

1 BEFORE THE ARIZONA POWER PLANT

LS-364

2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
 4 PINAL COUNTY ENERGY CENTER, LLC, IN) L-21314A-24-0144-
 5 CONFORMANCE WITH THE REQUIREMENTS) 00233
 6 OF ARIZONA REVISED STATUTES 40-360)
 7 ET. SEQ., FOR A CERTIFICATE OF)
 8 ENVIRONMENTAL COMPATIBILITY)
 9 AUTHORIZING THE CONSTRUCTION)
 OF A 480 MW NATURAL GAS-FIRED,)
 SIMPLE CYCLE, PEAKING POWER)
 GENERATING FACILITY LOCATED)
 NEAR CASA GRANDE, ARIZONA, IN)
 PINAL COUNTY.)
) PREHEARING
) CONFERENCE

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11 At: Phoenix, Arizona

12 Date: August 6, 2024

13 Filed: August 7, 2024

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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 (Pages 1 through 12)

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23

24 By: Robin L. B. Osterode, CSR, RPR
 Arizona CR No. 50695

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1 BE IT REMEMBERED that the above-entitled
2 and numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee Phoenix, Arizona, commencing at 3:00 p.m. on
5 August 6, 2024. All parties appearing via
6 videoconference.

7

8 BEFORE: ADAM STAFFORD, Chairman

9 MARGARET "TOBY" LITTLE, General Public

10

11 APPEARANCES:

12 For the Applicant:

13 MOYES SELLERS & HENDRICKS LTD.
14 By: Jason Moyes
15 1850 North Central Avenue, Suite 100
16 Phoenix, Arizona 85004

17 Also Present:

18 Tod Brewer, Assistant to Chairman Stafford
19 Sarah Justus, kp environmental
20 Julie Larsen, paralegal to Mr. Moyes
21 Steven Morgan, kp environmental
22 Kenda Pollio, kp environmental
23 Mark Thompson, Pinal County Energy Center, LLC
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1 CHMN STAFFORD: Let's go on the record.
2 Now's the time set for the prehearing conference for the
3 application of Pinal County Energy Center, Docket Number
4 L-21314A-24-0144-00233, for Line Siting Case 233. I'll
5 start by taking appearances.

6 Mr. Moyes?

7 MR. MOYES: Afternoon, Mr. Chairman. I'm
8 Jason Moyes, with the law firm of Moyes, Sellers &
9 Hendricks, representing the applicant, Pinal County
10 Energy Center, LLC. With me today is Mark Thompson,
11 representing the applicant. And also from my office my
12 paralegal Julie Larsen, and from our environmental
13 consultants, kp environmental, we have Kenda Pollio and
14 Steve Morgan.

15 CHMN STAFFORD: And we also have Member
16 Little observing.

17 All right. Mr. Moyes, so you've got the
18 lodging arrangements for the committee members in Casa
19 Grande, correct?

20 MR. MOYES: Yes, at the Francisco Grand
21 Hotel & Golf Resort.

22 CHMN STAFFORD: Excellent.

23 So there's been no requests to intervene in
24 this matter?

25 MR. MOYES: That's correct. We did get

1 notice from TEP and UNS that they may have one of their
2 in-house counsel attend and just observe. They're not
3 planning to intervene in any way. But other than that,
4 we haven't heard from anyone.

5 CHMN STAFFORD: All right. And you agree
6 that the time limit for the committee to act is
7 December 25th, 2024?

8 MR. MOYES: Yes.

9 CHMN STAFFORD: And, let's see, the only
10 affected jurisdiction is Pinal County?

11 MR. MOYES: Correct.

12 CHMN STAFFORD: And you have complied with
13 the statute and they've gotten notice?

14 MR. MOYES: Yes.

15 CHMN STAFFORD: Okay. And you've complied
16 with the posting of publishing requirements, I believe
17 you still have your exhibits in the docket.

18 MR. MOYES: Yes. Those were all docketed
19 yesterday, and you should have a hard copy.

20 CHMN STAFFORD: I do. They got delivered
21 today. So you have the -- you have the exhibit showing
22 that you have published in the newspaper and sent it to
23 the affected jurisdictions. That's all -- everything
24 looks in order. The agenda, any objections or additions
25 to the agenda?

1 MR. MOYES: No, Mr. Chairman.

2 CHMN STAFFORD: All right. So we're all
3 set for the hearing to start Monday at 1:00, with the
4 public comment at 5:30, correct?

5 MR. MOYES: Yes.

6 CHMN STAFFORD: And we're scheduled to go
7 through the entire week. We may not take the whole week,
8 but we have it scheduled, correct?

9 MR. MOYES: That's correct. We're hoping
10 to be done by the end of Wednesday, if not sooner.

11 CHMN STAFFORD: Okay. And you've got, I
12 assume, Peaks Audio set up?

13 MR. MOYES: That's correct.

14 CHMN STAFFORD: Okay. Good. All right.
15 And you have a tour itinerary, right?

16 MR. MOYES: Yes.

17 CHMN STAFFORD: Okay. Excellent. If we do
18 a tour, that would be taken on, you think, Tuesday or
19 Wednesday?

20 MR. MOYES: We were planning Tuesday
21 morning, most likely, and have vehicles arranged if the
22 committee decides to actually do that. But we will
23 provide a virtual flyover hopefully Monday night and
24 maybe give you a good enough idea of whether you want to
25 go forward the next morning.

1 CHMN STAFFORD: Okay. Yeah, we'll
2 definitely make that decision before we recess at 5:00 on
3 Monday so you'll know what's happening for Tuesday.

4 It's business casual attire for the
5 hearing. You'll have the sign-in forms for public
6 comment with the box to check if you wish to speak or
7 not?

8 MR. MOYES: Love the checkbox.

9 CHMN STAFFORD: Okay. Now, for security, I
10 understand there was a -- some problems with a David
11 Douglas Monter at one of the open houses at the hotel.
12 Can you give us an update on the status of that?

13 MR. MOYES: Yes. Mr. Monter has received a
14 no trespassing notice letter from the resort. Told he
15 will not be allowed on the property. We don't know if he
16 will try and call in during public comment. A police
17 report was filed with the Casa Grande Police Department.
18 We will have armed security throughout the duration of
19 the hearing. And we should be good to go.

20 CHMN STAFFORD: Okay. So if he does show
21 up, he can be arrested for violating the no-trespass
22 order, then?

23 MR. MOYES: That's correct.

24 CHMN STAFFORD: Okay.

25 MS. POLLIO: This is Kenda. We will also

1 have one -- we have two security guards, one will be
2 outside the room, so we are able to intercept him outside
3 the room and not have a commotion once he comes in. So
4 we will have a guard outside and inside.

5 CHMN STAFFORD: Okay. Good. And everyone
6 knows what he looks like, then, so we can be on the
7 lookout?

8 MS. POLLIO: We -- we do.

9 CHMN STAFFORD: Excellent. All right. No
10 other parties. You've got the exhibits filed. Are you
11 going to be presenting the witnesses in a panel or
12 individually?

13 MR. MOYES: Two panels, Mr. Chairman.

14 CHMN STAFFORD: How many panels?

15 MR. MOYES: Two. In the first panel there
16 will be three witnesses and four witnesses in the second
17 panel.

18 CHMN STAFFORD: Excellent.

19 And you've made the financial arrangements
20 with the Commission?

21 MR. MOYES: Yes.

22 CHMN STAFFORD: Okay. Now, I haven't seen
23 a Staff letter filed in the docket yet. Has there been
24 one or have I missed it or --

25 MR. MOYES: We have not heard anything from

1 Staff other than some data requests that they sent a few
2 weeks ago and that we responded to and supplemented again
3 as recently as last week. No word on whether they are
4 planning to intervene or participate.

5 CHMN STAFFORD: Okay. Well, if they were
6 going to intervene, they probably would have done it by
7 now. Usually they would have sent a letter in response
8 to the letter that I sent, but I haven't seen that yet.
9 I did see that you did file your response to data
10 requests as Exhibit 17. So that's in the record.

11 I've got the proposed CEC. Permit status,
12 you'll need -- you need to get a -- is it a plan
13 amendment from the County?

14 MR. MOYES: Yes, there's a comprehensive
15 plan amendment process going concurrently, as well as a
16 zoning change with Pinal County.

17 CHMN STAFFORD: Okay.

18 MR. MOYES: The air permit has already been
19 obtained.

20 CHMN STAFFORD: I saw that. It's already
21 in the application, that's -- you don't usually see the
22 air permit all the way to go in the application, so
23 that's a step forward. There's no need for process,
24 because this is all private land; is that correct?

25 MR. MOYES: That's correct.

1 CHMN STAFFORD: All right. So you'll have
2 the notebooks, I guess the tablets, for the Committee
3 members and the exhibits and everything?

4 MR. MOYES: Yes.

5 CHMN STAFFORD: Okay.

6 MR. MOYES: The typical room arrangement
7 and technology that you're accustomed to.

8 CHMN STAFFORD: All right. And so then all
9 we need is one copy of the exhibits for the court
10 reporter. You sent me four hard copies, so I can just
11 bring one and give to the court reporter, so you
12 shouldn't need to bring any more hard copies.

13 MR. MOYES: That sounds great. I apologize
14 you got so many.

15 CHMN STAFFORD: That's no problem. Let's
16 at least put them to use so they don't get wasted.

17 All right. Is there any other things that
18 we need to cover? I think that's everything on my list.
19 Is there anything else -- any things we need to cover,
20 Mr. Moyes?

21 MR. MOYES: Kenda, any other logistics
22 issues? I know you were planning a lunch for the
23 committee members who are there on the first day; is that
24 correct?

25 MS. POLLIO: Yes. We will have lunch

1 served at 11:30, so as the committee members come, they
2 will be able to have lunch prior to the start time at
3 1:00. We will also have snacks in the afternoon every
4 day and light coffee/breakfast in the morning prior to
5 the hearing.

6 CHMN STAFFORD: Okay. And we'll have
7 90-minute breaks for the court reporter, so --

8 MS. POLLIO: Yes.

9 CHMN STAFFORD: I think -- I think I'll
10 have time to send the information that you emailed about
11 Mr. Monter to all the members, so they'll just -- just
12 for their general awareness. And so if they see him
13 lurking around, they'll know what he looks like, they can
14 notify security or the hotel, if they see him.

15 MR. MOYES: Probably a good idea. We've
16 had some ongoing vandalism on the project signs at the
17 site. We -- we have our suspicions.

18 CHMN STAFFORD: Right. You didn't spring
19 for the hidden cameras watching the signs --

20 MR. MOYES: I actually proposed that. I
21 would love to catch him red-handed.

22 CHMN STAFFORD: All right.

23 Is there anything else we need, Tod?

24 MR. BREWER: No, Mr. Chairman. I believe
25 that's it. Thank you.

1 CHMN STAFFORD: Okay. Robin, do you have
2 everything you need?

3 THE REPORTER: I think I've got it all.

4 CHMN STAFFORD: Very good. We're -- we got
5 out of here and this done in plenty of time for you to
6 get back to the Commission proceeding.

7 THE REPORTER: Thank you.

8 CHMN STAFFORD: All right. Thank you very
9 much. And I look forward to seeing you all on Monday.
10 And with that we're adjourned. Thanks.

11 MR. MOYES: Thank you, everyone.

12 (The hearing concluded at 3:10 p.m.)

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1 STATE OF ARIZONA)
COUNTY OF MARICOPA)

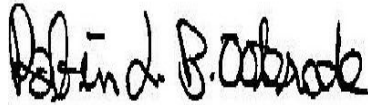
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4 BE IT KNOWN that the foregoing proceedings were
5 taken before me; that the foregoing pages are a full,
6 true, and accurate record of the proceedings all done to
the best of my skill and ability; that the proceedings
were taken down by me in shorthand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

7 I CERTIFY that I am in no way related to any of
8 the parties hereto nor am I in any way interested in the
outcome hereof.

9 I CERTIFY that I have complied with the ethical
10 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
11 7th day of August, 2024.

12



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CA CSR No. 7750
AZ CR No. 50695

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18 I CERTIFY that Glennie Reporting Services, LLC,
19 has complied with the ethical obligations set forth in
ACJA 7-206(J)(1)(g)(1) through (6).

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