

1 BEFORE THE ARIZONA POWER PLANT

LS-338

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

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At: Phoenix, Arizona

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Date: January 23, 2024

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Filed: January 26, 2024

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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(Pages 1 through 13)

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By: Jennifer Honn, RPR
Arizona CR No. 50885

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 3:01 p.m. on January 23, 2024,
5 with all participants appearing via videoconference.

6

7 BEFORE: Adam Stafford, Chairman

8

9 APPEARANCES:

10 For the Applicant:

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

16 Sarah Noe
17 BALLARD SPAHR
18 One East Washington Street
19 Suite 2300
20 Phoenix, Arizona 85004

21 Also present:

22 Colin Agner, SWCA
23 Devin Petry, SWCA
24 Katie DeSpain, Invenergy
25 Paul Burman, Invenergy
Michael Hill, Invenergy
Tod Brewer, Assistant to Chairman Stafford
Lisa Glennie, Glennie Reporting Services

1 CHMN STAFFORD: Now's the time set for the
2 prehearing conference for L-21284A-23-0335-00229 for Line
3 Siting Case 229.

4 Let's take appearances, please.

5 MR. ACKEN: Good morning, Chairman. Bert
6 Acken of Acken Law Office and Sarah Noe of Ballard Spahr
7 on behalf of the applicant SunDog Energy Center LLC.

8 We also have Katie DeSpain of Invenergy and
9 Devin Petry and Colin Agner from SWCA.

10 CHMN STAFFORD: All right. And you've got
11 the hearing set. We're going to be in Casa Grande;
12 correct?

13 MR. ACKEN: We are, at the Radisson there.

14 CHMN STAFFORD: The Radisson, okay. And
15 you've got the arrangements made for the Committee
16 Members? I tried calling there, and I couldn't get ahold
17 of the gal whose name is on the e-mail. I left her a
18 voicemail, but I haven't heard back from her yet.

19 MR. ACKEN: You are not the only one,
20 Mr. Chairman. So we were running into some problems,
21 both on our end and Tod advised me on the Committee's end
22 as well. I reached out to the hotel today and spoke with
23 the person there. He said just call that number that I
24 gave Tod this afternoon and anyone -- any person at the
25 front desk can make the registration so we're not held up

1 going into one individual's voicemail box. And I see
2 Ms. Noe nodding her head. She might have tried and had
3 success this afternoon in getting a reservation.

4 MS. NOE: I did. Yep.

5 MR. ACKEN: Thank you.

6 And also I should note for the record
7 joining us is Paul Burman and Michael Hill also of
8 Invenergy.

9 CHMN STAFFORD: Okay. So I haven't seen
10 any requests to intervene. Have you? Let me see, no.
11 Or any limited appearance statements, none of that?

12 MR. ACKEN: Nothing that's been filed, and
13 no one has reached out to us to indicate that they intend
14 to do so. I believe I mentioned at the prefiling
15 conference we did have one neighbor who had filed a few
16 comments in the 10-year plan docket. We tried to engage
17 with them, but they didn't want to speak with us so we
18 respected that.

19 There was another nearby resident who filed
20 a comment in the 10-year plan docket more recently. We
21 will reach out to them and see. We don't have a phone
22 number or e-mail for them, so we're somewhat limited in
23 our ability to contact them, but we'll make an effort and
24 let them know about the hearing.

25 It's unclear to me why some of these

1 commenters are going to the 10-year plan docket given the
2 extensive outreach that we've done to notify them of this
3 particular docket.

4 CHMN STAFFORD: All right. And you're in
5 agreement that June 17, 2024, is the time for the
6 Committee to act in compliance with the statute?

7 MR. ACKEN: Yes.

8 CHMN STAFFORD: All right. And have you
9 provided notice to the affected jurisdictions which are
10 Pinal County and Coolidge, the city of Coolidge?

11 MR. ACKEN: Yes. That's correct.

12 CHMN STAFFORD: All right. Let's see here.
13 Now, I think I seem to recall in the application that
14 there's state trust land in the study area but not in the
15 project area or the corridor; correct?

16 MR. ACKEN: That's correct. And as we
17 discussed at the prefiling, you know, we took the
18 position, I think you agree, they're not an affected
19 jurisdiction because our requested corridor does not
20 cross state trust lands.

21 CHMN STAFFORD: Right. Now, you've
22 complied with the posting and publishing requirements,
23 and you had -- how many signs were you doing?

24 MR. ACKEN: At the prefiling conference, we
25 talked about doing three signs, two on private lands, one

1 on kind of the west end of the project, one in the
2 middle. And then the east end project sign proposed
3 location was on land owned by Pinal County, and so we
4 needed their approval. We haven't been able to secure
5 that. And so we have the two signs set up that we have
6 control and ability to post. In addition to newspaper
7 publication and social media, website updates, so on and
8 so forth. But that third sign, we will not be able to
9 get that in place by the hearing.

10 CHMN STAFFORD: Okay. So you got two out
11 of three. The third one was you were unable to put it
12 there because the County did not grant permission, then?

13 MR. ACKEN: That's correct.

14 CHMN STAFFORD: All right. And then -- so
15 the publication was in the Trivalley Dispatch and Casa
16 Grande Dispatch?

17 MR. ACKEN: Yep, that's correct.

18 CHMN STAFFORD: Those were done on the 26th
19 and the 30th?

20 MR. ACKEN: I have the 26th for Casa Grande
21 and the 28th for Trivalley. Devin, Colin, correct me if
22 I misstate.

23 MR. PETRY: That's my understanding as
24 well, Bert. 26th and 28 of December.

25 CHMN STAFFORD: Okay. You've seen the

1 agenda. Do you have any objections or additions?

2 MR. ACKEN: We do not. Thank you.

3 CHMN STAFFORD: Okay. All right. I assume
4 that the hearing will commence on Monday the 5th and
5 conclude on the afternoon of February 6th?

6 MR. ACKEN: Absent intervention, that's our
7 expectation. Even if the Committee decides to take a
8 tour of this project, it's -- this is a two- to
9 three-hour tour. It's not a far location from the
10 hearing location, and it's a relatively or very short
11 transmission line. So it would be a quick in-person tour
12 if the Committee chooses.

13 CHMN STAFFORD: All right. Well, they've
14 been kind of on a touring jag lately. We've gone on
15 tours the last two meetings we've done. I think -- we
16 got a new member, Nicole Hill, the designee for the
17 governor's energy office, so she was really excited about
18 the tour. Of course, that one, there was a lot to look
19 at because it crossed so many other roads and different
20 transmission lines. So that's -- a physical tour is
21 definitely a possibility.

22 MR. ACKEN: Understood. And we did provide
23 a tour protocol yesterday so that that's available. And
24 it will be a premarked exhibit if the Committee chooses.

25 CHMN STAFFORD: Okay. I got your witness

1 summary, but what I'm not seeing is the exhibit with the
2 public outreach efforts.

3 MR. ACKEN: That, I sent separately
4 yesterday along with the tour protocol. I didn't docket
5 that.

6 So, Tod, if you don't have that, let me
7 know. I can resend that.

8 But I did send the tour protocol and public
9 outreach summary separately but did not docket those
10 because those will be hearing exhibits.

11 CHMN STAFFORD: Right. Yeah. I didn't get
12 those if you could send those again to Tod.

13 MR. ACKEN: Will do. I can pull them up on
14 my screen too if you want to see or ask -- better yet ask
15 Mr. Petry to pull them up if you'd like to.

16 CHMN STAFFORD: That's all right. That's
17 not necessary. You answered the questions about the
18 signs and the publications. That was -- that was what I
19 wanted to get the answers for ahead of time.

20 All right. And then you'll have the
21 sign-in forms at the hearing with the "check this box if
22 you want to speak"?

23 MR. ACKEN: We will.

24 CHMN STAFFORD: Okay. We'll do the public
25 comment at 5:30 on Monday the 5th.

1 And it's business casual attire for the
2 hearing.

3 And I'm assuming you have Peaks Audio to do
4 the Wi-Fi?

5 MR. ACKEN: That's correct.

6 CHMN STAFFORD: Okay. Have you taken care
7 of the financial arrangements at the Commission?

8 MR. ACKEN: We have.

9 CHMN STAFFORD: Now, Staff has not
10 submitted a letter to the docket yet; correct?

11 MR. ACKEN: Correct. We have not seen it.
12 I've not pushed for it, so I haven't spoken with them
13 about it. On this one we have a system impact study that
14 we provided to them. If you would like me to, I can
15 certainly reach out to them and check status so we have
16 an update by the time of the hearing.

17 CHMN STAFFORD: Yeah, I'm sure -- I'm sure
18 they will. They usually get it in here usually around
19 the prehearing conference time, but this one's a little
20 further out. So I expect it to probably see it this
21 week. If they haven't done it by this week, then you
22 should probably give them a reminder.

23 MR. ACKEN: Will do.

24 CHMN STAFFORD: I've got the proposed CEC.

25 There's no federal jurisdiction on this

1 one.

2 As far as for the permitting, you're in the
3 process with the County for plan amendment. And then
4 this will be zoning something?

5 MR. ACKEN: Yes, I'm actually -- to make
6 sure I state it correctly, I think I'll turn it over to
7 Ms. Noe or Ms. DeSpain. We -- the comprehensive plan
8 amendment, that was done a couple of years ago, if I'm
9 getting this correctly. And we're going through the
10 rezoning process now.

11 But, Ms. Noe, if you could provide more
12 specificity than I just did.

13 MS. NOE: Yeah, certainly. We received
14 approval for the major comprehensive plan amendment in
15 2020, and then we're now going through the process of the
16 pad overlay and rezone for the parcel. We haven't set a
17 board of supervisors date yet, but I expect that to
18 happen in the next few months, few very likely to be this
19 spring.

20 CHMN STAFFORD: Okay. So that -- you'll
21 have a proceeding before the board of supervisors for
22 this spring?

23 MS. NOE: I'm sorry. I'll have what in the
24 spring?

25 CHMN STAFFORD: You'll be before the board

1 of supervisors in the spring, you said?

2 MS. NOE: In the spring, yes. Yes. And
3 within -- I don't think -- I think it's impossible to
4 have it before the CEC hearing, but shortly thereafter.

5 CHMN STAFFORD: Okay. And then you'll have
6 the -- all the exhibits for the CEC and everything
7 available for the members on the notebooks or the
8 tablets?

9 MR. ACKEN: We will.

10 CHMN STAFFORD: And then one hard copy for
11 me and another hard copy for the court reporter.

12 And then I think that's everything that I
13 have.

14 Is there anything else we need, Tod?

15 MR. BREWER: No, Mr. Chairman. Thank you.

16 CHMN STAFFORD: All right. Mr. Acken, is
17 there anything else we need to cover?

18 MR. ACKEN: I can't think of anything. At
19 this time, I can ask my team if I misstated anything or
20 if they can think of anything speak now. Otherwise, we
21 look forward to seeing you in person, and, Jennifer, if
22 you're covering, we'll see you in person, and the rest of
23 the Committee on the 5th.

24 CHMN STAFFORD: All right. Well, thank you
25 very much. With that, we can go off the record.

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MR. ACKEN: Thank you.

(Proceedings concluded at 3:14 p.m.)

1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

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15 Dated at Phoenix, Arizona, January 25, 2024.

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