

1 available during the 30-day comment period, and has since
2 been updated to request leaving a message so that we can
3 return their call, and also with instructions to visit
4 the website for other ways to leave comments. We did not
5 receive any comments from the telephone line.

6 Q. What about an e-mail opportunity as well as
7 additional or social media outreach that you might have
8 used to inform the public and solicit comments?

9 A. (Ms. DeSpain) Yes. We set up a project e-mail
10 address and that e-mail address was provided in our
11 informational letters, our newspaper advertisements, on
12 our website and in the virtual and in-person open houses.

13 We received one comment through the project
14 e-mail address and that can also be found in table J-1 in
15 Exhibit J.

16 For social media, we participated in Facebook
17 advertisements and these announced the in-person open
18 house and provided information about the website. The
19 advertisement used is shown on R-32.

20 The Facebook advertisement had 38 link clicks,
21 reached 1322 accounts, made 7940 impressions, had one
22 like, and no comments or shares. For the benefit of the
23 Committee, an impression is the number of times an ad
24 enters a person's screen while the reach is the number of
25 people who saw it.

1 So for an example if one person saw the same ad
2 three times, the impressions would be 3 and the reach
3 would be 1.

4 Q. Now I'd like you to talk -- summarize the public
5 comments that you received as a result of all these
6 efforts. We mentioned where those might be found in your
7 last answer. You referenced Exhibit J. Is that Exhibit J
8 to the CEC application which has been marked for
9 identification as SunDog 1?

10 A. (Ms. DeSpain) That's correct.

11 Q. Okay. Please describe the public comments
12 received.

13 A. (Ms. DeSpain) We received nine total comments.
14 Six of which were from the same neighboring homeowners.
15 These comments were submitted multiple ways over e-mail,
16 provided in person, and through the Arizona Corporation
17 Commission 10-year plan docket. The comments as
18 Mr. Acken mentioned can be found in table J-1 of the CEC
19 application.

20 These comments, the substance were general
21 opposition. As a result of receiving these comments as
22 we discussed earlier, there were offers to meet in person
23 which were declined. And more recently conversations
24 have now been ongoing and will continue through the rest
25 of the day. As we know, the neighbors are here today and

1 would like to speak at the public hearing portion of the
2 hearing.

3 Q. And, again, for the record since I was the one
4 that referenced SunDog-12, will you under oath confirm
5 that SunDog's public outreach efforts are fully described
6 therein?

7 A. (Ms. DeSpain) Yes.

8 Q. Shifting gears, what other authorizations are
9 required to construct both the transmission line and the
10 solar and battery storage project?

11 A. (Ms. DeSpain) So to discuss the project
12 generation tie-line first, the only other permanent
13 consideration we are aware of is coordination with the
14 San Carlos Irrigation and Drainage District for a
15 potential overhead crossing of one of the canals managed
16 by San Carlos Irrigation and Drainage District. And
17 owned by the Bureau of Indian Affairs.

18 Our current understanding is that this would not
19 require an official permit, but rather just coordination
20 with that agency. And that coordination will occur
21 following the CEC process.

22 For the affiliated solar facility, the
23 nonjurisdictional solar facility, I wanted to highlight
24 the permits required for that as well. Starting from the
25 top, we have the major comprehensive plan amendment,

1 which is complete and was approved in December of 2020.

2 The image shown on slide R-35 shows that the
3 land use category for the solar project was changed to
4 green energy production at that time.

5 Following the comprehensive plan amendment
6 process, we are now going through the rezoning and
7 planned area development process. That permit is in
8 progress with our application submitted in August of
9 2022.

10 Another potential permit is with canals managed
11 by the Hohokam Irrigation and Drainage District, owned by
12 the Bureau of Reclamation. We are anticipating an
13 underground boring collection line crossing of one of the
14 those canals. And that permit is to be submitted. We
15 are currently preparing the applications -- the
16 application materials for that permit.

17 And finally, just to highlight there'll be
18 various preconstruction permits required to be submitted
19 close to the start of construction on the solar facility,
20 such as grading permits and building permits, that type
21 of thing.

22 Q. Thank you, Ms. DeSpain.

23 We are now going to turn to the resource
24 analysis conducted by SWCA in support of the application
25 for a certificate of environmental compatibility. I'm

1 going to start off with Mr. Agner, who's been very
2 patiently waiting, eagerly waiting his opportunity?

3 Mr. Agner, what environment studies did SWCA
4 complete for the project?

5 A. (Mr. Agner) The environmental studies completed
6 in support of Exhibits A through J of the CEC application
7 include land use, recreation, and existing plans, which
8 is Exhibits A, B, F, and H; biological resources, which
9 is Exhibits C and D; visual resources which is Exhibit E
10 and G; cultural resources, which is Exhibit E; noise and
11 interference, which is Exhibit I; and public involvement
12 which is Exhibit J. And just as a reminder to the
13 Committee the public involvement exhibit was just covered
14 previously by Ms. DeSpain in her testimony.

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Gold.

17 MEMBER GOLD: I have a question for
18 Mr. Agner. Which of those covers public health?

19 MR. ACKEN: I will address that. I don't
20 believe that public health is a factor to be considered
21 under ARA 40-364.06. You know, you made -- your public
22 commenters made comments and concerns raised about public
23 health, but I don't believe that it is a factor
24 enumerated in that statute which I'm happy to go through.

25 Mr. Agner's going to talk at great length

1 about land use and when we're talking about adjacent and
2 other land uses, obviously the big one in this case is
3 are residential land uses and infrastructure land uses
4 compatible. I think you -- I think I've previewed my
5 view on it. And Mr. Agner will present testimony to that
6 effect.

7 But I urge this Committee to stick to the
8 four corners of the statutory charge. I have had cases
9 where others have sought to introduce discussions about
10 public health that are unquestionably outside this
11 Committee's purview, and this Committee has historically
12 not gone down the road to consider factors outside its
13 statutory charge.

14 So when you ask the question, these
15 exhibits are exhibits that were developed by the
16 Commission pursuant to Rule that are designed to elicit
17 the information that's required by statute.

18 So what an applicant does is -- we don't
19 come up with ideas on our own about what information to
20 provide you. The statute and the Commission tell us what
21 to provide to you. And the Commission and the statute by
22 the legislature says these are the enumerated factors in
23 40-360.06.

24 And then the Commission has taken those
25 factors and said here are the exhibits, and here is the

1 information that you must provide in each exhibit. And
2 that's what is covered. Public health is not a
3 consideration in my view, a legal consideration for this
4 Committee. And I don't believe there has ever been any
5 evidence presented to suggest that transmission lines
6 provide any public health impact.

7 MEMBER GOLD: Mr. Acken, you gave a great
8 legal perspective, but I'm looking at something up there
9 that says "biological resources." So we're concerned
10 about the animals' health, and visual resources, we're
11 concerned with what people see. Human beings living
12 there are biological people. I mean, they're part of
13 biology. Shouldn't you cover how close to homes you can
14 put power lines without affecting someone's health? I
15 mean it seems common sense.

16 MR. ACKEN: So --

17 MEMBER GOLD: I just would like to know,
18 Mr. Agner, what you considered.

19 MR. ACKEN: And I want to go back to the
20 statute before Mr. Agner, because you're asking a legal
21 question with all due respect.

22 MEMBER GOLD: I'm asking a what?

23 MR. ACKEN: You are asking a legal question
24 with all due respect.

25 MEMBER GOLD: Okay.

1 MR. ACKEN: And so I am prefacing the
2 response. Mr. Agner can address. But legally he is
3 bound to what the statute authorizes this Committee to
4 consider.

5 So, for example, existing plans of this
6 state, local government and private entities for other
7 developments at or in the vicinity of the proposed site.
8 That's factor one, land use. That's what Mr. Agner will
9 testify.

10 Biological resources, this is interesting,
11 it's fish, wildlife, and plant life and associated forms
12 of life on which they are dependent. So that is what the
13 statutory charge is.

14 Then we go to 3, noise emissions; 4 is the
15 availability to the public for recreational purposes; 5,
16 scenic areas, historic areas, archaeological sites, so on
17 and so forth.

18 So you see a pattern. This is -- I'm
19 reading again from 40-360.06 the regulatory exhibit
20 requirements that the Commission established -- thank
21 you -- are consistent with that statutory framework.

22 So Mr. Agner's testimony is going to be
23 consistent with what the Commission has said he should
24 provide testimony on.

25 MEMBER GOLD: Mr. Chairman.

1 CHMN STAFFORD: Yes.

2 MEMBER GOLD: Am I off base in asking about
3 health?

4 CHMN STAFFORD: No, you're certainly able
5 to ask any questions you like, until at some point that
6 it becomes repetitive or something. But I would also
7 like to point to 40-360.06, number 6 talks about -- it
8 requires us to look at the total environment of the area.
9 Now, so that to me could encompass some degree of public
10 health concerns.

11 Now, again, later on in that statute
12 Section C-1, it says that we cannot inquire compliance
13 with performance standards other than those established
14 by the agency having primary jurisdiction over a
15 particular pollution source. So we can't add additional
16 requirements for that factor.

17 Now, however, we need to make our decisions
18 based on evidence in the record. And so -- and public
19 comment is not evidence. So at this point in the record,
20 there is no evidence of any public health -- negative
21 public health impacts from the line.

22 MEMBER GOLD: So I would be curious. I'm
23 not familiar with specific studies, but I have read
24 studies that say proximity to power lines causes health
25 issues. I've read those someplace. Am I not allowed to

1 ask about it?

2 CHMN STAFFORD: No, you're certainly
3 allowed to ask. But I'm saying that when we weigh our
4 decision, we have to make it based on the evidence in the
5 record, and as of yet there has been no evidence
6 presented about negative health impacts --

7 MEMBER GOLD: Well I read one of the
8 comments that says that -- I'm not sure which one it is,
9 but I'm sure that you would know which one, they would
10 know which one, that says there's a home there with
11 multiple children in it, and they're planning on putting
12 power lines within a certain distance of that home.

13 If we have asked that they move the power
14 lines, we do ask that they move the power lines several
15 hundred feet away, would that mitigate these health
16 concerns that these residents have and that they have
17 asked about in the record.

18 MR. ACKEN: Again --

19 CHMN STAFFORD: Let me ask the question,
20 Mr. Acken, and then I'll let you take a crack at it.
21 We're -- yes, we can ask questions about what's been
22 raised in the public comments made by people.

23 Now, the evidence in the record, we need
24 the applicant's responses to that. So --

25 MEMBER GOLD: That's what I'm asking --

1 CHMN STAFFORD: Right, so you can certainly
2 ask them, you know, and there's certain -- and I'm --
3 there are certain required setbacks, I believe, for power
4 lines from residences based on the county or city
5 ordinances; is that correct, Mr. Acken, as a requirement?

6 MR. ACKEN: Mr. Chairman, there may be.
7 Ms. Noe may know more specifically in these
8 jurisdictions. A lot of jurisdictions do not have a
9 requirements at all for transmission lines, because
10 there's no evidence out there that there's any impact.

11 And so what I'm struggling with is this:
12 We have to follow the rules that the Commission sets for
13 us, and the legislature. The legislature says these are
14 the factors you look at, the Commission then says in your
15 application address these factors.

16 And that's what this panel is ready to do.
17 Health impacts as alleged in some YouTube video, I'm
18 sorry, are not part of that analysis and it's not
19 something the Commission has asked us to look at.

20 This panel is not prepared to address a
21 boogeyman about health impacts. And if someone wants to
22 bring forward an argument that there are health impacts,
23 then they should intervene and do so, and they'll be the
24 first one on a transmission line to try to do so. And
25 then I will have the opportunity to cross-examine them.

1 But it's not part of our direct case to do that.

2 MEMBER GOLD: Okay. So if I understand
3 correctly, the health of animals we're concerned with,
4 but the health of humans we're not concerned with.

5 MR. ACKEN: I disagree with that.

6 MEMBER GOLD: I'm just asking legally.

7 MR. ACKEN: No.

8 CHMN STAFFORD: Let me ask that, Mr. Acken.
9 I think the requirement, because animals and birds and
10 such, they live in a habitat that's not manufactured by
11 people, typically.

12 And if it's -- it's designed that we'll
13 hear, this chunk of wilderness that we're going to carve
14 out and put some infrastructure on. We need to do that
15 in a way that doesn't damage their populations,
16 especially if they're endangered, a specific area of
17 biological wealth such as, you know, a breeding ground
18 for endangered species, that type of thing.

19 But people -- people, they live in
20 neighborhoods that are built and they have -- and
21 they're -- the statute almost assumes there's not a
22 health impact to the people from these lines. It's not
23 addressed by either emission standards that are regulated
24 by a different entity, or -- it's more focused on land
25 use and planning, because that's individual impacts,

1 because that's what's really going to impact the people
2 is the land use and the visuals.

3 The statute almost assumes there's not a
4 health hazard to people for the transmission lines. And
5 if a situation arose where someone were to intervene in a
6 case and attempt to put on evidence that there was actual
7 health impacts from the transmission line, then we would
8 consider that.

9 But right now we don't have that in this
10 case. We have -- we have public comment which is not
11 evidence, and we're hearing -- we'll hear evidence from
12 the applicant that states that there is -- that this line
13 does not pose a health hazard to human beings, and it is
14 compatible with, you know, the environment and land uses
15 and all these things that are laid out in the statute and
16 in the rules by the Commission.

17 So our -- so our role is to look at that
18 and evaluate in those terms.

19 So, but as -- if someone were to actually
20 intervene and allege that there was a real health impact,
21 they'd have to present evidence, they couldn't just stand
22 up and say it, and then we'd accept that as fact. They'd
23 have to have a witness that could testify credibly to
24 those impacts.

25 So that's -- but that's not the situation

1 we have here today.

2 MEMBER GOLD: The only reason I bring it up
3 is the other line siting hearings that I have been
4 witness to involve pretty much going through desert,
5 going through areas with no people in close proximity.
6 This is the first one where I'm looking at houses that
7 the lines could impact, they're close to the houses.

8 CHMN STAFFORD: Right.

9 MEMBER GOLD: That's the reason I'm asking.

10 CHMN STAFFORD: And that's the section of
11 line that's the northern portion of it where it has the
12 extra wide corridor which, you know, one of the things
13 the Committee's to do is to look at the evidence and we
14 can add reasonable conditions to the CEC.

15 For example, we are completely within our
16 authority to say, look, that northern corridor needs to
17 be narrower and the right-of-way needs to be located
18 further north from where it is portrayed on the map. So
19 that's something that we could -- we're totally within
20 our authority to do based on a consideration of the
21 evidence. We consider the public comment. We can
22 consider that, but it's not -- again, it's not evidence.
23 But certainly, you know, we're within our authority to
24 say that line needs to be moved further north to be
25 further away from those residences. And we've done that

1 in other cases.

2 MEMBER GOLD: Oh. Mr. Chairman, thank you
3 for clarifying that. Mr. Acken, I have no further
4 comment about that.

5 MR. ACKEN: Thank you. Thank you. We'll
6 move forward. I think there's one -- there's one thing I
7 do want to add to this discussion, and it goes to your
8 point about most of the ones that you have seen recently
9 are in rural areas.

10 Most of those, I have brought many of
11 those. Historically, this Committee and the applicants
12 before it have brought many projects going through
13 residential areas. Many, many projects.

14 I have sited with dozens of parties who
15 actually do intervene. And so this Committee has a long
16 track record of looking at statutory framework, the
17 regulatory framework, and if a party wants to come in and
18 put on evidence, I've had cases where someone tried to
19 put in evidence on property valuation impacts.

20 Great. Let's have that discussion, subject
21 it to cross-examination. But if they -- you know,
22 that -- that's the prerequisite to having that
23 discussion.

24 In the past, yes, we have had plenty and
25 I'm certain this Committee will see more in the future

1 whether it's for gen-ties for projects like this or
2 regional transmission that APS, SRP and TEP may need to
3 build through residential areas to serve residential
4 customers.

5 MEMBER GOLD: Thank you, Mr. Acken.

6 MR. ACKEN: Thank you.

7 CHMN STAFFORD: Please proceed, Mr. Acken.

8 BY MR. ACKEN:

9 Q. Mr. Agner, I'd like you, before we dive in, if
10 you could talk about the area in which you studied for
11 you evaluation of all these resources. You know, okay,
12 we're looking at land use, we're looking at biological
13 resources, but where do you start and stop your analysis?

14 A. (Mr. Agner) Sure. To provide some context
15 there, SWCA reviewed and studied areas within a one-mile
16 radius of the components of the project which we call the
17 study area. Study areas identified in Exhibits A-1, A-2,
18 and A-3 of the application, and it's also shown on the
19 place mats in front of you.

20 And if you take a look at slide R-37, it's the
21 solid black outline on the map.

22 Q. Let's start off with your evaluation of land
23 ownership and jurisdiction in the study area in support
24 of Exhibit A.

25 A. (Mr. Agner) As illustrated within Exhibit A-1

1 of the application, land ownership within the study area
2 consists of privately owned land, Pinal County
3 fairgrounds and Arizona State Land Department
4 administered lands.

5 The project is on privately owned land and the
6 Pinal County fairgrounds. As shown within Exhibit A-1 of
7 the application, the study area includes lands under the
8 jurisdiction of Pinal County, Coolidge, and Eloy.

9 The project is within unincorporated Pinal
10 County and Coolidge. And as you can see on slide R-38,
11 lands under the jurisdiction of Coolidge are in the mint
12 color. Lands under the jurisdiction of Eloy are in the
13 pink color. And lands under the jurisdiction of
14 unincorporated Pinal County are in the gray color.

15 Q. What did you find with respect to existing land
16 uses in the study area?

17 A. (Mr. Agner) Sure. So SWCA completed a review
18 of desktop land use data to identify and map land uses
19 within the study area, and then we conducted a field
20 review to verify and update that land use information as
21 appropriate.

22 Overall, the study area can be described as
23 mixed use in character, and as shown on slide R-39,
24 primary existing land uses within the study area include
25 utilities, which is that light blue color; agricultural,

1 which is the green color; public facilities, which is the
2 purple color; residential, which is kind of multiple
3 colors, it's the dark brown, the tan, and the yellow
4 colors; and then vacant land, which has no color
5 associated with it.

6 As you can see on Exhibit A-2 and as shown slide
7 R-39, there's also an existing solar facility which is
8 Pinal Central Energy Center. It's that dark brown color
9 there on the east side, and that connects into the Pinal
10 Central substation as well.

11 Q. Next let's take a deeper dive into the existing
12 electrical infrastructure around Pinal Central.

13 A. (Mr. Agner) Yes. So this is the figure that
14 Mr. Acken showed earlier, but we'll take some time to
15 walk through it as there are numerous existing and
16 planned transmission lines in the vicinity of the Pinal
17 Central Station.

18 So starting on the west side, we have the SRP
19 Duke to Pinal Central, 500-kilovolt transmission line.
20 And on those same structures is the SRP Desert Basin to
21 Pinal Central, 230-kilovolt transmission line. Again,
22 those are both existing transmission lines.

23 To the south is the WAPA ED-2 to Saguaro
24 115-kilovolt transmission lines. Again, that is an
25 existing transmission line and connects into the nearby

1 WAPA ED-2 substation.

2 Moving to the east, we have the next ERA Energy,
3 energy Pinal Central energy center, 230-kilovolt
4 transmission line.

5 We also have the TEP Pinal Central to Tortolita
6 500-kilovolt transmission line.

7 And then to the north, we have the SRP Pinal
8 Central to Browning 500-kilovolt transmission line. And
9 we have the SRP Pinal Central to Randall, 230-kilovolt
10 transmission line.

11 CHMN STAFFORD: Now, quick question,
12 those -- the 500, the 230, they share poles.

13 MR. AGNER: That's our understanding.

14 CHMN STAFFORD: Okay. And you have SunZia,
15 you have two dotted lines coming in there. Is that -- is
16 that for both lines? Because there's a DC line that gets
17 converted to AC before it turns into here. Is this that
18 and the other potential AC line?

19 MR. AGNER: It's the first line.

20 CHMN STAFFORD: It's just the first line.

21 MR. AGNER: Yes.

22 CHMN STAFFORD: Okay. So it's the -- this
23 is the portion of the DC line that's after it has been
24 converted to AC feed into the substation. But the other
25 line, it's called -- it's not called SunZia, it's

1 called --

2 MR. ACKEN: El Rio Sol.

3 CHMN STAFFORD: El Rio Sol. That's not
4 showing on this map, then.

5 MR. AGNER: Correct.

6 CHMN STAFFORD: All right. Thank you.

7 MR. AGNER: And then --

8 MEMBER HILL: Also --

9 CHMN STAFFORD: Member Hill.

10 MEMBER HILL: Thank you.

11 The APS line is also not showing as a
12 future transmission line, is it?

13 MR. AGNER: It's the one that's identified
14 as the Sundance to Pinal Central 230-kilovolt
15 transmission line.

16 MEMBER HILL: Thank you.

17 MR. AGNER: That's the --

18 CHMN STAFFORD: Right. Those two are under
19 construction. I know the SunZia's under construction,
20 the first line. But the second one is not. Is that this
21 case with the APS line as well? Is that under
22 construction or just sited?

23 MR. AGNER: It's just sited. It's not
24 under construction as far as we understand.

25 CHMN STAFFORD: All right. Thank you.

1 MR. AGNER: And then so to go back to the
2 planned transmission lines around Pinal Central
3 substation as well, as we just referenced there's the APS
4 Sundance to Pinal Central, 230-kilovolt transmission
5 line. There's the Eleven Mile Solar Center generation
6 tie-line, that's a 230-kilovolt transmission line.

7 And then also as we just discussed, there's
8 the SunZia southwest transmission line, and that's a
9 planned 500-kilovolt transmission line.

10 BY MR. ACKEN:

11 Q. Thank you, Mr. Agner, for walking through that
12 busy diagram.

13 State your conclusions with respect to the
14 project's compatibility with existing land uses.

15 A. (Mr. Agner) The project would be in
16 unincorporated Pinal County and Coolidge. It would
17 parallel existing transmission lines and other linear
18 features to the extent practical, and would cross parcels
19 with existing agricultural, vacant, utility and
20 recreational land uses.

21 All these existing land uses are compatible with
22 the project. There is also an existing solar facility as
23 well as numerous transmission lines within the study area
24 that we just covered. Therefore, the project would be
25 compatible with existing land uses.

1 MEMBER LITTLE: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Little.

3 MEMBER LITTLE: On page B-3 of the
4 application, the language states that, "The comprehensive
5 plan identifies the gen-tie in unincorporated Pinal
6 County as being within the moderate, low-density
7 residential," in quotes, "and general public facility
8 services land use designations."

9 And then there's quite a long discussion of
10 what the overarching goals in the comprehensive plan are
11 as with respect to the general public facility services
12 zoning. And but there's nothing to discuss the moderate
13 low-density residential requirements.

14 And yet the statement is made that the
15 gen-tie is compatible with existing unincorporated Pinal
16 County zoning districts.

17 I'm curious why the requirements or goals
18 of the moderate low-density residential zoning is not
19 addressed here.

20 MS. NOE: If I may, Mr. Chairman and Member
21 Little.

22 CHMN STAFFORD: Please.

23 MS. NOE: In Pinal County transmission
24 lines are permitted expressly in all zoning districts,
25 and the nonjurisdictional solar facility has been -- the

1 comprehensive plan has been amended to green energy
2 production which is intended specifically for large-scale
3 photovoltaic generation.

4 And so it would be consistent with existing
5 land use. But transmission lines are generally and
6 perhaps the most generously permitted in Pinal County
7 than in any other county that I've seen in Arizona.

8 MEMBER LITTLE: Thank you.

9 MEMBER RICHINS: Chairman.

10 CHMN STAFFORD: Yes, Member Richins.

11 MEMBER RICHINS: Can you confirm that -- so
12 moderate low-density residential, isn't that a general
13 plan designation or is that zoning?

14 MS. NOE: Excuse me. Yes, that is -- that
15 is general plan designation.

16 MEMBER RICHINS: The zoning here is ag.

17 MS. NOE: The zoning is ag right now, yes.

18 MEMBER RICHINS: Yeah. Okay. Thank you.

19 MEMBER LITTLE: Thank you.

20 CHMN STAFFORD: Please proceed. Is this a
21 good time for another break?

22 THE COURT REPORTER: I never say no.

23 CHMN STAFFORD: Okay. Let's take a 10- to
24 15-minute recess, then. We stand in recess.

25 (Recess from 4:00 p.m. to 4:20 p.m.)

1 CHMN STAFFORD: Let's go back on the
2 record. Mr. Acken, please proceed.

3 MR. ACKEN: Thank you, Mr. Chairman,
4 members of the Committee. I believe we were concluding
5 the discussion of existing land uses, but before I move
6 to future I want to confirm that with Mr. Agner.

7 BY MR. ACKEN:

8 Q. Do you have any further thoughts with respect to
9 existing land uses at this time?

10 A. (Mr. Agner) No.

11 Q. Thank you. So now let's turn to your evaluation
12 of future land uses which is discussed and addressed in
13 both Exhibit B and as mapped in application Exhibit A-3
14 which is shown on the R-41.

15 A. (Mr. Agner) Sure. So SWCA completed a review
16 of future and planned land uses identified in the Pinal
17 County comprehensive plan, the Coolidge general plan,
18 Pinal County interactive mapping services, and our field
19 studies.

20 Future land uses prescribed within the study
21 area are mapped on Exhibit A-3, and as shown on slide
22 R-41. The primary future land uses include utility,
23 which we've identified as blue; residential, which we've
24 identified as light brown; public facilities, which we've
25 identified as purple; and commercial uses, which is

1 identified as red.

2 Notably, the Eleven Mile Solar Center project
3 would be interspersed throughout much of the study area
4 and we've shown this on this map with the light gray
5 hatching.

6 As a reminder, Eleven Mile Solar Center project
7 began construction in 2023 and is estimated to begin
8 operation this year.

9 The project would be compatible with identified
10 future land uses for the region and is allowed under the
11 existing zoning.

12 Q. In addition to finding out -- excuse me. In an
13 attempt to find out about other existing future plans --
14 boy, that was a mouthful -- other future plans in the
15 area of the project, did you send out Exhibit H letters?

16 A. (Mr. Agner) Yes. SWCA sent letters requesting
17 information on any existing or planned developments to 12
18 entities, and we received a response from the Arizona
19 Game and Fish Department providing standard mitigation
20 recommendations for the project, which we will cover in
21 detail in the biology section shortly, and a response
22 from the Western Area Power Administration thanking the
23 applicant for the notification, but not providing any
24 further comment.

25 A copy of both letters are included in the CEC

1 application in Exhibits H-2 and H-3.

2 Q. And what is your professional conclusion
3 regarding whether this project as proposed is compatible
4 with planned future land uses in the study area?

5 A. (Mr. Agner) Based on my review of the planned
6 use of the study area, construction and operation of the
7 project would be compatible with future land uses in the
8 region. And this is based on the planned solar
9 facilities that are currently under construction as well
10 as the numerous planned and existing transmission lines
11 around the Pinal Central Substation.

12 Q. Next, I'd like you to discuss your findings
13 regarding recreational resources described in application
14 Exhibit F.

15 A. (Mr. Agner) Sure. SWCA completed a review of
16 recreational resources within the study area using data
17 obtained from Pinal County, Coolidge, and Eloy.

18 Of the recreational facilities identified by
19 these jurisdictions, the project crosses the Pinal County
20 fairgrounds. As part of the project coordination, the
21 applicant has been working with Pinal County and the fair
22 board on the portion of the project that crosses the
23 fairgrounds.

24 Additionally, a fair board member attended the
25 in-person open house and provided comments on the

1 project. The fair board member provided comment about
2 the project's impacts to the fairgrounds as the project
3 could be used for carnival rides and parking. However,
4 the project would not interfere with these activities
5 once operational as rides and parking could still occur
6 in the immediate vicinity.

7 Additionally, for the portion of the project
8 crossing the fairgrounds, the applicant has sited the
9 project facilities to minimize impacts to the fairground
10 and to parallel existing facilities to the extent
11 practicable, which has included reducing the project
12 right-of-way as it crosses the fairgrounds in
13 coordination with the fair board and Pinal County Staff.

14 The implementation of the project would have
15 minimal impact to existing recreational use in the
16 project, because the applicant has consulted with and
17 will continue to consult with the appropriate officials
18 regarding the fairgrounds to minimize impacts to
19 recreational uses in this area.

20 The applicant has sited the project to avoid
21 crossing the Central Arizona Raceway track as we
22 discussed earlier to parallel existing transmission
23 lines, and has reduced the project right-of-way within
24 the fairground to minimize recreational facility impacts.

25 The project implementation would have minimal

1 impact to recreation in the study area or surrounding
2 region because implementation would not block access to
3 recreational areas.

4 Q. So sum it all up for us. You've talked about
5 existing land use, future land uses and recreation. What
6 are your conclusions regarding the environmental
7 compatibility of this project with respect to those
8 resources?

9 A. (Mr. Agner) So just to sum it up, the project
10 would be in unincorporated Pinal County and Coolidge. It
11 would parallel existing transmission lines to the extent
12 practicable and would cross parcels with existing
13 agricultural vacant utility and recreational uses.

14 All of these existing land uses are compatible
15 with this project. The project is compatible with the
16 Pinal County comprehensive plan and planned use
17 designations and with Pinal County zoning.

18 The project is also compatible with the City of
19 Coolidge general plan and the City of Coolidge
20 agricultural zoning district.

21 Additionally, there are numerous existing
22 planned and existing transmission lines in the vicinity
23 that connect to the Pinal Central Substation. So
24 therefore we consider the project compatible with
25 existing and planned land uses.

1 Q. And does your conclusion stand with respect to
2 the project being compatible with existing and future
3 residential land uses in the study area?

4 A. (Mr. Agner) Yes.

5 Q. Okay. Thank you. Next we're going to turn to
6 your --

7 MEMBER RICHINS: Chairman, before you move
8 on.

9 CHMN STAFFORD: Member Richins.

10 MEMBER RICHINS: Has there been any like
11 applications or votes before the board of supervisors of
12 Pinal County or any other entity that has indicated
13 their -- the statement to support what the conclusion
14 Mr. Anger came to? Agner. You're not mad. I can tell.

15 MR. ACKEN: That's me.

16 MR. AGNER: I would -- actually the best
17 person to answer that may be Ms. Noe who's been legal
18 counsel for the county entitlement process. She can
19 speak to it with a lot more knowledge than certainly I
20 can.

21 MS. NOE: If I can clarify your question.
22 You're asking if Pinal County itself has determined that
23 it's --

24 MEMBER RICHINS: Yeah. Is there -- no, has
25 there been any vote on the general or minor or major

1 general plan amendment, any vote on zoning, any type of
2 approval voting from any Pinal County entity from board
3 of supervisors, planning and zoning or any other entity
4 like airport, fair board, I don't know, any of those
5 folks.

6 MS. NOE: Understood. Yes, I can provide
7 an overview of everything that's progressed so far. In
8 2020 the project went through a major comprehensive plan
9 amendment process to redesignate the land from moderate
10 low-density residential to green energy production, which
11 is specifically flagged for large solar facilities in
12 Pinal County. And so the major comprehensive plan
13 amendment has been completed.

14 In August --

15 MEMBER RICHINS: That was approved by the
16 board of supervisors?

17 MS. NOE: Board of supervisor.

18 MEMBER RICHINS: And so then that now
19 resides in the subsequent comprehensive plan --

20 MS. NOE: Yes.

21 MEMBER RICHINS: Because they -- didn't
22 they do an update? Don't they usually do an update every
23 10 years?

24 MS. NOE: So they did the update in 2019
25 and we received approval in 2020.

1 MEMBER RICHINS: Oh, so they changed it
2 from the 2019 plan.

3 MS. NOE: Yes, sir.

4 MEMBER RICHINS: Okay.

5 MS. NOE: And then the process now as it
6 currently stands, in August 2022, the project submitted
7 an application for rezone with a PAD overlay. The rezone
8 request -- I'm not sure nitty-gritty, I'll keep it high
9 level, but happy to --

10 MEMBER RICHINS: PAD. Can you define PAD
11 for the --

12 MS. NOE: Yes, sir. So the rezone request
13 is to go from agricultural land to industrial which is
14 marked as I-3. The PAD or planned area overlay -- or
15 planned area development overlay, it's to specifically
16 limit the industrial use to a solar facility.

17 That alleviates the concerns we've heard
18 from specifically the city of Casa Grande and others and
19 the public generally to reduce the potential for larger
20 industrial facilities to be put in this land other than
21 solar facilities. So that's the purpose of the
22 application.

23 MEMBER RICHINS: But no vote has been
24 conducted yet?

25 MS. NOE: There has been a vote from

1 planning and zoning commission. As you may know there's
2 been recent opposition from county staff and the planning
3 and zoning commission on solar projects.

4 So we did receive recommendation for denial
5 and we're moving forward to the board of supervisors in
6 the spring. I do want to alleviate, I'm forecasting a
7 potential concern, this would not be the first time and
8 not the first time even in the last year that board of
9 supervisors has approved a solar project that planning
10 and zoning has recommended for denial.

11 So, yes, we do have a recommendation from
12 planning and zoning but we're pressing forward to board
13 of supervisors.

14 MEMBER RICHINS: If you receive a denial
15 from the board of supervisors, and recognizing the
16 nonjurisdictional project in association with the gen-tie
17 that we're dealing with here, because whether or not you
18 get approved from the board of supervisors is immaterial
19 to us, but the gen-tie is very material to us.

20 If you do not receive an approval from the
21 board of supervisors, is the project likely to go
22 forward, be changed, continue to work on getting
23 approval? What does that look like --

24 MS. NOE: I am personally --

25 MEMBER RICHINS: -- in relation to us

1 approving your certificate.

2 MS. NOE: Understood completely, and I
3 appreciate the comment about the nonjurisdictional aspect
4 of the solar facilities.

5 I'm not comfortable commenting on
6 likelihood of things, but I can tell you that there are
7 avenues that are being explored for what one would do in
8 the event of board of supervisors denial.

9 The most obvious example would be to
10 reapply after the month, I think it's six-month, please
11 don't quote me on that. That's an estimated after the
12 limit has -- the time limit has elapsed we could reapply
13 for the same rezone and PAD overlay.

14 Alternately we could appeal the board of
15 supervisors in the Superior Court of Arizona, which we
16 may or may not do depending on findings of the board of
17 supervisors and whatever they determine would be the
18 basis of denial if the denial is forthcoming. So there
19 are avenues to continue the project. I don't want to
20 weigh in on likelihood of it.

21 MEMBER RICHINS: Sure.

22 MS. NOE: But it's not a certainty that the
23 project is dead if we receive a denial from the board of
24 supervisors.

25 MEMBER RICHINS: And then the last thing is

1 the nonjurisdictional project is seeking probably a power
2 purchase agreement with a utility through bid. And where
3 is that in the process and how does that relate back to
4 what we would be approving in our CEC here?

5 MS. NOE: That is an excellent question and
6 I would like to direct the same to our applicant,
7 Ms. DeSpain, if she would like to address the status of
8 the power purchase agreement for this project today.

9 MS. DESPAIN: Yes. At this time I'm not
10 able to provide comment on the status of the power
11 purchase agreement because it's subject to nondisclosure
12 agreements.

13 MEMBER RICHINS: Okay. Thank you.

14 MEMBER MERCER: Mr. Chairman.

15 CHMN STAFFORD: Yes, Member Mercer.

16 MEMBER MERCER: I just want to say
17 something for the record and also for the benefit of the
18 public. I understand that the line siting Committee has
19 to follow the -- what the ARS states. We have
20 jurisdiction on proposed plans generating 100 megawatts
21 or more, and proposed aboveground transmission lines
22 assigned for 115kV or higher.

23 We have no jurisdiction over solar wind or
24 any kind of renewable power. And I understand that those
25 are being regulated by local governments.

1 My question is kind of in the likes of
2 Member Richins, I understand that Pinal County board of
3 supervisors rejected part of this project, but I want to
4 know if anybody's aware of what they rejected. Was it
5 the solar part of this project or the 230kV gen-tie?

6 MS. NOE: If I may, the board of
7 supervisors has not rejected any portion of this project.
8 The board of supervisors has not -- they are the ultimate
9 deciding authority on this issue, and we haven't gone
10 before them yet. We hope to go before them in the coming
11 months.

12 The way it works in Pinal County, you go
13 before the planning and zoning commission and they make a
14 recommendation based on the facts to the board of
15 supervisors. We did receive a recommendation for denial
16 from planning and zoning, but no decision from board of
17 supervisors. And, again, this would not be the first
18 time, this is not precedential for the board of
19 supervisors to rule against what the recommendation was
20 from either county staff or from planning and zoning
21 commission.

22 MEMBER MERCER: Okay. Thank you.

23 MEMBER GOLD: Mr. Chairman.

24 CHMN STAFFORD: Member Gold.

25 MEMBER GOLD: A question to Ms. Noe. You

1 said the planning and zoning board denied something.

2 What did they deny? The whole thing or specific parts of
3 it or are you not allowed to answer that?

4 MS. NOE: It was all part of the public
5 process. I'm happy to answer that question. The
6 planning and zoning commission is a recommending
7 authority in Pinal County. And they're recommending that
8 the board of supervisors deny the solar -- the
9 nonjurisdictional solar facility. They've not -- they
10 have no jurisdiction over the gen-tie line and
11 transmission lines are generally permitted in all zoning
12 districts in Pinal County.

13 MEMBER GOLD: Thank you.

14 MS. NOE: Yes.

15 MR. ACKEN: Thank you. I'm going to go out
16 on a limb and start -- and turn to biological resources.

17 BY MR. ACKEN:

18 Q. Mr. Agner, describe your findings with respect
19 to areas of biological wealth as detailed in application
20 Exhibit C.

21 A. (Mr. Agner) Sure. So application Exhibit C
22 addresses species protected by federal or state laws in
23 policies because of their conservation status.
24 Application Exhibit C also addresses whether any areas
25 protected for conservation purposes are present in or

1 near the vicinity of the project.

2 An SWCA biologist conducted a field study to
3 document existing conditions on the project and to note
4 whether habitat features important to any special status
5 threatened or endangered species were present.

6 Information was also provided by the Arizona
7 Game and Fish Department and collected from the United
8 States Fish and Wildlife Service to identify protected
9 species and their critical habitat and any protected
10 areas that may be present.

11 The Arizona Game and Fish Department reply is
12 included in the application as Exhibit H-2. A copy of
13 the CEC application was sent to the Fish Department on
14 December 21, 2023, and we've received no reply to date.

15 Based on the desktop and field data collected,
16 SWCA concluded that there are no areas of biological
17 wealth within the project or study area. Additionally,
18 there is no designated or proposed critical habitat that
19 occurs with the project or study area.

20 And slide R-45 depicts typical habitat within
21 the project, which includes manmade features such as
22 transmission lines and natural features that would not
23 support protected species.

24 Q. In light of the absence of areas of biological
25 wealth, how would you describe the impacts, if any,

1 associated with the project?

2 A. (Mr. Agner) The project would result in minimal
3 disturbance to the landscape which has already been
4 largely converted from natural vegetation to other uses.

5 The small disturbance footprint and relative
6 short time frame of construction would minimize migratory
7 species impacts and migratory stopover habitat loss.

8 As such, any loss of vegetation from
9 construction activities would not contribute meaningfully
10 to habitat fragmentation or decrease connectivity between
11 habitats.

12 Q. In addition to areas of biological wealth, the
13 application components as set forth in the regulation
14 required discussion of biological resources more
15 generally. Next, I'd like you to describe that
16 evaluation which is found both in Exhibits C and D to the
17 application.

18 A. (Mr. Agner) So the project is not likely to
19 significantly affect any rare, endangered, or special
20 status species. No threatened or endangered species
21 listed under the Endangered Species Act are present in
22 the project or study area, and none would be affected by
23 the proposed project.

24 The project and study area are within the known
25 range of the Monarch butterfly, but the Monarch butterfly

1 is currently listed a candidate species. Habitat in the
2 project and study area may be suitable for use by the
3 Monarch butterfly, again a candidate species.

4 No plants in the milkweed family were observed
5 in the project. However, Monarch butterflies may use
6 other plants in the project and study area for foraging
7 but not for reproduction.

8 As such, any potential project impacts to the
9 Monarch butterfly would be minor.

10 A very small portion of suitable dispersal or
11 foraging habitat would be lost relative to the total
12 amount of habitat in the vicinity. Individual Monarchs
13 may be impacted as a result of the project. However,
14 individuals would be expected to largely shift activity
15 to nearby suitable habitat.

16 The project may impact vegetation and general
17 wildlife temporarily during construction. However, the
18 project and study area have been previously disturbed and
19 the project will comply with applicable mitigation
20 measures.

21 Therefore, project impacts to biological
22 resources would be low.

23 MEMBER LITTLE: Mr. Chairman.

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: I have a question that

1 maybe is kind of general. But I know that law asks the
2 applicant to look at the project area, the study area.

3 I'm concerned that in looking at just that
4 area, perhaps the assumption is made that if there --
5 there was a species that, say, Monarch butterflies, that
6 there's lots of area outside of just that particular
7 however many square miles that turns out to be could use.

8 And I'm concerned about the cumulative or
9 the effect of the cumulative change in this entire area
10 to solar fields and the transmission line. And I'm
11 wondering if when you do your study if you just limit it
12 to that particular number of square miles that is the
13 study area or if you consider the fact that there are
14 acres and acres and acres and acres that is unusable also
15 by the biological species.

16 MR. AGNER: So when we go to review the
17 Arizona Game and Fish Department online environmental
18 review tool, that typically has a three- to five-mile
19 buffer radius that pools species that may be present or
20 their habitats that may be present within that three- to
21 five-mile radius.

22 So the desktop review that we use from
23 Arizona Game and Fish Department does go outside that
24 one-mile study area to help identify any protected
25 species that may be present within that larger footprint.

1 My understanding of the Fish and Wildlife
2 Service IPAC results is also it looks at a larger
3 footprint than a one-mile radius. So even though our
4 inventory is focused on that one-mile footprint, the
5 desktop data which we base our field efforts on, which
6 would tell us, on a larger footprint what species or
7 their habitats may be present in that larger area, that
8 helps inform our field studies even if it gets restricted
9 down to that one-mile footprint.

10 MEMBER LITTLE: Thank you.

11 BY MR. ACKEN:

12 Q. Mr. Agner, given the absence of threatened and
13 endangered species that are listed at this time, and I
14 believe you indicated minimal impacts, what mitigation
15 measures are appropriate for this project?

16 You did in your prior response, I think you
17 indicated that there would be standard mitigation
18 measures. What are you talking about there? What are we
19 looking at?

20 A. (Mr. Agner) That's correct. So standard
21 mitigation measures that would be implemented for the
22 project would be typical for projects of this type, and
23 include recommendations provided in the previously
24 mentioned letter by the Arizona Game and Fish Department.

25 These measures would include efforts such as

1 preconstruction surveys, compliance with the Arizona
2 Native Plant Law, and compliance with standards provided
3 by the Avian Power Line Interaction Committee, which
4 minimizes the risk of electrocution for large birds.

5 Again, as part of standard practice, the
6 applicant would comply with the Arizona Game and Fish
7 guidelines for handling protected animal species should
8 any be encountered during construction and operation of
9 the project.

10 The application would also consult with the
11 Arizona Game and Fish Department and the US Fish and
12 Wildlife Service as appropriate on other issues
13 concerning wildlife.

14 Q. What's your overall conclusion with respect to
15 the project's compatibility for biological resources?

16 A. Based on SWCA's evaluation, the development and
17 operation of the project would be compatible with
18 wildlife and plant species as well as the affected
19 habitat.

20 MR. ACKEN: Thank you, Mr. Agner. At this
21 time I'm going to pass the baton back to Ms. Noe.

22 BY MS. NOE:

23 Q. All right. Mr. Petry, let's talk about visual
24 resources. If I could ask a few questions about
25 Exhibit E to the CEC application. Could you please

1 describe SWCA's findings regarding visual resources?

2 A. (Mr. Petry) Certainly. In order to assess the
3 potential visual impacts with the project, we completed a
4 visual resource inventory and overall study to identify
5 and characterize three primary things: First being
6 scenery, existing scenery; the existing scenic quality;
7 and the identification of sensitive viewers within the
8 project region in order to identify ultimately the level
9 of visual modification that would result from the
10 project.

11 So that first thing, scenery, use existing
12 scenery within the project study area is mostly open,
13 some panoramic views that include, you know, views to the
14 Sacaton mountains, the Picacho mountains, the Silver Bell
15 mountains as well, distant background views consist of a
16 lot of that existing transmission infrastructure that
17 we've talked about today.

18 Also in view would be some of the agricultural
19 operations, transportation facilities and then some of
20 the residences as well.

21 Human development within that area is largely
22 characterized as agricultural and supporting electrical
23 transmission.

24 The second thing we looked at, scenic quality,
25 the scenic quality within the study area is considered to

1 be generally relatively low based on the general lack of
2 visually interesting land forms and native vegetation
3 with the dominant views and, you know, focal features,
4 again being some of that infrastructure that we discussed
5 previously.

6 The last thing we looked at would be the
7 sensitive viewer types, and there are three types of
8 sensitive viewers that we identify. Those include
9 residential viewers, the nearest of which we've talked
10 about, that residential area in the center of the project
11 study area.

12 As well as the recreational viewers.
13 Recreational viewers are primarily found at Pinal County
14 fairgrounds and the racetrack facilities there, as well
15 as some dispersed recreation throughout the study area,
16 places where one could ride a bike or go for a walk,
17 those types of things.

18 And then the last sensitive viewer type that we
19 look at would be travel route viewers or those viewers
20 that would experience views while traveling, while
21 driving along the roadways.

22 And the primary travel routes that we see within
23 the city area would be State Route 287 and then Eleven
24 Mile Corner, the road that runs north to south adjacent
25 to the Pinal Central substation.

1 And in order to illustrate the potential impacts
2 of the project, we identified four key observation points
3 or KOPs meant to represent some of those sensitive viewer
4 types. Those are shown on the map on slide R-47.

5 And with those, each one of those represents the
6 KOP location. So, for example, I'll go ahead and point
7 this out on the screen. You can see KOP-1 shown on the
8 map right here, indicating a red dot. And from that dot
9 you can see a cone shape that extends to the south.

10 That dot represents the location from which the
11 key observation point is placed, and where photos were
12 taken, where simulations were developed.

13 The cone represents the field of view from that
14 location, the area that would be seen in both the
15 existing condition photograph as well as the proposed
16 simulation.

17 And again we placed those in four locations
18 around the project study area there.

19 Q. And Mr. Petry, how did you determine the
20 location from which those key observation points should
21 have been placed?

22 A. (Mr. Petry) Yeah. We generally try to locate
23 those in areas where we think the greatest impact would
24 be experienced. We want to identify them in locations
25 where, first of all, the sensitive viewers are located.

1 Where there will be views of the project.

2 And then in areas where we think impacts will be
3 greatest. So that we can demonstrate that potential
4 greatest impact.

5 In this case here I can kind of point out the
6 specifics of where each of those four KOPs were placed
7 and why.

8 The first one, the easternmost KOP, again, at
9 Pinal County fairgrounds is -- and we saw it in the
10 virtual tour as well. It's representative of the
11 recreational views to the south across Pinal County
12 fairgrounds.

13 Moving over to KOP-2 on the far west side of the
14 project, this is representative of vehicular views,
15 travel route viewers along Tweedy Road, as well as some
16 of the existing residents on the far western side of this
17 residential area.

18 Next we have KOP-3, which is from within the
19 residential area in the central portion there and this
20 is, again, representative of the residential views
21 looking to the east/southeast. That is where you can see
22 a portion of the line as it turns from north to south to
23 east and west along the existing transmission line
24 alignment.

25 And then lastly, key observation point 4, KOP-4

1 is, again, representative of residential views from
2 within the adjacent community and again designed to show
3 an area where we think there will be high impacts as a
4 result of high visual impacts. Trying to demonstrate
5 that very clearly what the potential impacts of the
6 project might be.

7 And so we placed these KOPs in areas where we
8 can demonstrate that.

9 Q. Can you please, beginning first with the key
10 observation point number 1, walk the Committee through
11 the visual simulation?

12 A. (Mr. Petry) You bet. So first what I'll do is
13 quickly orient the Committee with what these simulations
14 actually show. There are a couple images on the screen.
15 I'll start with the upper image on the left. That
16 represents the existing condition, essentially what you
17 might see in the field today. The lower image --

18 MEMBER GOLD: Mr. Chairman.

19 CHMN STAFFORD: Member Gold.

20 MEMBER GOLD: A question. You said
21 observation point 1. I'm looking at the thing and I
22 don't see any numbers on the observation points. Which
23 one is 1?

24 MR. PETRY: KOP-1 is the --

25 MEMBER GOLD: I'm looking at your map of

1 your observation points, the slide before this one.

2 Which one is 1?

3 MR. PETRY: KOP-1 is located on the far
4 eastern area of the study area.

5 MEMBER GOLD: Which is 2?

6 MR. PETRY: No, that -- which is 2?

7 MEMBER GOLD: Yeah.

8 MR. PETRY: Would be on the far western
9 portion.

10 MEMBER GOLD: And 3?

11 MR. PETRY: Central southern.

12 MEMBER GOLD: And 4 would be the top one?

13 MR. PETRY: Correct.

14 MEMBER GOLD: Next question. Each of those
15 observation points is about 45 degrees. Visual is about
16 180 degrees. So this is only showing a small cut of what
17 people will see when they're standing there. Am I
18 understanding that correctly or am I missing something?

19 MR. PETRY: You are understanding the
20 concept as we presented it correctly. The viewing cones,
21 the blue cones that you see on the screen are
22 representative, generally representative of the field of
23 view that one might see from those locations. The --

24 MEMBER GOLD: So it's not the whole field
25 of view, it's just representative --

1 MR. PETRY: No, and you'll be able to see
2 that in the next -- sorry to speak over you, Member Gold.
3 You'll be able to see that in the next simulations that
4 it is an expansive view. These are panoramic photographs
5 that are designed to replicate as close as possible what
6 would be experienced by a human when viewing in the
7 field.

8 MEMBER GOLD: Thank you.

9 MR. PETRY: I appreciate your clarifying
10 question.

11 Okay. So here we are at key observation
12 point 1. Again, this is key observation point from
13 within the Pinal County fairgrounds. And it's a view to
14 the south, looking towards the existing transmission
15 infrastructure and some of the fair facilities in that
16 area.

17 And again, we saw this in the virtual tour
18 earlier. What you see, again, just to orient the
19 Committee with what these simulations actually show, in
20 existing condition photograph up top, a simulated
21 condition below shows that existing condition with
22 project facilities superimposed.

23 In the upper right you will see the viewing
24 location. Again, this is the map that's representative
25 of the KOP location and the area that's being viewed.

1 And below that would be the typical 230kV structures.
2 This is representative of the structures that were
3 included in this simulation.

4 So what we want to point out, this
5 simulation in particular is that, you know, in the upper
6 image you see again some of the existing transmission
7 infrastructure, that includes both 230 and 500kV, some of
8 existing 115kV that runs out of ED-2, that's Pinal
9 Central, and this region on the far left.

10 And then the simulating condition
11 photograph below, you see the same but with project
12 facilities added in. And this is a portion where the
13 project would extend east to west across the Pinal County
14 fairgrounds over into the east into Pinal Central
15 Substation.

16 Based on our analysis on this particular
17 KOP, excuse me, and this particular visual simulation,
18 again representative of recreational viewers, we
19 anticipate that the lines, forms, colors, textures and
20 overall scale of the project would be similar in
21 appearance to that of the existing transmission
22 infrastructure and overall existing landscape.

23 Despite the proximity to these facilities
24 and the long potential duration of view, the project
25 would be visible. It would begin to attract attention

1 but would be subordinate to the other features in the
2 landscape, and therefore we would consider visual impacts
3 to recreational viewers at KOP-1 to be low.

4 I'll step into the next simulation now.
5 This is from key observation point 2, and this is
6 representative of travel route viewers traveling along
7 South Tweedy Road and David Road. And this is also
8 representative of some of the residential viewers within
9 that residential area there.

10 What you see within this photo, again in
11 the upper, would be the roadway in the foreground, some
12 of the existing agricultural fields on the left and
13 middle ground, as well as an existing residence located
14 in the center of the existing condition photograph. That
15 resident is actually the owner of the property, the solar
16 facility property itself. He's planning to, as we
17 understand it, stay within that home should this project
18 move forward and continue to live and work in the region
19 here as well.

20 BY MS. NOE:

21 Q. If I may pause for a quick clarifying question,
22 Mr. Petry.

23 Is it your understanding that that's his primary
24 residence, the landowner?

25 A. (Mr. Petry) Yes, that is my understanding.

1 Q. Thank you. Please continue with the simulation.

2 MEMBER LITTLE: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Little.

4 MEMBER LITTLE: I realize it's
5 nonjurisdictional, but how much of the property in that
6 view will be covered by solar panels?

7 MR. PETRY: Well, what I would use to base
8 my response to that question on, Member Little, would be
9 the mapping that we have done that represents the area of
10 the solar field.

11 I don't have any engineering documents or
12 anything that would talk about the density of development
13 there, but based on the layout -- or excuse me -- based
14 on the area of the planned requested solar facility, this
15 agricultural region here would potentially have solar
16 panels on it.

17 You can see on some of the mapping, for
18 example, in particular future land use map, the areas
19 that -- if I hold it correctly -- have been identified as
20 the solar facility in the black hatching.

21 MEMBER LITTLE: Right.

22 MR. PETRY: What we're looking at right now
23 is the project substation in the small orange square.

24 MEMBER LITTLE: Correct.

25 MR. PETRY: And so the entire area here to

1 the south and north could be future solar facility.

2 MEMBER LITTLE: Thank you.

3 MS. NOE: If I may supplement that answer
4 from a legal perspective, the nonjurisdictional facility
5 will be subject to county setbacks and other
6 requirements. So we can't comment on how many solar
7 panels will be in the area, but it will adhere to the
8 required setbacks that the county requires.

9 MEMBER LITTLE: Thank you.

10 CHMN STAFFORD: Member Richins.

11 MEMBER RICHINS: Remind me, what was your
12 conclusion for the visual impact on this viewpoint?

13 MR. PETRY: From this viewpoint we're
14 representing two different views. One would be the
15 travel route viewers as seen from the roadway, and what
16 we say from a travel route viewer is in terms of their
17 potential impact as a result of shorter duration of view,
18 and some of the existing intervening elements such as
19 specifically the existing distribution lines located here
20 and in the background, we would anticipate a low impact
21 to travel route viewers from this location.

22 And, again, that's largely due to the
23 anticipated duration of view. With travel route viewers
24 you consider a less sensitive viewer than other viewer
25 types such as recreational or residential viewers.

1 MEMBER RICHINS: So, Chairman, what would
2 it take for it to be considered high on a travel route
3 viewer? Like the pull off to the side and gaze at it? I
4 mean -- I mean, that's just, this feels really oddly
5 subjective.

6 Because, I mean, it's a substation sitting
7 out there pretty starkly. I just challenge that
8 conclusion a little bit. I get you're driving by, but I
9 mean, you're seeing it and it's -- there's no masking it,
10 right? So I'm just -- you've been before this Committee
11 11 times. Have you ever found a high visual impact for
12 anything?

13 MR. PETRY: Certainly. And we will speak
14 to some of the --

15 MEMBER RICHINS: Can you walk through that
16 a little bit so we can just understand what that looks
17 like?

18 MR. PETRY: You bet.

19 MEMBER RICHINS: So we have a comparison.

20 MR. PETRY: Absolutely. And I appreciate
21 the question, Member Richins. So I think, first of all,
22 I want to clarify that we are talking about impacts as a
23 result of the transmission line itself, not the
24 substation.

25 MEMBER RICHINS: Okay.

1 MR. PETRY: Because the substation, a
2 legal -- a legal point to make, but considered
3 nonjurisdictional. So we're talking about the
4 transmission line structures themselves outside of the
5 project substation. And in this --

6 MEMBER RICHINS: Hold on. Hold on. Can we
7 clarify that? Is that the gen-tie only extends to the
8 power line into -- it doesn't include the takeoff point?

9 CHMN STAFFORD: It doesn't include the
10 poles, the structures inside the substation, and it
11 doesn't include the substation itself.

12 MEMBER RICHINS: Okay. Thank you. Just
13 wanted to make sure we had that on the record.

14 CHMN STAFFORD: Mr. Acken, is that -- would
15 you agree with that interpretation of what the existing
16 definition of transmission line entails?

17 MR. ACKEN: I would. Thank you for the
18 opportunity to comment, but yes, that accurately states
19 the common and I think universal understanding at this
20 time.

21 CHMN STAFFORD: Thank you. Please proceed.

22 MR. PETRY: Thank you.

23 The second question that I think I heard
24 you ask, or a question I think I heard you ask was what
25 would -- what would cause a high impact for a travel

1 route viewer. And when we think about high impacts to
2 travel route viewers, we think about roadways or scenic
3 byways that have specific designation for their visual
4 characteristics, areas where there are, you know, we
5 think about State Route 74 is an example, outside of
6 Phoenix here, where there are specific designations that
7 you travel along that state route for regulating
8 potential impacts to views within a distance of that
9 roadway.

10 So in locations where there are specific
11 guidelines or objectives in terms of visual or scenic
12 resources, that's where we would be more likely to see
13 potential higher impacts associated with travel route
14 viewers. Or if there are, you know, facilities that will
15 be during a long duration of view, for example,
16 facilities that travel adjacent to roadways, where
17 they're going to be viewed for longer periods of time as
18 opposed to traveling underneath for a brief moment.

19 MEMBER RICHINS: Chairman. Mr. Petry,
20 thank you for that explanation. I think that helps
21 clarify kind of the difference between what a low and a
22 high would be for me. I mean, I appreciate that. So
23 basically the conclusion you're saying here is there's
24 really nothing interesting to look at.

25 MR. PETRY: No, I wouldn't go that far.

1 MEMBER RICHINS: No?

2 MR. PETRY: That's not what I -- that's not
3 what I'm saying or intending to say. I think that there
4 are existing facilities that already create contrast in
5 the environment, visual contrast, and those include some
6 of the existing transmission or distribution
7 infrastructure. Some of the other built facilities
8 within the environment there.

9 And because that contrast has already been
10 introduced, the addition of project facilities would be
11 less jarring to a viewer.

12 MEMBER RICHINS: Thank you.

13 MR. PETRY: You bet.

14 BY MS. NOE:

15 Q. Mr. Petry, keeping with key observation point
16 number 2, we've discussed the travel viewers. Can you
17 tell us a little bit more about the residential viewer
18 impact?

19 A. (Mr. Petry) Certainly. And I think this really
20 gets to the question that Member Richins posed there as
21 well.

22 What I want to point out before I move on to the
23 next slide, in order to respond to that question,
24 Ms. Noe, is we mentioned that key observation point is
25 representative of both travel route and residential

1 viewers.

2 And the residences nearest to this location
3 would be slightly to the right of the view you see now.
4 If you look at the far right of both of those images, you
5 can just see the distribution line that runs north and
6 south along the east side of this roadway. You can also
7 see just a bit of the existing vegetation that borders
8 that house, the more -- the most northwestern house
9 within that development area there.

10 And that's the location from where we would be
11 representing residential views of this area. And what we
12 want to point out, I move to the next slide that gives a
13 better perspective of what that residential view might
14 be.

15 You see from this image we are looking north;
16 right? As we move to the next slide, we're looking
17 south. So we are looking south from State Route 287 at
18 this location.

19 And what you see on the far right of slide R-50
20 would be the agricultural field that we were looking at a
21 moment ago. Right in this general vicinity is where the
22 project substation is proposed.

23 This is the roadway we were looking north on
24 previously. We are now looking south. The distribution
25 lines we saw on the right side of the road are now going

1 to be on the left on the eastside. And that vegetation
2 that we saw around the home is right here.

3 And you can see on the west side of the home
4 some of the existing vegetation that would screen some of
5 their views to the west as well as some of the existing
6 vegetation along the north side that would screen some of
7 the views to the north as well.

8 And so as part of our assessment to understand
9 what the potential impacts to the residential viewers
10 from this location, we, again, base that off of the
11 existing environment, looking at what some of the
12 existing vertical features might be.

13 And we determined that the lines, again, the
14 lines, forms, colors, textures and scale of the project
15 facilities would be similar in appearance to the
16 distribution lines and other infrastructure within the
17 existing landscape.

18 And, again, as a result of that similarity and
19 some of the existing screening, the project visual impact
20 to the residential viewers at this location are expected
21 to range from low to medium, up to a medium impact.

22 Largely driven by some of the screening that
23 exists at that location as well as some of those existing
24 primarily distribution infrastructure specifically
25 adjacent to that home today.

1 Q. If the Committee decides to take the tour
2 tomorrow, will this be a stop along the way?

3 A. (Mr. Petry) Absolutely. Yeah, we have designed
4 our route tour stops to try to show, again, try to show
5 those areas of greatest potential impact and we feel this
6 is likely one of them.

7 So this also being at the far, far western
8 portion of the project near the project substation, we
9 have identified a route tour stop basically right where
10 we're looking now. Just a little bit south of 287 right
11 near this general area.

12 MEMBER KRYDER: Mr. Chairman.

13 CHMN STAFFORD: Member Kryder.

14 MEMBER KRYDER: Question for Mr. Petry.

15 Following up on what Member Little said a moment ago --
16 or asked a moment ago, when you talk about high, medium
17 or low impact, and then I think I heard and understood
18 your answer to that, I'm wondering is there a checklist
19 that you had in your training or is there a governmental
20 checklist that says we check a 1 to 10 scale? Or who
21 does the checking? Fill me in on that. I'm just dumb as
22 a box of rocks.

23 MR. PETRY: I would be happy to fill you
24 in. No, I don't believe you are dumb as a box of rocks.
25 I would like to point out some information in the

1 application itself that speaks directly to your question.

2 If we look at Exhibit E in the CEC
3 application, I believe that's SD-1.

4 MEMBER KRYDER: I have Exhibit E in front
5 of me.

6 MR. PETRY: We can look at the -- there's
7 an overview and a methodology, and the methodology
8 section there talks about how we go through this process
9 in some detail, but the overview before that kind of
10 gives an overview of the process we go through and where
11 that's been developed.

12 This is a process that was developed by
13 federal agencies typically used by the Bureau of Land
14 Management and the United States Forest Service when they
15 are giving and doing -- completing visual resource
16 inventories for their lands. It's an established process
17 that has been used in large-scale development and
18 landscape-level projects. We employ that in this type of
19 project as well. You can --

20 MEMBER KRYDER: So somewhere in your notes
21 you've got a checklist that goes through and says,
22 following the criteria you just mentioned, somehow,
23 somehow, see, that's where I get stuck. Somehow what do
24 you do physically, what did you do that says this is a
25 low impact area or medium or high? Tell me how you go

1 about that.

2 MR. PETRY: Certainly. And I will start by
3 saying that that analysis is completed by our visual
4 resource professions within SWCA.

5 MEMBER KRYDER: Okay.

6 MR. PETRY: I personally did not complete
7 the analysis. I oversaw its completion with our visual
8 resources team. And these are practitioners within the
9 visual resources industry who are well seasoned in
10 completing these types of analyses on landscape-level
11 projects for these types of agencies that develop this
12 methodology.

13 The methodology that we employed is
14 illustrated and described, again, on pages E-1 and E-2.
15 And there is specific information on page E-2 that talks
16 about the impact thresholds for this assessment and how
17 those are characterized.

18 MEMBER KRYDER: Okay. Thank you. I'm
19 going to just have to do some homework. I guess I'll
20 have to stay awake and somehow -- because this is really
21 confusing to me. It's like I do a fair amount of cooking
22 and I don't mean to get off of your topic, and I find
23 that the people who eat my cooking vary from zero to 10,
24 you know, if you look at a particular serving somebody
25 says, man, that's -- that's great.

1 And somebody over here yeah, but think
2 about this, Kryder. And so I'm going to have to try,
3 maybe you can talk with me afterward or something. But I
4 don't get it, if you don't -- if you can't put it into
5 numbers, you don't have it.

6 Okay? And if you'll talk with me afterward
7 and show me how you get a visual of this thing right here
8 in front of us into a number and call that a 4 or a 9 or
9 something on a zero-to-10 scale and what boxes you
10 checked in order to get there, I'd really feel
11 appreciative of learning so I know it for the next time
12 at least.

13 CHMN STAFFORD: Member Kryder, that will
14 not be possible, that would be an ex-parte communication.
15 They're not -- they can't speak to the merits of the
16 project to us --

17 MEMBER KRYDER: Okay.

18 CHMN STAFFORD: -- outside the presence of
19 both parties.

20 MEMBER KRYDER: Give me something to read.

21 CHMN STAFFORD: He can provide something on
22 the record that, you know, references on the record that
23 you could read, but he can't privately provide you with
24 information about this.

25 MEMBER KRYDER: I would appreciate that.

1 Thank you, Chairman.

2 MEMBER SOMERS: Mr. Chairman.

3 CHMN STAFFORD: Yes. Member Somers.

4 MEMBER SOMERS: I apologize, but I do need
5 to leave the meeting to attend a council meeting.

6 CHMN STAFFORD: No apology necessary.

7 Thank you for attending.

8 MEMBER SOMERS: Thank you, sir, see you
9 tomorrow.

10 CHMN STAFFORD: See you tomorrow.

11 We're here after five o'clock. We have --
12 we need to switch over to public comment for 5:30. I
13 think we should probably stop here, take a recess until
14 5:30 to come back for public comment. I know we have
15 some people here that are waiting to talk. Before we do
16 that, I think we need to address the issue of a tour.

17 I think that we should definitely do a
18 tour. I think that given the location and the interest
19 of the local residents that it would be -- we would be
20 derelict in our duty if we didn't take a physical tour.
21 I don't think we need to put it to a vote formally, but I
22 think that -- I mean, if any members would object to a
23 tour, speak now but otherwise we shall conduct one
24 tomorrow morning.

25 MEMBER KRYDER: Terrific.

1 CHMN STAFFORD: All right, thank you.

2 Mr. Acken, you have an exhibit that talks about --

3 describes the tour route and itinerary.

4 MR. ACKEN: We do. For this I'm going to
5 ask Mr. Petry to describe it and talk about -- while he's
6 getting set up -- because we might need to prepare to
7 just move locations slightly because conditions are wet
8 out there already. And then I think our notice says we
9 can start at nine a.m., but we'll have the buses
10 available before that time. And be able to head on down
11 the road. Is that enough intro, Mr. Petry?

12 MR. PETRY: Thank you, Mr. Acken.

13 Mr. Acken is correct, we do anticipate buses arriving
14 about 8:30 tomorrow morning and we anticipated leaving by
15 nine. We have three proposed route tour stops. One
16 being the location I described previously near Tweedy
17 Road south of 287, south Route 287. The second stop
18 being at the intersection of the alignment of Alexis Lane
19 and State Route 287 which is the northernmost portion of
20 the corridor as defined in case 212.

21 And then the third stop would be near,
22 at/near the Pinal Central Substation. And a great
23 location to see some of that existing and under
24 construction development at and around Pinal Central.

25 CHMN STAFFORD: All right. Thank you. So

1 the plan will be we will convene in the lobby at nine.
2 We'll go on the record, state the route and you can give
3 us an overview what we'll be looking at each stop and
4 then we'll go off the record, board the bus. And there
5 won't be any deliberations or questioning during the bus
6 ride itself.

7 That will all have to wait until we get to
8 each stop, at which point we'll get off the bus, set up
9 the court reporter, and then take questions on the record
10 from members to the applicant.

11 All right. With that, let's go into recess
12 until 5:30 at which point we will begin public comment.
13 We stand in recess.

14 (Recess from 5:15 p.m. to 5:31 p.m.)

15 CHMN STAFFORD: Let's go on the record.

16 Now is the time set for public comment on
17 line siting case 229. We have a number of people in the
18 room to make comment. First is Brenda Hiscox. Please
19 come to the podium.

20 MS. HISCOX: Hi, my name is Brenda Hiscox,
21 and would you like my address? Do you need that for the
22 record?

23 CHMN STAFFORD: You don't need to state it.
24 We have it on the sign-in sheet.

25 MS. HISCOX: Great. Thank you so much.

1 I understand that is not a meeting about
2 solar. That given, this all ties together and I'll try
3 to be brief. In 2020, the Pinal County supervisors
4 approved the zone change for this project.

5 However, we were just at the planning and
6 zoning committee meeting where this zone change was being
7 revisited, and was denied with zero commissioners voting
8 for approval.

9 Both staff and commissioners recommend
10 denying moving forward to the county supervisors. What
11 have we learned since 2020 and why that decision?
12 Primarily tax benefits are not what the company's
13 advertised. One company courting Coolidge stated their
14 project would bring in 1.5 million per year for 30 years.
15 In truth, this is ten years, and at a declining rate
16 until the tenth year when it is the lowest tax rate.

17 Because this is not a solar meeting I'm not
18 going into the jobs created by solar which is three to
19 five for this project which is what they said at the
20 planning and zoning meeting, and the number of jobs that
21 would be lost taking away this land out of agricultural
22 production.

23 Looking at the Invenergy map, the areas of
24 blue are indicated as solar, and the areas of tan from
25 what I'm reading are residential. At the planning and

1 zoning meeting at Pinal County, a firefighter spoke about
2 the fire toxicity should the battery storage facility
3 catch on fire. He said these fires burn for weeks,
4 releasing toxins throughout the atmosphere.

5 Commissioner Maninga expressed the concern
6 of lawsuits from residents that would potentially
7 bankrupt the County of Pinal. Coolidge residents have
8 become aware of 16 acres of proposed utility solar only
9 after the City had approved 8,000 acres.

10 Citizens United participated and halted any
11 new utility solar projects within the city of Coolidge
12 except for a small area we call the solar overlay. We
13 were always told the kV lines running down Valley Farms
14 Road were for future -- the future north/south freeway.
15 Now we understand they were always intended for the
16 Valley Farms solar project with SRP.

17 There is a solar company in Tempe whose
18 business model states, "Utility-scale solar should not be
19 located anywhere near where people live, work, play, or
20 have their land investments." This business model seems
21 to be the new standard we have been successful in
22 convincing both the city of Coolidge and the county
23 moving forward.

24 Speaking on the Eleven Mile project looking
25 where we are today compared to where we were when it was

1 approved, there is more and more pushback from residents
2 in the city of Coolidge, leadership who have taken the
3 attitude we have approved 16 percent of the city of
4 Coolidge for green energy and that is enough. They're
5 not in favor of this, by the way.

6 While we petitioned the City of Coolidge
7 and the county against utility solar near people, we
8 hired Mr. Joshua White, a climatologist, to speak before
9 the city and the county regarding the environmental
10 impact of solar -- of utility solar.

11 Pinal supervisors just held their 2023
12 citizen engagement awards. Supervisor Kevin Cavanaugh,
13 District 1, awarded his recipient and I quote, Supervisor
14 Cavanaugh awarded his nominee after county management
15 invited a professor to tell the board that solar panels
16 pose no harm to the environment. Supervisor Cavanaugh's
17 recipient found an expert in environmental sciences who
18 found otherwise. In other words, solar is toxic to the
19 environment.

20 In conclusion, none of the promises made or
21 needs of Invenergy matter here at all. The voters of
22 Pinal County do not want our county to become a utility
23 solar wasteland filled with ugly power lines, especially
24 when the power is going to Maricopa County and California
25 and especially when our water will be converted to

1 municipal.

2 Our position between southern cities of --
3 the southern cities of Chandler and Queen Creek lends us
4 to becoming the next great community modeled after Queen
5 Creek. In fact, I have spoken to the development
6 business partner for Steve Sossaman of Queen Creek, and
7 he agrees, our location in Pinal County provides
8 limitless potential but no potential if we continue down
9 the utility solar path.

10 Thank you for your time.

11 CHMN STAFFORD: Thank you. Thank you for
12 your comments.

13 Up next we have Noah Hiscox.

14 MR. HISCOX: Thank you for giving me a
15 minute to talk. I've been a farmer here in Pinal County
16 for going on 45 years. And the Roberts family, which
17 is -- this is their property that SunDog is going to
18 build on, good friends of me and my family for all these
19 years and hopefully we can remain good friends. We're
20 just on opposite sides of this issue with solar.

21 I'd like to just kind of clarify a little
22 bit. Pinal County did make a general plan amendment in
23 1920 (sic) for a renewable energy project. The zoning
24 was not granted and that's what's going to come up.
25 That's what we're going to be voting on soon.

1 And it was already discussed earlier,
2 staff, Pinal County staff and the PNC board, the
3 commissioners, staff recommended denial of this project.
4 And the reason is -- well, I'll go into some of the
5 reasons.

6 And the PNC board, the commissioners
7 unanimously voted to deny it, and reason, they discovered
8 that there's actually a net loss in property tax values
9 with solar projects, as opposed to just leaving it as
10 agricultural.

11 And if you look carefully at the formula
12 that was set up by the State, it's a 10-year declining
13 rate. The first year is 4 percent of basically
14 50 percent of the project times 100 percent, and the
15 second year is 4 percent of 50 percent times 90 percent,
16 and it continues to go down until you're getting into
17 year 10 where it's actually in year 10, it's 100 percent
18 of 50 percent of the value times 10 percent. And then at
19 year 11 it goes to the lowest tax rate and it remains
20 there.

21 And so the people that are employed on
22 those farms and the machinery that's bought and the
23 fertilizer and all the other expenses, and the people
24 that work there, the taxes they pay on homes and
25 purchases, et cetera, it actually will exceed what the

1 county is going to receive, if it's a solar project.

2 Once it's a solar project, there's usually
3 only one, two, three employees. When it's being built,
4 they're all out-of-state workers. And also there's no
5 tax paid on sales tax on the solar project like this.

6 I just wanted to clarify that.

7 And I'd like to say just in closing that
8 city of Coolidge, for example, which is where we reside,
9 they had already approved over 8300 acres of solar in the
10 city limits. Coolidge is a very small city and they
11 finally realized wait a minute, that's enough. We got to
12 stop. Eloy has approved far more than that and they also
13 have all taken the same example as Coolidge and realized
14 that, oops, that's enough. We need to stop.

15 I'm hoping that our solar overlay that
16 we've instituted in the City of Coolidge, any new
17 companies that want to come in and start another solar
18 project, they're showing that overlay and said, okay,
19 this is -- these 8300 acres have received a conditional
20 use permit, if you want to build a solar project you have
21 to do it within those boundaries. But we're not going to
22 approve any new.

23 And Eloy went ahead and followed our
24 example and they're of the same opinion. So I wish the
25 best to the Roberts family, but I just feel very strongly

1 that we really need to stop, and if solar panels are
2 going to be built, they need to be built away from where
3 people live, work or play, not -- especially not on
4 fertile farm ground.

5 And San Carlos ground which is where this
6 project is proposed to be is -- it has a renewable source
7 of energy. It has rain and snow. And Coolidge dam holds
8 that water in storage and it's brought down the Gila
9 River and then through the canal system. So we're pretty
10 green to start with. And it's my opinion that this is
11 not green. So I'll just say that's all and thank you for
12 listening to me.

13 CHMN STAFFORD: Thank you.

14 Up next we have Janet Devan, and please, if
15 I mispronounce your name, correct me. Thank you. Please
16 approach the microphone so we hear you and get you on the
17 record.

18 MS. DEVAN: I do have some maps of our own
19 that I'd like to pass out. Can we -- is that okay if we
20 do that?

21 CHMN STAFFORD: Yes, please provide a copy
22 to the applicant, one to each member of the Committee and
23 one for the court reporter.

24 MS. DEVAN: Well, I'm Janet Devan. I think
25 most of you may have figured out where I live already.

1 But it's on the corner of Alexis Lane, it's on the corner
2 where this project is being applied for in the community
3 there.

4 I wanted to just start out -- well, first
5 of all, I want to apologize. I have spent so much
6 sleepless time over this whole project, and I got pretty
7 excited there and disturbed the beginning of our meeting.
8 So forgive me for that. I do apologize.

9 I thought that since I wrote down comments
10 as all of you were speaking and as the presentation is
11 going on here, I just want to just write my -- just read
12 my comments to start. Because I'll forget them if I
13 don't do it that way.

14 I heard comments from some of the panel
15 today as the maps were going up on the screen. I
16 heard -- I heard someone say, wow, there's a lot going on
17 there. There's a lot of electrical equipment going in.
18 I heard someone say, wow, that's a pretty tight box.
19 It's filled with a lot of electrical equipment, a lot of
20 lines, a lot of poles. And I heard someone say about the
21 existing corridor, that there's a lot there.

22 And there really is. We are just loaded
23 with power lines and solar panels. All the properties
24 around our subdivision are just loaded with electrical
25 equipment now. All the different companies have put

1 their solar panels in. Orsted is in the middle --
2 actually ending, getting to the end of their project.

3 So many thousands of acres of solar panel
4 everywhere and then Orsted also has a huge substation in
5 the area of Pinal County fairgrounds. It's just
6 enormous, and I hope that you'll be able to see that
7 while you're here. It just tells you what is happening
8 in our whole community. And why we're here trying to say
9 enough is enough.

10 We do wonder why this tie line could not be
11 run parallel with existing lines. And we hear that the
12 pathway cannot be shared or will not be shared, but we
13 wonder if more money was paid companies might be more
14 open to sharing their pathways and keeping the electrical
15 lines where they already are running.

16 And we also wonder why the substation could
17 not be put into an area where it would not be so
18 offensive. I realize that the reason for that is
19 dollars. And so SunDog is of course trying to --
20 Invenergy is trying to put this project through where
21 it's going to cost the least amount of money and they can
22 make the most profit, but really there's so much land out
23 there and there's so many other places where the lines
24 and the substation could go.

25 My other comments here, we have been

1 talking now with SunDog today and we've had two or three
2 conversations with them. We've asked them what the
3 possibilities are of anything changing in this project.
4 They've told us that they're willing to discuss helping
5 the looks of the project but they're not willing to
6 discuss any changes in the route of the project. Or the
7 substation.

8 So there's not a lot to discuss, really.
9 We've invited them to our home at any time -- any time in
10 the next few days, they could just name the time and we
11 would be there and show them the whole location. So
12 we'll see, you know, I've just left it open to them and
13 we'd be happy to have them come out and look around.

14 But, again, they're telling us that they
15 will not discuss anything about moving the lines or the
16 substation. They don't want to talk about that.

17 I noticed on the simulated pictures of our
18 neighborhood that were put up, all of them were not to
19 scale. And maybe that's what happens when you're trying
20 to take a wide view picture of an area. It gets
21 distorted.

22 I know that when I've looked at houses on
23 Realtor.com and I look at a kitchen and the kitchen looks
24 like it just goes for miles. And the refrigerator looks
25 that wide, and it's because of the lens of the camera

1 they're using, it makes everything look bigger and
2 longer.

3 And I think that's what's happening with
4 the pictures that you've been shown of the neighborhoods
5 and the houses, and they're much closer together than
6 what these pictures show. And they're not as far out
7 down the streets as these pictures are showing. So
8 you're not really getting a real view.

9 And tomorrow if you're on the tour, I think
10 you'll see the difference there if you think back about
11 what we saw on the screens today and what you see in
12 real -- real eyesight. I think you'll see that
13 everything was expanded in those pictures.

14 Also, the Google Earth pictures and a lot
15 of maps that were shown don't even show all of the houses
16 in our subdivision. Even Google Earth is not up to date
17 on all the homes that are in that subdivision. And homes
18 are still being built there. Just this year alone, we
19 have five new homes built there. These are large homes
20 on an acre and a quarter minimum. So we -- we are still
21 an active subdivision with young families moving in.

22 What else did I want to tell you?

23 I guess what I really noticed is that
24 SunDog didn't really have much information about that
25 neighborhood, the homes, the people that are living

1 there. Most of their maps are showing roads and geology,
2 that sort of thing. But not a lot about our subdivision.

3 So I would like to just -- just introduce
4 you to our subdivision. It's like the invisible
5 subdivision in this project. And I'd like to introduce
6 you to it.

7 If this project goes through, we would be
8 surrounded on all four sides by either power lines or a
9 substation, a battery substation, lithium battery storage
10 and that would all be at close range to our subdivision.

11 And we feel -- we feel a sense of danger
12 about that. We feel a little danger -- we feel like
13 there's not enough information out there to say whether
14 it would be dangerous to our health or our children's
15 health to be surrounded on all four sides by
16 electromagnetic fields and all of this equipment. So we
17 feel a danger about this.

18 Let me tell you about this subdivision.
19 You have this little map in front of you. Our
20 subdivision is the little square on your big maps from
21 SunDog Solar. There's a little cutout that goes around
22 our subdivision, and it's a little square in the middle
23 there that it looks like there's nothing there or a
24 couple mounds of dirt or something. But if you get to
25 know what our subdivision is, you might see it

1 differently.

2 We're two main roads going down the middle.
3 We have David Lane and Andrew Lane. There are
4 approximately 30 homes, and as I said, five new homes
5 built in just the last year in there. All of our
6 electricity is underground, so we don't have any
7 unsightly telephone poles or lines running through our
8 subdivision, which is very nice. It's one of the reasons
9 we wanted to live there. We like that.

10 All of our homes are on wells, and all of
11 our homes have irrigation canal water to them. So that's
12 included in our taxes. We all have irrigation. So
13 whenever water is released, we're allowed to have
14 irrigation for animals or for our yards. That's included
15 in our taxes.

16 And I have the irrigation canals and the
17 wells are in blue on that map that we passed out. So if
18 you see on the north side the -- it would be the
19 northeast corner is our home. But I want to talk to you
20 about the whole subdivision. But the canals are in blue
21 on three sides here and then coming down also on the east
22 side is our irrigation. And then you see the wells there
23 that we use.

24 And we have great water in our wells. It's
25 not horrible well water. It's really good. We have good

1 water supply. We haven't had any problems with that.

2 I want to just kind of walk you through the
3 subdivision and I'll try to be quick. I don't want to
4 wear your patience out or anything. But if you start at
5 our house here on the very corner where the lines would
6 come right -- right around that corner of our home,
7 there's another home south of us.

8 That's a home where they've taken in
9 animals that are damaged or hurt. They've taken in
10 animals there. If you go down David Lane toward the
11 west, we have homes with children and homes with animals.
12 A lot of these are horse properties. A lot of people do
13 have livestock.

14 If you follow on west you'll see some
15 squares that were kind of drawn in. That's new homes.
16 Those are brand-new homes. One isn't even moved into
17 yet. And then we get to the corner near the square where
18 the substation would be. And if that substation went in
19 there, our friend Todd would be looking at it from his
20 garage doors.

21 Then as you go down -- move down -- move
22 down south down Tweedy Road here, we have people who give
23 children riding lessons on David Lane on the other corner
24 here on Tweedy and David Lane. They have children there
25 that they give horse riding lessons to.

1 And then move on down David Lane. We have
2 cul-de-sacs, these homes are all on cul-de-sacs. They're
3 all on their own wells.

4 And then if we continue on down here, let's
5 go down to Andrew Lane. All these people have small
6 farms. They have livestock. They have children. In the
7 center here, the larger complex is a family with 11
8 children. We also have a family back up there on David
9 Lane that takes in foster children.

10 So I tell you this to tell you there are a
11 lot of children in this neighborhood, and they're
12 enjoying the outdoors of this neighborhood. They're
13 enjoying what they do.

14 There's another new house, a little square
15 on the corner of Tweedy Road and Andrew there that's just
16 gone up, too.

17 So I just wanted to give you a picture of
18 this neighborhood and its people. These are people.
19 These are their homes. These are their children. And I
20 just wanted you to be able to see that.

21 Down on the south side of the picture that
22 we have, all of Orsted's solar panels are going in down
23 there below the right-of-way for the power lines. You
24 can see the 500kV line and the 230kV line. And I
25 think -- I think there is another line coming, too, and I

1 think that I heard that from you today that there's
2 another line that will be coming down there. And we did
3 get paperwork in the mail about that. So there will be
4 all those lines there to the south of us already.

5 I think I've kind of explained that to you.
6 In the corner, in the lower right-hand corner there is
7 the Orsted substation that I mentioned. And I hoped that
8 tomorrow you do get to see that. It's quite an amazing
9 thing. I really hope that you would put that on your
10 schedule to go to Eleven Mile Corner Road and turn down
11 toward the Pinal County fairgrounds and see what has gone
12 in there.

13 And actually the central electrical station
14 too, that's there. It's just enormous.

15 So I've kind of explained to you that we,
16 if this project goes through from SunDog, we are just
17 going to be surrounded by all of this electrical
18 equipment, electric lines. We will totally be
19 surrounded.

20 Let me see what else I wanted to say to
21 you. Did anyone have any questions about that little
22 map, about our subdivision?

23 CHMN STAFFORD: This is time for public
24 comment. We don't ask questions of the public
25 commenters.

1 MS. DEVAN: Oh, that's right. Okay, yeah.

2 Okay.

3 CHMN STAFFORD: But thank you very much.

4 MS. DEVAN: Okay.

5 CHMN STAFFORD: We have other people on the

6 list to speak and you've been speaking for about

7 17 minutes, so --

8 MS. DEVAN: Well, I'll try to wrap it up,

9 then.

10 CHMN STAFFORD: All right. Thank you.

11 MS. DEVAN: Uh-huh. So the reason that we

12 are protesting this is health risk, firewood risk and

13 water risk. Even though it's been said that you can't

14 prove that there's any health risk, still we read about

15 things online, childhood cancers and childhood leukemia

16 that people worry about. It's -- we're just surrounded

17 by too much. And it could be even more.

18 Brenda back here mentioned that we heard

19 from a firefighter who explained to us what happens if

20 you have one of these battery fires, and it's pretty

21 scary.

22 Also I bring to your mind Paradise,

23 California, the whole city burned down after a power line

24 came down in high winds. And you probably remember that.

25 And even in Hawaii, the recent fire where the whole city

1 was lost, there was involvement with power lines with
2 that, too.

3 And lastly, on the issue of fire I'd like
4 to tell you that our area does not even have a city fire
5 department. We only have a county, it's kind of a type
6 of volunteer fire department. But we don't have city
7 fire department where we are.

8 As far as water, I've kind of addressed
9 that. I've talked to you about environmental risk.

10 SunDog Solar says there's no important
11 wildlife area on our proposed site or within five miles,
12 but what about the people? What about the people?
13 Are -- you know, we're living.

14 They -- they checked on the politically
15 correct owls and small creatures, but they left our
16 subdivision and its children and its environment to be
17 invisible.

18 You are the line siting Committee, and the
19 site for this transmission line and storage substation is
20 a bad and unsafe plan for the people living there. And
21 I'm asking you to vote to not accept the proposal and to
22 think about the people. Thank you.

23 CHMN STAFFORD: Thank you.

24 Up next we have Jerry Devan. Is it Devan?
25 Am I pronouncing that correctly?

1 MR. DEVAN: It's however you want to say
2 it. My wife and I, we really didn't compare notes so she
3 said a lot of what I was going to say, so I'll be much
4 shorter.

5 I want to address the photos also. It
6 seemed there was no pictures of all our houses, you know,
7 they were going from the street looking at a distance.
8 And when you get there you're going to see it looks much
9 different. And if you want to have a real treat, pull
10 into our driveway with your bus and, you know, get more a
11 feel of what we're actually going to be seeing.

12 And SunDog, this is their only opportunity
13 it seems like they're -- in their minds the only way they
14 could get their lines to where they want it to go, it's
15 taking that one path. So they're doing everything they
16 can to justify getting you to believe that.

17 Okay. And we did move there for a couple
18 reasons. We were seven miles from Casa Grande so we were
19 close to shopping. We were close to I-10, so we could do
20 some traveling that way. And the other reason why is we
21 loved the idea that the power lines were all underground.
22 So, and that was a repeat.

23 SunDog's solar project began in I believe
24 2018 and some time between 2018 and April 7, 2023, they
25 have -- they changed their mind from how they were going

1 to go ahead and run those power lines. Okay. I'm going
2 to skip that part.

3 Okay. That was on April 7. On April 7 we
4 received mail -- mail on April 7 for a meeting that was
5 going to begin at 4:30 that day. This is the only
6 letters that we had from SunDog. And so we went. We
7 went there and basically we were told this is the route
8 we're taking, so my wife and I pretty much kind of
9 ignored everything.

10 We didn't discuss anything with SunDog or
11 anything because their mind was made up. We invited them
12 to come and see our home and see what they were planning
13 on doing to it, and they did not do that.

14 And once again, my wife was saying people
15 are buying land. They're building homes. People are
16 moving in the homes. There has been no disclosure at
17 all, nobody moving into that neighborhood or buying land
18 have any idea of this project even though it's been going
19 on for years.

20 And that was the kind of a surprise, one or
21 two people said they never would have bought in there if
22 they would have known that.

23 Okay. In 2022 the U.S. Consumer Product
24 Safety Commission reported there were more than 25,000
25 issues involving fires of overheating stemming from

1 lithium ion batteries during a five-year period.

2 This is the same technology used in the
3 batteries for solar farms. Some examples. April 19,
4 2019, four members of the Peoria Fire Medical HAZMAT Team
5 were called to the McMicken Battery Storage System in
6 Surprise, Arizona. An explosion hospitalized all four of
7 them with serious injuries.

8 April 29, 2022, in Chandler, there was a
9 fire in a battery storage area that lasted nearly two
10 weeks and the neighborhood had to be evacuated.

11 July 31, 2023, New York governor Katie
12 Hochul launched a special task force to investigate the
13 safety of battery energy storage facilities after a third
14 blaze in the state left residents warned to stay indoors
15 because the solar farms had potentially toxic smoke
16 billowing across the area.

17 October 24, 2023, there was a recall on LG
18 solar lithium batteries. The question is what is a safe
19 distance for a solar farm to be located from a
20 neighborhood? An article from high-techenergy.com
21 printed July 9, 2023, suggests 3200 feet.

22 Gosolarfloridastate.org, July 26, 2023,
23 states, "In general solar farms are required to be built
24 at least 1.86 miles from a residential area."

25 Energytheory.com, November 17, 2023,

1 suggested 1.24 miles.

2 Treesymbolism.com, a study conducted by the
3 University of California recommends 1.2 miles.

4 The World Health Organization says
5 1.2 miles, and that was done on August 20, 2023.

6 I've addressed solar farms and batteries,
7 but now I want to discuss the proposed transmission
8 lines.

9 Some reasons to reject it. And this may be
10 some copy from my wife. Well, it would be installed
11 close to property lines, and as suggested, they really
12 want a lot of footage between homes and these lines.
13 Electromagnetic radiation can affect the health of nearby
14 residents.

15 You know, we were talking about people
16 can't get sick or anything like that. And I was looking
17 up a few things. And Denver and Elway, we're looking at
18 the childhood leukemia, and they said it's an increased
19 risk of getting that. There was studies done on cancer,
20 childhood leukemia, reproductive and developmental
21 effects, premature pregnancy termination.

22 There's always -- there's going to be two
23 sides. One side is always going to lean toward one way
24 just like Republicans and Democrats. You know, they -- I
25 don't really know if it's dangerous or not, but if

1 anybody in our neighborhood gets leukemia or something,
2 I'm pretty darn sure they're going after the people who
3 put this in place.

4 Okay. The buzzing noises. It's an
5 irritant. Decreased home value. It's going to be
6 unsightly from my back porch, I'll be looking at
7 transmission poles and lines.

8 And of course battery fires. These can
9 burn for days which would be harmful to our land, water
10 and air. There are homes very close to where the battery
11 storage would be located. There's homes right across the
12 street. And when you're looking at that site tomorrow,
13 pay attention to those homes and if there was a fire.

14 Downed power lines can cause a fire. And
15 once again, like my wife said we are not serviced by a
16 city fire department, it's only a volunteer department.

17 In closing, we residents have to live with
18 your decision. But please keep in mind that there is
19 risk to us in allowing this project to go through our
20 neighborhood. Residents will question a source of
21 illness, behavioral changes, diseases and animal
22 illnesses. Please reject the proposal from SunDog, the
23 health and well-being of our people is at risk. Thank
24 you.

25 CHMN STAFFORD: Thank you.

1 Next up is David Valdes.

2 MR. VALDES: Hello there. My name is David
3 Valdes. Thank you for hearing us. They've pretty much
4 gone over everything as far as what's on my mind, the
5 same thing about that, about my ranch here at the end of
6 David Lane that backs up to Alexis here.

7 To have the open sky, I love the open sky,
8 I love that the power lines, everything is all
9 underground. There's things that we know about power and
10 there's things we don't know about power. My biggest
11 concern would be about the safety risk here, definitely
12 with the battery plants itself.

13 That's about it. I would like them to
14 relocate it to some other -- some other route. Thank
15 you.

16 CHMN STAFFORD: Thank you. Up next we have
17 Jake Roberts.

18 MR. ROBERTS: Good evening, Committee. My
19 name's Jake Roberts. My family has owned the land where
20 this facility would be built for four generations. Our
21 family home is there and we plan to continue living there
22 and farming all the land that is not used for solar.

23 We are willing to lease a portion of our
24 land for solar generation for several reasons. The
25 energy will be good for Pinal County, the State of

1 Arizona and our country.

2 Our land is ideally located for solar
3 generation being close to Pinal Central substation and
4 actually between two existing substations with all the
5 supporting infrastructure. The sun shines everywhere in
6 Pinal County, but there are very few places where you can
7 put solar generation without having to add extensive
8 transmission, switchyards, battery storage and other
9 facilities that not only add cost, in addition hurt the
10 environment.

11 Pinal County has already recognized that
12 our land is the right place for solar by amending the
13 comprehensive plan to allow it. And most important to
14 us, solar is compatible with carrying on our family
15 farming business. The land will be used even during this
16 period of drought.

17 The water that will be saved with -- will
18 help us fully utilize our remaining acreage for farming.
19 There's no noise, no dust, no waste or pollution that
20 would prevent us from living and working next to this
21 solar facility.

22 Some people oppose this project because
23 they think our land should be used for manufacturing or
24 other industrial or commercial purposes rather than
25 solar. But that's not their choice to make because our

1 land is not for sale. This is a lease.

2 And when the solar lease expires, the solar
3 operator is required to restore our land to the original
4 condition. So that it can again be used for farming by
5 my family and our successors.

6 This is what people mean when they talk
7 about private property. This is an asset my family has
8 held for 100 years and will continue to hold for
9 ourselves for future generations. Approving this solar
10 project will help us do that.

11 Please make the decisions that will allow
12 this important solar project to go forward. Thank you.

13 CHMN STAFFORD: Thank you. We don't have
14 anyone else in the room signed up to speak. Do we have
15 any members of the public online or on the phone that
16 wish to give comment?

17 A/V TEAM MEMBER: Mr. Chairman, we do not
18 have anyone online.

19 CHMN STAFFORD: Does anyone else in the
20 room wish to make a comment who hasn't already done so?

21 (No response.)

22 CHMN STAFFORD: All right. With that, the
23 public session -- public comment session is concluded.
24 We will take a recess until nine a.m. tomorrow morning,
25 at which point we reconvene in the lobby. We'll go on

1 the record and we will describe the tour before we board
2 the buses and take the tour.

3 With that, we stand in recess.

4 (Proceedings recessed at 6:13 p.m.)

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1 STATE OF ARIZONA)
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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 the
10 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
14 ACJA 7-206(J)(1)(g)(1) and (2).

15 Dated at Phoenix, Arizona, February 8, 2024.

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17
18 

19 _____
20 JENNIFER HONN, RPR
21 Arizona Certified Reporter
22 No. 50885

23 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
24 complied with the ethical obligations set forth in
25 ACJA 7-206(J)(1)(

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