

1 BEFORE THE ARIZONA POWER PLANT LS-334

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)
 5 WITH THE REQUIREMENTS OF)
 ARIZONA REVISED STATUTES,) LS CASE NO. 229
 6 SECTIONS 40-360, ET. SEQ., FOR)
 CERTIFICATE OF ENVIRONMENTAL)
 7 COMPATIBILITY AUTHORIZING THE)
 SUNDOG SOLAR 230KV GENERATION)
 8 TIE LINE PROJECT LOCATED IN) PREFILING CONFERENCE
 PINAL COUNTY, ARIZONA.)
 9 _____)

10

11 At: Phoenix, Arizona

12 Date: December 12, 2023

13 eFiled: December 29, 2023

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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 (Pages 1 through 17)

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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED
1	Draft Notice of Hearing	5
2	SunDog Notice Sign	5
3	Proposed Sign Location Map	5
4	Overview Map	5

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, commencing at 3:00 p.m. on the 12th day of
5 December, 2023, with all participants appearing via
6 videoconference.

7

8 BEFORE: ADAM STAFFORD, Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 ALBERT H. ACKEN
13 Acken Law
14 111 East Dunlap Avenue, Suite 1-172
15 Phoenix, Arizona 85020

16 SARAH NOE
17 Ballard Spahr
18 1 East Washington Street, Suite 2300
19 Phoenix, Arizona 85004

20 Also Present:

21 Colin Agner, SWCA
22 Tod Brewer, Assistant to Chairman Stafford
23 Paul Burman, Invenergy
24 Katie DeSpain, Invenergy
25 Devin Petry, SWCA

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

2 Now's the time set for the prefiling
3 conference for SunDog Energy Center, LLC.

4 Start by taking appearances. Mr. Acken.

03:02:18 5 MR. ACKEN: Thank you, Chairman. Bert
6 Acken of Acken Law and Sarah Noe of Ballard Spahr, on
7 behalf of the applicant SunDog Energy Center, LLC. We've
8 got several folks as witnesses today. You have Katie
9 DeSpain and Paul Burman of Invenergy, the parent company
03:02:41 10 of the applicant. And you have Devin Petry and Colin
11 Agner of SWCA, the team that's been assisting with the
12 CEC environmental studies.

13 CHMN STAFFORD: All right. And what is the
14 project name for this?

03:02:55 15 MR. ACKEN: This is the SunDog Energy
16 Center, is the name of the applicant. The project is the
17 SunDog Solar 230 kV Generation Tie Line Project.

18 CHMN STAFFORD: All right. It's obviously
19 referred to as "SunDog," then?

03:03:18 20 MR. ACKEN: Yes. I like that name. It's
21 better than some of the generic ones.

22 CHMN STAFFORD: Okay. And are there -- are
23 you going to have any intervenors for this case?

24 MR. ACKEN: It's possible. There is
03:03:37 25 neighbor -- there is a neighbor to the project, a

1 homeowner, who has expressed significant concerns and
2 opposition. They have taken the what I consider or
3 believe is an unusual step of filing comments in the
4 Ten-Year Plan docket -- I don't know if you've seen
03:03:59 5 those -- raising some concerns with the project. So it
6 is possible that they may intervene. They have not been
7 willing to engage with us, so I can't tell you whether
8 they are or not. But I think it's possible that they
9 will.

03:04:20 10 CHMN STAFFORD: All right. I have a number
11 of exhibits, Prehearing [sic] Exhibits 1 through 4.

12 MR. ACKEN: I can go through those real
13 quickly. So Number 1 is the draft notice of hearing. We
14 provided both a Word and PDF of that. It follows the
03:04:39 15 standard template. And then Number 2 is the proposed
16 notice sign, you know, with the text from the sign
17 itself. Exhibit 3 is a map showing proposed sign
18 locations. And then Number 4 is an overview map of the
19 project itself.

03:05:02 20 So happy to show those on the screen, if
21 you'd like, but we do want to get those in the record,
22 and see if you had any questions or concerns about sign
23 location, sign content, things of that nature.

24 CHMN STAFFORD: Well, let's -- Prehearing
03:05:24 25 Exhibits 1 through 4 are admitted. Just make sure Robin

1 has a copy of those.

2 Now, for the notice, when are you going to
3 be publishing it, in which papers?

4 MR. ACKEN: I'm going to ask Devin to speak
03:05:37 5 to that. I want to talk to you about timing of the
6 application, because it's going to be tight. We need
7 to -- I think our target filing date was going to be
8 Friday the 22nd, and obviously, that's tough right before
9 the holiday anyway. We are now aiming to file on the
03:05:58 10 Wednesday, but we would need -- we would need your
11 signature and turnaround on the notice of hearing by that
12 Friday, ideally that Thursday, in order to make
13 publication deadlines, given the holidays.

14 So, Devin, with that intro, can you
03:06:19 15 identify the newspapers we're going to publish in and any
16 deadlines that I misstated?

17 MR. PETRY: Yes. Thank you, Bert.

18 Mr. Chairman, the two publications we're
19 planning to publish in would be the Tri-Valley Dispatch
03:06:31 20 and the Casa Grande Dispatch. They're two publications
21 that have general circulation within the project area,
22 and we coordinated with the publisher for both of those
23 publications to determine what would provide the best
24 coverage within the area and determined that those would
03:06:46 25 be the two.

1 The publication dates would be
2 December 26th and December 30th. And Mr. Acken was
3 correct in our request with regard to your signature on
4 the notice of hearing, if possible, so that we can meet
03:07:04 5 those publication deadlines, we would request those by
6 the 21st, December 21st, that Thursday.

7 CHMN STAFFORD: I think that's definitely
8 doable.

9 Don't you think so, Tod.

03:07:16 10 MR. BREWER: Yes, Mr. Chairman, we can do
11 that.

12 CHMN STAFFORD: And what was the other --
13 you said Tri-Valley Dispatch, and what was the other one?

14 MR. PETRY: Tri-Valley Dispatch and the
03:07:27 15 Casa Grande Dispatch.

16 CHMN STAFFORD: All right. Are you doing
17 social media outreach to notify people within the study
18 area?

19 MR. PETRY: Yes. We are planning on social
03:07:39 20 media outreach, as well as letters that will be mailed
21 within that one-mile study area around the project
22 itself, to provide notifications of the upcoming
23 hearings, specifically.

24 CHMN STAFFORD: Okay. And what are the
03:07:57 25 affected jurisdictions?

1 MR. ACKEN: Coolidge and Pinal County.

2 CHMN STAFFORD: Is there --

3 MR. ACKEN: I'm sorry, go ahead.

4 CHMN STAFFORD: No state land for this one?

03:08:13 5 MR. ACKEN: You anticipated my next
6 statement. Correct. The corridor itself does not cross
7 state land. There is state land in the vicinity, but not
8 in the corridor. So it's my position that they are not
9 an affected jurisdiction.

03:08:30 10 CHMN STAFFORD: Unless the line's crossing
11 their land, so I would say not. Just because they're a
12 neighbor doesn't -- that doesn't do it, I don't think.

13 All right. And we're having the hearing in
14 Casa Grande?

03:08:46 15 MR. ACKEN: Yes, that's correct. The one
16 and only location in Casa Grande, where we've had a
17 number of hearings. So we all have fond memories of the
18 Radisson there in Casa Grande.

19 CHMN STAFFORD: Oh, yes.

03:09:01 20 All right. And so we're doing Monday
21 the 5th and Tuesday the 6th, potentially the 7th, if
22 necessary.

23 MR. ACKEN: Yes, Mr. Chairman, that's our
24 proposal. You know, absent interventions and absent some
03:09:16 25 significant intervention, I don't see this lasting past

1 Tuesday. But certainly would -- you know, our proposed
2 notice of hearing, as well as the proposed signs indicate
3 it as a possibility that this could go to Wednesday, just
4 depending on potential intervention.

03:09:34 5 CHMN STAFFORD: Okay. And you've got
6 lodging arranged for the out-of-town committee members?

7 MR. ACKEN: We do.

8 CHMN STAFFORD: Now, you'll have a plan for
9 a tour at the prehearing conference? Let me pull up the
03:09:46 10 map here.

11 MR. ACKEN: We will. And our notice of
12 hearing is more ambivalent about the possibility of a
13 tour, rather than saying that no tour is anticipated.
14 Again, given the public -- potential public interest, we
03:10:03 15 thought it best to kind of be neutral on that. "Neutral"
16 is a better word than "ambivalent." We're maintaining --
17 so that the -- so that it's clear that it's possible a
18 tour will be taken.

19 CHMN STAFFORD: Yeah, we just took a tour
03:10:18 20 on the last case, so our members may have more of an
21 appetite for that now, especially if there's public
22 comment.

23 MR. ACKEN: And we have a new tour -- a new
24 committee that hasn't seen central, I don't think, maybe
03:10:34 25 they have now. They might be interested in seeing that

1 construction.

2 CHMN STAFFORD: Right. And so if we do a
3 tour, it will be that Tuesday morning.

4 MR. ACKEN: Yes. We'll be prepared for
03:10:43 5 that.

6 CHMN STAFFORD: Now, Tod, what's the date
7 that we're doing for the prehearing conference?

8 MR. BREWER: Just one moment, Mr. Chairman,
9 I'm sorry.

03:11:10 10 We have this scheduled for January the 23rd
11 at 3:00 p.m.

12 CHMN STAFFORD: All right. All right. And
13 what's -- you said the file date of the application is
14 going to be Friday, December 22nd?

03:11:36 15 MR. ACKEN: No, we're going to advance that
16 to Wednesday the 20th.

17 CHMN STAFFORD: That works. That keeps --
18 the dates will work for the hearing and the notices, Tod?

19 MR. BREWER: It will, Mr. Chairman.

03:11:59 20 CHMN STAFFORD: All right. I'll send a
21 procedural order out, so we'll have the draft CEC by the
22 prehearing conference. We've got the public comment
23 scheduled for the Monday at 5:30.

24 Do you think there will be any public
03:12:20 25 officials coming to make comment?

1 MR. ACKEN: It's possible. You know, given
2 that this crosses -- the route crosses Pinal County
3 Fairgrounds, it's possible, I would say. We'll know
4 more, I would hope, by the prehearing, whether that's
03:12:36 5 likely.

6 CHMN STAFFORD: All right. What's the
7 permit status? There's no federal land involved in this,
8 right?

9 MR. ACKEN: That's correct. No federal
03:12:49 10 land. County entitlement process, Katie, can you speak
11 briefly to the status of the County entitlements?

12 MS. DeSPAIN: Yes. So on the County level,
13 there's a two-step process in unincorporated Pinal County
14 for the solar project. So we completed the major
03:13:06 15 comprehensive plan amendment in 2020 and are currently
16 pursuing the rezoning/pad which is the second process.
17 So we are on the schedule for the Planning and Zoning
18 Commission hearing in January, with the BOS hearing to
19 follow.

03:13:31 20 CHMN STAFFORD: All right. And, of course,
21 we'll have Peaks Audio there with the -- to set up the AV
22 and the -- you'll have the exhibits and applications
23 ready for, on tablets, for the members?

24 MR. ACKEN: We will.

03:13:45 25 CHMN STAFFORD: Okay. Just bring a hard

1 copy for me and a hard copy for the court reporter of
2 exhibits.

3 MR. ACKEN: I will.

4 CHMN STAFFORD: Assuming the filing fee on
03:13:56 5 this was a thousand dollars?

6 MR. ACKEN: That's correct. This is a less
7 than two-mile line.

8 CHMN STAFFORD: Okay. And then you know
9 that the Commission's obligated by statute to pay the
03:14:07 10 cost of reporting and transcribing any hearing, as well
11 as the actual necessary expenses incurred by committee
12 members in connection with their participation in the
13 meeting and the filing fee. And that the costs and fees
14 exceeding the amount of the fee may, with the applicant's
03:14:20 15 consent, be incurred by the Committee and charged to the
16 applicant.

17 Does the applicant consent to pay the
18 Commission these costs in excess of the filing fee?

19 MR. ACKEN: Yes, we do.

03:14:32 20 CHMN STAFFORD: All right. And the
21 transcript turnaround is three days, and you'll post
22 those on the project website?

23 MR. ACKEN: We will.

24 CHMN STAFFORD: Okay. Any other issues
03:14:49 25 about the hearing that we need to discuss?

1 MR. ACKEN: I have one question about
2 timing of exhibit exchange. So, typically, the
3 procedural order requires exhibits to be exchanged with
4 any intervenors, I believe it's the day before the
03:15:06 5 prehearing. But our prehearing's very early or not so
6 early, but it's, like, almost two weeks ahead of our
7 hearing. And it's going to be a little tight for us to
8 have exhibits done by the prehearing, so I was wondering
9 if we could get accommodation in a procedural order for
03:15:26 10 some additional time after the prehearing in order to
11 share exhibits, should we have intervenors with whom we
12 need to share them. Obviously, we'll do our best to get
13 it to them as quickly as we can, but I think I'm going to
14 need a little more time.

03:15:41 15 CHMN STAFFORD: Okay. Like how much time
16 after the procedural conference?

17 MR. ACKEN: Well, I would suggest -- I
18 would request maybe the week before the hearing, so, you
19 know, that will say we would share them with any
03:15:57 20 intervenors by the 29th.

21 CHMN STAFFORD: The 29th. Okay. So
22 prehearing on the 23rd, and the hearing starts on the
23 5th, so the 29th. Okay, yeah, that should work.

24 And then, just making sure, I thought --
03:16:59 25 you said you are doing outreach and social media to,

1 like, all the residents and occupants within a mile of
2 the line in the study area?

3 MR. ACKEN: Yes. The social media may be
4 broader than a mile, but at least encompassing a mile.

03:17:17 5 CHMN STAFFORD: Okay. All right. All
6 right. Well, I think that's everything I have. Anything
7 else from you, Mr. Acken?

8 MR. ACKEN: Not from me, Mr. Chairman. I
9 guess at this time I would ask -- oh -- oh, Devin,
03:17:29 10 reminded me, you know, I want to put on record as just a
11 reminder at this time that a portion of our corridor is
12 on land controlled by Eleven Mile Solar, and Eleven Mile
13 Solar went through the siting process, I don't know,
14 maybe a year ago. I'm not great --

03:17:58 15 MS. NOE: In January of this year, yeah,
16 you're right.

17 MR. ACKEN: Okay, thank you, Sarah.

18 MS. NOE: Yup.

19 MR. ACKEN: And as part of that we did
03:18:07 20 intervene in their proceeding, and there was a condition
21 in Eleven Mile Solar's CEC that required them to work in
22 good faith with SunDog on routing of SunDog's gen-tie.
23 That good faith outreach and coordination occurred, and
24 was successful. And so we do have, you know, agreements
03:18:33 25 in place with Eleven Mile Solar, and wanted to put on

1 this record that a portion of our corridor that is in an
2 area that is a concern to some of the residents is a
3 corridor that was established in coordination with Eleven
4 Mile Solar, as a requirement of the CEC that was issued
03:18:56 5 to them.

6 CHMN STAFFORD: Okay. Now, you'll be able
7 to show -- is their corridor on the map or you'll be able
8 to -- it's probably on the map that you provided already,
9 but you'll be able to discuss that at the hearing and
03:19:09 10 point out where -- where that is?

11 MR. ACKEN: We certainly will. It's not in
12 the prefiling materials, but we will certainly do so at
13 the hearing.

14 CHMN STAFFORD: All right. What's in the
03:19:18 15 prefiled is what's existing today, not that which is
16 still yet to be constructed.

17 MR. ACKEN: That's right. That's right.

18 CHMN STAFFORD: All right. Is there
19 anything --

03:19:26 20 MR. ACKEN: Or I think it's under
21 construction.

22 CHMN STAFFORD: Okay. It's under
23 construction.

24 Is there anything else, Tod, that we need?

03:19:33 25 MR. BREWER: No, Mr. Chairman, thank you.

1 CHMN STAFFORD: Okay. All right. Well, I
2 think that's everything. I look forward to seeing your
3 application. And with that, we are adjourned. Thank
4 you.

03:19:44

5 MR. ACKEN: Thank you, Chairman. Thanks,
6 everyone.

7 (The hearing concluded at 3:19 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

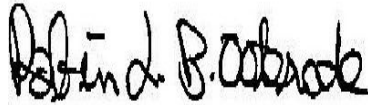
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11 the parties hereto nor am I in any way interested in the
12 outcome hereof.

13 I CERTIFY that I have complied with the ethical
14 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
15 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
16 28th day of December, 2023.

17



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19 ROBIN L. B. OSTERODE, RPR
20 CA CSR No. 7750
21 AZ CR No. 50695

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23 * * * * *

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