

1 BEFORE THE ARIZONA POWER PLANT LS-453
2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE APPLICATION) DOCKET NO.
4 OF WEST CAMP WIND FARM II, LLC,) L-21204A-25-0207-00251
IN CONFORMANCE WITH THE)
5 REQUIREMENTS OF ARIZONA REVISED) LS CASE NO. 251
STATUTES § 40-360, ET SEQ., FOR A)
6 CERTIFICATE OF ENVIRONMENTAL)
COMPATABILITY AUTHORIZING THE)
7 WEST CAMP 2 WIND FARM GEN-TIE)
PROJECT, WHICH INCLUDES THE)
8 CONSTRUCTION OF A 345) EVIDENTIARY HEARING
KILOVOLT(KV) OR 500 KV)
9 TRANSMISSION LINE AND ASSOCIATED)
INTERCONNECTION FACILITIES)
10 LOCATED WITHIN NAVAJO COUNTY,)
ARIZONA.)
11 _____)

12 At: Flagstaff, Arizona
13 Date: October 28, 2025
14 Filed: October 31, 2025
15

16 REPORTER'S TRANSCRIPT OF PROCEEDINGS
17 VOLUME II
18 (Pages 151 through 333)
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4 and Robert Gardner, - for the Applicant

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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, Flagstaff, Arizona, commencing at 9:09 a.m.
5 on October 28, 2025.

6

7 BEFORE: ADAM STAFFORD, Chairman

8 MICHAEL COMSTOCK, Arizona Corporation Commission
9 LEONARD DRAGO, Department of Environmental Quality
10 R. DAVID KRYDER, Agricultural Interests
11 SAL DICICCIO, Incorporated Cities and Towns
12 MARGARET "TOBY" LITTLE, PE, General Public
13 DOUGLAS FANT, General Public
14 GABRIELA SAUCEDO MERCER, General Public

15

16 APPEARANCES:

17 For the Applicant:

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19 ACKEN LAW
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1 CHMN STAFFORD: Let's go back on the
2 record. Mr. Acken.

3 MR. ACKEN: Good morning, Chairman, members
4 of the committee.

5 We are prepared to start our testimony --
6 our prepared remarks on the environmental compatibility
7 portion of our presentation.

8 But before we do that, I wanted to take the
9 opportunity to address some of the questions that came up
10 from committee members yesterday regarding engineering,
11 gas pipelines, things of that nature. And so we had a
12 checklist of items that -- questions from the committee
13 that we weren't in a position to address yesterday. Team
14 did their homework and we'd like to start off by
15 addressing those at this time.

16 CHMN STAFFORD: Please proceed.

17 MR. ACKEN: And for these, they will be
18 directed to Mr. Gardner.

19 BY MR. ACKEN:

20 Q. Mr. Gardner, you recall there were questions and
21 perhaps a request for information and documentation
22 regarding approvals with Arizona State Land Department.
23 Do you recall those questions from Mr. Kryder?

24 A. (Mr. Gardner) I do.

25 Q. And did you have a chance to run that to ground

1 with State Land?

2 A. (Mr. Gardner) Yep. So just want to start by
3 saying that we've been working with ASLD for years.
4 They're a very key landowner partner for us. So before
5 sharing the right-of-way that we obtained for West Camp,
6 we wanted to reach out to them and just confirm that they
7 would be okay with us sharing that.

8 Unfortunately we have not heard back from them.
9 We did send them an e-mail. We will monitor throughout
10 the day. If we can share that we will share that, but
11 wanted to make sure they would be comfortable with us
12 doing so.

13 MEMBER KRYDER: Thank you very much.

14 BY MR. ACKEN:

15 Q. Second question from Member Comstock was asked
16 about the gas pipeline that could be seen in the virtual
17 tour. Do you recall his questions?

18 A. (Mr. Gardner) Yes, I do.

19 Q. Did you have a chance to run that to ground?

20 A. (Mr. Gardner) Yep. So I was able to speak with
21 some of our in-house engineers and subject matter experts
22 about pipeline crossings with HV transmission and
23 aboveground transmission, and our standard practice is
24 always to cross these in a perpendicular fashion.

25 My understanding and their understanding was

1 that typically the problems arise when the lines parallel
2 the gas pipelines or run within the same right-of-way.
3 Is that correct in your experience?

4 MEMBER COMSTOCK: Mr. Chair.

5 CHMN STAFFORD: Member Comstock.

6 MEMBER COMSTOCK: I would say I have to
7 answer that question with a no.

8 AC mitigation is a -- certainly a problem
9 with parallel gas lines and power lines. But
10 perpendicular crossings still provide an opportunity for
11 AC to get on to the steel pipe and the mitigation efforts
12 may be smaller or minimal.

13 But there still has to be some type of
14 offset to move the AC from the steel pipe back into the
15 grid, you know, a grid or some type of anode or something
16 that would remove that.

17 So I can't say in total that it's less of a
18 problem. A gas leak anywhere underneath large power
19 lines is a problem. So if that is okay to say that.

20 MR. GARDNER: 100 percent. And so we
21 talked through that, and basically our standard practice
22 is to coordinate early and often with the owner and
23 operator of the pipeline. If there are issues that arise
24 that they see with our potential spanning of the
25 pipeline, then what we would typically do is conduct

1 site-specific engineering studies.

2 And so obviously I'm not an electrical
3 engineer, but my understanding is that for each project
4 it can be a little bit different due to the various soil
5 resistivities in the region.

6 And so what we would do is coordinate with
7 the operator of pipeline, understand if they see issues,
8 conduct site-specific engineering studies on soil
9 resistivity and then cooperate with their mitigation
10 measures that they would want to see for our project and
11 for our transmission lines that would span over the
12 pipeline.

13 MEMBER COMSTOCK: I appreciate the
14 procedure. So in this particular project, Wind Camp 2
15 where those line markers were shown in the pictures
16 yesterday, are you crossing the pipeline?

17 MR. GARDNER: So we were -- we've looked at
18 our survey, our land survey, and that specific crossing,
19 we cannot confirm if that was a pipeline.

20 However, there is a pipeline that runs
21 north to south through our project and that we would
22 cross. And that would be in a perpendicular fashion
23 where we would span that pipeline.

24 MEMBER COMSTOCK: And do you know who the
25 owner of that pipeline is?

1 MR. GARDNER: We believe that it is
2 UniSource but I was not able to confirm that last night.

3 MEMBER COMSTOCK: So from my background,
4 the pictures that we saw yesterday, those are pipeline
5 markers that are in that picture. And it appears that
6 they will intersect with your project at some point. So
7 probably need to go out in the field and take a look at
8 who owns that pipeline and call that number that's on
9 that pipeline marker.

10 MR. GARDNER: 100 percent. We, I mean our
11 land surveyors didn't identify it, but that's a homework
12 item that we have to confirm that that is not going to
13 impact -- or that our project will not impact any
14 pipeline within our project or specifically that one.

15 MEMBER COMSTOCK: So Mr. Chairman, if I
16 may, I know you have a procedure, and I understand that
17 and I know that you will implement it. But in the terms
18 of the conditions of the CEC with that particular one,
19 I'm just not in agreement with the language that's in
20 there and haven't been since I sat on the committee.

21 So I'll still vote no on that one, not to
22 discourage the project, but to make sure that the
23 applicant knows that cooperative partnerships with
24 underground utilities is very important to make sure that
25 you mitigate any problems that could come along.

1 CHMN STAFFORD: So I have a question, then.
2 So does -- is it part of the applicant's practice when it
3 crosses power lines to do grounding cathodic protection
4 studies, or only when they're parallel?

5 MR. GARDNER: I am not sure the actual
6 title of the study that we conduct at the pipeline
7 crossings. But I'm -- I'm messaging our engineer to try
8 and confirm that.

9 CHMN STAFFORD: Okay. Because that's the
10 standard condition is they're supposed to conduct those
11 studies and if the condition says located parallel to and
12 within 100 feet. Sounds like Member Comstock would
13 prefer to say when project facilities are located within
14 100 feet of any existing natural gas infrastructure.

15 MEMBER COMSTOCK: I certainly would prefer
16 that, Mr. Chairman, but the language isn't written so
17 that it can, but --

18 CHMN STAFFORD: Well, I'm saying, like,
19 that's something you could suggest as an amendment to the
20 condition when we get to it.

21 MEMBER COMSTOCK: Okay. Thank you. I
22 appreciate that opportunity.

23 CHMN STAFFORD: Member Fant.

24 MEMBER FANT: Thank you, Mr. Chair. A
25 really quick and inexpensive way to keep an eye on that

1 is just run a drone up and down the pipeline once every
2 couple days so just to make sure everything is okay.
3 Field people can do that.

4 MR. GARDNER: Understood.

5 MR. ACKEN: And Member Comstock, if I may,
6 and you probably know this already, that condition, and
7 we have it presented as standard condition proposed
8 Condition 19.

9 That's language that comes directly from
10 Commission Staff. And so we have always been reluctant
11 to modify the language that Commission Staff has
12 recommended.

13 If you have -- if you want to propose a
14 modification, certainly that's something we'd be willing
15 to consider. And it's one of those things where it would
16 be nice to have Commission Staff's perspective on it.
17 But that's why you see the condition the way it's
18 written.

19 What I hear you saying is you'd like it a
20 little bit broader. I don't think Commission Staff would
21 oppose that. I don't think we would oppose it. We'll
22 take as a homework item further discussion internally
23 about that condition, and perhaps we can even reach out
24 to Commission Staff to get their blessing of any
25 modification to it. That could satisfy your concerns if

1 that's -- if you would be amenable to that.

2 MEMBER COMSTOCK: I have to think about
3 that if you don't mind. I need a little time to walk
4 through that. But I -- since I've been a member of this
5 committee I've opposed that language that's in the
6 conditions. I just don't think it's broad enough that it
7 helps mitigate something that's going to be certificated
8 for the next 10 to 20 years.

9 And the likelihood of more natural gas
10 lines coming through that area in Navajo County and
11 throughout northern Arizona is I would say virtually
12 100 percent.

13 So it's not something that we have to not
14 only deal with today but over the next two, three
15 decades. So that's why I've been an opponent to the
16 language, not that -- I know you do a procedure, I know
17 you work with it, just it's not broad enough from my
18 perspective.

19 MR. ACKEN: Understood. I understand, I
20 think I understand your concern. And we'll take it as a
21 further action item to see if what we might be able to
22 propose and, again, if we can get Commission Staff's
23 blessing on a modification to that condition.

24 MEMBER COMSTOCK: Thank you.

25 CHMN STAFFORD: Thank you.

1 Do you have additional follow-up items,
2 Mr. Acken?

3 MR. ACKEN: Yes, thank you.

4 BY MR. ACKEN:

5 Q. There was another question about transmission
6 line operations in low temperatures. Do you recall that
7 questioning, Mr. Gardner?

8 A. (Mr. Gardner) I do.

9 Q. And did you have a chance to discuss that with
10 your team engineers?

11 A. (Mr. Gardner) Yep. So I was able to speak with
12 our engineers. I'll just mention that we do operate
13 projects in Wyoming and South Dakota in significant cold
14 weather environments. And so our practice is to follow
15 all the NESC and regional requirements for weather
16 loading of those facilities.

17 So for anecdote on West Camp 1, which we are
18 currently constructing, our transmission lines are
19 designed for an extreme cold weather scenario where they
20 would accommodate up to a quarter inch of ice
21 accumulation on the conductor themselves.

22 Typically transmission lines like when it's
23 colder and they operate better when it's colder is my
24 understanding from our electrical engineers. But that is
25 kind of the practice is to follow the local regional

1 guidelines and NESC guidelines for all of our installed
2 transmission throughout the country.

3 MEMBER KRYDER: Thank you very much. I
4 think it was a question that I had raised and it came out
5 of an earlier project that we had discussed in which the
6 applicant told us in their case that in certain seasons
7 of the year, certain cold weather seasons of the year
8 their turbines did not function.

9 And as a consequence, the heat that would
10 have been generated by passing the juice, passing the
11 electrons to the wire was not there.

12 A quarter inch of ice, I have no idea,
13 certainly I'm not engineering either oriented or trained
14 or experienced. I guess somewhat along the lines of
15 Member Comstock's discussion about the gas lines, I would
16 ask that you push back into your engineering staff, do
17 you shut the turbines down?

18 You said that they function better in the
19 cold weather. I have no idea on this, but it was brought
20 to our attention in this previous hearing -- set of
21 hearings that there is an issue when the lines start to
22 ice up, especially if there's not electricity being
23 generated by the turbine.

24 And that's a big deal if they start to sag,
25 nobody needs to add anything to that question. So I'll

1 just push back and ask you on an honorability level,
2 certainly not to put into the conditions, but on an
3 honorability level that you push this back with the
4 engineering staff and that y'all feel comfortable that
5 what you're doing is not going to be hazardous to our
6 project.

7 MR. GARDNER: Understood. And anecdotally
8 we've not had any issues with this on our operating wind
9 fleet so far for the last five or so years of operations.

10 And I'm not quite understanding what maybe
11 another group provided testimony on, but our
12 understanding is that backfeed from Arizona's
13 transmission system would be constantly running electrons
14 on the gen-tie from our project to the system.

15 And so there would not be a time where
16 electrons are not actively on that line.

17 MEMBER KRYDER: Just bring it up.

18 MR. GARDNER: You got it.

19 CHMN STAFFORD: Mr. Acken.

20 MR. ACKEN: Thank you.

21 We did want to address some of the comments
22 made in public comment session yesterday as well.
23 However, I'd like to defer that until a little later in
24 the morning. We just received the docketed version of ex
25 parte public comments perhaps is the best way to frame

1 them.

2 So we'd like the opportunity to digest that
3 and provide a comprehensive set of responses to what we
4 heard in public comment from Mr. Gardner perhaps after
5 the next break.

6 CHMN STAFFORD: That'll be fine. Thank
7 you.

8 MR. ACKEN: Thank you.

9 So with that we'll go back to our
10 regularly-scheduled programming and turn to our
11 discussion of environmental compatibility. And Ms. Lytle
12 Bonine, you sat yesterday so patiently. Now is your
13 time.

14 BY MR. ACKEN:

15 Q. So before we dive into environmental
16 compatibility testimony and the resource analyses that
17 have been undertaken, I'd like you to discuss AES's
18 environmental siting principles.

19 A. (Ms. Lytle Bonine) Sure. And as I think you've
20 heard yesterday and, you know, a common theme throughout
21 our testimony is that, you know, we at AES are really
22 proud of our track record to develop, construct, own, and
23 operate these energy projects in the manner that's not
24 only consistent with environmental compliance
25 requirements, but in many cases actually exceeds those

1 requirements and voluntary guidance.

2 Our standard approach to permitting and
3 development is to begin with a really wide swath of
4 diligence from our sites, and what that lets us do is
5 early and often a tiered analysis so that by the time we
6 come in front of you with a CEC siting corridor, we've
7 been able to avoid and minimize most if not all of our
8 environmental impacts and make sure we really do have a
9 compatible project.

10 That includes a thorough review of federal,
11 state, local laws, ordinances, regulations and standards,
12 thorough analysis, both through desktop sources,
13 coordination with stakeholders, and then also getting
14 boots on the ground and having completed those studies.

15 Any impacts that remain after our commitment to
16 avoidance and minimization, we fully mitigate and offset
17 again in compliance with those laws, ordinances,
18 regulations, and standards.

19 And in doing so, we also apply a lot of
20 voluntary guidance, best management practices, that are
21 common or known within the industry and that have been
22 agreed upon by industry, stakeholders, wildlife agencies.

23 Those include things like the U.S. Fish and
24 Wildlife Service's land-based wind energy guidelines,
25 things like the equator principles.

1 And then in other forms of generation, things
2 like the solar voltaic energy environmental development
3 guidelines. We love acronyms, so we like to call them
4 the SVEED guidelines. And even though some of those
5 apply to a generation aspect, almost all include best
6 management practices for gen-tie. So they are applicable
7 here.

8 And then lastly we always apply the APLIC
9 guidelines and standards to our transmission lines.

10 CHMN STAFFORD: That acronym, the last one,
11 APLIC?

12 MS. LYTTLE BONINE: The Avian Power Line
13 Interaction Commission.

14 CHMN STAFFORD: Thank you.

15 BY MR. ACKEN:

16 Q. Subject to check?

17 A. (Ms. Lytle Bonine) Subject to check.
18 Committee. APLIC.

19 Q. I wish I could help you out on that one. I've
20 heard it a hundred times.

21 A. (Ms. Lytle Bonine) Yep.

22 Q. Okay. Thank you.

23 Next, I'd like you to talk about resource
24 studies that have been conducted for this site. And I
25 will say there was one public comment that suggested that

1 there was incomplete studies conducted for this area.

2 So before we dive into studies conducted for the
3 CEC, talk a little bit about additional studies conducted
4 on the site.

5 A. (Ms. Lytle Bonine) Yes. So like we've
6 discussed, one really kind of cool aspect about the
7 gen-tie corridor is that it spans both the West Camp wind
8 farm and then also West Camp 2.

9 So what we've been able to do in looking at the
10 gen-tie corridor here is we have studies that have been
11 going on for over six years. And we've been able to
12 utilize all the work that was done on those two projects
13 in order to really tailor and really be able to analyze
14 and disclose impacts specific to the gen-tie.

15 So those studies that we have listed here
16 showing a combination of what was completed for West
17 Camp, what has been completed for West Camp 2, and then
18 also what is planned in the future really inform the
19 gen-tie specific setting that Colin and I are going to
20 discuss.

21 Q. Next, describe the studies that were conducted
22 for the CEC application.

23 A. (Ms. Lytle Bonine) Sure. So we have the land
24 use studies in Exhibits A and H. Environmental studies
25 in Exhibit B. Biological resources in Exhibits C and D.

1 Visual resources in Exhibit E, as well as cultural
2 resources in Exhibit E. Recreational resources in
3 Exhibit F. Noise and interference in Exhibit I. And
4 just as a reminder, the Exhibit J, special factors, was
5 covered previously by Rob Gardner yesterday.

6 Q. Let's start with the analysis of land use.
7 Describe land ownership and jurisdiction within the
8 vicinity of the project.

9 A. (Ms. Lytle Bonine) Yeah, just as a quick
10 reminder, the gen-tie project and CEC corridor are
11 completely within unincorporated Navajo County. All
12 approximately 11,000 acres of it.

13 And then our land ownership, both the gen-tie
14 itself and the CEC corridor are almost entirely close to
15 96 percent on private land owned by Aztec, with just
16 under 5 percent being located on Arizona trust state
17 land.

18 Q. And two of the public commenters were
19 representatives of Aztec. Is that correct?

20 A. (Ms. Lytle Bonine) Yes, correct.

21 Q. And it's safe to say they are supportive of the
22 project on their land?

23 A. (Ms. Lytle Bonine) It's not only safe to say,
24 we have an exhibit to that effect.

25 Q. And where can that be found? Do you know?

1 A. (Ms. Lytle Bonine) I knew you were going to ask
2 that. We definitely have it on a future slide.

3 Q. Okay. We'll get to it.

4 Next, let's talk about zoning in the area?

5 A. (Ms. Lytle Bonine) All private lands within the
6 area are zoned as A General by the county of Navajo.
7 Just as a quick reminder, ASLD does not establish or
8 delineate zoning districts within ASLD land, and the
9 county will not zone ASLD land. As described in
10 Section 301 of the Navajo County zoning ordinance, the
11 primary purpose of the A General zone is to provide for
12 unincorporated areas of the county that are not otherwise
13 designated as a specific zone.

14 So what that means for our gen-tie project is
15 that under Section 302, subparts 6 of the ordinance,
16 utility facilities for the delivery of electricity to the
17 public, including electrical transmission lines,
18 substations, and other associated facilities, are
19 permitted uses within that A General zone district. And
20 therefore our gen-tie project is a permitted use in the A
21 General zone.

22 MEMBER DICICCIO: Mr. Chair.

23 CHMN STAFFORD: Yes, Member DiCiccio.

24 MEMBER DICICCIO: Just a quick question.

25 Don't you have to get a use permit of some

1 type?

2 MS. LYTLE BONINE: We do need to get a use
3 permit or a development agreement like Jordan discussed,
4 kind of the two differences there for the wind
5 generation, but the gen-tie itself is permitted.

6 MEMBER DICICCIO: Okay. Thank you.

7 MS. LYTLE BONINE: Of course.

8 BY MR. ACKEN:

9 Q. Next, talk about future land uses. What did you
10 learn from the analysis?

11 A. (Ms. Lytle Bonine) So to conduct this analysis,
12 we focused on the Navajo County 2050 Comprehensive Plan
13 as well as the Aztec area plan. For the Navajo County
14 comprehensive plan, that document provides a framework
15 for development rather than a precise zoning district,
16 and it designates land in the vicinity of the CEC
17 corridor, primarily as rural residential.

18 And what that does allow for is additional
19 agricultural, commercial, industrial development, and
20 that is consistent with a rural setting.

21 The Aztec area plan, you know, as described by
22 Claire from Aztec really well yesterday, designates the
23 majority of the CEC corridor as rural ag or rural ranch,
24 which has similar goals as the rural residential
25 designation from the county.

1 There is -- and given that the Aztec area plan
2 is -- covers such a large area, it is divided up into
3 four separate sub plan areas. The first two that are
4 included in the gen-tie corridor specifically call out
5 future wind development.

6 And then the second -- or the third, I'm sorry,
7 which is in that northeastern area -- as soon as I get
8 the right pointer -- over here, also includes some
9 designations for commercial, agricultural, and community
10 village character areas.

11 Which were part of a planned development that
12 has not yet come to fruition. However, we do have right
13 here on Slide 96, to answer your previous question, the
14 letter from Aztec demonstrating that the gen-tie itself
15 would be consistent with those future land designations.

16 Q. Thank you.

17 MEMBER LITTLE: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: I have a question. I made
20 a note when I was going through the application. You
21 mentioned that the Aztec area plan encourages utilities
22 and generation facilities in the rural edge and rural
23 ranch character areas. What does encourages mean? I
24 would have thought allows might be a more appropriate
25 word there.

1 MS. LYTLE BONINE: I think allows or
2 encourages could work. I think by designating those
3 areas as, you know, not only being able to accommodate or
4 be compatible with, it does have future goals or intent
5 to put wind generation in quite a few of those sub area
6 plans. So what that does is does is say, you know, not
7 only is it allowed but we -- we have looked at this area,
8 we think it's suitable for wind generation so we want to
9 encourage that and the infrastructure, so we want to
10 encourage that and for the infrastructure to go there.

11 MEMBER LITTLE: Did anybody tell you that,
12 or that's just interpretation of the language in the
13 plan?

14 MS. LYTLE BONINE: I think it's -- it's a
15 direct quote out of the plan itself. So I would say that
16 because it was put into the plan by Aztec and then
17 codified by Navajo County, I feel fairly comfortable
18 saying that it's accurate.

19 MEMBER LITTLE: Okay. Thank you.

20 BY MR. ACKEN:

21 Q. Mr. Gardner, do you have any further thoughts on
22 that interaction with the Brophys?

23 A. (Mr. Gardner) Yes, I'll just add that the
24 Brophys see renewable energy as a very important piece of
25 their private property rights and value creation of their

1 land, and so when they say they encourage renewable
2 energy and wind development on their property via the
3 Aztec plan, that's consistent with the conversations that
4 we've had and how they want to utilize their land to
5 increase its value over the coming decades.

6 MEMBER LITTLE: I have one further
7 question. And that is that all of Arizona, but since
8 we're dealing with this right now, is a real checkerboard
9 of privately owned land, state-owned land and federally
10 owned land. And the whole area, I'm assuming that the
11 ranch has lease rights for or grazing rights on the state
12 and federal properties.

13 When you were siting the wind farm itself,
14 was it necessary to talk to the people that own the state
15 chunks and the federal chunks, or do you just cite the
16 wind generation around those squares?

17 MR. GARDNER: Specific to the grazing
18 lessees, we've worked with them for years on making sure
19 that our project is compatible with their operations on
20 both the private property and state lands.

21 We are coordinating with the Arizona State
22 Land Department significantly on land use requirements.
23 And on BLM land, nothing will change for the grazing
24 lessees as it's a compatible land use.

25 MEMBER LITTLE: But you do have to get the

1 federal lands -- I know of a property that is in the
2 forest that is being used, there's a farmer or rancher
3 that has grazing rights and it's also being used for
4 another purpose. And both of those parties have to work
5 with the federal government to get agreement that they
6 can be -- they can both use that property.

7 So do you guys have to talk to them and
8 work with them and tell them this is what we're doing,
9 and it isn't going to affect the grazing rights?

10 MR. GARDNER: My understanding is that, no,
11 we have, you know, allowed the -- I mean, we -- none of
12 our operations will impact their grazing on those
13 sections. And we do not have any infrastructure that's
14 being constructed on those sections.

15 MEMBER LITTLE: That was -- that was --

16 MR. GARDNER: Yeah.

17 MEMBER LITTLE: That's the answer that I
18 was wondering about.

19 MR. GARDNER: Okay.

20 BY MR. ACKEN:

21 Q. Mr. Gardner, your answer and the question is
22 specific to BLM lands; correct?

23 A. (Mr. Gardner) That's correct.

24 Q. On state lands I think your testimony is that
25 yes, you do coordinate with them and that's a

1 requirement?

2 A. (Mr. Gardner) That is correct.

3 MEMBER LITTLE: Thank you. That clarifies
4 it.

5 BY MR. ACKEN:

6 Q. Ms. Lytle Bonine, I'd like you next to talk
7 about your analysis of existing plans in the vicinity of
8 the project.

9 A. (Ms. Lytle Bonine) Sure. So the project sent
10 letters requesting information on any existing or planned
11 developments to five public entities.

12 Those letters were sent to Arizona Game and
13 Fish, Arizona State Lands Department, the BLM Safford
14 Field Office, the City of Holbrook, and Navajo County.
15 We received two responses, one from Arizona Game and Fish
16 and one from the City of Holbrook.

17 The Arizona Game and Fish provided standard
18 mitigation requirements for the gen-tie project, and we
19 will discuss those in detail during the biological
20 resources testimony. But they did not identify any
21 development to consider for the gen-tie project.

22 And then the City of Holbrook did inform us that
23 there were two plans for development in Section T017 and
24 R020E, block 13. Neither of those planned developments
25 are within the CEC corridor, and both are approximately

1 three miles to the northeast of the project.

2 The project will affect neither of those
3 development plans.

4 MEMBER KRYDER: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: This is reaching back a
7 couple of slides, and a question for Mr. Gardner.

8 As the structures for the gen-tie line are
9 being built, and because they are on areas that are under
10 grazing rights, what sort of fencing or whatever is put
11 up around the construction site during the construction
12 period?

13 And my understanding is, and I'm asking for
14 a confirmation or comment on after construction and
15 during operation, what sort of fencing, if any, is there?
16 So it's a two-part question.

17 MR. GARDNER: During construction we are --
18 we have daily -- what are they called, it's basically
19 construction planning meetings at six a.m. every single
20 day.

21 MEMBER KRYDER: Great.

22 MR. GARDNER: During those meetings we
23 invite the landowner or their representatives, being the
24 rancher who actually work the land, during construction
25 we make sure that when we are constructing, any of our

1 project equipment, including the gen-tie but also the
2 turbines, that all of the cattle or any creatures that
3 they're running are nowhere near the construction site.
4 And so keeping gates closed and ensuring that we're
5 coordinating with ranchers to make that as we are
6 building in X part of the project, all of the cattle are
7 in Y part of the project.

8 During operations --

9 MEMBER KRYDER: Okay. Could I pause you
10 there?

11 MR. GARDNER: Sure.

12 MEMBER KRYDER: Okay. So you're saying
13 that during the construction phase, and I'm going to stay
14 away from the turbines themselves, but look only at our
15 jurisdictional area, the gen-tie, the onus is put on the
16 rancher, and y'all offer to meet him or her at six a.m.
17 any morning.

18 But the construction site itself is not
19 fenced, so it is on the rancher's obligation to keep the
20 cattle away from it? Is that the first part of that
21 question?

22 MR. GARDNER: Typically there's significant
23 fencing already installed on the ranch. And so the
24 daily -- they're called POD meetings, allows for the
25 rancher to coordinate with the construction team, and the

1 onus is on the construction team to make sure that
2 they're closing all fences, and if more fencing is
3 required, we will install it to ensure that there are no
4 impacts to cattle operations during construction.

5 MEMBER KRYDER: Yeah. Cows are -- cattle
6 are really curious things.

7 MR. GARDNER: They are.

8 MEMBER KRYDER: Most people are more
9 familiar with the curiosity of the cat, but actually
10 cattle are very curious animals, and if you park heavy
11 equipment or whatever around a construction site, if
12 they're in the area, they'll come and nose around it and
13 they'll lick the oil off of the engines and hydraulic
14 fluid off of the backhoe, et cetera, et cetera. And
15 that's what my concern was.

16 The second piece of my concern is just a
17 practical one from a fair amount of personal knowledge.
18 Keeping fences up is a great idea. Back in Ohio where I
19 grew up, we had a saying that good fences make good
20 neighbors. And yet one of my brother's cattle learned
21 how to get through, and they, like any domesticated
22 animal, taught their offspring.

23 So we can smile about it, but it was a
24 generational thing. You had to kill the damn cow that --
25 or sell them, and get them out of the herd or they would

1 teach the rest of the herd and all the siblings where and
2 when and how to get through the fence. And this is a
3 serious, serious issue.

4 I appreciate that you work closely with the
5 ranchers and have the six o'clock meeting possibility.
6 And most of the ranch land is managed by, we've got this
7 so many acres fenced off.

8 But truthfully the fences are about
9 90 percent okay. It's the 10 percent that always scares
10 everybody. And so I will let you go to the second half
11 of the question, and that is if somebody shows up on the
12 job after the six a.m. meeting and the superintendent
13 looks at the project and says, gosh, look at those
14 footprints, it looks like the cattle came and visited the
15 project last night. Does anybody ever talk about this
16 shit? Okay.

17 MR. GARDNER: They do. So I guess I'll
18 start by saying these ranches are huge. You know,
19 50-plus thousand acres. And typically our construction
20 is only ongoing in a small section of them. And so we --
21 I'm sure that our construction management folks will tell
22 you that their phone blows up every single day with ranch
23 hands, landowners, et cetera.

24 They have the cell phone number of our
25 people who are out on site every single day, and we have

1 those meetings every single day, and they go to those
2 meeting whenever they want and typically they go to all
3 of them.

4 So I can say there's significant
5 coordination if there are any issues. It is that day
6 that we mitigate them. It's not a two weeks later kind
7 of thing.

8 MEMBER KRYDER: Okay. And if you've been
9 dealing with this in South and North Dakota, you're
10 dealing with people who get hostile real fast.

11 MR. GARDNER: Yes, sir.

12 MEMBER KRYDER: Okay. Thank you very much.

13 So now talk to me about the operational
14 side of things.

15 MR. GARDNER: So the collector substations
16 and switchyard are fenced with -- I know the switchyard
17 is fenced with a very advanced fencing system that is
18 required by --

19 MEMBER KRYDER: It's an eight-foot -- it's
20 an eight-foot storm fence with concertina wire or
21 something on the top. I know, I read -- it's in your
22 application.

23 MR. GARDNER: Yep. Exactly. However, the
24 actual pole structures typically are not fenced to my
25 knowledge. The cattle along with the turbines like to

1 graze all the way up. And with the turbines, they
2 provide, as you said, cows are curious.

3 And the turbines provide these big shadows
4 and you'll see cattle just stacked up in the shadows to
5 avoid the hot Arizona sun.

6 So during operations, the -- anywhere where
7 there is high voltage electrical equipment on the ground,
8 the substation and the switchyard, there are fences.
9 However, at the actual pole structures we typically do
10 not have fencing.

11 MEMBER KRYDER: Okay. Thank you very much.
12 That's very clarifying.

13 MEMBER FANT: Mr. Chair.

14 CHMN STAFFORD: Member Fant.

15 MEMBER FANT: Sorry. If Mr. Kryder is the
16 ying of fencing, I'm the yang of fencing. So this was a
17 question from the environmental area. Are there --
18 looking at the property, it screams antelope. Are there
19 any antelope out there on the acreage?

20 MS. LYTTLE BONINE: Yes. So, and we'll get
21 to this a little bit later as well. But there are
22 diffuse wildlife corridors designated within the project
23 area. So part of our avoidance minimization measures and
24 what we've committed to is just having both seasonal
25 restrictions during construction so we can maintain

1 wildlife movement, and then also an acknowledgment that
2 the gen-tie and also the wind generation for that matter
3 allow permeability and will allow that wildlife corridor
4 to persist after the project is constructed.

5 MEMBER FANT: So let me ask that question
6 again. Are there any antelope out there on the ranch?

7 MS. LYTLE BONINE: It is -- I'd have to
8 check on antelope specifically. It is a designated
9 wildlife corridor for Pronghorn and some other ungulates,
10 but I need to confirm antelope.

11 MEMBER FANT: Because antelope are the
12 diametric opposite of cattle. They're skittish, they
13 don't like human beings and fences. They don't jump
14 fences. A deer will jump a fence. An elk will jump a
15 pen. A bear will climb a fence. But antelope don't jump
16 over fences. They go under them if they can, so there
17 needs to be some sort of removal of the lower level wires
18 on the fences if they're in any way crossing the antelope
19 zones on the properties.

20 So there's -- and like I said, it was
21 there's a ying and yang in fencing. Fencing equipment
22 and obviously your substations, great idea. But you're
23 also needing to be cognitive -- cognitive of the
24 existence or the potential existence of antelope and
25 whether their roots are on the property.

1 MS. LYTLE BONINE: And, yes, confirm there
2 are antelope.

3 MEMBER FANT: Okay. Do you know where they
4 go out in the property or what their routes are?

5 MS. LYTLE BONINE: I'm not -- I don't think
6 that there is specific studies that have been done that
7 show routes within the property. However we have
8 requested through coordination with Arizona Game and Fish
9 to get actual collar data so that we can take that level
10 of data into account when we prepare our wildlife
11 conservation strategy and be able to use that to best
12 time and manage our construction.

13 MEMBER FANT: I'll just point out you can
14 steer wildlife, too, by creating a water hole here and
15 there and kind of divert them away from where you don't
16 want them to be, unlike cattle. But the one concern
17 about putting a lot of fencing out there with antelope,
18 not elk or deer, is the fact that you may be cutting off
19 their migration routes. That's all.

20 CHMN STAFFORD: Member Little.

21 MEMBER LITTLE: Thank you, Mr. Chairman.

22 I'll loan you my dog. He loves to herd
23 cows anywhere he finds them.

24 I have a question about the future land use
25 map that was shown on 96, page 96 of the -- I think we

1 need to go back one. There we go. Thank you.

2 I noticed when I was reviewing the
3 application that there's a bunch of purple that's around
4 the outside edge of the project that is industrial
5 employment.

6 I'm just curious. What is that? Is there
7 something there now? Or, I know it's outside of your --
8 both the wind farm and the gen-tie. But it kind of
9 follows the railroad.

10 MS. LYTLE BONINE: I think it follows the
11 railroad and was designated in the comprehensive plan to
12 allow for either existing or expanded railroad
13 infrastructure.

14 MEMBER LITTLE: Okay. And two other
15 questions. One, the red that's in the middle, that is
16 designated agriculture, I believe.

17 MS. LYTLE BONINE: Yep.

18 MEMBER LITTLE: Is it active, inactive use
19 right now?

20 MR. GARDNER: Yep, that -- that land's
21 being ranched currently.

22 MEMBER LITTLE: Ranched or farmed?

23 MR. GARDNER: Ranched, Member Little.

24 MEMBER LITTLE: But the whole thing is
25 being ranched, right?

1 MR. GARDNER: Correct.

2 MEMBER LITTLE: That's interesting that
3 they have that those four sections particularly
4 designated for agricultural but not the rest.

5 And then there is in the corridor; it looks
6 like a blue square or part of the square is blue, we
7 would be commercial and office. Talk about that.

8 MS. LYTLE BONINE: Sure. So that was what
9 was part of the Aztec Ranch planning area, sub-planning
10 area. And it's a large master planned community that was
11 intended to provide a range of uses for comprehensive and
12 sustainable community.

13 So far, that plan or that designation has
14 not yet been built out. However, we've been working with
15 Aztec as we're siting this area, and making sure that
16 eventual construction and advanced design of the gen-tie
17 could be available with that future buildout.

18 MEMBER LITTLE: Okay. I had thought that
19 that planned area was down further. I didn't realize
20 that it was, that that was it. Thank you.

21 MEMBER DICICCIO: Mr. Chair.

22 CHMN STAFFORD: Member DiCiccio.

23 MEMBER DICICCIO: Just a quick anecdotal
24 story to David's curiosity of cattle. I took my children
25 to, it was a while back, to a bull riding event. And I

1 warned them ahead of time, I said they will find you if
2 you put your hands inside the gate, inside the fence.

3 And sure enough they, this one bull had
4 concluded their part of the event. It was at a long --
5 it was a distance away and all of a sudden I saw it
6 making a beeline for where we were standing. I thought,
7 well, that's wild.

8 And all of a sudden I looked at my
9 daughter, she had her phone inside the gate. At the very
10 last second, I literally pulled her back probably 10 feet
11 backwards. The bull hit right there. And it's just the
12 curiosity factor. They were -- he keyed in on one of
13 these things inside the gate probably just about that
14 far. And ran right at her. And, but they are, to
15 David's point, they are extremely curious. And whatever
16 you do for the buffering I'm sure you guys have planned
17 some of that ahead, but I would really make sure of that.
18 Thank you.

19 MEMBER KRYDER: Mr. Chairman.

20 CHMN STAFFORD: Member Kryder.

21 MEMBER KRYDER: Just a comment to that, to
22 Member DiCiccio, they got nothing else to do.

23 MEMBER DICICCIO: That is true. But they
24 are curious.

25 MR. ACKEN: Okay. Thank you.

1 BY MR. ACKEN:

2 Q. Chevelon and now West Camp, they get to look at
3 the wind turbines. So enrichment for them.

4 Let's close up --

5 MEMBER DICICCIO: I can get a grant.

6 BY MR. ACKEN:

7 Q. Let's close up the discussion of existing plans.
8 Just to clarify for the record is what is shown on
9 Slide 98 a copy of the letter that was sent to agencies
10 as well as the response from Game and Fish in Holbrook?

11 A. (Ms. Lytle Bonine) Yes.

12 Q. Thank you. Now let's talk about recreational
13 resources that's contained in Exhibit F of the
14 application.

15 A. (Ms. Lytle Bonine) Yeah. The requested CEC
16 corridor consists primarily of privately owned land with
17 a small amount of Arizona state trust land. There are
18 additional privately owned lanes adjacent to the CEC
19 corridor as well as Arizona state-owned lands and federal
20 lands managed by the Bureau of Land Management.

21 The privately owned land within the CEC corridor
22 is not available for public recreational use, and the
23 Arizona state trust land within the CEC corridor is
24 completely surrounded by private land owned by Aztec and
25 is therefore not legally accessible to the public.

1 We still reviewed public data sources from ASLD,
2 Navajo County, BLM. There are no preserves, designated
3 trails, or other designated recreation sites within the
4 CEC corridor or its vicinity. The nearest designated
5 trails are over 15 miles to the southeast of the CEC
6 corridor near Snowflake. And additionally there are no
7 designated BLM recreation sites or facilities within the
8 vicinity.

9 There is hunting for big game including
10 Pronghorn/antelope, black bear, Mountain Lion, and Mule
11 Deer, which is managed by Arizona Game and Fish. And it
12 is one of the primary recreational activities within the
13 larger vicinity of the CEC corridor. And it's within
14 game management unit 4 B and 3 A.

15 MEMBER COMSTOCK: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Comstock.

17 MEMBER COMSTOCK: So we've had some
18 significant discussions regarding hunting and the ability
19 to get a permit to do some hunting in there, so because
20 it's surrounded, the state land is surrounded by private
21 parcels. Do you have to get permission from the owner to
22 go through and then camp and hunt?

23 So there's a two-step process now? I just
24 can't apply to hunt in 3 A and 4 B, I have to get another
25 pass to go? How do I do that?

1 MS. LYTLE BONINE: So in order to access
2 the state trust land within the gen-tie corridor, if you
3 would want to hunt within that, you would need access
4 granted by the private landowner whose lands you would
5 have to go through to do that. There are, you know,
6 areas within game management units 4 B and 3 A that are
7 outside of the gen-tie corridor and what we are speaking
8 about here.

9 So you would have access to that through
10 other means, just any time you needed to cross private
11 land you would need permission from that landowner.

12 MEMBER COMSTOCK: So if I wanted to hunt in
13 there, would Game and Fish tell me that I've got to go
14 through private land in order to -- to do that to apply
15 for that?

16 MS. LYTLE BONINE: Yeah, I believe they
17 would.

18 MEMBER COMSTOCK: They would. Okay. Thank
19 you. Do you know how many permits were pulled for in
20 that area last --

21 MS. LYTLE BONINE: I don't but that's
22 something we can definitely follow up on.

23 MEMBER COMSTOCK: So if I could, just one
24 more follow-up in regards to construction activities and
25 hunting in those areas. Because of the use of

1 high-powered rifles and so on to do that type of hunting,
2 can you tell me -- maybe I shouldn't assume -- can you
3 tell me your procedures to, one, warn your construction
4 crews of hunting in the area, and, two, engage the
5 hunters who may be in the area for that process?

6 MS. LYTLE BONINE: Certainly. I can start
7 and then I'll ask Rob to jump in if I miss anything or
8 correct anything.

9 In terms of informing our construction
10 team, we provide a worker environmental awareness program
11 to anyone who sets foot on site, so that includes things
12 like notification about potential activities in the area,
13 including hunting activities.

14 We also, you know, in that plan of
15 development meeting that Rob discussed really highlight
16 what the season is, what is going on.

17 And then using our landowner partners make
18 sure that both that communication is two way so we know
19 what is happening on their ranch at the time of
20 construction and also they know what we are doing for
21 construction in that same area.

22 MR. GARDNER: And then I'll just add on
23 that we coordinate significantly with Arizona Game and
24 Fish during construction to ensure that there's no
25 hunting going on in the construction zone.

1 MEMBER COMSTOCK: So if I may, then, if
2 somebody slips in, you know, under the cloak of darkness,
3 sets up camp and you hear a rifle shot early in the
4 morning, what's the procedure for your construction crews
5 in regards to that?

6 MR. GARDNER: So that would be covered at
7 the POD first thing in the morning. We have security
8 that we can call for these projects if there are security
9 concerns. And so I believe that the protocol would be to
10 contact the necessary security folks and then go and
11 address that concern and pause all construction
12 activities in the area until the concern is alleviated.

13 MEMBER COMSTOCK: Thank you.

14 CHMN STAFFORD: Member Fant.

15 MEMBER FANT: Thank you, Mr. Chair.

16 One inexpensive way to handle that is to
17 have your security carry little belt drones and just
18 throw run a drone up, run it out there really quickly and
19 see if anyone's out there.

20 BY MR. ACKEN:

21 Q. Ms. Lytle Bonine, let's wrap up our discussion
22 of land use, recreation and existing plans. What are
23 your conclusions?

24 A. (Ms. Lytle Bonine) Our conclusion is that the
25 gen-tie project is a permitted use within the A General

1 zone. There's no required amendments to the Navajo
2 County Comprehensive Plan or Aztec Area Plan. The Aztec
3 Cattle Company confirmed that the gen-tie project is
4 compatible with the Aztec Area Plan and we don't see any
5 interference from other developments, and there are no
6 known recreational impacts.

7 And, you know, I think one thing that I was
8 actually quite proud of yesterday is hearing public
9 comment from our landowners is not only are the gen-tie
10 project and then the generation as well compatible with
11 their existing land use, it's actually a way to be able
12 to sustain that rural ranching way of life.

13 And it's something that we at AES are really
14 proud to be partners for, is again not only compatible
15 but really be a willing partner to sustain and continue
16 the land use out there.

17 Q. Thank you. Let's turn now to your analysis of
18 biological resources, and first, describe your findings.

19 A. (Ms. Lytle Bonine) Sure. So, again, this is
20 all laid out in Exhibit C. But for specifically areas of
21 biological wealth that the areas are defined within a
22 broader landscape that are habitats for rare and special
23 status species or that provide important, unique or
24 concentrated resources for other wildlife and plants, the
25 areas of biological wealth that could occur in the study

1 area were identified through a biotic resource review.

2 Those data sources are numerous and include, you
3 know, official project-specific species and critical
4 habitat lists from the U.S. Fish and Wildlife Service,
5 using their information for planning and consultation
6 tool or IPaC, the U.S. Fish and Wildlife Service's
7 Environmental Conservation Online system,
8 project-specific reports from Arizona Game and Fish, as
9 well as Game and Fish's ERT map of areas. And then
10 additional desktop research including things like land
11 cover, elevation, data, et cetera.

12 And then consistent and ongoing communications
13 with wildlife agencies themselves and representatives,
14 including a meeting held with Game and Fish and U.S. Fish
15 and Wildlife Service in May. And some additional
16 letters, recommendations, and work back and forth with
17 Game and Fish which we show on Slide 106.

18 All of this was topped off with a reconnaissance
19 visit to the CEC corridor area on May 19 and 20 and will
20 be supplemented with additional surveys that we had
21 talked about in previous slides. And we'll also all be
22 kind of consolidated and prepared in a wildlife
23 conservation strategy.

24 CHMN STAFFORD: And Mr. Acken, just to
25 clarify, we're looking at Slide 106. That's the letter

1 from Game and Fish. That letter is actually also
2 included in Exhibit C to the application which is hearing
3 Exhibit 1?

4 MR. ACKEN: Yes, that's correct.

5 CHMN STAFFORD: Thank you.

6 MR. ACKEN: Thank you.

7 CHMN STAFFORD: Member Fant.

8 MEMBER FANT: Thank you, Mr. Chair. Just
9 directly in the tower construction area, are there any
10 endangered plants or threatened plants, state listed?

11 MS. LYTTLE BONINE: There are none that have
12 been identified, and we will conduct a preconstruction
13 clearance to ensure that that remains.

14 MEMBER FANT: Thank you.

15 MEMBER LITTLE: Mr. Chair.

16 CHMN STAFFORD: Yes, Member Little.

17 MEMBER LITTLE: I noticed when I was
18 reviewing the application that there are several studies
19 that are planned but not completed. Is there any update
20 to the status since the application was filed on those?

21 MS. LYTTLE BONINE: Not since the
22 application was filed for the studies are planned, we
23 typically needed the advanced engineering and design to
24 really focus the area in which those studies will be
25 conducted.

1 So once we are able to narrow down the CEC
2 siting corridor to what will actually be the gen-tie
3 right-of-way, that's when we would conduct these studies.

4 MEMBER LITTLE: I see. Okay. One other
5 question. And that is Exhibit B has all these studies
6 that were done for the West Camp 1. But it doesn't
7 really say anything about how -- the conclusions, I
8 guess, with respect to what we are considering here today
9 from those studies. Is that in Exhibit C?

10 MS. LYTTLE BONINE: Yes. Exhibit C, you
11 know, includes a synthesis of the analysis that was
12 conducted for West Camp 1 and West Camp 2, for that
13 matter, focusing specifically on the gen-tie. So it
14 incorporates the result of those studies to really
15 summarize what we're looking at.

16 MEMBER LITTLE: All right. So B is just
17 the studies themselves for our information purposes, and
18 then C applies -- or takes that information and applies
19 it directly to what we're considering here today? Is
20 that correct?

21 MS. LYTTLE BONINE: Yes.

22 MR. ACKEN: If I could supplement that. So
23 Exhibit B to the application, by regulation we are
24 required to provide other studies that were prepared in
25 the project area.

1 So that's a wide universe; right? And
2 particularly when you have studies that were done for the
3 wind project, for another project, West Camp 1. And so
4 what we try to do is we include those, but then we also
5 take the specific exhibits that are required by the
6 application, which is C through I, and use the
7 information in B to inform the analysis that you'll see
8 in C through I.

9 And that's been my approach for CEC
10 applications for as long as I've been doing it. Yes, we
11 had that legal obligation to include B for comprehensive
12 purposes, but then let's provide the targeted analysis
13 for the gen-tie in C through I.

14 So that's what Ms. Lytle Bonine will
15 provide additional testimony on.

16 But certainly the information is there and
17 in the sense that you have questions, we'll be available
18 to answer them.

19 MEMBER LITTLE: That's sort of what I
20 figured out, but I wanted to confirm it. Thank you.

21 MR. ACKEN: You bet. Thank you.

22 CHMN STAFFORD: Yeah, Member Little, I
23 think that helps the committee to kind of take account of
24 the kind of cumulative effect that's going on for the
25 project. Because the B casts a wider net, it allows us

1 to consider the total environment of the area of just one
2 of the factors under the statute, so --

3 MEMBER LITTLE: Which is very important.

4 CHMN STAFFORD: Thank you. Yes.

5 MEMBER LITTLE: Thank you.

6 MR. ACKEN: Thank you.

7 BY MR. ACKEN:

8 Q. So continuing on, biological resources. One of
9 objectives of Exhibit C is to identify areas of
10 biological wealth. So describe your findings with
11 respect to that.

12 A. (Ms. Lytle Bonine) So there were two kind of
13 general areas of biological wealth that were identified.
14 The first being Porter Canyon. And the second being two
15 county stakeholder assessed diffuse wildlife movement
16 areas.

17 There are no designated or proposed critical
18 habitat, important bird areas, National Wildlife refuges,
19 wetlands of international importance, wilderness areas,
20 areas of critical environmental concern, riparian zones,
21 bird staging areas, or migration concentration sites, or
22 lekking species.

23 To touch first on Porter Canyon, we have roughly
24 along -- you can see the feature going through the
25 gen-tie corridor here. On the figure it does show that

1 symbol that is hard to read from this distance, but it
2 shows where Golden Eagle nests were known to be present.

3 Those Golden Eagle nests were identified in
4 surveys conducted in 2022 and 2023. And were shown to be
5 active during those years. Porter Canyon itself, again,
6 photo of it located here. And then just to get a little
7 more orientation, the existing transmission lines that
8 you see in the middle ground here do line up with the
9 transmission lines shown on this figure so you can get a
10 sense of where we're looking.

11 That canyon has not been identified as a
12 migration concentration site, but could generally act as
13 conduit for certain migrating birds or roosting,
14 commuting, or foraging bats.

15 In addition to being identified as an area of
16 biological wealth, Golden Eagles and their nests are
17 protected by the Bald and Golden Eagle Protection Act.
18 Or BGEPA you might hear me say.

19 And in compliance with the BGEPA as well as a
20 Final Eagle Rule that was published in 2024 and Eagle
21 Conservation Plan guidance, any construction activity
22 that could have the potential to disturb those nests
23 located even within half mile or a mile, will be avoided
24 and minimized such that nesting season would be avoided
25 if the nests were active.

1 And a significant buffer would be applied. So
2 that we can remain consistent with those regulations and
3 then also avoid potential impacts to that known area of
4 biological wealth.

5 CHMN STAFFORD: I have a quick question.

6 MS. LYTTLE BONINE: Yeah.

7 CHMN STAFFORD: You have on the map there
8 we're looking at Slide 108, the whole of that green area
9 is the diffuse wildlife movement areas?

10 MS. LYTTLE BONINE: Correct.

11 CHMN STAFFORD: How does that work with
12 Game and Fish and the ranchers? Because the ranchers
13 have fences all through there to control the cattle and
14 their grazing. How does that impact the wildlife?

15 And it seems like any impact to wildlife
16 would have to be addressed with the ranchers as opposed
17 to this applicant, because this applicant's only going to
18 build fencing around the substations and switchyards.

19 The vast majority of the infrastructure
20 will not interfere with movement of any kind of animals
21 whether they be grazing or wild.

22 MS. LYTTLE BONINE: That's absolutely
23 correct. And it's demonstrated -- or it demonstrates
24 what those stakeholder assessed diffuse movement areas
25 are and what they do. It's basically crowd source

1 information at a really high landscape level. So even
2 being able to determine what the movement looks like
3 within the corridors is not well known, and it's why we
4 are -- we're requesting a lot of that information and
5 collar-specific data.

6 CHMN STAFFORD: Okay.

7 MS. LYTLE BONINE: And we can have a good
8 sense of how to avoid some of that temporary disturbance
9 during construction to the wildlife movement by applying,
10 to the extent practical, season restrictions and knowing
11 when that movement is going to be heaviest, that's when
12 we can try to time our construction activities to stay
13 out of or avoid heavy or migration uses.

14 CHMN STAFFORD: Okay. So how much
15 information does Game and Fish have about the effects of
16 the ranching on wildlife?

17 MS. LYTLE BONINE: I would have to get back
18 to you on that. I don't want to speak for Arizona
19 Game and Fish.

20 What I do -- what I can say is that we will
21 receive or have applied for that collar-specific data.
22 That should give us a little more information on what the
23 baseline is for current activities. And how that
24 compares to potential movement outside of a ranch
25 atmosphere like this is definitely something we could

1 look at.

2 CHMN STAFFORD: Because it seems it's going
3 to affect different species differently, because we heard
4 the elk and deer, they're unaffected by the fences that
5 ranchers use to control the cattle. Whereas the antelope
6 have problems with that.

7 So I guess it depends on that ranching is
8 going to have a different impact on different species.

9 MS. LYTLE BONINE: Absolutely.

10 CHMN STAFFORD: It doesn't seem like the --
11 I'm not hearing that there's a lot of knowledge about
12 what's going on with the antelope population. I mean, if
13 it's designated as a wildlife movement area, we've seen
14 other places where it's not used for ranching, and so
15 there's actual animals that are wild animals moving
16 through that corridor.

17 But through here, it's going to be -- it's
18 the ranching that's going to interfere with that for some
19 species like antelope, I guess, but other ones like the
20 deer, they would be uninhibited by that.

21 So I'm just -- I'm interested to hear what
22 Game and Fish -- how Game and Fish assesses the impact of
23 the ranching on the wildlife. I guess follow up on this.

24 MS. LYTLE BONINE: Yeah, we can work to get
25 some follow-up on that. I think, yeah, for the purposes

1 of what we're looking at for the gen-tie project, we
2 don't see a huge net difference in current conditions and
3 then what will happen once the project is constructed.

4 Again it will remain permeable, and then we
5 will be able to, like we have on other projects in the
6 area, make sure we mitigate any temporary construction
7 disturbance through that proper planning and the wildlife
8 conservation strategy.

9 CHMN STAFFORD: All right. Thank you,
10 Member Little.

11 MEMBER LITTLE: Thank you, Mr. Chairman.

12 I have some concern over the words, and not
13 just with this project, but over the words to the extent
14 practical, or, when feasible. What do those words mean
15 to you? They are what we used to call in the consulting
16 business "weasel words" which allow you to do whatever
17 you want to do and whenever you want to do it by saying
18 it's not practical or not feasible for us to avoid those
19 nests, for example. And I'm not saying that you guys
20 will do that.

21 But in our position here, we want to assure
22 that the applicant does what they say they will do. So
23 what do those -- what would make it impractical or not
24 feasible to avoid the nesting season for the eagles, for
25 example?

1 MS. LYTTLE BONINE: Well, for the eagles,
2 for example, it's -- there's a hard line in what we could
3 do in compliance with the law. So absolutely we would
4 comply with the Bald Eagle Protection Act. We have
5 strict guidelines in the Final Eagle Rule, as well as the
6 ECPG that requires that we do have that seasonal
7 avoidance with a half-mile buffer if the nests are
8 active. So for the eagle nests we will -- we must and we
9 will comply with that law.

10 For, you know, something like looking at
11 temporal or seasonal restrictions for things like
12 wildlife movement, we do want to make sure we are able to
13 maintain the ability to, you know, in safety hazard or
14 any time that infrastructure or personnel are at risk, we
15 can do construction activities where and when we need to,
16 again, to protect life and safety.

17 MEMBER LITTLE: So okay. So to you, those
18 words are meant not just for convenience sake?

19 MS. LYTTLE BONINE: Absolutely.

20 MEMBER LITTLE: But for safety for the
21 personnel. Thank you. I appreciate that.

22 BY MR. ACKEN:

23 Q. If I could follow up on that. Is there also an
24 element to your ongoing coordination with Game and Fish,
25 and there was a great discussion here about how much

1 information is known about migration impacts due to
2 ranching and things of that nature and your desire for
3 additional information.

4 Is one of the reasons you seek flexibility is
5 because you are in an iterative process with Game and
6 Fish where you are seeking and developing additional
7 information and part of how you will do so is through
8 this project?

9 A. (Ms. Lytle Bonine) That's spot on. Absolutely.
10 We, you can see through iteration of letters and
11 responses we are working with Arizona Game and Fish, we
12 will continue to do that through development, through
13 advanced engineering, through construction and even
14 operation of the project.

15 So we're able to document that and things like
16 our wildlife conservation strategy, other construction,
17 operational-level plans. And I mean, Bert said it better
18 I think better than I could is one of the reasons why we
19 are looking at a corridor is to maintain that
20 flexibility.

21 MEMBER LITTLE: Thank you.

22 MR. ACKEN: Thank you.

23 BY MR. ACKEN:

24 Q. Please continue with your discussion. I believe
25 you have some additional information on the following

1 slides on diffuse wildlife area.

2 CHMN STAFFORD: One second. I think Member
3 Fant has a question.

4 MEMBER FANT: Yeah, I'm sorry. Just one
5 question on where the wires cross Porter Canyon, is that
6 a bird diverter issue or does that matter to eagles?
7 I'll just throw that out there.

8 MS. LYTLE BONINE: Yeah, there's certainly
9 an opportunity to, again, through advanced design see if
10 bird diverters are appropriate for this area. We will
11 follow APLIC guidelines, which look at eagles as well as
12 other birds, eagle-safe design for transmission lines,
13 and then if we are seeing based on where that final
14 siting is that bird diverters could be beneficial to
15 eagle or other avian population in that area, that is
16 something we'll look at implementing.

17 CHMN STAFFORD: Thank you. I seem to
18 recall that bird diverters are more important for slower,
19 more clumsy birds, typically water fowl, I seem to
20 recall.

21 MS. LYTLE BONINE: Yep. Absolutely.

22 CHMN STAFFORD: That need -- they have a
23 bigger turning radius, I guess, so they need additional
24 warning to get the heck out of the way. But I guess
25 that's spelled out, I believe, in the guidelines.

1 But I think it's a standard condition to
2 every certificate is they'll comply with guidelines, but
3 sometimes we specifically call out whether they use bird
4 diverters additionally in the certificate.

5 Member Little.

6 MEMBER LITTLE: Thank you, Mr. Chairman. I
7 have a question. What are bird diverters? What do they
8 look like on a transmission line when I'm driving along
9 the road?

10 MS. LYTTLE BONINE: There are --

11 CHMN STAFFORD: Are they like those metal
12 things that are -- go ahead.

13 MS. LYTTLE BONINE: There's a variety of
14 options for bird diverters. Sometimes they can be the
15 little spiral kind of metal spinning things. It can be
16 the big, like, colored balls that you see.

17 That's why some of that, like,
18 site-specific analysis is really important because we
19 will look at what is the population, what are the species
20 of birds we would try to divert. And then make sure we
21 tailor the diverters that we choose to be most effective.

22 MEMBER LITTLE: Thank you.

23 CHMN STAFFORD: Last week we had pictures
24 of them.

25 MEMBER LITTLE: I missed that.

1 CHMN STAFFORD: We missed you, too.

2 MEMBER COMSTOCK: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Comstock.

4 MEMBER COMSTOCK: If I could -- I apologize
5 if this is moving backwards. I wasn't quite sure where
6 to ask this question.

7 In Exhibit B under the heading of
8 Vegetation, and I'm looking at page 5 specifically, in
9 our handouts it's Exhibit B, page 4 has the heading
10 Vegetation. And I'm looking at the ongoing discussion on
11 page 5.

12 CHMN STAFFORD: Exhibit B to the
13 application?

14 MEMBER COMSTOCK: Yes, sir.

15 MS. LYTLE BONINE: We're there.

16 CHMN STAFFORD: I'm not there yet. Hang
17 on.

18 MR. ACKEN: If you know, can you identify
19 it for the record for the rest of us that are --

20 MS. LYTLE BONINE: Exhibit B, attachment
21 B-1, page 4 and 5.

22 BY MR. ACKEN:

23 Q. So Exhibit B to the application marked for
24 identification as WC-1. Attachment B-1, page 4 and 5.
25 Okay?

1 CHMN STAFFORD: This is the memo from SWCA.

2 MEMBER COMSTOCK: In particular, if I may,
3 the paragraph that starts on page 5 with, "The study area
4 is dominated."

5 There are a number of references in there,
6 but I'm particularly interested in the reference to the
7 juniper species that are found in the project, the Pinyon
8 Pines and the Two Needle Pinyon Pines. The sentence that
9 starts with "Large sections of Pinyon Pines woodland
10 would have been treated in an effort to revert the
11 landscape back to grassland."

12 Does that mean that the Pinyon Pines are
13 removed in the construction phase and then the
14 remediation is -- because as I understand it, Pinyons or
15 at least the fruit or the berry of those particular trees
16 are a food source for a lot of animals. So just
17 wondering what that meant.

18 MS. LYTTLE BONINE: I believe that's
19 describing the past grazing-related activities that were
20 conducted on this site. So it was in efforts to sustain
21 the grazing operations that those activities had occurred
22 in the past.

23 MEMBER COMSTOCK: But it's not a process
24 that you interact with during construction of your --

25 MS. LYTTLE BONINE: It's not. We would, you

1 know, once we identify limits of disturbance, there would
2 be minimal vegetation removal required, but that's not a
3 practice we would use.

4 MEMBER COMSTOCK: Thank you.

5 MR. ACKEN: Thank you.

6 BY MR. ACKEN:

7 Q. Please continue with your discussion. Is there
8 anything further you wanted to mention about area of
9 biological wealth on 109?

10 A. (Ms. Lytle Bonine) No.

11 Q. Let's continue, then, with your discussion.

12 CHMN STAFFORD: Mr. Acken, I think we're
13 coming up on --

14 MR. ACKEN: Oh.

15 CHMN STAFFORD: I think the court reporter
16 could use a break.

17 MR. ACKEN: Oh, yeah.

18 CHMN STAFFORD: I think it's a nice
19 breaking spot before you go into the next section for
20 the -- isn't the threatened and endangered species the
21 next section?

22 MR. ACKEN: Yes, that's correct.

23 MEMBER LITTLE: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: I just wanted to make one

1 comment, and that is that I noted that, for the record,
2 that you have -- the applicant actually has several years
3 of data about all of these things in that particular
4 area, which I think is very valuable. Thank you.

5 CHMN STAFFORD: Thank you. All right. So
6 let's take a 10 to 15-minute recess. We stand in recess.

7 (Recess from 10:27 a.m. to 10:51 a.m.)

8 CHMN STAFFORD: Let's go back on the
9 record.

10 Mr. Acken.

11 MR. ACKEN: Thank you, Chairman.

12 One of the items that I mentioned this
13 morning that we wanted to go back and address was public
14 comment yesterday evening.

15 We wanted the opportunity to review a
16 document that was submitted to some committee members and
17 subsequently filed by the Chair before we provided that
18 response.

19 Team's had our chance to do so. Now I'd
20 like to have Mr. Gardner address some of those topics.

21 BY MR. ACKEN:

22 Q. Mr. Gardner, have you had a chance to review the
23 letter or e-mail, excuse me, that was docketed this
24 morning?

25 A. (Mr. Gardner) I have.

1 Q. And you were here present yesterday during
2 public comment; is that correct?

3 A. (Mr. Gardner) That's correct.

4 Q. I want to go through a few comments in
5 particular and then obviously have you amplify as you see
6 fit to address what you heard and what you read.

7 One of the comments concerned the county
8 process, the county process for the nonjurisdictional
9 wind turbines. Do you recall that public comment?

10 A. (Mr. Gardner) I do.

11 Q. I believe there were some concerns about -- the
12 concerns were raised about the public's opportunity to
13 participate in that process, if I'm paraphrasing
14 correctly. Do you recall that?

15 A. (Mr. Gardner) Yes, I do.

16 Q. And do you have any thoughts to share for this
17 committee?

18 A. (Mr. Gardner) Yes. So earlier this year,
19 Navajo County and their board of supervisors and planning
20 and zoning commission and planning and zoning staff
21 members made the decision to open up their renewable
22 energy ordinance.

23 They did so because they faced some concerns
24 from the public that the ordinance that used to be in
25 place was not consistent with current standards.

1 As part of this revision and opening up of the
2 ordinance, the county hosted numerous public -- publicly
3 open study sessions during board of supervisors meeting.

4 Additionally, they hosted three public listening
5 sessions in Navajo county. There was one in Show Low on
6 March 24, one in Heber-Overgaard on March 26 and one in
7 Joseph City on March 27.

8 Here, the planning and zoning county of Navajo
9 County wanted to hear from the public about the ordinance
10 and any revisions they requested. They heard from local
11 business owners, local subcontractors, community leaders,
12 concerned citizens and other stakeholders.

13 At these listening sessions the county heard
14 from, our records show 71 people. AES was present for
15 all of these. We were there to engage with members of
16 the community and help talk about our projects and how
17 they fit into Navajo County.

18 The staff and board of supervisors of Navajo
19 County took all of these comments into consideration and
20 they adopted a new renewable energy ordinance this past
21 year to address those concerns.

22 So just want to overall say there was ample
23 opportunity for public engagement in the ordinance
24 revision.

25 Q. Another comment that was raised concerned the

1 opportunity for the public to engage with you as well as
2 notice provided to the public for your project. And
3 yesterday you testified about your outreach efforts and
4 there seems to be a disconnect between your testimony and
5 what the public commenter stated. How do you reconcile
6 that?

7 A. (Mr. Gardner) Yep. So I don't want to repeat
8 myself too much from yesterday, but we did work with
9 Navajo County on our citizen participation plan. The
10 protocol is to work the planning and zoning group in the
11 county for projects that are not yet permitted.

12 So we work with the planning and zoning staff to
13 identify a proper public engagement strategy that meets
14 or exceeds all requirements in the county, and then we
15 execute that.

16 We did not hear from anyone in the county about
17 specific concerns to the gen-tie project in any of your
18 forums, which include those open house meetings, public
19 comment form, on the website, or, you know, just reaching
20 out to the project team.

21 I want to mention that as a company and as a
22 wind team, we strongly encourage discourse on these
23 projects. At public meetings, whenever we have folks
24 show up, I give out my business card which has one phone
25 number on it. This is my personal cell phone.

1 I give this out to anyone who comes to our
2 projects who wants to talk to me or our team about their
3 concerns with our projects. We want that discourse. We
4 want to talk to folks and we want to understand the
5 concerns in the community.

6 We did receive the names from the folks that
7 tuned in last night and gave public comment. Our records
8 show that they both live at least 15 miles away from the
9 gen-tie project.

10 If that is incorrect and those folks are
11 listening in, please reach out to us, submit a comment
12 that goes directly to our project team and we can reach
13 out and talk to you all about your concerns.

14 And then, you know, as I said yesterday, via our
15 public engagement strategy, we got to the people that are
16 nearest this project. If you look at this project, you
17 can see that the gen-tie corridor is up here in the
18 north. And then -- sorry -- this isn't on a slide right
19 now. And then the wind farm is this 50,000-plus-acre
20 area.

21 Q. If I could interrupt you. For the record this
22 is the placemat, it's figure A-1 from the application,
23 which is West Camp-1.

24 A. (Mr. Gardner) As a reminder, we noticed all
25 individuals within one mile of the entire wind farm

1 boundary, not just the CEC corridor.

2 And so anyone down in the south that is, you
3 know, five to eight miles away from the CEC corridor did
4 still get notices. We did still publish in the
5 newspaper. And the folks that live nearest this project
6 showed up to our open house meetings and we had
7 meaningful discourse with them about our project.

8 So I just wanted to clarify the public
9 engagement of our project.

10 MEMBER LITTLE: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Little.

12 MEMBER LITTLE: I probably am going to ask
13 you to repeat something that you said yesterday. But you
14 did say that you did not get comments about the gen-tie.
15 Did you get comments about the wind farm?

16 MR. GARDNER: Yes, ma'am. We received one
17 public comment about the wind farm. That was the comment
18 from a nearby resident who was worried about the turbine
19 distance from their barn and residence. And we addressed
20 that by increasing the buffer from those structures --

21 MEMBER LITTLE: Okay.

22 MR. GARDNER: -- with them.

23 MEMBER LITTLE: And tell us again for the
24 record what opportunities people had to comment about the
25 wind farm project itself. Not just the gen-tie.

1 MR. GARDNER: So the opportunities for
2 public on the wind farm have already been numerous, and
3 those were via our open meetings and public comment form
4 on our website.

5 However, we are not finished with the
6 Navajo County permitting process. That is ongoing. And
7 so there will be additional opportunities for public
8 comment via the Navajo County process during their board
9 of supervisors meeting when they hear this project to
10 discuss the nonjurisdictional wind farm that Navajo
11 County would have to approve in order for us to build it.

12 MEMBER LITTLE: Thank you.

13 CHMN STAFFORD: Member DiCiccio.

14 MEMBER DICICCIO: So this came up last week
15 as well, too, and I'm sure it applies to you, it's
16 applicable to your project.

17 The use permit that you have to get from
18 the county, granted you've done -- it sounds like you've
19 done everything and they've actually designed their new
20 permitting process or their new zoning process based on a
21 lot of these types of projects. So it sounds like you
22 fit in there.

23 If you don't get the conditional use permit
24 can you build your project?

25 MR. GARDNER: No, we cannot build the wind

1 farm in Navajo County without a discretionary project
2 from them.

3 MEMBER DICICCI0: Same as the last one as
4 well.

5 MR. GARDNER: Yep.

6 MEMBER DICICCI0: Okay. That's all I need
7 to know. For the individuals on the conditional permit
8 or the use permit, that just gives the public another
9 chance, another opportunity for public comment.

10 MR. GARDNER: Correct.

11 MEMBER DICICCI0: Thank you.

12 CHMN STAFFORD: Member Fant.

13 MEMBER FANT: Thank you, Mr. Chair. First
14 of all, I want to applaud AES for the steps you've taken
15 to work with the community already that you've talked
16 about yesterday and today, and those are great steps.

17 The communities in North Central and
18 Eastern Arizona historically are very tight-knit
19 communities, and you need to work to weave yourself into
20 the community structures.

21 Arizona is a relationshipal state, not a
22 transactional state, so you have to build the
23 transactions to conduct business. And that's just
24 advice. Because we're like a planning and zoning
25 commission ahead of the actual county board of

1 supervisors, which is what's next. So that's just -- I
2 just wanted to mention that to you. Thanks.

3 MR. GARDNER: I greatly appreciate that.
4 And I alluded to this yesterday, but we've been working
5 in this region for years, and honored to partner with so
6 many different stakeholders, landowners, and
7 organizations in the community.

8 And like I mentioned, you know, we're
9 owners and operators of our energy assets. We're going
10 to be around for decades on Chevelon Butte and West Camp.

11 And so in order to make sure that those
12 projects work from an operational perspective and have
13 great workers, we want to have great relationships with
14 everyone in the local community, especially landowners
15 that are nearby, local businesses, local restaurants,
16 chambers of commerce, et cetera. But really appreciate
17 that note.

18 MEMBER LITTLE: Mr. Chair.

19 CHMN STAFFORD: Member Little.

20 MEMBER LITTLE: Maybe I'm jumping the gun
21 here, but a couple of other comments that were made last
22 night that I wanted to ask you about.

23 One is fire suppression and working with
24 the fire departments.

25 And the other is one of the commenters

1 mentioned that there is a debris field of two to three
2 miles if there should be an I guess an explosion or
3 failure of the wind generators themselves.

4 Would you address those for me, please?

5 MR. GARDNER: Yes, I can definitely address
6 the fire suppression comment first.

7 As part of our Navajo County process, we
8 are required to meet with the local fire jurisdictions to
9 implement and plan for emergency response plans, fire
10 suppression plans, et cetera.

11 We have a meeting this week with them to
12 discuss those plans for this wind farm to make sure that
13 any possibility of fire from the wind farm, battery
14 storage facility, et cetera, is planned for and the --
15 both our operational folks on site are prepared and
16 trained for any incident, and also the local fire
17 jurisdictions are prepared and trained for any incident.

18 MEMBER LITTLE: Can I ask you if the local
19 fire department needs further equipment, an upgrade, an
20 increase in size, is the project committed to financially
21 support that?

22 MR. GARDNER: That's a great question. So
23 I think that that would be part of our conversations with
24 Navajo County upcoming whereby we are going to go to them
25 to discuss both our project, the emergency response plan

1 that we would provide and also the needs of the county by
2 community benefits, if that is a specific need in the
3 county for additional fire mitigation, increased staff,
4 et cetera, that would be discussed with them.

5 I can't say at this specific moment that we
6 can guarantee that we can support all of that
7 financially. But that is part of the conversation that
8 will be ongoing before this project is ever permitted or
9 constructed.

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Kryder.

12 MEMBER KRYDER: Earlier this morning, we
13 spoke about hunting as a recreational aspect of the
14 gen-tie area. And there was brought in also hunting
15 under the turbines.

16 I know that not all -- oh, and just a
17 moment ago you spoke about this being a relational
18 community rather than a transactional one, and I suppose
19 every one of us has driven through an area where
20 supposedly some hunter along the line didn't get to fire
21 his rifle or shotgun and took out his anger on a road
22 sign or something like that. So that's background to my
23 question.

24 What sort of security does the applicant
25 have with regard to since there is some enmity in the

1 community, the turbines being shot at or the -- the
2 structures on the gen-tie being shot at? Do you address
3 that or do you wait until it happens and react? How do
4 you handle it?

5 MR. GARDNER: That's a great question. So
6 as far as hunting and wind energy in general, I will just
7 say that that's something that most folks in these areas
8 appreciate about wind is that it's a compatible use as is
9 agriculture and ranching.

10 As far as the security measures that we
11 undertake, we have more strict security measures during
12 construction when there's equipment that's lying around
13 in the laydown yard.

14 However, during operations I would have to
15 talk to our operations team to understand what their
16 specific protocol would be if there was a hunter that
17 vandalized any of the equipment or shot any of the
18 equipment.

19 But we do not have, you know, a security
20 guard sitting in a lawn chair by each of our turbines,
21 unfortunately. But if that were to start to become an
22 issue, I mean, AES owns and operates energy assets all
23 over the globe, thermal assets, everything. And if there
24 is concern for security of our personnel or our
25 equipment, then we would address that via increased

1 security at the site.

2 I'm not sure exactly what our security
3 measure would be in that specific instance.

4 MEMBER KRYDER: Thank you very much.
5 That's helpful.

6 BY MR. ACKEN:

7 Q. I have just a quick follow-up on that
8 interesting question. You should or you will have
9 experience from Chevelon.

10 Are you aware of any vandalism of such nature
11 with that project, Mr. Gardner?

12 A. (Mr. Gardner) No vandalism of that nature on
13 Chevelon Butte.

14 Q. Okay. Another question or comment that was
15 raised in the comment session concerned nighttime
16 lighting. And, again, it's dealing with the
17 nonjurisdictional turbines. But we wanted to provide the
18 full picture.

19 Will you have permanent nighttime lighting of
20 the wind turbines for West Camp 2?

21 A. (Mr. Gardner) That's a good question. So, you
22 know, something that we understand about northern Arizona
23 deeply is the dark sky characteristic of the region.
24 Everyone likes looking at stars and light pollution can
25 be a big issue.

1 On all of our turbines, every single one that we
2 have installed to date in Northern Arizona, we have
3 installed what's called an aircraft detection lighting
4 system, ADLS for short. This is to only have the lights
5 blink when there's low-flying aircraft near the turbines.

6 I don't have a specific estimate for how often
7 that is. But I can confirm that it is less than
8 1 percent of the time those lights would be on.

9 The plan would be to implement those lights at
10 West Camp 2 as well if we get all necessary approvals to
11 do so, which we have on our projects to date.

12 MEMBER LITTLE: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Little.

14 MEMBER LITTLE: So to clarify, the lights
15 would be off, not just not blinking.

16 MR. GARDNER: That's correct. So the
17 lights --

18 MEMBER LITTLE: I was recently up at
19 Snowball and I could see the whole field of red lights
20 out northeast of here on a wind farm that's up there and
21 they were on constantly.

22 MR. GARDNER: So the aircraft detection
23 lighting systems, I will say, can take a bit to
24 commission. It's getting all of these turbines to talk
25 to one another. And so it can be a little bit tricky in

1 the first, you know, during construction and then maybe
2 the first year of operations.

3 However, once operational and working how
4 they should and how we pay a lot of money to have them
5 work, they will only turn on when there's low-flying
6 aircraft. At other times the light will not be on those
7 turbines.

8 MEMBER LITTLE: That's great. Thank you.

9 BY MR. ACKEN:

10 Q. The last comment I want you to address is
11 another nonjurisdictional one, but you mentioned that in
12 your discussion yesterday as well, talking about
13 investment tax credits and production tax credits. But
14 there was a question raised specifically about tax
15 subsidies, and how projects like this would not perhaps
16 be viable without tax subsidies.

17 How do you respond?

18 A. (Mr. Gardner) This is a common concern that we
19 hear. So I mentioned yesterday that as part of our
20 procurement -- or oftaker's procurement of energy
21 resources in Arizona, we bid into all-source RFPs,
22 requests for proposals. So that is every new type of
23 generation source bidding into the same utilities'
24 requests for proposals.

25 In order to win a PPA, a long-term revenue

1 contract with a utility, every applicant wants to have
2 the lowest cost of energy and have a reliable system.

3 We will not win those contracts if our cost of
4 energy is higher than other generation sources. What the
5 tax subsidies do -- and we do not get tax subsidies
6 during development or during construction, this is only
7 operational.

8 What the tax subsidies do is they allow us to
9 lower our energy price to be the lowest possible. And
10 that cost saving from those tax subsidies gets passed on
11 to ratepayers once the project is built.

12 If those tax subsidies were to disappear, there
13 is -- there's a financial institution called Lazard, and
14 I can share this, that puts out a lowest cost of energy
15 report every single year about all new generation sources
16 in the United States.

17 That is levelized. And wind energy is, if not
18 the lowest, it's -- they give a range but the lowest part
19 of the wind spectrum is the lowest cost of energy of new
20 generation sources in the country, levelized.

21 So if those tax subsidies were to go away, our
22 price would increase. Our energy price would increase.
23 However, unfortunately, that increase would likely just
24 be passed on to the ratepayers of the different states
25 where wind is being built.

1 MEMBER KRYDER: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Kryder.

3 MEMBER KRYDER: As a follow-up to that,
4 that tax credit that you spoke about would be available
5 to all energy producers equally; is that correct? Or do
6 you bid on that as well?

7 MR. GARDNER: There are different tax
8 credits for different generation sources. However, I am
9 unaware of a single generation source that is
10 commercially available in the United States that does not
11 received tax subsidies.

12 For renewable energy, solar, wind, storage,
13 that is the investment tax credit or the production tax
14 credit. But other generation sources have other
15 substantial tax credits as well.

16 MEMBER KRYDER: So if we were looking at a
17 wind tax credit in Arizona and the wind tax credit in
18 North Dakota, let's say, they would be identical?

19 MR. GARDNER: That is correct.

20 MEMBER KRYDER: Thank you.

21 MEMBER DICICCIO: Mr. Chair.

22 CHMN STAFFORD: Yes, Member DiCiccio.

23 MEMBER DICICCIO: I just find the tax
24 credits fascinating. So they -- my understanding is that
25 they are evaporating, they're disappearing, and we have a

1 certain amount of time before you get energized. When is
2 that date that you need to be energized by in order for
3 it -- you to be able to take advantage of the tax
4 credits?

5 MR. GARDNER: Great question. So you're
6 correct in that the tax credits are phasing out. This
7 project is what is called safe harbored, via the
8 acquisition and purchase of a main power transformer for
9 the project.

10 And so I don't want to say the wrong dates
11 for you. So on this specific project let me get back to
12 you on that purchase date.

13 MEMBER DICICCIO: Sure.

14 MR. GARDNER: And then the final start of
15 construction -- not start of construction, energization
16 date that we would need to meet to receive those tax
17 credits.

18 MEMBER DICICCIO: For some reason I thought
19 it was the end of this year. I don't know, it could be
20 the end of next year, 2026. I can't remember. I do
21 remember there was specific date that you had to be
22 energized.

23 MR. GARDNER: I should know this off the
24 top of my head, but it was moving a lot when the federal
25 bill was being passed. So I can -- or Corinne, if you

1 want to address that.

2 MS. LYTLE BONINE: Sure, so it -- like Rob
3 said, has to do with the date of start of construction or
4 in that case the purchase of the off-site work, being the
5 transformer, but it will need to be completed within
6 three years of the date of that purchase, or no later
7 than July 3, 2030, is the final end date.

8 MEMBER DICICCI0: Okay. And then what
9 happens after that?

10 MR. GARDNER: After that, the tax subsidies
11 would go away. And so the wind farm would need to be
12 contracted and built at the higher price if feasible with
13 their commercial offtaker.

14 MEMBER DICICCI0: So just as a sense of
15 relevance and perspective, what would, you know, I don't
16 understand what higher price is. Let's just say what
17 that is. So how would you compare, let's say, to
18 different forms of energy? I get it's going to go up,
19 but my question is what is it going to be.

20 So right now even in one of the docket --
21 one of the documents we had showed your price per
22 kilowatt hour is 2.7 to 7.3 percent total cost, not
23 percentage, cost, cents per kilowatt hour.

24 And then so what would that be, once you,
25 let's say the tax credits go away, what would be the cost

1 of a kilowatt hour approximately. I know you can't guess
2 exactly.

3 MR. GARDNER: So obviously the actual
4 dollar per megawatt hour is confidential in our
5 contracts.

6 MEMBER DICICCIO: Give me a range, then.

7 MR. GARDNER: Yeah, the range can vary
8 greatly based on where you are. And the resource of the
9 project, if you're in an energy community and complying
10 with the domestic requirements for the tax credits.

11 So I want to take this one and I want to --
12 the things that I want to follow up with are a range for
13 the total energy, and then the potential increase if
14 those tax credits were to disappear. So those are my two
15 follow-ups.

16 MEMBER DICICCIO: And then a comparison to
17 some other --

18 MR. GARDNER: Energy sources.

19 MEMBER DICICCIO: -- energy sources. You
20 don't have to give me a lot. It's more of a curiosity.
21 It's just more of a curiosity on my end. I know it's not
22 something we're voting on today or tomorrow. But it is
23 something I am just curious about, what those costs --
24 because that discussion or that argument always comes up.
25 It's a lot more expensive. And everything's taken with a

1 grain of salt anyways; right?

2 I mean you can literally get a different
3 opinion from multiple different people with different
4 things. So the only way to compare it would be if the
5 tax credits go away, the tax subsidies, I should say, go
6 away.

7 MR. GARDNER: And I can share that report
8 that I mentioned with you that's the levelized post cost
9 of energy that does that. Additionally, I do want to
10 mention that forecasting the increase in prices and
11 overall prices out past 2030 after the expiration of the
12 tax -- it's pretty much impossible with potential
13 tariffs, load growth, transmission buildout. Just don't
14 have a good sense of what the whole market landscape is
15 going to look like then, unfortunately.

16 MEMBER DICICCI0: No, I get it.

17 MR. GARDNER: Understand the question.

18 MEMBER DICICCI0: Just give me some idea,
19 is all.

20 MR. GARDNER: I can follow up.

21 MEMBER DICICCI0: And I think I'm kind of
22 smart enough to know that it's going to be more, a lot
23 more expensive. But, you know, what would that be --
24 look like, you know what I mean? You don't need to sugar
25 coat it, because that's not what we're voting on. It's

1 just more of a curiosity on my end.

2 MR. GARDNER: Understood.

3 MEMBER DICICCI0: Thank you.

4 CHMN STAFFORD: Member Fant, did you have a
5 question?

6 MEMBER FANT: No, thank you, Mr. Chair.
7 I'm familiar with study queues, the cluster study queues
8 for the majority utilities in the state. Funny to say
9 this, I encourage you to not be discouraged, because
10 there's significant shortages in power based upon what's
11 sitting in the queues.

12 MR. GARDNER: Understood. Thank you.

13 MR. ACKEN: Thank you.

14 BY MR. ACKEN:

15 Q. We're going to switch back to Ms. Lytle Bonine,
16 but before you jump into your testimony slide, there was
17 a question about hunting numbers and game units in the
18 area. Did you have a chance to run that information to
19 ground?

20 A. (Ms. Lytle Bonine) We did. So we thought the
21 kind of most helpful numbers would be the five-year
22 average tag numbers. And so this is from Arizona
23 Game and Fish, and for 3A, we have elk or Pronghorn at
24 500 number of permits that is combined with the Game and
25 Fish area 3C.

1 For antelope, there are 15 permits. And then
2 mule deer, 200 and that is also combined with 3C.

3 And then for the 4B area, for elk it is less
4 than 420 -- I'm sorry -- greater than 420. Mule deer
5 greater than 250. And that is combined with 4A as well.
6 Antelope greater than 30. And for turkey it is greater
7 than 500, also combined with 4A.

8 Q. Thanks. Let's next turn to discussion of
9 threatened, endangered, and proposed species, which
10 begins on Slide 111 of Exhibit West Camp-2.

11 A. (Ms. Lytle Bonine) So in our initial review
12 there were six Endangered Species Act or ESA-listed
13 species or proposed species for listing, or nonessential
14 experimental populations that were determined during the
15 initial IPaC search from U.S. Fish and Wildlife Service.

16 Upon further review and refinement the CEC
17 corridor is within the geographical and elevation range
18 and has the appropriate habitat conditions for two of
19 those six species. They include the Monarch butterfly
20 and the Mexican wolf.

21 The other four species are unlikely to occur, so
22 starting with the Monarch butterfly, it is proposed for
23 listing as threatened, with the nearest proposed
24 designated critical habitat in coastal California, so
25 outside of the -- well outside of the gen-tie corridor,

1 well outside of the state of Arizona.

2 The CEC corridor is within the species breeding
3 and migration range. There is suitable habitat present.
4 However, the nearest adult sighting is outside of
5 30 miles of our CEC corridor.

6 There's potential for milkweed and other
7 nectaring plants to occur within the corridor. However,
8 given that permanent disturbance is typically less than
9 1 percent of that corridor, we don't believe that
10 permanent impacts from conversion of that potential host
11 plant would be significant.

12 And then both the construction and then
13 operation of the gen-tie project would not preclude
14 establishment of Monarchs in the gen-tie corridor.

15 MEMBER LITTLE: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Little.

17 MEMBER LITTLE: You have stated that the
18 amount of milkweed and nectar plants lost would be
19 insignificant. And while I agree that that's true with
20 respect to just this project, I feel that we need to in
21 today's world look at the cumulative effects.

22 And I'm wondering whether it would be
23 feasible to ask that if you should have to destroy some
24 of these plants that you mitigate that by planting others
25 in the general area.

1 MS. LYTLE BONINE: I think that's certainly
2 something we could consider, especially partnering with
3 our landowner and being able to evaluate what would occur
4 during construction.

5 So that is, again, in line with our
6 practices for projects and something we could certainly
7 look to see if it's feasible and do.

8 MEMBER LITTLE: Thank you.

9 BY MR. ACKEN:

10 Q. Please continue.

11 A. (Ms. Lytle Bonine) And then for the Mexican
12 wolf, it is currently listed as an experimental
13 population and also a nonessential experimental
14 population.

15 The CEC corridor is located within an area where
16 the Mexican wolf could disperse and could be
17 translocated. There appears to be suitable habitat
18 present, but there's been no sighting documented within
19 40 miles of the CEC corridor.

20 Similar to a lot of the wildlife discussion we
21 had earlier, there's a limited potential for minor
22 effects for displacement during construction. But, you
23 know, that limited temporal impact is not expected to
24 impact any of the essential breeding activities.

25 And then the gen-tie project will be permeable

1 long-term and allow for that wildlife movement once it's
2 constructed.

3 Q. Are you planning to use any minimization
4 measures to reduce potential impacts?

5 A. (Ms. Lytle Bonine) Yes. Our minimization
6 measures have been identified in Exhibits C and D of the
7 CEC application.

8 We also are continuing to work with Arizona
9 Game and Fish and are working to follow the
10 recommendations outlined in their August 27 letter. And
11 this has been referenced in Condition 5 of proposed CEC.

12 Q. And just for clarity of record, this Condition 5
13 is different in what we originally proposed in our
14 proposed CEC marked for identification as West Camp-5; is
15 that correct?

16 A. (Ms. Lytle Bonine) That is correct.

17 Q. And it's revised to reflect the letter from
18 Game and Fish that was received more recently?

19 A. (Ms. Lytle Bonine) Correct.

20 Q. Provide your overall conclusions with respect to
21 biological resources.

22 A. (Ms. Lytle Bonine) Yeah, based on our
23 evaluation and really having six years or more of study
24 in this area, we believe that the construction and
25 operation of the gen-tie project will be compatible with

1 wildlife and plant species as well as the affected
2 habitat, and then we're able to achieve that through the
3 implementation of the minimization measures we provided.

4 Q. Now, let's turn to cultural resources, and
5 describe your analysis, please?

6 A. (Ms. Lytle Bonine) Sure thing. So we, in order
7 to evaluate the potential effects of the gen-tie project,
8 we conducted a records search utilizing a whole host of
9 sources including aerial photographs, the AZSite
10 database, geological maps, U.S. -- or I'm sorry, historic
11 USGS survey and topo quad maps, the National
12 Archeological Database Reports.

13 Those records indicated 53 historic sites,
14 historic structures, and archaeological site in the study
15 area. And that study area did include a one-mile buffer
16 from our CEC gen-tie corridor.

17 So you will hear a little bit of a
18 differentiation between what was identified in the study
19 area versus what's in the corridor itself.

20 Q. Describe your findings.

21 A. (Ms. Lytle Bonine) There were six historic-era
22 sites, all of which were outside the CEC corridor. There
23 was one historic-era in-use structure which interconnects
24 the CEC corridor, and this is SR 377 which was built in
25 1971.

1 There were 46 previously recorded archaeological
2 sites within the study area, 15 of which were within the
3 CEC corridor.

4 And then seven of those 15 archaeological sites
5 within the CEC corridor were recorded in the 1970s, and
6 their status for listing under the National Register of
7 Historic Places or NRHP is considered and evaluated.

8 Those consist of one ancestral Puebloan artifact
9 scatter, four Native American artifact scatters, and one
10 habitation site, and then one additional Native American
11 artifact scatter of indeterminate age.

12 The other eight archaeological sites within the
13 CEC corridor were recently recorded, however no
14 information was available on the AZSite database other
15 than their location. So no NRHP recommendations or
16 determinations were available for those sites at this
17 time, and are going to be considered and evaluated
18 pending more information from AZSite and SHPO.

19 Q. Speaking of SHPO, describe your consultation
20 with them.

21 A. (Ms. Lytle Bonine) We submitted a consultation
22 request letter. It is provided on the screen on
23 Slide 124. And is included in the CEC application as
24 Exhibit E-2. We also included SHPO's response as WC-6.
25 The SHPO recommended a Class III survey of the portions

1 of the corridor that have not yet been surveyed or where
2 the surveys don't meet current standards, and then an
3 archaeological survey consistent with SHPO and Navajo
4 County ordinances will be conducted within the eventual
5 gen-tie right-of-way, and prior to the commencement of
6 construction of the project.

7 Q. Thank you. And has the applicant proposed
8 standard mitigation measures and consultation measures
9 with respect to SHPO?

10 A. (Ms. Lytle Bonine) Yes.

11 Q. There was a question yesterday, I believe it was
12 from Member Comstock asking about tribal outreach.
13 Describe your efforts in that area.

14 A. (Ms. Lytle Bonine) Yeah, we utilized the
15 Arizona Consultation Toolkit to identify eight tribes to
16 initiate consultation. Those tribes included Fort Mojave
17 Indian tribe, Hopi tribe, Mescalero Apache tribe, the
18 Navajo Nation, Pueblo of Zuni, Salt River Pima, Maricopa
19 Indian Community, the Tonto Apache tribe, and the White
20 Mountain Apache tribe.

21 The tribal outreach was conducted through
22 letters which were mailed on July 28. The letters
23 included basic project information including project
24 overview map and an e-mail, which tribes could contact if
25 they had any comments or comments.

1 The same tribal groups were sent a follow-up
2 e-mail on August 29 requesting additional feedback. And
3 they were also sent the CEC hearing informational letter
4 on September 22.

5 MEMBER LITTLE: Mr. Chairman.

6 CHMN STAFFORD: Yes, Member Little.

7 MEMBER LITTLE: Did you get any response?

8 MS. LYTLLE BONINE: No responses have been
9 received to date.

10 MEMBER LITTLE: Okay I have one other
11 question, and that is with respect to SHPO. Does SHPO
12 actual provide oversight to be sure that the Class III
13 survey is done, and that all the commitments that the
14 applicant makes with respect to any sites that are found
15 are -- do they have somebody there who makes sure that
16 all of this is done?

17 MS. LYTLLE BONINE: There will be survey
18 reports, monitoring reports that can be submitted to SHPO
19 and will be submitted to SHPO. To my knowledge, it would
20 be uncommon that they have boots on the ground ensuring
21 that it's done.

22 However, AES has both internal and external
23 professional standards that we would follow to make sure
24 that we're following, you know, any recommendations in a
25 report, any permit conditions, mitigation measures for

1 that instance.

2 And then we do also rely on third-party
3 consultant review when appropriate to ensure that those
4 standards are met.

5 MEMBER LITTLE: And what would happen if
6 you didn't submit the report on your Class III
7 archaeological study?

8 MR. ACKEN: Let me -- excuse me -- I'm
9 sorry.

10 CHMN STAFFORD: Mr. Acken I think wants to
11 answer your question, Member Little.

12 MEMBER LITTLE: Okay.

13 MR. ACKEN: I view it as a legal question
14 and it goes, I'll ask Ms. Lytle Bonine to confirm, but we
15 have, and as she mentioned in her testimony, a standard
16 condition requiring that SHPO be provided an opportunity
17 to review and comment, and that is proposed Condition 7.

18 So if we don't comply with that, we're not
19 in compliance with the CEC.

20 MEMBER LITTLE: Thank you.

21 BY MR. ACKEN:

22 Q. Ms. Lytle Bonine, do you agree with that?

23 A. (Ms. Lytle Bonine) I agree with that.

24 MR. ACKEN: Thank you.

25 CHMN STAFFORD: That would be reflected in

1 their annual compliance filing filed with the Commission.

2 MEMBER LITTLE: Right. Correct. Thank
3 you.

4 MEMBER COMSTOCK: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Comstock.

6 MEMBER COMSTOCK: First, if I could object
7 strongly to the 1970s being described as historic.

8 MEMBER FANT: I was thinking the same
9 thing.

10 MEMBER COMSTOCK: For those of us that were
11 there, it was awesome.

12 MS. LYTLE BONINE: I concur.

13 MEMBER COMSTOCK: In all seriousness, you
14 have several archaeological sites that are described as
15 prehistoric. Are any of those hieroglyphics?

16 MS. LYTLE BONINE: Not to my knowledge.
17 But we'll confirm and circle back if that's not the case.

18 MEMBER COMSTOCK: Thank you.

19 MR. ACKEN: Thank you.

20 BY MR. ACKEN:

21 Q. If you could put a bow on this discussion and
22 provide your conclusions with respect to cultural
23 resources.

24 A. (Ms. Lytle Bonine) Yes. So with the completion
25 of the additional archaeological survey and compliance

1 with CEC conditions and avoidance and minimization
2 measures that we've laid out, the gen-tie project will be
3 compatible with cultural resources.

4 Q. Thank you.

5 Mr. Agner, describe your approach for analyzing
6 visual resources?

7 A. (Mr. Agner) Yes. So SWCA completed a visual
8 resource inventory. And that was done to identify and
9 characterize the existing scenery and sensitive viewers
10 within our study area and to identify the level of visual
11 modification that would result from the construction and
12 operation of the gen-tie project.

13 Visual resource information and data used for
14 this analysis including desktop research, geographic
15 information system or GIS data, aerial photography as
16 well as onsite field visits to assess the existing
17 characteristics of the landscape.

18 Data was collected for all land within the study
19 area regardless of jurisdiction, and used to develop a
20 comprehensive understanding of the existing landscape
21 conditions and associated scenic and visual resources.

22 I also just want to quickly note that SWCA
23 evaluated the study area to see if there were any
24 specific scenic areas that we should consider in our
25 analysis. However, no specific scenic areas were

1 identified.

2 So based on this -- all this data collection, we
3 determined that the existing scenery within the study
4 area can be characterized as flat, open areas with minor
5 undulations topography.

6 The vegetation within the study area consists of
7 large areas of light-colored perennial grasses, orbs and
8 shrubs interspersed with dense extensive sage brush
9 flats.

10 I also want to note that Pinion Juniper forest
11 exists within the study area and dot the landscape with
12 irregularity.

13 Finally, I want to note that there are minor
14 drainages and minor canyon landforms within the area.

15 Our analysis also determined that there are no
16 residences within the CEC corridor or study area. The
17 nearest residences are approximately 1.4 miles to the
18 west and 1.4 miles to the southwest of the western
19 extreme of the CEC corridor.

20 Just outside of the study area is the sparsely
21 developed Chevelon Canyon Ranch subdivision, which is
22 also the nearest cluster of residences to the study area.

23 I also want to note there are several improved
24 roadways that exist within the CEC corridor and study
25 area, including Arizona State Route 377 as well as

1 Arizona State Route 77 as well as unimproved local dirt
2 roads.

3 We also have five existing transmission and
4 distribution lines which are denoted on the map for the
5 committee to get the exact naming of all these
6 transmission lines.

7 We also have other notable development in the
8 area including West Camp wind farm, which includes wind
9 turbines, a 345kV gen-tie line as well as the APS
10 Sitgreaves Substation.

11 Some other human modification to the landscape
12 that we want to note includes mainly range improvements
13 which could include things such as property fencing,
14 stock tanks, corrals, and ranch outbuildings.

15 With the presence of all of this landscape
16 modification and human development, the overall character
17 of the landscape can be considered rural range land with
18 scattered areas of utility and energy infrastructure
19 development.

20 Q. You presented visual simulations as part of the
21 virtual tour, but I'd like you to take a slightly deeper
22 dive at this point and explain to the committee how you
23 identified KOPs and the conclusions from your analysis.

24 A. (Mr. Agner) Yes, and before we get too further
25 along, I just want to note to the committee that on one

1 side of your placemat is figure E-1, gen-tie project
2 KOPs. That might be a useful map to consider as kind of
3 we walk through this exhibit going forward.

4 But to illustrate the gen-tie project's visual
5 characteristics, we chose four key observation points
6 within the study area. And these locations were chosen
7 to represent sensitive viewers that were either closest
8 to the gen-tie project or locations where the potential
9 for the greatest visual impacts resulting from the
10 project would occur.

11 And so now I'll kind of step through each of the
12 KOPs.

13 So KOPs 1 and 2 are representative of travel
14 route viewers while traveling on dirt access roads within
15 the West Camp wind farm. Viewers in these areas would
16 typically be operations and maintenance crews associated
17 with the West Camp wind farm, but it could be also
18 livestock grazing operators.

19 There are no residences within the study area,
20 and so we have determined that these roadways would not
21 typically be used for through travelers.

22 And then the other two KOPs, KOP numbers 3 and
23 4, are representative of travel route viewers along
24 Arizona State Route 377. KOP 3 is representative of
25 southbound traffic, while KOP 4 is representative of

1 northbound traffic.

2 Q. Thank you. Please present the simulations.

3 A. (Mr. Agner) Can do. Before I get into it, I do
4 want to orient the committee to how the slides are going
5 to be laid out.

6 Just buzzed on me. One second.

7 And so on the left-hand slide or in this case
8 Slide 133, you'll see the KOP number identified that
9 we're walking through as well as some of the high-level
10 findings.

11 You'll also see a map of the KOP location along
12 the CEC corridor as well as its view cone, which is the
13 area in which the photograph can see that you're seeing.
14 You'll also see on the left-hand slide or Slide 1233 in
15 this case the existing condition photograph and then the
16 right-hand screen will always be the simulated condition,
17 or in this case Slide 134.

18 And so now I'll step through KOP 1 now that I've
19 oriented the committee.

20 KOP 1 is a view facing northwest from a dirt
21 access road that's associated with the West Camp wind
22 farm. As you can see in the existing condition
23 photograph, the APS Sitgreaves Substation as well as APS
24 transmission infrastructure is very visible within the
25 landscape.

1 And then on the right-hand screen is our
2 simulated condition. And it's a little bit hard to make
3 out, but there are some simulated transmission structures
4 that have been superimposed into the landscape as well as
5 the potential buildout of the APS Sitgreaves Substation.

6 And so based on our simulation of the conceptual
7 gen-tie project, viewers would have unobstructed views of
8 the gen-tie project. For reference, the gen-tie project
9 is approximately 0.9 miles away. Changes to the
10 landscape from the development of the gen-tie project
11 would result in a weak degree of contrast to the existing
12 landscape as changes introduced would introduce similar
13 forms, lines, textures, when compared to the existing
14 transmission line and substation infrastructure visible
15 at this KOP.

16 Gen-tie project elements would introduce form,
17 line, color, texture and scale common to the landscape
18 but would be visually subordinate and would not attract
19 attention. Therefore, gen-tie project visual impacts to
20 travel route views at KOP 1 are expected to be low.

21 So moving on to KOP 2. KOP 2 is a view facing
22 northeast from a dirt access road and is, again,
23 associated with the West Camp wind farm as well as the
24 existing grazing operations.

25 And as you can see on Slide 135 in the existing

1 condition photographs -- wrong one -- the SRP
2 transmission line infrastructure is visible in the
3 background in this image.

4 And then based on our simulation of the
5 conceptual gen-tie route, viewers would have unobstructed
6 views of the gen-tie project. The gen-tie project at
7 this location is approximately 0.5 miles away.

8 The lines, forms, and textures of the gen-tie
9 project would be similar to those of the existing
10 transmission line, but would appear larger in scale due
11 to the closer proximity to the viewers than the existing
12 transmission infrastructure that I mentioned previously
13 at this KOP.

14 Changes from the development of the gen-tie
15 project would result in a moderate to strong contrast
16 with the existing landscape, because the changes
17 introduced would begin to dominate the visual setting
18 since view structures would be skylined at a closer
19 proximity than the existing transmission structures.

20 Therefore gen-tie project visual impacts to
21 travel route views at KOP 2 are expected to be moderate
22 to high.

23 However, I do want to note again that this is
24 not a through route for residences, and it's also on the
25 landowner through which this project is sited, Aztec, and

1 he has agreed to this project.

2 Moving on to KOP 3. This is a view facing
3 southwest from State Route 377. And is again
4 representative of southbound travel route viewers.

5 And you can see in the existing condition
6 photograph that the SRP transmission line infrastructure
7 still remains visible at this KOP. And although it's a
8 little bit hard to make out, the West Camp wind farm
9 turbines are in the very far left of the existing
10 condition photograph.

11 So based on the simulation of the conceptual
12 gen-tie route, travelers would have a partially
13 obstructed view of the gen-tie project due to vegetation
14 and topography. For reference, the gen-tie project is
15 approximately 1.2 miles away.

16 Travelers at this location would have a short
17 duration view of the gen-tie project as they travel
18 towards and pass underneath the gen-tie project. The
19 primary focus of travelers at this KOP would be the
20 roadway itself, the strong linear horizon, and the white
21 linear forms of the existing West Camp Wind Farm turbines
22 that are skylined against the horizon.

23 The lines, forms, and textures of the gen-tie
24 project would be similar to those of the existing
25 transmission line infrastructure, and the changes to the

1 landscape from the development of the gen-tie project
2 would result in a weak to moderate degree of contrast,
3 because the gen-tie project would introduce form, line,
4 color and texture that is already common in the
5 landscape.

6 Additionally, the gen-tie project would be more
7 visually dominant than the existing West Camp Wind Farm
8 turbines, but visually subordinate to the existing 500kV
9 SRP transmission line.

10 Therefore, gen-tie project visual impacts to
11 travel route viewers at KOP 3 are expected to be low to
12 moderate.

13 And I also do want to note that the on-site
14 switchyard may be visible at this KOP depending on final
15 siting. As noted previously, the on-site switchyard
16 would occupy about 30 acres and would be similar in
17 appearance to a substation.

18 The on-site switchyard is anticipated to
19 introduce a moderate to strong contrast with the existing
20 landscape, as it would introduce new elements of
21 disturbance not typical in the landscape.

22 Visual impact on viewers at this KOP would vary
23 depending on final siting as well as a variety of other
24 factors such as distance, viewer perspective, duration of
25 views, intervening topography, screening from vegetation

1 as well as proximity to existing infrastructure.

2 Now, finally, I'll walk through the last KOP,
3 which is KOP 4.

4 KOP 4 is a view facing northeast from State
5 Route 377 and is representative of travel route viewers
6 as well.

7 As you can see in the existing condition
8 photograph shown on the left-hand slide or Slide 139, the
9 SRP transmission line infrastructure is much more
10 prominent at this KOP than it was at KOP 3.

11 And so based on the simulation of the gen-tie,
12 travelers would again have unobstructed views of the
13 gen-tie project. For reference, it is approximately
14 0.6 miles away. Travelers at this location would have a
15 short duration view of the gen-tie project which would be
16 directly in front of them as they travel towards and pass
17 underneath the gen-tie line.

18 The primary focus of travelers at this KOP would
19 be the roadway itself, the strong horizon line, and the
20 existing steel lattice structure transmission line
21 towers.

22 Changes to the landscape from the development of
23 the gen-tie project would result in a weak degree of
24 contrast because the gen-tie project would introduce
25 line, color, and texture that is already common in the

1 landscape.

2 The gen-tie project would be visually
3 subordinate to the existing development at this KOP. And
4 finally, I do want to note that the on-site switchyard
5 may be visible at this location similar to KOP 3. But
6 that would depend on a variety of factors as well as the
7 final siting. But it may introduce a moderate to strong
8 degree of contrast.

9 Taking this all into consideration, the gen-tie
10 project visual impacts to travel route viewers at KOP 4
11 are expected to be low.

12 Q. Thank you. What are your overall conclusions
13 with respect to the gen-tie's potential effect on visual
14 resources?

15 A. (Mr. Agner) So in conclusion, the gen-tie
16 project would have either a weak to moderate impact or
17 moderate to high impact from certain locations. Weak to
18 moderate impacts would be expected by vehicular travelers
19 along State Route 377, due to the relatively short
20 duration view of the gen-tie project, and because it
21 would be similar in form, line, and scale and to the
22 multiple instances of the transmission infrastructure in
23 the area which results in a low impact to scenery.

24 The overall impacts to residential viewers will
25 be weak to none, due to the distance of the gen-tie

1 project from long duration viewers with the nearest
2 residence being 1.4 miles.

3 Higher visual impacts would be expected by
4 travel route viewers traveling along the access roads
5 depending on their location, and they could experience
6 minor impacts such as those described in KOP 1 or
7 moderate to high impacts such as those described in
8 KOP 2.

9 However, both of those KOPs, that being KOP 1
10 and 2, are within the Aztec property. So overall we feel
11 that the gen-tie project will be compatible with visual
12 resources within the area.

13 Q. Finally, let's turn to your analysis of noise
14 and communications. Describe ambient noise levels in the
15 study area.

16 A. (Mr. Agner) Certainly. So the CEC corridor
17 consists of largely open vacant and rural land that
18 accommodates livestock grazing, utility corridors, and
19 some other uses.

20 Ambient sound levels in these areas are
21 generally quiet, ranging from 23 to 37 decibels during
22 nighttime hours and anywhere from 33 to 47 decibels
23 during the daytime hours.

24 Potential sources of noise in the vicinity of
25 the gen-tie project include the existing APS Sitgreaves

1 Substation, vehicular traffic along state Route 377, high
2 and low-voltage transmission lines, as well as ranching
3 activities.

4 When it comes to construction, it is expected
5 that some noise will be emitted from construction
6 activities. However, noise from construction would be
7 temporary.

8 Furthermore, because there are a limited number
9 of people in the adjacent properties and because
10 construction will generally occur during daytime hours
11 when tolerance to noise is generally higher, noise
12 impacts associated with construction of the gen-tie
13 project are expected to be temporary to minor.

14 Additionally, I do want to note the applicant
15 will adhere to any Navajo County-related noise
16 ordinances.

17 Q. And what are your expectations for noise levels
18 during operations?

19 A. (Mr. Agner) So some audible noise will be
20 emitted by the gen-tie project during operation, and
21 that's primarily due to what's known as the corona
22 effect, which is a result of electric and magnetic fields
23 creating a small electric discharge that ionizes air
24 close to the conductor itself.

25 The corona effect can be exacerbated by wet

1 weather. However, that is uncommon in the study area.

2 Under normal circumstances, the audible noise at
3 the edge of the gen-tie project's 150-foot right-of-way
4 will be at most 23 decibels for a 345kV line or 34
5 decibels for a 500kV line.

6 Either amount will quickly decline over distance
7 away from the gen-tie project itself. And I do want to
8 note that at the nearest noise-sensitive receptors, which
9 again are approximately 1.4 miles to the west and
10 1.4 miles to the southwest, corona noise during normal
11 operations would either be indistinguishable from ambient
12 sounds or inaudible.

13 The audible noise level in wet weather could get
14 up to 48 decibels for 345kV line or as high as 58.5
15 decibels for a 500kV line. But that will also be masked
16 by the rain itself and will decline further away the
17 receptor is from a gen-tie project. During wet weather
18 conditions, corona noise at the nearest noise-sensitive
19 receptor would likely be either indistinguishable from
20 the increased ambient noise or inaudible.

21 These estimated noise emission levels under
22 normal weather conditions are well within the ambient
23 noise within the vicinity of the gen-tie project of 23 to
24 47 decibels.

25 Q. Next describe the potential for the gen-tie

1 project to cause interference with communication signals.

2 A. (Mr. Agner) So potential interference from the
3 gen-tie project can be caused by corona as well as gap
4 discharges. The planned regular maintenance of the
5 gen-tie project will minimize this interference caused by
6 gap discharges.

7 Corona-generated radio interference is most
8 likely to affect the AM broadcast. FM radio is rarely
9 affected. Furthermore, as described in my testimony
10 earlier and by others, there's a large amount of existing
11 infrastructure in the immediate vicinity of the gen-tie
12 project, and there have been no concerns raised about the
13 existing infrastructure causing any interference.

14 Q. And what are your conclusions with respect to
15 noise or communication interference by this project?

16 A. (Mr. Agner) So construction and operation of
17 the gen-tie project is unlikely to cause interference
18 with radio communication signals surrounding the project
19 and any interference would only be minor. Again, only AM
20 radio receivers located very near the transmission line
21 would have any potential to be affected by radio
22 interference. But those effects would be no greater than
23 those caused by the existing infrastructure in the
24 vicinity.

25 Satellite television signals are at a much

1 higher frequency than transmission line frequencies are
2 and not affected by transmission line operation.

3 Cable television itself is also likewise
4 unaffected. And then, finally, I want to note that
5 cellular phone antennae and microwave receivers are
6 commonly mounted on transmission lines, to take advantage
7 of the added height afforded by the structures which
8 demonstrates that transmission lines do not interfere
9 with cellular phone tower operations or microwave
10 communication paths.

11 Therefore there's no significant impacts to
12 cellular or microwave communication signals as a result
13 of constructing and operating the gen-tie project.

14 Q. So based on your analysis that your SWCA team
15 did to prepare the application exhibits as well as prior
16 studies conducted, as well as your prior experience
17 testifying before this committee, I'd like you to provide
18 this committee with your opinion as to the environmental
19 compatibility of the project before them.

20 A. (Mr. Agner) Yes. And so in my professional
21 opinion and based on SWCA's analysis, the gen-tie project
22 would be environmentally compatible consistent with the
23 factors set forth in Arizona Revised Statute
24 Section 40-360.06 and it is also consistent with previous
25 projects that have been approved by the line siting

1 committee.

2 Q. And if you would, I'd like you to highlight some
3 key points from the bullets on Slide 149 that I assume
4 informs your opinion.

5 A. (Mr. Agner) Yes. So some of the key findings
6 include that we would be permanently disturbing a small
7 amount of land which has already been disturbed by
8 livestock grazing related to ranching activities. As
9 well as existing transmission line and energy-generating
10 facilities.

11 And as we described previously, the landowner,
12 Aztec, is supportive of the project and believes it is
13 compatible with his existing land use.

14 We have not identified any unique areas of
15 biological wealth that will have any unique impacts, nor
16 did we identify any special status species that would
17 have the potential to occur within the CEC corridor.

18 We also determined that there would be minimal
19 visual impacts to any potential sensitive viewers within
20 the CEC corridor.

21 The impacts we did identify would be primarily
22 along the private access roads associated with the
23 ranching operations as well as the West Camp Wind Farm.
24 And so again that private landowner, Aztec, is supportive
25 of the project and so we don't anticipate there being any

1 significant visual impacts.

2 As testified to previously, we will endeavor to
3 avoid any archaeological sites and will conduct a Class
4 III survey. And so that will avoid and mitigate any
5 potential archaeological sites.

6 We also want to note that we are 1.4 miles away
7 from the nearest legally permitted residence, and as I've
8 testified to previously, any potential impacts that may
9 occur to them such as noise or visual impacts, we do not
10 anticipate those type of impacts to occur to those
11 nearest residences.

12 And so given this total environment, giving some
13 of what I just summarized previously, we do believe that
14 this gen-tie project is environmentally compatible.

15 Q. And does that conclude your testimony?

16 A. (Mr. Agner) It does.

17 MR. ACKEN: Thank you. So it's noon.
18 We've got a little bit of cleanup. I've got to move some
19 exhibits. Would you rather us do that after lunch? Some
20 of the cleanup will require us to come back after lunch.

21 CHMN STAFFORD: Okay. Let's say we can
22 admit the exhibits. You've referenced them all except
23 for the WC-4 which is witness summaries. You had them
24 introduced and described their testimony but that exhibit
25 hasn't been specifically been referred to.

1 MR. ACKEN: Yeah, for the record, West
2 Camp-4 is hearing -- Exhibit West Camp-4 are witness
3 summaries of the four witnesses. We docketed it in
4 accordance with the procedural order, and it provides an
5 outline of the testimony that they all provided here
6 today for each witness and yesterday.

7 CHMN STAFFORD: So Exhibits WC-1 through 8
8 are admitted.

9 (Exhibits WC-1 through WC-8 were admitted.)

10 CHMN STAFFORD: This is a good spot to take
11 our lunch break. When we come back you can you said you
12 had some cleanup to do and after that you could give your
13 closing argument.

14 MR. ACKEN: Sounds good. Thank you.

15 CHMN STAFFORD: All right. Let's take a
16 recess. Let's come back at 1:15. We stand in recess.

17 (Recess from 12:02 p.m. to 1:35 p.m.)

18 CHMN STAFFORD: Let's go back on the
19 record.

20 Mr. Acken, I believe you had a few loose
21 ends to tie up before you gave your closing.

22 MR. ACKEN: Yes. Thank you.

23 BY MR. ACKEN:

24 Q. Mr. Gardner, there were a couple questions that
25 we still needed to run to ground. Have you had a chance

1 to do that on the break?

2 A. (Mr. Gardner) Yes.

3 Q. One of the questions concern a discussion you
4 were having with Member DiCiccio about energy comparison
5 costs. And, of course, you can't discuss specifics in a
6 public forum.

7 But what information can you provide that would
8 be responsive to his questions?

9 A. (Mr. Gardner) So, yep, as Bert said, in
10 speaking with our commercial team, we're unable to
11 provide speculation on potential specific energy costs in
12 the future.

13 However, what we can say definitively is based
14 on third-party market data that wind generation can
15 compete with other generation sources on a price level
16 without the tax subsidies.

17 CHMN STAFFORD: Member Little.

18 MEMBER LITTLE: Was that "can" or "can't"?

19 MR. GARDNER: Oh, can, c-a-n.

20 MEMBER LITTLE: Thank you.

21 BY MR. ACKEN:

22 Q. Should that be "will"?

23 A. (Mr. Gardner) May have to.

24 Q. Thank you.

25 There was another question concerning follow-up

1 on State Land, and I think you had indicated you're still
2 waiting to hear back from State Land, and I believe you
3 might have further information on that point.

4 A. (Mr. Gardner) Yes. We heard back from our
5 State Land contact, and we are able to share our West
6 Camp 1 right-of-way for the public, and we can share it
7 as an exhibit to the CEC.

8 MR. ACKEN: Do we have the ability to show
9 that on the screen? I know we're going to provide
10 copies, but do we have the ability to show that on the
11 screen now? Okay. Great. Thanks.

12 So we will mark this for identification as
13 is WC-9. And, Mr. Gardner, and I say what I'm referring
14 to is being shown on the screens in the room, and the
15 heading is State Land Department State of Arizona
16 Right-of-Way, Right-of-Way Number 14-124041-00.

17 And so I'd like for the record for you to
18 describe this document before the committee.

19 A. (Mr. Gardner) This is the right-of-way that was
20 granted by the Arizona State Land Department to West Camp
21 Wind Farm, LLC, which is the project that is currently
22 under construction in Navajo County. This right-of-way
23 is for ancillary project equipment, including access
24 roads and collection lines.

25 MEMBER KRYDER: Many, many thanks. That

1 should be good reading.

2 MR. ACKEN: And so, Chair, with your
3 permission once we have copies of this, our plan would be
4 to submit it and request that it be entered as WC-9.

5 CHMN STAFFORD: Now, this is the one for
6 the right-of-way agreement with West Camp 1; correct?

7 BY MR. ACKEN:

8 Q. Mr. Gardner?

9 A. (Mr. Gardner) That is correct.

10 CHMN STAFFORD: I wanted to make sure that
11 was clear because I almost wrote it down it was the
12 agreement with the applicant, but it's not.

13 MR. ACKEN: That's correct.

14 CHMN STAFFORD: All right. WC-9 is
15 admitted.

16 (Exhibit WC-9 was admitted.)

17 MEMBER KRYDER: And you'll make copies for
18 us?

19 MR. ACKEN: Yes.

20 BY MR. ACKEN:

21 Q. Mr. Gardner, were there other follow-up items on
22 your list?

23 A. (Mr. Gardner) Not that I'm aware of.

24 MEMBER LITTLE: Mr. Chairman.

25 CHMN STAFFORD: Member Little.

1 MEMBER LITTLE: I think that we got
2 distracted and went off on a tangent, but one of the
3 questions that I had was the statement by a member of the
4 public last night at the public comment forum stating
5 that if one of the wind generators were to disintegrate
6 it would cover a debris field of two to three miles I
7 think she said.

8 Can you guys address that, please?

9 MS. LYTTLE BONINE: Sure. Making sure that
10 Bert's giving me the okay.

11 MR. ACKEN: Yes, go ahead.

12 MS. LYTTLE BONINE: So it is -- it is
13 unknown where that figure came from. In all of the, you
14 know, publicly available kind of scientific literature
15 that I'm at least aware of, a debris field or really just
16 the area where impacts could occur is usually no more
17 than I think it's 1.1 times the tip height, so those are
18 the kind of minimum setbacks you see.

19 In this instance, the Navajo County
20 renewable energy ordinance applies a setback, you know,
21 to parcel boundaries to off-project of much greater than
22 that. So even if something, you know, were to occur that
23 doesn't match what has been previously studied, this
24 project would be well set back so as not to cause a
25 debris field or otherwise in the unlikely event that

1 would even happen to exit the project site.

2 MEMBER LITTLE: And the transmission line
3 would be outside of that setback; is that correct?

4 MS. LYTLE BONINE: Correct.

5 MEMBER LITTLE: Okay. My other question --
6 and I'm not sure this is an appropriate question, and if
7 it's not, you can tell me, Mr. Chairman.

8 But I was reading the filing that was made
9 by the Chairman of that letter that came from some
10 members of the public stating that many of the developers
11 that are coming in are actually funded by foreign
12 sources.

13 Is this company a United States company or
14 is it funded by some other out-of-the-country source?

15 MR. ACKEN: So if I could interject. And I
16 think this is why Ms. Lytle Bonine was well trained to
17 allow me to interject on the last one.

18 We are discussing concepts beyond the
19 gen-tie itself and the nonjurisdictional facilities,
20 which we're happy to do --

21 MEMBER LITTLE: That's true.

22 MR. ACKEN: -- and in the interest of full
23 disclosure and let's get the information out there.

24 And so I just want to preface that both
25 with respect to her response as well as Mr. Gardner who I

1 am going to ask him to answer your question, but I do
2 want to preface that I think, you know, the question
3 before this committee is whether this project is -- the
4 gen-tie project is environmentally compatible.

5 Certainly, the applicant matters, and so I
6 think that's fair game to ask questions about this
7 applicant and their competence, and so we presented
8 testimony on that, right? We provided testimony that
9 this applicant has developed numerous projects in
10 Arizona, and that's part of our story for why you should
11 approve.

12 So with that long soliloquy, Mr. Gardner, I
13 would ask that you respond to that question.

14 A. (Mr. Gardner) And, yes, as a publicly traded
15 company on the New York Stock Exchange it is
16 headquartered in Arlington, Virginia. It is an American
17 company.

18 MEMBER LITTLE: Thank you. And I
19 appreciate your understanding in my feeling in my
20 position here on the committee that I needed to ask that
21 question. Thank you.

22 MR. ACKEN: Understood.

23 CHMN STAFFORD: And the applicant is a
24 Delaware limited liability company; correct?

25 MR. ACKEN: That's correct. That's what

1 we've listed in the application and perhaps in the
2 proposed CEC, but certainly in the application.

3 So if I could have one member of the panel
4 confirm that, that would be helpful.

5 CHMN STAFFORD: And that it's registered to
6 do business in Arizona.

7 MR. GARDNER: Both of those statements are
8 correct.

9 CHMN STAFFORD: Thank you.

10 BY MR. ACKEN:

11 Q. At this time, Mr. Gardner, I'd ask if you have
12 any final thoughts you'd like to share with the committee
13 after they've given us their time over the past 24-plus
14 hours, if you could kind of give us your final thoughts.

15 A. (Mr. Gardner) I want to thank Staff, the
16 committee, the public, the reporter, for their time
17 during this testimony. We, as I've stated, were excited
18 to continue the work that we have done in northern
19 Arizona to this point.

20 We want to aid in our private property owner
21 exercising their rights to build projects on their land
22 and maximize the value of their property, and via the
23 wind farm and gen-tie project, we want to continue to
24 deliver reliable energy to be a part of Arizona's
25 all-the-above energy needs for the decades to come. And,

1 again, thanks so much for the time.

2 CHMN STAFFORD: Member Fant.

3 MEMBER FANT: Thank you, sir. I just want
4 to thank the SWCA of representatives and the AES
5 representatives for their professionalism.

6 MEMBER LITTLE: Ditto.

7 CHMN STAFFORD: Any additional questions
8 from members?

9 Mr. Acken, would you like to give your
10 closing.

11 MR. ACKEN: I'll be very brief.

12 One of the nice things that I have is the
13 opportunity to work with great clients. And so sometimes
14 it's less is more from the attorney. And I think you
15 heard it best from this panel and Mr. Gardner, in
16 particular on his comments that he just made.

17 I just want to reemphasize a few points.

18 You have a project before you that has been
19 thoroughly vetted and is environmentally compatible.
20 It's a gen-tie far from any residences. Any impacts will
21 be avoided and mitigated as necessary.

22 And it will allow for ranching as has been
23 done in this location for decades.

24 This project is adjacent to the West Camp
25 project, a project also located on Aztec land for which

1 the committee and Commission approved the CEC in 2022.
2 Since that time, nothing has changed to justify a
3 departure from the committee and Commission's decision.

4 To the contrary, the evidence presented
5 here only provides further support for that 2022
6 Decision. You have an applicant in front of you who has
7 proven that it does what it says it will do, and it
8 builds projects that provide power for Arizona residents
9 and provides jobs to local residents and opportunities
10 for local businesses.

11 Like West Camp 1, the project is located on
12 the private land of Aztec Land and Cattle. And I want --
13 I want to point to figure A-1 which shows the gen-tie for
14 West Camp that was approved in 2022. It's in the same
15 area. That gen-tie actually was approved in a siting
16 area -- a much larger siting area that included quite a
17 bit of the corridor for which we're requesting approval
18 here. So there is past precedent not only for projects
19 like this but this area specifically.

20 I thought it was really telling and
21 interesting that you heard from two ranching families
22 during public comment. You heard from the ranching
23 family that owns the land on which this applicant built
24 and operates Chevelon. And you heard I thought he was
25 open and transparent about some of his initial concerns

1 and how this applicant and this team addressed them and
2 has been a great partner to work for and to allow him to
3 continue to operate his ranch in Navajo and Coconino
4 County.

5 And you heard from two members of the
6 Brophy family who said the same thing and who know better
7 than the rest of us who have worked closely with them on
8 West Camp 1 and felt that these are the kind of people,
9 this is the kind of company that I want to work with on
10 West Camp 2.

11 So you have an entity with a great track
12 record of working with the communities they're in and the
13 private landowners on which their facilities are located.

14 I want to amplify what Mr. Gardner said.
15 Private rights matter. I think they should matter. You
16 have a landowner who supports this adjacent to a wind
17 farm also on that same landowner's land who supports
18 this.

19 And so for those reasons, we really
20 appreciate your time. We thank you. As always I love --
21 I love the questions. I love the dialogue and the
22 intellectual pursuit of this committee. And we
23 respectfully request a CEC. Thank you.

24 CHMN STAFFORD: Thank you, Mr. Acken.

25 All right. Well, as we queue up Chairman's

1 exhibits to prepare to deliberate and vote on the CEC,
2 let's take a brief 15-minute-ish recess while they get
3 the equipment queued up to start the deliberations.

4 With that we stand in recess.

5 (Recess from 1:50 p.m. to 2:04 p.m.)

6 CHMN STAFFORD: Let's go back on the
7 record.

8 Members, you should have Chairman's 1,
9 which is the PDF version of the CEC on the tablet in
10 front of you. And we're going to put Chairman's 2, which
11 is the Word version that we'll be working off of on the
12 screens.

13 MEMBER KRYDER: Mr. Chairman.

14 CHMN STAFFORD: Yes, Member Kryder.

15 MEMBER KRYDER: I move approval of the
16 introduction of Chairman's -- what do you call this,
17 Chairman's 2?

18 CHMN STAFFORD: Chairman's 1.

19 MEMBER KRYDER: I move approval thereof.

20 MEMBER FANT: Second.

21 CHMN STAFFORD: Further discussion?

22 (No audible response.)

23 CHMN STAFFORD: All in favor say "aye."

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No audible response.)

2 CHMN STAFFORD: Hearing none, the
3 introduction is adopted.

4 On to the project description.

5 Now, Mr. Acken, I added Option A and
6 Option B in the project description. And I -- it looks
7 like my notes say we have Option A is either 345 or
8 500kV, and we'll use the existing switchyard that was
9 approved under CEC 206. And Option B would be 500kV and
10 then a new switchyard, which would be up to 30 acres.

11 MEMBER FANT: Point of order, Mr. Chair.

12 CHMN STAFFORD: Yes, Member Fant.

13 MEMBER FANT: I'm not sure this is
14 necessary, but should we add at the applicant's
15 discretion Option A or B or is that obvious on the -- in
16 your opinion?

17 CHMN STAFFORD: It says here either
18 Option A or Option B. And I also modified the first
19 condition to show that it's one or the other.

20 MEMBER FANT: Okay. Withdraw my comment.

21 CHMN STAFFORD: Let's have the committee
22 move the project deposition, and then we'll discuss it if
23 you want to have any more changes to it.

24 MEMBER MERCER: Mr. Chairman.

25 CHMN STAFFORD: Member Mercer.

1 MEMBER MERCER: I move project description.

2 MEMBER KRYDER: Second.

3 CHMN STAFFORD: Further discussion?

4 MEMBER KRYDER: So now it's time to discuss
5 it.

6 CHMN STAFFORD: Right. So do we want to
7 reference more about what the Option A and B entail?

8 MEMBER LITTLE: I think it's pretty clear.

9 CHMN STAFFORD: Okay. Mr. Acken, was my
10 description of it accurate?

11 MR. ACKEN: It is, Chair.

12 CHMN STAFFORD: I guess we can get a little
13 more detail when we get to Exhibit A because the CEC will
14 approve the corridor as a whole, but then what will go in
15 that corridor will be either A or B. So I wonder -- I'm
16 just thinking ahead. If we get to that point, do we want
17 to have each option more definitively described?

18 MEMBER LITTLE: I see what you're saying.
19 Yeah.

20 CHMN STAFFORD: All right. So the project
21 description has been moved and seconded.

22 MEMBER LITTLE: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Little.

24 MEMBER LITTLE: Could we go back?

25 I see your point here, and I'm wondering

1 whether we've got more detailed information about the
2 location for the switchyard, pretty detailed information.
3 Maybe we need to have more detailed information about A
4 and B.

5 MEMBER FANT: As reflected, Mr. Chair,
6 could we add language to something to the effect as
7 reflected on Exhibit -- which one you want to choose.

8 CHMN STAFFORD: Well, my thought was --

9 MEMBER FANT: Figure A-1?

10 CHMN STAFFORD: Right. My thought was that
11 for the exhibits we could still -- you'd have Exhibit A
12 which would be basically what figure A-1 which is what
13 the applicant intended, correct, Mr. Acken?

14 MR. ACKEN: Yes, I believe that's correct.
15 Exhibit A-1 -- Figure A-1.

16 MEMBER KRYDER: Speak into your microphone
17 a bit more, Bert.

18 MR. ACKEN: Sorry about that.

19 Figure A-1 was our intention for what would
20 be Exhibit A to the CEC. Again, that's shown on one side
21 of the placemat.

22 MEMBER FANT: Mr. Chair, perhaps we can
23 amend sentence one by adding at the end of sentence one
24 before the period after the parenthetical Option B as
25 reflected upon Exhibit A -- 1 -- A. A.

1 MEMBER LITTLE: But A-1 or A doesn't show
2 the lines. It just shows the corridors.

3 CHMN STAFFORD: Right. Right. That's what
4 I'm saying. Do we want to have additional exhibits?
5 Because, like, this would be Exhibit A. It shows the
6 corridor that we're approving. But then they have two
7 options of how to fill that corridor. And so I'm just
8 wondering if we want to put more -- so I'm just thinking
9 out loud here. Because Option A is 345 or 500kV. It's
10 up to 25 miles and it would use the existing Sitgreaves
11 Substation, which is the actually the switchyard that was
12 approved by CEC 206. So whatever it's worth, including
13 that information in the description of Option A.

14 And then in Option B, it would be only a
15 500kV line up to 10 miles, and it would require a new
16 switchyard that would be up to 30 acres in size located
17 somewhere within the switchyard siting area.

18 MEMBER LITTLE: I think we do need that
19 more detail because as it stands right now, it just says
20 that the approved location for the switchyard is on
21 Exhibit A.

22 CHMN STAFFORD: Right.

23 MEMBER LITTLE: It doesn't even say that
24 Option A and Option B or the -- it doesn't show anything
25 about the transmission line itself, so I think we need

1 more detail.

2 CHMN STAFFORD: Mr. Acken.

3 MR. ACKEN: So what I would propose is if
4 we were going to provide more detail in this description
5 about A and B, then we reference the figure where those
6 two are described in this discussion but keep the
7 corridor map simple, which is, again, covers both.

8 So what we could do, if the committee
9 follows and agrees, is where we have our discussion of
10 the CEC corridor, we could use -- we could refer back to
11 Slide 37 of West Camp-2 which showed Option A and
12 Option B. So you could make a reference here where you
13 just say as, you know, depicted on Slide 37 to hearing
14 Exhibit West Camp-2.

15 MEMBER LITTLE: I personally think that's a
16 good idea except I think I would suggest that it be
17 Exhibit A-2, A-3 to the CEC so that it's included with
18 the CEC, and then there will be included as part of the
19 CEC a map that shows what is actually built, one or the
20 other of them.

21 CHMN STAFFORD: Right. I see --

22 MEMBER LITTLE: Or all together and mixed
23 up part of this and part of that.

24 MR. ACKEN: So as I understand what you're
25 saying is you actually have two maps in Exhibit A and

1 Exhibit B. Exhibit A might be referring to -- might show
2 Option A and B, but Exhibit B is the approved corridor.

3 CHMN STAFFORD: And my thought would be if
4 we leave the first paragraph intact and then so in the
5 second photograph where we have affidavit -- so it could
6 be the project corridor and on-site switchyard siting
7 area as shown in Exhibit A. And then you could have --
8 add a sentence that says Option A is shown in
9 Exhibit A-a, and Option B is described -- is shown in
10 Exhibit A-b and includes these two maps from Slide 37 as
11 Exhibit A-a and Exhibit A-b.

12 MEMBER LITTLE: I would like to see that.
13 I think that's a good idea because, as I said, then
14 anybody looking at it in the future can go back and look
15 at one exhibit that shows what was actually built, which
16 one was chosen.

17 CHMN STAFFORD: And I prefer to do it that
18 way so we're not referring to Exhibit A-a before we
19 reference Exhibit A, which is the overall corridor
20 approving, and it's broken down into the two subsets of
21 what could actually happen inside the corridor.

22 MR. ACKEN: So what Mr. Gardner's pointing
23 out is the problem with Slide 37 it shows conceptual
24 locations of the transmission lines within the corridor.
25 We don't know precisely where those are going to be. We

1 know general locations. So we would have to caveat that
2 with it that it's, you know, showing conceptual
3 locations. But what's approved is the corridor. And
4 then what those maps show is conceptual locations of A
5 and B.

6 MEMBER LITTLE: Well, what about A-a I
7 think is what you're going to do, right? How about those
8 two maps just showing the corridor for just that section,
9 and then the -- not even showing the line in the
10 corridor?

11 MR. ACKEN: So, I mean, the committee can
12 do what the committee wants. Our ask is for the entire
13 corridor. We showed those as conceptual with our
14 expectation. But once you start changing that to show
15 this is the corridor for Option A, this is the corridor
16 for Option B, it's no longer conceptual. It's changed
17 our approval. We are requesting for the entire corridor.

18 I understand the concern. I think it can
19 be addressed by referring to -- those aren't the
20 committee's determination of land use authority, but they
21 are illustrative of expectations about what Option A and
22 B might look like.

23 CHMN STAFFORD: Right. That's the intent.
24 Because the first Exhibit A is the corridor. So Option A
25 could be anywhere in that corridor. They're not -- it's

1 not described to be where it's shown on Option A on
2 Slide 37.

3 So should we say -- so after Exhibit -- you
4 know, so the corridor and on-site switchyard siting area
5 is shown in Exhibit A. That's what this map would be.

6 And then after that we could say Option A
7 would you say potential -- a possible configuration of
8 Option A is illustrated in Exhibit A-a.

9 MR. ACKEN: I see heads nodding that --

10 MR. GARDNER: Or conceptual.

11 CHMN STAFFORD: Yes.

12 MR. GARDNER: Yeah.

13 CHMN STAFFORD: Because the important thing
14 is it's going to be going -- it's going to tie into the
15 existing switchyard from the Sitgreaves -- I guess we
16 don't need to say it's -- because the Sitgreaves
17 Substation is actually the switchyard that was approved
18 in 206.

19 MEMBER LITTLE: Yeah.

20 CHMN STAFFORD: A conceptual route within
21 the corridor for Option A is illustrated in Exhibit A-a.

22 MEMBER LITTLE: When I first looked at this
23 application, I had a very hard time figuring out which
24 part of that corridor was A and which part of it was B.
25 I had to really dig down to figure out what you were

1 talking about.

2 So I still would like to see them separate.
3 But I like this because it's a conceptual route within
4 the corridor.

5 MEMBER DICICCIO: Mr. Chairman, I think
6 that works, from what I'm hearing at least.

7 MEMBER LITTLE: Or you could say the
8 portion of the approved corridor, which will be used if
9 Option A is chosen is shown in Exhibit A-a.

10 MR. ACKEN: So, again, the purpose of the
11 one corridor -- and I understand the confusion is because
12 it's unusual to ask for one corridor in which to have two
13 options. But we -- the testimony is that we thought that
14 was a benefit. And so we're only going to build one or
15 the other, but by having one corridor we have that
16 flexibility to build one or the other within it.

17 Once you start saying you're only going to
18 start using a portion of the corridor for one of the
19 options, then we no longer have authority for an entire
20 corridor, and that's -- again, that's to the committee's
21 discretion, but that's not what we requested.

22 This language, you know, works for us
23 because it says it's conceptual. You know, this is
24 consistent with what we said we were going to do, this is
25 what we intend to do, but remember where we are at in

1 design, interconnection studies, things of that nature.
2 So this gives us -- it holds us to what we said. This is
3 what we intend to do. But it gives us flexibility for
4 future engineering.

5 MEMBER LITTLE: That's fine.

6 MR. ACKEN: Thank you.

7 CHMN STAFFORD: All right.

8 MEMBER LITTLE: So we would finish that
9 sentence after the word "shown" we would say "is shown or
10 illustrated in Exhibit A-b."

11 CHMN STAFFORD: Yeah, I think we should use
12 just illustrate it both times.

13 MEMBER LITTLE: Yep.

14 MR. AGNER: I'm sorry, what did you want me
15 to add?

16 MEMBER LITTLE: The last shown up there at
17 the end of line 27.

18 CHMN STAFFORD: After Option B.

19 MEMBER LITTLE: Replace that with
20 "Illustrated." For Option B is illustrated -- what
21 happened to illustrated?

22 MR. GARDNER: It's on the bottom.

23 MEMBER LITTLE: Yes, that's perfect.

24 CHMN STAFFORD: Can I get a motion?

25 MEMBER DICICCI0: Motion to approve.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: The motion is to add a
3 sentence on page 2, line 26 of Exhibit -- Chairman's
4 Exhibit 1 to add a sentence that says, "A conceptual
5 route within the corridor for Option A is illustrated in
6 Exhibit A-a, and a conceptual route within the corridor
7 for Option B is illustrated in Exhibit A-b."

8 Then the other thing is other suggestion --
9 oh, that's the motion?

10 Further discussion?

11 (No audible response.)

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No audible response.)

16 CHMN STAFFORD: Hearing none, the amendment
17 is adopted.

18 Before we move the project description as
19 amended, I wonder if we're saying the last sentence talks
20 about the final right-of-way width. Do we want to
21 mention that the new switchyard shall be up to 30 acres?
22 The new switchyard contemplated by Option B.

23 MR. ACKEN: We have no objection. That's
24 consistent with our testimony.

25 CHMN STAFFORD: Okay.

1 MEMBER FANT: I move that we amend -- add a
2 second amendment to section B project description to
3 include the sentence, "The switchyard shall include
4 30 acres more or less."

5 How's that?

6 CHMN STAFFORD: He's got it, "and the new
7 on- site switchyard will be 30 acres for Option B."

8 MR. GARDNER: Could I make a suggestion?

9 CHMN STAFFORD: Certainly, Mr. Gardner.

10 MR. GARDNER: I would just say the on-site
11 switchyard will be up to 30 acres.

12 CHMN STAFFORD: Yes. Yes.

13 How about the size of the new switchyard?

14 And the new on-site switchyard will be up to 30 acres for
15 Option B.

16 Member Fant, does that get where we're
17 trying to go?

18 MEMBER FANT: That's great.

19 CHMN STAFFORD: Okay.

20 MEMBER DICICCI0: Second.

21 CHMN STAFFORD: So can I get a motion?

22 MEMBER FANT: So moved.

23 MEMBER DICICCI0: Second.

24 CHMN STAFFORD: The motion is to add to

25 Chairman's 1, line 27 after 100 feet before the period to

1 add to the sentence to read "And the new on-site
2 switchyard will be up to 30 acres for Option B."

3 It has been moved and seconded.

4 Further discussion?

5 (No audible response.)

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No audible response.)

10 CHMN STAFFORD: Hearing none, the amendment
11 is adopted.

12 Can I get a motion to adopt the project
13 description as amended?

14 MEMBER MERCER: So moved.

15 MEMBER LITTLE: Second.

16 CHMN STAFFORD: Further discussion?

17 (No audible response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No audible response.)

22 CHMN STAFFORD: Hearing none, the project
23 description as amended is adopted.

24 On to conditions.

25 MR. AGNER: Chairman Stafford, real quick

1 am I okay to remove this as depicted on Slide 37 of
2 Hearing Exhibit WC-2?

3 CHMN STAFFORD: Yes. That was not part of
4 the amendment.

5 MR. AGNER: Thank you.

6 MEMBER LITTLE: Mr. Chairman, I move
7 Condition 1.

8 MEMBER DICICCIO: Second.

9 CHMN STAFFORD: Further discussion?

10 Now, I think this condition makes it clear
11 that they're either going to build A or B but not both.

12 Any other concern with that from members or
13 Mr. Acken?

14 MR. ACKEN: No. This is consistent with
15 our testimony.

16 CHMN STAFFORD: Condition 1 has been moved.
17 Member DiCiccio, you were the second?

18 It's been moved and seconded.

19 Further discussion?

20 (No audible response.)

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

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No audible response.)

25 CHMN STAFFORD: Hearing none, Condition 1

1 is adopted.

2 Number 2.

3 MEMBER MERCER: Mr. Chairman, I move

4 Condition 2.

5 MEMBER DICICCI0: Second.

6 CHMN STAFFORD: Further discussion?

7 (No audible response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No audible response.)

12 CHMN STAFFORD: Hearing none, Condition 2

13 is adopted.

14 Number 3.

15 MEMBER DICICCI0: Motion to approve.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No audible response.)

19 CHMN STAFFORD: All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No audible response.)

23 CHMN STAFFORD: Hearing none, Condition 3

24 is adopted.

25 Number 4.

1 MEMBER LITTLE: Mr. Chairman, I move
2 Condition 4.

3 MEMBER MERCER: Second.

4 CHMN STAFFORD: Further discussion?
5 (No audible response.)

6 CHMN STAFFORD: All in favor say "aye."
7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?
9 (No audible response.)

10 CHMN STAFFORD: Hearing none, Condition 4
11 is adopted.

12 Number 5. Now, I amended this to read as
13 the new proposed Condition 5 that the applicant had in
14 their slides.

15 MR. ACKEN: Thank you for doing that. It
16 is consistent with our testimony.

17 CHMN STAFFORD: I think perhaps we
18 should -- can we accept the changes so it's easier to
19 read for the members? Because this is pretty chopped up.

20 MR. AGNER: Is that better, Chairman
21 Stafford?

22 CHMN STAFFORD: Yes.

23 Members, it's probably easier to read it
24 off the screen as opposed to your tablet at this point.

25 I guess I'm looking to you, Member Little,

1 to make sure those pages C-13 and D-7 from the
2 application are the mitigation measures that you want to
3 include?

4 MEMBER LITTLE: Well, I'm not real sure
5 exactly -- oh, all three of those is what we're saying,
6 Exhibit WC-1?

7 CHMN STAFFORD: That's the application.

8 MEMBER LITTLE: Uh-huh.

9 CHMN STAFFORD: And then pages C-13 and D-7
10 are the sections that have the mitigation measures
11 spelled out in them.

12 MR. ACKEN: For the record --

13 MEMBER LITTLE: Yes, that's correct.
14 That's correct.

15 CHMN STAFFORD: Okay. Have we moved this
16 condition yet?

17 MEMBER LITTLE: Mr. Chairman, I move
18 Condition 5.

19 MEMBER FANT: Second.

20 CHMN STAFFORD: Further discussion?

21 MEMBER COMSTOCK: Mr. Chairman.

22 CHMN STAFFORD: Yes, Member Comstock.

23 MEMBER COMSTOCK: I'm sure you'll clean
24 this up later, but line 18 after "feasible" has two
25 periods.

1 CHMN STAFFORD: Yes, that'll be -- that's a
2 typo that will be cleaned up later.

3 MEMBER COMSTOCK: Thank you.

4 CHMN STAFFORD: Condition 5 has been moved
5 and seconded.

6 Further discussion?

7 (No audible response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No audible response.)

12 CHMN STAFFORD: Hearing none, condition 5
13 is adopted.

14 Number 6.

15 Okay. You went back to the --

16 MR. AGNER: Yes.

17 CHMN STAFFORD: Okay. Good -- the redlined
18 version.

19

20 MEMBER KRYDER: Mr. Chairman, I move
21 approval of Condition 6.

22 MEMBER DICICCI0: Second.

23 CHMN STAFFORD: Further discussion?

24 Now, we had some discussion about bird
25 diverters earlier. I'm pretty sure that the

1 recommendations for when to use bird diverters is
2 contained in those Avian Power Line Interaction Committee
3 guidelines. Occasionally we do call out specifically
4 whether bird diverters would be employed.

5 I'm interested to hear thoughts from
6 members on this and the applicant.

7 MR. ACKEN: Thank you, Mr. Chairman. I'm
8 going to turn it over to Ms. Lytle Bonine who testified
9 on this and is actually familiar with the guidelines and
10 can speak to the question presented as to bird diverters.

11 MS. LYTLE BONINE: Yeah. I can confirm
12 that APLIC guidelines does include indications for when
13 bird diverters could be used. So we agree with the
14 condition as written and think that's sufficient. But
15 we're also willing to have discussions if any of the
16 committee members don't agree.

17 CHMN STAFFORD: I remember we discussed a
18 bit earlier about -- I couldn't recall if there was a
19 specific place along the route that would seem to
20 merit -- the prior case we had two rivers -- a river and
21 a creek that were crossed. But in this one I'm not -- I
22 don't recall that.

23 Member Fant.

24 MEMBER FANT: Thank you, Mr. Chair.

25 I think we were talking about Porter Canyon

1 and the fact that there have been a couple eagle nests
2 down there, which may or may not be currently utilized,
3 but that was the discussion.

4 CHMN STAFFORD: Porter Canyon, okay. But
5 that's not a -- that's not a water flowing through Porter
6 Canyon?

7 MEMBER FANT: No, it's not a migratory bird
8 route either.

9 CHMN STAFFORD: Okay. I'm looking towards
10 the applicant.

11 MR. ACKEN: I'm sorry, what's the question?

12 CHMN STAFFORD: We were talking about
13 Porter Canyon was the place we discussed.

14 I guess the question is that would the
15 avian guidelines, would they recommend or require bird
16 diverters over Porter Canyon?

17 MS. LYTTLE BONINE: No.

18 MR. ACKEN: And I would add, and I think
19 it's consistent with what you were saying from your last
20 case and in my prior cases, is I've had bird diverters
21 when we cross water. And Porter Canyon is not. I think
22 as this committee saw from the photographs that this is
23 not a perennial water body by any means.

24 CHMN STAFFORD: With that I'm satisfied
25 with Condition 6 as it is. It's been moved and seconded.

1 It has been moved and seconded; correct?

2 MEMBER DICICCI0: Yes.

3 MEMBER LITTLE: Yes.

4 CHMN STAFFORD: All right. Further
5 discussion?

6 (No audible response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No audible response.)

11 CHMN STAFFORD: Hearing none, Condition 6
12 is adopted.

13 Number 7.

14 MEMBER LITTLE: Mr. Chairman, I move
15 Condition 7.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 I guess the question I have for the
19 applicant is that will the landowner cooperate with Class
20 III cultural inventories for the final right-of-ways that
21 have not been previously surveyed to modern standards?

22 MR. ACKEN: Thank you, Chairman.

23 I'm going to turn that to Mr. Gardner who's
24 been in the closest communication with the landowner
25 unless Ms. Lytle Bonine if you know the answer, but

1 either one of you can answer as to your thoughts as to
2 Aztec's --

3 MR. GARDNER: Yes, Aztec is happy to allow
4 for Class III pedestrian surveys.

5 CHMN STAFFORD: Okay. My understanding is
6 that if you do end up using state land -- state trust
7 land they will require you to do the entire corridor not
8 just the right-of-way.

9 MR. GARDNER: That is correct.

10 CHMN STAFFORD: Okay. All right.
11 Condition 7 has been moved and seconded.
12 Further discussion?

13 (No audible response.)

14 CHMN STAFFORD: All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No audible response.)

18 CHMN STAFFORD: Hearing none, Condition 7
19 is adopted.

20 Number 8.

21 MEMBER MERCER: Mr. Chairman, I move
22 Condition 8.

23 MEMBER KRYDER: Second.

24 CHMN STAFFORD: Further discussion?

25 (No audible response.)

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No audible response.)

5 CHMN STAFFORD: Hearing none, Condition 8

6 is adopted.

7 Number 9.

8 MEMBER DICICCI0: I move approval,

9 Mr. Chair.

10 MEMBER KRYDER: Mr. Chairman, I move

11 approval of Condition 9.

12 CHMN STAFFORD: Member DiCiccio has. Would

13 you like to second?

14 MEMBER KRYDER: Mr. Chairman, I move

15 approval of Condition 9.

16 MEMBER DICICCI0: I'll second it.

17 CHMN STAFFORD: There we go.

18 Further discussion?

19 (No audible response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No audible response.)

24 CHMN STAFFORD: Hearing none, Condition 9

25 is adopted.

1 Number 10.

2 MEMBER DICICCI0: Move approval of
3 Condition 10, Mr. Chair.

4 MEMBER KRYDER: Second.

5 CHMN STAFFORD: Further discussion?
6 (No audible response.)

7 CHMN STAFFORD: All in favor say "aye."
8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?
10 (No audible response.)

11 CHMN STAFFORD: Hearing none, Condition 10
12 is adopted.

13 Number 11.

14 MEMBER MERCER: Chairman, I move
15 Condition 11.

16 MEMBER KRYDER: Second.

17 CHMN STAFFORD: Further discussion?
18 (No audible response.)

19 CHMN STAFFORD: All in favor say "aye."
20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?
22 (No audible response.)

23 CHMN STAFFORD: Hearing none, Condition 11
24 is adopted.

25 Number 12.

1 MEMBER KRYDER: Mr. Chairman, I move
2 approval of Condition 12.

3 MEMBER DICICCI0: Second.

4 CHMN STAFFORD: Further discussion?

5 (No audible response.)

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No audible response.)

10 CHMN STAFFORD: Hearing none, Condition 12
11 is adopted.

12 Number 13.

13 MEMBER MERCER: Mr. Chairman, I move
14 Condition 13.

15 MEMBER KRYDER: Second.

16 CHMN STAFFORD: Further discussion?

17 (No audible response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No audible response.)

22 CHMN STAFFORD: Hearing none, Condition 13
23 is adopted.

24 Number 14.

25 MEMBER LITTLE: Mr. Chairman, I move

1 Condition 14.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No audible response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No audible response.)

9 CHMN STAFFORD: Hearing none, Condition 14
10 is adopted.

11 Number 15.

12 MEMBER DICICCI0: Move approval of 15,
13 Mr. Chair.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: Further discussion?

16 (No audible response.)

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No audible response.)

21 CHMN STAFFORD: Hearing none, Condition 15
22 is adopted.

23 Number 16.

24 MEMBER DICICCI0: Move approval of 16,

25 Mr. Chair.

1 MEMBER LITTLE: Second.

2 CHMN STAFFORD: Further discussion?

3 (No audible response.)

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No audible response.)

8 CHMN STAFFORD: Hearing none, Condition 16

9 is adopted.

10 Number 17.

11 MEMBER DICICCI0: Mr. Chair, just a

12 question on that.

13 CHMN STAFFORD: Which one, 16 or 17?

14 MEMBER DICICCI0: 17.

15 CHMN STAFFORD: Let's move it for

16 discussion then.

17 MEMBER DICICCI0: Okay.

18 MEMBER FANT: I move Condition 17.

19 MEMBER DICICCI0: Second.

20 CHMN STAFFORD: Further discussion, Member

21 DiCiccio?

22 MEMBER DICICCI0: The copy of the results

23 of any SRP system impact study. I don't remember that as

24 part of our conversation.

25 CHMN STAFFORD: Yes. That was because

1 Option A interconnects with the switchyard with APS --

2 MR. DICICCI0: Correct.

3 CHMN STAFFORD: -- and can be 345 or 500kV.

4 Option B is a 500kV connection and a new switchyard to
5 tie into SRP's 500kV line.

6 MEMBER DICICCI0: Oh, so this is separated
7 just for SRP then, correct?

8 CHMN STAFFORD: Right. Because I believe
9 that they have provided the system impact studies for APS
10 to interconnect with the existing switchyard/substation.
11 I mean, there's no transformer equipment in it at this
12 point, so it's just a switchyard; correct?

13 MR. ACKEN: That's correct.

14 And so the testimony was that we had system
15 impact studies phase 1 and phase 2, cluster studies for
16 the APS interconnection that Staff was already able to
17 review. But we don't have those studies for SRP. So our
18 commitment is -- consistent with Mr. Gardner's testimony
19 is once those studies are available we'll submit them to
20 Commission staff for review.

21 MEMBER DICICCI0: I'm good with this
22 language.

23 CHMN STAFFORD: All right. And then
24 we'll -- we don't anticipate any more system impact
25 studies for APS?

1 MEMBER LITTLE: That's not true.

2 CHMN STAFFORD: That's my question.

3 What's the answer?

4 MR. ACKEN: Mr. Gardner.

5 MR. GARDNER: We do not anticipate
6 additional system impact studies. However, there are
7 further studies that APS will do prior to an
8 interconnection agreement.

9 CHMN STAFFORD: Such as a facility study?

10 MR. GARDNER: Correct.

11 MEMBER LITTLE: At which time they may
12 determine that there may be some system upgrades that are
13 required.

14 MR. GARDNER: That's correct.

15 MEMBER LITTLE: And so I would like to see
16 at the end of the last sentence where it says, "For the
17 project within 30 days of applicant's receipt of the SIS
18 and comply with all requirements contained therein, as
19 well as any requirements or any improvements required by
20 APS."

21 MEMBER DICICCI0: Any further studies.

22 MEMBER LITTLE: No. We know what the
23 studies are. They just haven't determined what, if any,
24 modifications need to be made to the system. And that
25 will depend on who all are -- the studies they've done up

1 to this point assume that everybody that's in that
2 cluster is going to build their project.

3 And that may not be true. There are
4 several things that may or may not impact what system
5 improvements may be necessary. But I want to be sure
6 that what's also in there is that you will also comply
7 with the requirements included in the SRP studies, or if
8 you choose the APS one, that you do what APS says you
9 need to do.

10 MEMBER DICICCIO: So you're just looking
11 for what capital improvements because it's the way it's
12 worded to as well as any improvement required. Not the
13 studies that require the improvements, but just the
14 improvements themselves.

15 CHMN STAFFORD: But the current language
16 covers any studies that will be required for Option B;
17 correct, Member Little?

18 MEMBER LITTLE: Maybe what we need to do is
19 just say --

20 CHMN STAFFORD: Add a sentence that APS --

21 MEMBER LITTLE: You've got to give the copy
22 of the SRP system studies to Commission Staff within
23 30 days. And then the applicant agrees to comply with
24 all requirements -- how do we say this?

25 Because you don't have to comply with SRP

1 requirements and APS requirements if you only connect to
2 APS; right?

3 MR. ACKEN: So if I may, I think our
4 obligation to comply with the studies that are being
5 conducted by APS and SRP under FERC processes, I think
6 our obligation to comply is covered by Condition 2 -- or,
7 excuse me, Condition 3 which says we're going to comply
8 with all plans and regulations of any government entity
9 having jurisdiction, and that would include FERC.

10 The intent of this condition was we want to
11 make sure that we're transparent with Commission Staff.
12 And just like we provide Commission -- we provide
13 Commission Staff with system impact studies that are
14 available at the time of the hearing, we're committed to
15 providing them additional studies after.

16 So to the extent that they have questions
17 or concerns, we can address. But our obligation to
18 comply with those studies is already established by
19 federal law, and there's a condition to that effect.

20 MEMBER LITTLE: That's not consistent with
21 what we've done in the past.

22 CHMN STAFFORD: Yeah, but we didn't have
23 them where they've completed the system impact studies
24 Phase 1 and Phase 2 for one interconnecting entity and
25 then potentially could interconnect with a different

1 utility where those studies have not been done.

2 I think the last time I think they -- the
3 applicant agreed to provide a copy of the interconnection
4 agreement to Staff under seal --

5 MR. ACKEN: So --

6 CHMN STAFFORD: -- subject to a protective
7 agreement that they had with Staff.

8 MEMBER LITTLE: Not this one because I
9 wasn't there, but the one before that I believe that we
10 also put a sentence in there that said that they would
11 comply with whatever requirements the interconnecting
12 utility gave them, said they had to do things they needed
13 to do to upgrade the system because of the addition of
14 this project.

15 MR. ACKEN: So this condition comes
16 straight from case 249 -- excuse me, 248, which I
17 understood was the most recent one that had this fact
18 pattern.

19 MEMBER LITTLE: It is. And that language
20 comply with all requirements contained therein referred
21 to the phase 3 study that was to be done by APS, so -- in
22 248.

23 MEMBER DICICCIO: Why don't you just write
24 it as "as well as any other future requirements"?

25 MEMBER LITTLE: No, that's too vague I

1 think.

2 MEMBER DICICCIO: Well, it covers
3 everything that you're wanting.

4 MEMBER LITTLE: What we came up with in 248
5 was that the phase 3 studies -- this word system impact
6 studies is kind of outdated, I guess, with the most
7 recent FERC ruling. But they said that the phase 3
8 studies will determine what, if anything, needs to be --
9 system improvements need to be made as a result of the
10 addition of this project to the system.

11 And so the -- comply with all requirements
12 contained therein refer to the phase 3 study or the phase
13 3 of the FERC required studies.

14 And what we're saying here is that you just
15 have to comply with all the requirements that are
16 contained in the SRP study.

17 MEMBER DICICCIO: So tell me why the
18 language that's so vague that includes everything is not
19 workable here? It's simple. It explains exactly what
20 we're trying to get at. If anybody ever had to, they
21 could go back to the discussion that occurred over here.
22 And -- so, I mean, I'd like -- I'm good with that
23 language.

24 CHMN STAFFORD: All right. Member Little,
25 it's -- let's see you're talking about -- you're talking

1 about 248, correct, or 249?

2 MEMBER DICICCI0: It says 248.

3 CHMN STAFFORD: This one here is, but,
4 Member Little, I was making sure that --

5 MEMBER LITTLE: Well, this is 251; right?
6 This is 249, I think.

7 MR. ACKEN: 249 was the Rio Sol
8 interconnect which is the template for most of these
9 conditions. We specifically pulled this condition out of
10 248 because they did not have all of their system impact
11 studies done unlike 249.

12 So there is no condition like this in case
13 249 because system impact studies were complete and
14 reviewed by Staff.

15 CHMN STAFFORD: Right, yeah, because it was
16 248 which was Harquahala. And it had -- that was the one
17 we where they had -- we thought there was two options,
18 but they wanted to build and mix and match the options.

19 MEMBER LITTLE: You are correct.

20 Bert, it's -- the Condition 17 in 248 says,
21 "The applicant shall provide Commission Staff with a copy
22 of the results of all system impact studies also known as
23 the phase 1 and phase 2 cluster studies for the project
24 within 15 days of applicant's receipt of the SIS and
25 comply with all requirements contained therein."

1 So we were talking about phase 1 and phase
2 2 studies in that.

3 CHMN STAFFORD: Right.

4 MEMBER LITTLE: And for that condition for
5 that project.

6 MR. ACKEN: Yes. And our intent was to
7 mirror the obligation 248 that applied to the
8 interconnection that didn't already have the studies
9 provided to Staff. And so that's what we tried to set
10 forth here because they've already reviewed the APS
11 studies and opined on those.

12 MEMBER LITTLE: Yeah.

13 CHMN STAFFORD: But they were unable to
14 opine on SRP because they hadn't seen any studies;
15 correct? That's what the Staff letter said.

16 MR. ACKEN: That's exactly correct. And
17 that's why we proposed this condition for the SRP
18 interconnection.

19 MEMBER LITTLE: Okay.

20 MR. ACKEN: Is that okay?

21 MEMBER LITTLE: I'm okay.

22 MR. ACKEN: Okay. Thank you.

23 MEMBER LITTLE: I see what your thinking
24 was and I agree.

25 MEMBER DICICCIO: So what is the language

1 we're adding?

2 MEMBER LITTLE: Nothing.

3 CHMN STAFFORD: Nothing.

4 MEMBER DICICCI0: Okay. So we're erasing

5 all that.

6 CHMN STAFFORD: Yeah. So Condition 17 has

7 been moved and seconded.

8 We have not amended it.

9 Further discussion?

10 MEMBER DICICCI0: Yes. No, I'm just

11 kidding.

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No audible response.)

16 CHMN STAFFORD: Hearing none, Condition 17

17 is adopted.

18 Number 18.

19 MEMBER LITTLE: Mr. Chairman, I move

20 Condition 18.

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: Further discussion?

23 (No audible response.)

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No audible response.)

3 CHMN STAFFORD: Hearing none, Condition 18
4 is adopted.

5 Number 19.

6 MEMBER MERCER: Mr. Chairman, I move
7 Condition 19.

8 MEMBER LITTLE: Second.

9 CHMN STAFFORD: Further discussion?
10 Member Comstock.

11 MEMBER COMSTOCK: Mr. Chairman, I believe
12 that the applicant has shown that they have a process and
13 procedure to deal with this. I also understand the
14 applicant's attorney's concern of changing Staff language
15 without going through the process to change it formally.

16 So I'm going to withdraw my no and approve
17 it, but continue to say that this has to change over the
18 course of time, and we need to get with Staff to see how
19 we can change this.

20 CHMN STAFFORD: Maybe we should have
21 Mr. Olea come to one of these hearings.

22 MEMBER COMSTOCK: I would love to see
23 Mr. Olea again. It's been a while.

24 MEMBER LITTLE: Me too.

25 CHMN STAFFORD: Okay. Condition 19 has

1 moved and seconded.

2 Further discussion?

3 (No audible response.)

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No audible response.)

8 CHMN STAFFORD: Hearing none, Condition 19

9 is adopted.

10 Number 20.

11 MEMBER LITTLE: Mr. Chairman, I move

12 Condition 20.

13 MEMBER MERCER: Second.

14 CHMN STAFFORD: Further discussion?

15 I guess the only thing would be do we want
16 to reference the size of the switchyard? We put that, I
17 believe, in the project description. Should we add that
18 language to the condition?

19 Members?

20 Mr. Acken, what is the applicant's
21 thoughts?

22 MR. ACKEN: On behalf of the applicant, we
23 view the entire CEC binding including the project
24 description. So if the description says it will be a
25 30-acre switchyard, that's what it will be. But it's

1 really up to the committee if they want to do so for
2 consistency purposes.

3 CHMN STAFFORD: I'm not hearing any
4 appetite to change the existing language of the
5 Condition 20.

6 And confirming the maximum height of
7 structures is 195 feet.

8 MR. ACKEN: Per the application, yes,
9 that's correct.

10 CHMN STAFFORD: Okay. Just making sure.

11 All right. Condition 20 has been moved and
12 seconded.

13 Further discussion?

14 (No audible response.)

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No audible response.)

19 CHMN STAFFORD: Hearing none, Condition 20
20 is adopted.

21 Number 21.

22 MEMBER DICICCI0: Move approval, Mr. Chair.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 Mr. Acken, September 1, 2026, is the

1 deadline for the certification letter?

2 MR. ACKEN: Yes. We proposed that so that
3 it's consistent with case 187, which is Chevelon, which
4 actually no longer has an obligation to submit it because
5 it's in operation, but also case 206 for West Camp. It's
6 for the ease of administration on behalf of the
7 applicant.

8 CHMN STAFFORD: That's what I like to hear.
9 All right. Condition 21 has been moved and
10 seconded.

11 Further discussion?

12 (No audible response.)

13 CHMN STAFFORD: All in favor say "aye."

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No audible response.)

17 CHMN STAFFORD: Hearing none, Condition 21
18 is adopted.

19 Number 22.

20 MEMBER MERCER: Mr. Chairman, I move
21 Condition 22.

22 MEMBER FANT: Second.

23 CHMN STAFFORD: Further discussion?

24 (No audible response.)

25 CHMN STAFFORD: All in favor say "aye."

1 (A chorus of "ayes.")
2 CHMN STAFFORD: Opposed?
3 (No audible response.)
4 CHMN STAFFORD: Hearing none, Condition 22
5 is adopted.
6 Number 23.
7 MEMBER LITTLE: Mr. Chairman, I move
8 Condition 23.
9 MEMBER MERCER: Second.
10 CHMN STAFFORD: Further discussion?
11 (No audible response.)
12 CHMN STAFFORD: All in favor say "aye."
13 (A chorus of "ayes.")
14 CHMN STAFFORD: Opposed?
15 (No audible response.)
16 CHMN STAFFORD: Hearing none, Condition 23
17 is adopted.
18 Number 24.
19 MEMBER DICICCI0: Move approval, Mr. Chair.
20 MEMBER MERCER: Second.
21 CHMN STAFFORD: Further discussion?
22 (No audible response.)
23 CHMN STAFFORD: All in favor say "aye."
24 (A chorus of "ayes.")
25 CHMN STAFFORD: Opposed?

1 (No audible response.)

2 CHMN STAFFORD: Hearing none, Condition 24
3 is adopted.

4 Number 25.

5 MEMBER LITTLE: Mr. Chairman, I move
6 Condition 25.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 MEMBER DICICCIO: Just a quick one.

10 CHMN STAFFORD: Yes, Member DiCiccio.

11 MEMBER DICICCIO: So it's similar to the
12 questions I had last week. I don't think it's in this
13 condition. But the transfer of the certificate you
14 explained once before, and I thought you did a really
15 good job. Could you do that again one more time for me.

16 CHMN STAFFORD: It's the way that statutes
17 and the rules contemplate the transfer. It's a notice
18 requirement. You don't have to get approval by the
19 Commission to transfer it. However, because of the
20 conditions in the certificate, the transferee has -- is
21 bound by all the terms and conditions of the CEC.

22 And then under this one the applicant's
23 still on the hook for the conditions.

24 MEMBER DICICCIO: Thank you, Mr. Chair. I
25 just needed a refresher of the law.

1 CHMN STAFFORD: In the agreement or
2 lease -- like I said, this is the applicant's
3 responsibility with respect to compliance shall not cease
4 or be abated by reason of the fact that the applicant is
5 not in control or responsible for operation and
6 maintenance of the project facilities.

7 Mr. Acken, could you opine on the
8 transferability of the certificates of convenience and --
9 certificates of environmental compatibility. I almost
10 said the wrong certificate.

11 MR. ACKEN: Thank you. I have nothing
12 further to add. The Chairman set forth the law
13 accurately. I have transferred a number of CECs through
14 the notice process over the years, and that's exactly how
15 it's done.

16 MEMBER DICICCI0: May I explain why I had
17 issues with it before?

18 CHMN STAFFORD: Yeah, but we have -- we've
19 adopted it already.

20 MEMBER DICICCI0: Yeah, yeah, yeah. That's
21 fine. That's fine. Let's go. It's not a big deal.

22 CHMN STAFFORD: Sure. Go ahead.

23 MEMBER DICICCI0: Oh, thank you, Mr. Chair.
24 It's just that the way that -- you know, just by
25 providing notice there are times where, you know, I work

1 in commercial real estate, and I've also worked --
2 done work at the City of Phoenix, and through our
3 development agreements it always required another step
4 where you would have to go back to the body that gave you
5 the approval to go through because there -- was it an
6 arm's length transaction; is it a shell company; does the
7 individual or the entity have the experience necessary to
8 do all those things? There is a list of criteria that
9 either a private owner has or a city has.

10 So mine was just -- this is just -- you
11 don't need to respond or anything else. It was just that
12 was just my concern before.

13 MR. ACKEN: I always like to respond.

14 MEMBER DICICCIO: Okay.

15 MR. ACKEN: I agree. It's a unique -- a
16 unique condition that only requires notice. You don't
17 see that with a transfer of a CC&N which does require
18 showing of the applicant's ability.

19 I think where the committee and the
20 Commission can take comfort is financeability, right.
21 These projects don't get built unless they can be
22 financed. And financiers don't like to put money unless
23 they know that the applicant or whoever's holding the CEC
24 can do what they say.

25 With that said, I hear you, but that would

1 require a statutory change under the way the statute's
2 written today.

3 CHMN STAFFORD: Well, I think the statute
4 says subject to other rules and conditions provided by
5 law. I think maybe it's possible the Commission in its
6 rule could require a few more things. But I think
7 it's -- when they -- in the existing rules certainly it
8 is the statute doesn't require anything additional. I
9 think possibly rules could be changed to require
10 something additional, but let me look at the statute
11 here.

12 MEMBER DICICCIO: It's just where we're at
13 today.

14 MR. ACKEN: And it hasn't been an issue to
15 date to my knowledge.

16 CHMN STAFFORD: Yeah, because the
17 statute -- the governing statute says that, "Subject to
18 such limitations and conditions as may otherwise be
19 prescribed by law, a certificate may be transferred to
20 any electric company or electric utility agreeing to
21 comply with the terms, limitations, and conditions
22 contained therein."

23 So the statute seems to contemplate notice,
24 but it does -- the qualifier is subject to such
25 limitations and conditions as may otherwise be prescribed

1 by law, which I think prescribed by law could also
2 include rulemaking. Don't you think, Mr. Acken?

3 MR. ACKEN: Yes. Yes, I would agree with
4 that. It's an interesting question because that has come
5 up before, and we've always handled it through notice.
6 And I've had clients at times ask me the same kind of
7 question like really that's all you have to do? But
8 that's all we have to do under the statutory regime.
9 Again, you take comfort from the fact that these projects
10 don't get built without financing, and that requires
11 assurance that the companies building them know what
12 they're doing. And to my knowledge, we've not had a
13 situation with someone who didn't have proper
14 qualifications holding a CEC.

15 CHMN STAFFORD: And if they did, they
16 didn't build the project.

17 MR. ACKEN: That's true. They never got
18 financing.

19 MEMBER DICICCIO: So just one quick thing
20 to that. I'm not trying to get into a large discussion
21 or debate over something that it's not going to be
22 changed anyways. Just for future things, you know, we're
23 viewing the world as today. We're not viewing the world
24 30 years, 40 years, 50 years from now when those assets
25 may be stranded assets, so we're just seeing it as of

1 today.

2 And but I'm good. I'm ready to move
3 forward. Thank you.

4 MEMBER FANT: Thank you, Mr. Chair.

5 I think the energy industries like the
6 hotel industry where if you are the second party picking
7 up an asset even if it's 30 years from now, you pick it
8 up at a much lower basis. So it's quite a profitable
9 vocation.

10 I point out that the legendary survivor of
11 the O.K. Corral, Ike Clanton, located just east of
12 Holbrook, he left Tombstone and located just east of
13 Holbrook. He pointed out that cattle -- he pointed out
14 that cattle ranching was quite lucrative when you didn't
15 have to pay for your cattle.

16 So I think that's true when you're a second
17 party picking up an energy project if that were a
18 problem, so which means, long loop, this provision's
19 fine.

20 CHMN STAFFORD: All right. Are we ready to
21 move on to Findings of Fact and Conclusions of Law?

22 MEMBER KRYDER: Mr. Chairman, I move
23 approval number 1 Finding of Facts and contusions --
24 Conclusions of Law, not contusions.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: Further discussion?

2 (No audible response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No audible response.)

7 CHMN STAFFORD: Hearing none, Finding of

8 Fact and Conclusion of Law number 1 is adopted.

9 Number 2.

10 MEMBER LITTLE: Mr. Chairman, I move

11 Finding of Fact and Conclusion of Law 2.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: Further discussion?

14 (No audible response.)

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No audible response.)

19 CHMN STAFFORD: Hearing none, Finding of

20 Fact and Conclusion of Law 2 is adopted.

21 Number 3.

22 MEMBER MERCER: Mr. Chairman. I move

23 Finding of Fact and Conclusion of Law 3.

24 MEMBER KRYDER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No audible response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No audible response.)

6 CHMN STAFFORD: Hearing none, Finding of
7 Fact and Conclusion of Law 3 is adopted.

8 Number 4.

9 MEMBER KRYDER: Mr. Chairman, I move
10 approval of number 4 Finding of Fact and Conclusion of
11 Law be approved.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER DICICCIO: Mr. Chair.

15 CHMN STAFFORD: Yes, Member DiCiccio.

16 MEMBER DICICCIO: This is probably about
17 the only one I'm going to vote no on just because I'm not
18 sold on the wind farms being environmentally clean, so --

19 CHMN STAFFORD: Ah, yes, but the project
20 does not include the wind farm.

21 MEMBER DICICCIO: I know.

22 CHMN STAFFORD: The project is the
23 transmission line only.

24 MEMBER DICICCIO: I know that.

25 CHMN STAFFORD: Finding of Fact and

1 Conclusion of Law number 4 has been moved and seconded.

2 (No audible response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 MEMBER DICICCIO: No.

7 CHMN STAFFORD: Finding of Fact and

8 Conclusion of Law number 4 is adopted.

9 Number 5.

10 MEMBER FANT: I move Condition 5 -- Finding
11 of Fact and Conclusion of Law 5.

12 MEMBER KRYDER: Second.

13 CHMN STAFFORD: Further discussion?

14 (No audible response.)

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No audible response.)

19 CHMN STAFFORD: Hearing none, Finding of
20 Fact and Conclusion of Law 5 is adopted.

21 Number 6.

22 MEMBER MERCER: Mr. Chairman, I move
23 Finding of Fact and Conclusion of Law 6.

24 MEMBER KRYDER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No audible response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No audible response.)

6 CHMN STAFFORD: Hearing none, Finding of
7 Fact and Conclusion of Law 6 is adopted.

8 And on to Exhibit A. The applicant is
9 going to include figure A-1 from Hearing Exhibit WC-1,
10 which is also on the placemat as their proffered
11 Exhibit A.

12 Correct, Mr. Acken?

13 MR. ACKEN: Yes. We included it in the
14 hard copy, so it's in West Camp-5 is the map we proposed
15 to include, which provides the same content as Figure
16 A-1. It just isn't labeled Figure A-1, but otherwise I
17 believe it is the same content.

18 CHMN STAFFORD: Right. It's the map --
19 yes, it's the everything above the -- the map itself is
20 the same it's just the placemat has the Figure A-1 on it;
21 right?

22 MR. ACKEN: That's correct.

23 CHMN STAFFORD: Okay. So that is the
24 Exhibit A.

25 Can I get a motion to adopt that as

1 Exhibit A?

2 MEMBER MERCER: So moved.

3 MEMBER KRYDER: Second.

4 CHMN STAFFORD: All right. Now I have a
5 quick question. Mr. Acken, looking at Sitgreaves
6 Substation there's that dotted line, that's the West
7 Camp -- that's labeled as a West Camp 345kV gen-tie line.

8 I guess are we interested -- are the
9 members interested in adding to that label saying that
10 it's from CEC 206 or are we satisfied with just
11 identifying it's the West Camp gen-tie line from West
12 Camp 1?

13 MEMBER MERCER: Mr. Chairman, I think
14 that's a good idea just for reference.

15 CHMN STAFFORD: That wouldn't take much to
16 modify, would it, Mr. Acken?

17 MR. ACKEN: Easy for me to say no, but I
18 see Colin is shaking his head, but that's no problem.

19 MR. AGNER: Yes, no problem, Chairman
20 Stafford.

21 CHMN STAFFORD: Can I get a motion to add
22 CEC 206 to the legend describing the West Camp 345kV
23 gen-tie line?

24 MEMBER MERCER: So moved.

25 MEMBER LITTLE: Second.

1 CHMN STAFFORD: Further discussion?

2 (No audible response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No audible response.)

7 CHMN STAFFORD: Hearing none, the amendment
8 to Exhibit A is adopted.

9 Then I guess we should also move to amend
10 Exhibit A to include sub exhibits Exhibit A-a and A-b as
11 shown on page -- or Slide 35 of Hearing Exhibit WC-2.

12 MR. ACKEN: Slide 37.

13 CHMN STAFFORD: Slide 37. What did I say?

14 MR. ACKEN: 35.

15 CHMN STAFFORD: Oh, 37. Excuse me, yeah.

16 MEMBER KRYDER: So moved, Mr. Chairman.

17 MEMBER DICICCIO: Second.

18 CHMN STAFFORD: Further discussion?

19 (No audible response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No audible response.)

24 CHMN STAFFORD: Hearing none, the amendment
25 to Exhibit A is adopted.

1 Can I get a motion to adopt the Exhibit A
2 as amended?

3 MEMBER LITTLE: So moved.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 (No audible response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No audible response.)

11 CHMN STAFFORD: Hearing none, Exhibit A as
12 amended is adopted.

13 MEMBER KRYDER: Mr. Chairman?

14 CHMN STAFFORD: Yes, Member Kryder.

15 MEMBER KRYDER: Was there an Exhibit B that
16 we spoke about briefly?

17 CHMN STAFFORD: We had Exhibit A-b -- it
18 was Exhibit A-a and Exhibit A-b to show the two
19 potential -- what was the term you used? Let me scroll
20 back here.

21 MR. ACKEN: Conceptual.

22 CHMN STAFFORD: -- conceptual routes for
23 this Option A, which would be to tie into the existing
24 APS switchyard, and then Option B, which would be to tie
25 into the SRP system through a new switchyard.

1 And so these are kind of the conceptual
2 ways of how it would shake out, but it's all in the same
3 corridor. But they'll only do either Option A or
4 Option B.

5 MEMBER KRYDER: Okay. I was referring,
6 rather, to the final discussion by Mr. Gardner with
7 regard to the Arizona land whatever.

8 Did we not call that Exhibit B?

9 MR. ACKEN: Mr. Chairman, Member Kryder, we
10 identified that, and I believe it was entered as a
11 hearing Exhibit, so West Camp-9. So it's a hearing
12 exhibit. It will be part of the record, but not the CEC
13 itself.

14 MEMBER KRYDER: Oh, great. Just so it's
15 included. Thank you.

16 MR. ACKEN: Right.

17 CHMN STAFFORD: All right. Can I get a
18 motion to adopt the CEC as amended?

19 MEMBER MERCER: So moved.

20 MEMBER FANT: Second.

21 CHMN STAFFORD: We'll do a roll call vote.
22 Member Kryder.

23 MEMBER KRYDER: Yes.

24 CHMN STAFFORD: Member Mercer.

25 MEMBER MERCER: Yes.

1 CHMN STAFFORD: Member Comstock.

2 MEMBER COMSTOCK: Yes.

3 CHMN STAFFORD: Member Fant.

4 MEMBER FANT: Yes.

5 CHMN STAFFORD: Member Little.

6 MEMBER LITTLE: Yes. And I would like to
7 thank the applicant for their very professional and
8 complete presentation and for answering all my questions.
9 Thank you.

10 CHMN STAFFORD: Member Drago.

11 MEMBER DRAGO: Yes.

12 CHMN STAFFORD: Member DiCiccio.

13 MEMBER DICICCIO: I'm going to be voting
14 yes. I want to thank the applicant for their
15 thoroughness. You guys were extremely thorough. Well
16 done, very professional. You answered all the questions.
17 What I found very impressive was the way
18 you handled the community concerns. You addressed their
19 concerns point by point.

20 If you haven't noticed, I'm not a big fan
21 of wind farms. I know that's what we're approving today
22 because I will be told that, so I have reiterate it. But
23 I just think that they have environmental issues. That's
24 my end of it, you know.

25 So but I do want to thank you for all the

1 work that you guys put into, which was extremely
2 extensive. And as you move forward on other projects the
3 more extensive you are the better off you are.

4 Thank you, Mr. Chair.

5 CHMN STAFFORD: Thank you.

6 And I vote "aye."

7 So by a vote of eight "ayes," zero "nays"
8 the certificate is approved.

9 Can I get a motion from the members to
10 allow the Chair to correct scrivener's errors, typos, and
11 to sign and file the certificate with the Commission?

12 MEMBER MERCER: So moved.

13 MEMBER LITTLE: Second.

14 CHMN STAFFORD: Further discussion?

15 (No audible response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No audible response.)

20 CHMN STAFFORD: Hearing none, the motion
21 carries.

22 Well, thank you much. I'd like to thank
23 the applicant for their presentation and for I have to
24 say that I'm intrigued by the way that they've done
25 business here because you have one of the common gripes,

1 I guess, against renewable energy is that it's displacing
2 the land from other things. I guess that's more so for
3 things with the large footprint like solar, but with the
4 wind you're able to construct 500 megawatts of
5 generation, and the land that it's on will still be used
6 for the same use it's being used for right now, which is
7 grazing for cattle.

8 And then with the full support of the
9 landowner that's -- I think that's the way you have to do
10 it. It's -- you know, the person who owns the land has
11 fully embraced this. It's not being, you know, forced on
12 somebody. They are a willing participant. They're a
13 partner. And you can both use the land for different
14 purposes at the same time, and that is -- that is
15 encouraging.

16 I'd like to thank the court reporter and
17 the AV team that makes this all possible.

18 Anything further from members?

19 (No audible response.)

20 CHMN STAFFORD: With that, we are
21 adjourned.

22 (Proceedings concluded at 3:11 p.m.)
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24
25

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

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

9 I CERTIFY that I am in no way related to any of 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, October 31, 2025.

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JENNIFER HONN, RPR
Arizona Certified Reporter
No. 50885

18 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
19 complied with the ethical obligations set forth in
20 ACJA 7-206(J)(1)(

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