

1 BEFORE THE ARIZONA POWER PLANT LS-369

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION ) DOCKET NO.  
 4 OF PINAL COUNTY ENERGY CENTER, ) L-21314A-24-0144-00233  
 LLC, IN CONFORMANCE WITH THE )  
 5 REQUIREMENTS OF ARIZONA REVISED ) LS CASE NO. 233  
 STATUTES 40-360 ET. SEQ., FOR A )  
 6 CERTIFICATE OF ENVIRONMENTAL )  
 COMPATIBILITY AUTHORIZING THE )  
 7 CONSTRUCTION OF A 480 MW NATURAL )  
 GAS-FIRED, SIMPLE CYCLE, PEAKING )  
 8 POWER GENERATING FACILITY )  
 LOCATED NEAR CASA GRANDE, ) EVIDENTIARY HEARING  
 9 ARIZONA, IN PINAL COUNTY. )  
 \_\_\_\_\_ )

10

11 At: Casa Grande, Arizona

12 Date: August 15, 2024

13 Filed: August 20, 2024

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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 VOLUME IV  
 (Pages 649 through 829)

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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 The Francisco Grande Hotel and Golf Resort,  
5 12684 West Gila Bend Highway, Casa Grande, Arizona,  
6 commencing at 10:03 a.m. on August 15, 2024.

7

8 BEFORE: ADAM STAFFORD, Chairman

9 GABRIELA S. MERCER, Arizona Corporation Commission  
10 LEONARD DRAGO, Department of Environmental Quality  
11 DAVID FRENCH, Arizona Department of Water Resources  
12 NICOLE HILL, Governor's Office of Energy Policy  
13 (via videoconference)  
14 R. DAVID KRYDER, Agricultural Interests  
15 SCOTT SOMERS, Incorporated Cities and Towns  
16 (via videoconference)  
17 ROMAN FONTES, Counties  
18 (via videoconference)  
19 MARGARET "TOBY" LITTLE, PE, General Public  
20 (via videoconference)  
21 DAVE RICHINS, General Public  
22 (via videoconference)  
23 JOHN GOLD, General Public

24

25 APPEARANCES:

For the Applicant:

26 Jason Moyes, Esq.  
27 Moyes Sellers & Hendricks LTD.  
28 1850 North Central Avenue  
29 Suite 1100  
30 Phoenix, Arizona 85004

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1 CHMN STAFFORD: All right. Let's go back  
2 on the record. I see Members Hill, Little, Fontes.  
3 Member Fontes, you don't have a camera on yours?

4 MEMBER FONTES: That is correct,  
5 Mr. Chairman. My apologies to the court reporter.

6 CHMN STAFFORD: Member Somers, do you have  
7 a camera?

8 MS. MARTINEZ: He briefly stepped away.  
9 He'll be right back. For Councilmember Somers.

10 CHMN STAFFORD: Oh, okay. Thank you.  
11 There's Member Richins. All right. I've got a new setup  
12 here so I can see all the members that are online. So if  
13 you want to jump in and speak, you just go ahead, you can  
14 wave at me and I'll see you and call you and then the  
15 court reporter will know exactly who's saying what.

16 All right. Mr. Moyes, are you prepared to  
17 put -- I think we'll start with Chairman's 2 and 3 on the  
18 screens.

19 MR. MOYES: Yes. If Peaks is able to pull  
20 those up. I don't think that's it. Hold on. If you'll  
21 give us just a moment, Mr. Chairman.

22 CHMN STAFFORD: Certainly.

23 MR. MOYES: Mr. Chairman, did you ask for  
24 Chairman's Exhibit 2 and 3 to be up on the screen --

25 CHMN STAFFORD: Yes.

1 MR. MOYES: -- or 1 and 2.

2 CHMN STAFFORD: It's 2 and 3, because 2 is  
3 the Word document we're working off of.

4 MR. MOYES: Okay.

5 CHMN STAFFORD: 1 is the PDF that you  
6 filed, and then 3 is what we're looking forward to seeing  
7 most I think, is proposed conditions from the applicant.

8 MR. MOYES: So if we can put 2 on the left.  
9 That would be, Julie, and 3 on the right. There we go.  
10 All right. I think we're okay now.

11 CHMN STAFFORD: Can you blow up 3 some  
12 more?

13 Now, Members online, can you see the new  
14 language proposed by the applicant, Chairman's 3, or do  
15 you need to get that sent to you by e-mail to see it?

16 MEMBER LITTLE: I can see it, Mr. Chair.

17 MEMBER HILL: I can see it. I didn't get  
18 an e-mail.

19 MEMBER RICHINS: I can see it as well. I  
20 did get an e-mail.

21 CHMN STAFFORD: Okay.

22 MEMBER KRYDER: It's difficult for me to  
23 read.

24 MEMBER GOLD: They can make it a little  
25 larger. Is there a way they can make it larger so we can



1 read it at this end? We're having a little trouble.

2 CHMN STAFFORD: Yeah, can you make -- which  
3 one, Chairman's 2? The left screen, yeah. Can you make  
4 that larger?

5 MEMBER KRYDER: Much better. Much better.  
6 Thank you.

7 MEMBER GOLD: Perfect.

8 CHMN STAFFORD: Okay.

9 MEMBER GOLD: Mr. Chairman, can we scroll  
10 up on the right-hand screen so we can read the rest of  
11 it?

12 CHMN STAFFORD: You know what actually  
13 might work better is can we put Chairman's 3 on the iPad  
14 so that we can scroll and read them, the members can  
15 scroll and read them more easily? Is that going to take  
16 a minute? All right. Let's go off the record for a  
17 minute so they can get those loaded up because it's going  
18 to be cumbersome to have them scroll according to  
19 different people's read rates.

20 (Discussion held off the record.)

21 CHMN STAFFORD: Let's go back on the record  
22 while you're having discussions among the Committee  
23 members.

24 All right. Go ahead, Member Little.

25 MEMBER LITTLE: I'm just curious, I thought

1 I heard other members say that they had gotten an e-mail  
2 with this with Chairman's 3.

3 CHMN STAFFORD: I don't believe so.

4 Mr. Moyes, did you send out an e-mail? I don't think you  
5 did, did you?

6 MR. MOYES: No.

7 CHMN STAFFORD: You sent the prior CECs  
8 that are decision -- Commission decisions out, but not  
9 the language you're proposing today.

10 MR. MOYES: Correct.

11 MEMBER LITTLE: No problem.

12 CHMN STAFFORD: Okay.

13 MEMBER RICHINS: Chairman, I see Chairman's  
14 1 and 2 in my e-mail but not 3.

15 CHMN STAFFORD: Right, because I didn't  
16 have 3 until --

17 MEMBER RICHINS: Perfect. I had assumed  
18 that they were all there, so my apologies.

19 CHMN STAFFORD: Okay. You might want to  
20 send -- would it be easier for the online members to get,  
21 just to get Chairman's 3 by e-mail, and then the members  
22 in the room, we could put it on the Kindle and that way  
23 we can all look at it and read it at our own pace.

24 That's okay. We'll go off the record while  
25 they do that and that should take probably about five or

1 ten minutes, I think.

2 MR. MOYES: Okay.

3 CHMN STAFFORD: All right. Let's go off  
4 the record.

5 (Discussion held off the record.)

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

8 Okay. All Members should have copies of  
9 the additional proposed conditions from the applicant. I  
10 see Member Hill has them. Member Little does. Member  
11 Fontes, do you have them?

12 MEMBER FONTES: Yes, Mr. Chairman.

13 CHMN STAFFORD: Member Richins.

14 MEMBER RICHINS: Yes, Mr. Chairman.

15 CHMN STAFFORD: Member Somers?

16 (No response.)

17 CHMN STAFFORD: Member Somers?

18 MEMBER RICHINS: Hey, Alicia, did he get  
19 it? Alicia is monitoring the hearing for him.

20 MS. MARTINEZ: Did it go to his personal or  
21 his -- because he had to step out, they had interviews  
22 for council. So if it went to his --

23 MR. MOYES: It was sent to the -- it was  
24 sent to the address that the distribution list had.

25 MS. MARTINEZ: Yeah. But I can

1 double-check. He should be on in a minute.

2 MEMBER RICHINS: Alicia, do you need them  
3 to send it to his council address?

4 MS. MARTINEZ: Yeah, that would be great.

5 MEMBER RICHINS: Why don't you drop that in  
6 the chat? That way she could prep it for him while he's  
7 waiting. Alicia is just in the best assistant in the  
8 whole city of Mesa, just FYI. She used to be mine.

9 MS. MARTINEZ: All right. I'll drop the  
10 e-mail in the chat.

11 CHMN STAFFORD: Mr. Moyes, once we confirm  
12 all the members have copies of the additional proposed  
13 conditions I'd like for you to talk us through them.

14 MR. MOYES: Yes. And I'd like to provide  
15 some --

16 CHMN STAFFORD: Context?

17 MR. MOYES: Correct.

18 CHMN STAFFORD: Thank you. We would  
19 appreciate that.

20 MR. MOYES: Julie needs to e-mail that to  
21 Member Somers real quick.

22 If you can give us a moment, we're having  
23 technical difficulties with the computer interaction.  
24 There we go.

25 CHMN STAFFORD: Member Somers, do you have

1 a copy now?

2 MR. MOYES: It looks like it bounced back  
3 as undeliverable with the address we were given.

4 MS. MARTINEZ: I don't see it in there, but  
5 you said it bounced back?

6 MR. MOYES: Are you okay if we announce the  
7 e-mail address on the record, or should we go off and  
8 confirm?

9 CHMN STAFFORD: You should probably go off  
10 and confirm.

11 MEMBER RICHINS: He's a public official.

12 CHMN STAFFORD: Is it a public official  
13 e-mail address or is it a personal e-mail address we're  
14 sending to?

15 MR. MOYES: It's a mesaaz.gov address.

16 CHMN STAFFORD: It should be public, then,  
17 I guess.

18 MS. MARTINEZ: It's public. You can go  
19 ahead.

20 CHMN STAFFORD: Yeah.

21 MS. MARTINEZ: They're mailing something  
22 but they're waiting to confirm the e-mail.

23 MR. MOYES: We were missing a period.

24 Councilmember.somers@mesaaz.gov; is that  
25 correct?

1 MS. MARTINEZ: Correct.

2 MR. MOYES: Correct.

3 CHMN STAFFORD: All right. Member Somers,  
4 you should have it now.

5 MS. MARTINEZ: Not seeing it yet. Hold on.  
6 Let me refresh. Got it.

7 CHMN STAFFORD: Okay. Excellent.

8 All right. Now all members have copies of  
9 the additional proposed conditions. Mr. Moyes.

10 MR. MOYES: Are we ready to proceed?

11 CHMN STAFFORD: Yes.

12 MR. MOYES: Thank you. Mr. Chairman,  
13 Members of the Committee, I wanted to give some  
14 introductory comments on how and why we came up with  
15 these additional conditions.

16 Obviously the applicant has listened  
17 attentively for three days of hearings, all of your  
18 comments from Committee Members, the community's input,  
19 and we did closely examine both of the CECs that were  
20 recommended by the Chairman, namely the San Tan CEC from  
21 2001 and the most recent Coolidge expansion CEC.

22 I wanted to point out a couple of key  
23 differences between those areas and our project.  
24 Particularly, the San Tan project.

25 In that project, there are over 6,000

1 residences, including public parks and other public  
2 buildings within a one-mile radius of the plant. Here,  
3 within a one-mile radius we have less than 100 residences  
4 and no other public facilities. So keep that context in  
5 mind when we explain these conditions.

6           However, we've tried to mimic the language  
7 as best we can according to how those CECs were written  
8 and address all of the potential conditions that the  
9 Chairman explained yesterday that the Committee members  
10 may be considering.

11           There are a number of potential mitigation  
12 measures that were mentioned, that as we explained  
13 yesterday fall under the purview of the county and will  
14 be very closely monitored in our land use planning and  
15 our comprehensive plan amendment with the county as well  
16 as our zoning.

17           We've also described those here, but I  
18 wanted to lay that groundwork so you understand why there  
19 may be certain specifics that we can't yet define here in  
20 this document, because we don't know yet what the  
21 County's going to ask us to do.

22           However, we have attempted to be responsive  
23 to those concerns and address those, and we'll go through  
24 those line by line.

25           I'll also start by saying after we read the

1 first condition which explains a general overview of our  
2 intent to put the decision-making power mainly back into  
3 the community's hands, we feel it's best that the  
4 community members who are going to be impacted have the  
5 power and the resources to decide what's best for them as  
6 opposed to us or really the Committee dictating  
7 specifically what measures is best for them, and those  
8 measures may evolve over time. They may change.

9 And as the plant's being constructed,  
10 people may be enlightened on what works better for them  
11 or how best to spend available funds.

12 So with that said we're ready to go through  
13 those additional conditions, Mr. Chairman.

14 CHMN STAFFORD: Please do, Mr. Moyes.

15 MR. MOYES: The first condition and I'll  
16 just read these in no particular order, "applicant shall  
17 establish a community working group to share operational  
18 study results and coordinate reasonable mitigation  
19 strategies where necessary.

20 "The CWG will be composed of four members  
21 from the local community who live within a one-mile  
22 radius of the project, two members representing the  
23 applicant, and up to two representatives from Pinal  
24 County.

25 "Applicant shall retain an independent



1 facilitator acceptable to the CWG to coordinate quarterly  
2 meetings with members of the CWG.

3 "It shall be the role of the facilitator to  
4 assist in conducting an orderly and productive process.  
5 The facilitator may, if necessary, employ dispute  
6 resolution mechanisms."

7 That should say "applicant."

8 "Applicant shall deposit into a revolving  
9 CWG fund the amount of \$428,000 per year for a period of  
10 10 years commencing on the earlier of February of 2026 or  
11 three months prior to initial groundbreaking. Each  
12 subsequent year during the term shall be funded by  
13 November 15 of the previous calendar year.

14 "Applicant shall provide timely  
15 documentation of the following items for review by the  
16 CWG: For preconstruction matters, preconstruction final  
17 engineering design reports, landscaping design, ingress  
18 and egress plan to the project's main entrance, emergency  
19 response plan and notification parameters (reviewed  
20 annually), project construction time line, traffic study,  
21 truck traffic study, and a traffic route for delivery of  
22 equipment.

23 "During the operational period, air  
24 emissions reporting, compliance reporting with the ACC,  
25 provide generation production summary data regarding

1 fuels, megawatt hours, et cetera, provide groundwater  
2 pumping reporting, provide reports on evaporation pond  
3 liner condition, sampling of water, et cetera.

4 "Provide reports on any known wildlife  
5 impacts, review the emergency response plan and  
6 notification parameters" -- which we'll discuss in more  
7 detail later -- "report of any lost time accidents,  
8 disclosure of any reportable spills, respond in a  
9 reasonable manner to any sound and lighting concerns."

10 Again, many of these conditions have  
11 expanded explanations later on.

12 "Applicant shall report on the findings and  
13 actions taken by the CWG in each annual certification  
14 letter filed with the Arizona Corporation Commission.

15 "Applicant shall comply with all applicable  
16 National Fire Protection Association codes and standards  
17 for all components of the project.

18 "Applicant shall prepare a comprehensive  
19 emergency response plan in coordination with the  
20 appropriate local area police and fire departments, or as  
21 they're more commonly known, the authorities having  
22 jurisdiction.

23 "This emergency response plan shall include  
24 a notification plan and to provide information to  
25 community residents relative to potential emergency

1 situations arising from the project.

2 "Applicant agrees to work with the AHJ to  
3 jointly develop on-site and off-site evacuation plans as  
4 may be reasonably appropriate. Copies of these plans  
5 will be made available to the public and on Applicant's  
6 website to the extent plans are not confidential. This  
7 cooperative work and plan shall be completed prior to the  
8 operation of the project.

9 "Applicant shall repair any  
10 construction-related damages caused to existing off-site  
11 access roads used during construction.

12 "Within 120 days after commercial operation  
13 of the project, applicant shall conduct a noise survey  
14 overseen by a qualified independent third party. The  
15 results of the survey shall be made available to the  
16 public and reported to the Arizona Corporation  
17 Commission. If the results exceed Pinal County noise  
18 ordinance standards, applicant shall implement additional  
19 noise mitigation as necessary to achieve compliance with  
20 those standards.

21 "Applicant's use of groundwater for the  
22 project shall not exceed 420 acre feet per year averaged  
23 over any three-year period." And I'll pause there to  
24 explain.

25 420 acre feet represents roughly 91 percent

1 of the average use of that well since it was reactivated  
2 in 2016. We calculated that a number of ways. We  
3 took -- we removed the high end, we removed the low end,  
4 we took a full eight-year average, we took a six-year  
5 average, it all comes out roughly the same, 240 acre  
6 feet -- I'm sorry -- 400 -- that average. Excuse me,  
7 Mr. Chairman, was 463 acre feet and change.

8 So the 420 that we are proposing is a  
9 substantial cut even from that. 91 percent of that.

10 So, again, trying to be good stewards of  
11 the groundwater resource, that amount reflects  
12 essentially the bare minimum that we could effectively  
13 operate the plant on an economic basis. And frankly is a  
14 major concession for this developer.

15 Continuing on: "The applicant agrees that  
16 it will not seek to expand the thermal generation of the  
17 site without seeking to first amend the existing  
18 certificate of environmental compatibility before the  
19 Arizona Power Plant and Transmission Line Siting  
20 Committee and the Arizona Corporation Commission.

21 "At the end of the project's useful life,  
22 applicant will comply with all OEM-directed procedures  
23 for the safe disposal or recycling of project equipment.

24 "Applicant shall work with Pinal County on  
25 an adequately documented decommissioning plan."

1           Again, that's one of those matters I know  
2   that Chairman [sic] Fontes in particular wanted to have  
3   post-life plans in place. Something that the County is  
4   normally responsible for. CECs do not typically impose  
5   decommissioning requirements or decommissioning bonds.  
6   That falls under the jurisdiction and purview of the  
7   counties. It's their land and they're the one who  
8   control those parameters.

9           But wanted, again, to remind the Committee  
10  that this applicant will absolutely be complying with  
11  that requirement and preparing an appropriate  
12  decommissioning plan.

13           Moving on. "Applicant agrees to comply  
14  with all applicable federal, state, and local regulations  
15  relative to storage and transportation of chemicals used  
16  at the plant.

17           And lastly, "In performing each of the  
18  conditions in this order, applicant in conjunction where  
19  applicable with the CWG and Pinal County, shall consider  
20  and attempt to maximize the positive effect of its  
21  activities on the value of the homes in the surrounding  
22  neighborhoods."

23           Many of these conditions, the wording for  
24  them were taken directly from those previous CECs, you  
25  may notice.

1                   And Mr. Chairman, those are the conditions  
2 that we are proposing. We believe we've covered  
3 everything that was mentioned yesterday. We hope that  
4 this will demonstrate to the neighbors, to the impacted  
5 community members, that we're not here to harm them.

6                   We intend to do no harm as much as  
7 commercially possible, as much as reasonably possible.  
8 And we really do want them to have the decision-making  
9 power of how those funds are used.

10                   The community working group fund in  
11 particular will be up to them if they decide one year  
12 after the next that one particular measure is more  
13 effective or they don't want to use money in one year,  
14 they can save it for the next.

15                   So they'll have 10 years and roughly  
16 \$4 million to spend over that time to figure out what  
17 works best for them.

18                   CHMN STAFFORD: Thank you very much. I  
19 appreciate the Applicant's work on this. You really have  
20 gone above and beyond trying to mitigate the impacts of  
21 this project. And the Committee, we appreciate that.

22                   Are there questions from Members about  
23 these proposed conditions?

24                   MEMBER GOLD: Mr. Chairman.

25                   CHMN STAFFORD: Yes, Member Gold.

1 MEMBER GOLD: First question is to you, and  
2 then it's going to be to the Committee. Regarding the  
3 CECs that were referred to, did either of those projects  
4 have these lithium batteries?

5 CHMN STAFFORD: No, but the lithium  
6 batteries are nonjurisdictional. The CEC is for the gas  
7 plant.

8 MEMBER GOLD: Understood. Bud did any --  
9 neither of those places had lithium batteries or BESS  
10 systems.

11 CHMN STAFFORD: No, they did not.

12 MEMBER GOLD: Okay. Now, my question,  
13 first comment, you guys did an exceptional job. I listed  
14 five items that needed to be focused on. You found six.  
15 And I think that is very impressive on your part and I  
16 wish to thank you for that on behalf of the Committee and  
17 reiterate what the Chairman said.

18 I only have one issue that is relating to  
19 the question I just asked.

20 The battery system, the lithium battery  
21 system to the best of my knowledge cannot be put out, if  
22 it starts burning, with water. And the procedure they're  
23 using today is to let it burn, and they are developing  
24 chemicals or things that can retard the fire, but they're  
25 not really in wide use yet.

1                   Is there a particular reason why you don't  
2 wish or have included a block wall around the battery  
3 system? Is that prohibitively expensive or is it  
4 something that you would consider with that \$4.8 million  
5 that you have allocated there?

6                   MR. MOYES: Member Gold, the \$4 million for  
7 the community working group fund will be for external  
8 mitigation measures that the neighborhood decides to  
9 implement outside of the project boundaries.

10                   As we testified yesterday, there are  
11 already built into the battery facility extensive fire  
12 protection systems and enclosures including cooling  
13 systems and water.

14                   In addition, the emergency response plan  
15 that we've dictated here in these additional conditions  
16 and the firm that was explained yesterday that the  
17 applicant has already retained and will be using to  
18 develop that plan in conjunction with the County is the  
19 national leading expert for implementing and developing  
20 the latest technology for emergency response to  
21 batteries, specifically.

22                   MEMBER GOLD: So I --

23                   MEMBER FONTES: Mr. Chairman, if I may.

24                   CHMN STAFFORD: One second, Member Fontes.

25 Member Gold hasn't finished his questioning.



1 MEMBER GOLD: So you are working with one  
2 of those experts in this field. If they recommend you  
3 put a block wall around that battery as some type of  
4 barrier around the better, that is something you will  
5 comply with?

6 MR. MOYES: That's correct.

7 MEMBER GOLD: Thank you.

8 CHMN STAFFORD: Member Fontes.

9 MEMBER FONTES: My understanding is that we  
10 don't have a final design from the Applicant's  
11 representations in the past few days. Do we have a final  
12 design that is construction ready?

13 MR. MOYES: Not at this point. Our design  
14 is preliminary at this stage.

15 MEMBER FONTES: Okay. So Member Gold is a  
16 little bit off track there.

17 So in this, I got a couple of questions,  
18 but I want to focus on the ones related to Member Gold,  
19 Mr. Chairman, so I'm just going to focus on that. I'll  
20 reserve the other comments for later.

21 With respect to whatever you choose for the  
22 final design, and I think you're probably better suited  
23 than any of us with a professional engineering firm and a  
24 construction UPC contractor, does this document allow for  
25 the public and the community working group to review that

1 and factor into the account the other citizens' concerns  
2 from these other power plants that we've been referencing  
3 the past three days, Redhawk, San Tan and Coolidge.

4 The concern is that we want to make sure  
5 that the citizens get to look at these issues we've  
6 uncovered in these hearings on the visibility, safety,  
7 fire, and just have a detailed briefing for you in the  
8 final design.

9 And the way that this is worded in here, it  
10 says "preconstruction final engineering design reports,"  
11 but do they have a right to comment and/or to have a  
12 forum to influence change? That seems to be missing from  
13 the document.

14 So just like a little clarification on that  
15 point and then I'll save my other comments for later.

16 MR. THOMPSON: So the intent of -- this is  
17 Mark Thompson. Thank you for the question.

18 The intent of the language to provide those  
19 engineering designs, of course, you know, we have to  
20 defer to engineering reasons for the way things were  
21 designed and we will explain those to the community. But  
22 we are sharing those with the community so that they do  
23 have the ability to make comments, review setbacks,  
24 identify any changes versus that which we've already  
25 presented to see if they believe there is a substantial

1 change versus our preliminary design and therefore, you  
2 know, raise any concerns that they may have of additional  
3 visual, additional sight.

4 And in -- simultaneous to that we will be,  
5 you know, working with them on the emergency response  
6 plan. And so the emergency response plan is directly  
7 entailed and intertwined with the design of the plant and  
8 the reason why it's designed the way it is.

9 MEMBER FONTES: I appreciate that, and I  
10 think that's what I was getting at. My suggestion is  
11 that in the preconstruction there that we just put in  
12 words to effect, and maybe this is a task for Mr. Moyes  
13 to work with you, Mr. Thompson, that the public will, you  
14 know, have the ability or at least through the working  
15 group the ability or at least the working group the  
16 ability to review that final design for the things like  
17 the barrier, the safety standoff, and the visibility  
18 aspects prior to construction. That's what I'm trying to  
19 get at.

20 I think that's -- that's a reasonable --  
21 what you're implying in the overall conditions and what  
22 you put forth today. So I'd ask to put that in there  
23 just to put a little fine tuning on that, and address  
24 Member Gold's concerns, too.

25 MR. MOYES: Yes, Member Fontes, as you'll

1 see in the bullet points under the description of the  
2 CWG, responsibilities under preconstruction, we have  
3 listed preconstruction final engineering design reports  
4 as well as emergency response plan.

5 As Mr. Thompson testified, that is  
6 absolutely the intent that as that information is shared  
7 with that group, there will be members from the applicant  
8 as part of that group, there'll be members of the public  
9 there.

10 In addition, as we already mentioned the  
11 county process that's ongoing and will continue as the  
12 county develops its own emergency response plan and fire  
13 plan and what have you, there will be opportunities for  
14 public input into all of that.

15 MEMBER FONTES: So on that, again, it  
16 just -- it says "review." So review, comment and  
17 proposed change for consideration. Just a couple  
18 additional words in there. Because review can be just  
19 okay kind of, okay, they saw it. You know what I'm  
20 saying? I want them to be able to --

21 CHMN STAFFORD: Don't be making changes to  
22 the exhibit yet. We're not voting on anything so should  
23 remain as it is and then we get to the -- hang on a  
24 second. I'm talking to the applicant over here. Yes.  
25 Don't make changes to the Exhibit 3 yet.

1 We'll do that when we -- we'll have to move  
2 the Chairman's 2, which is the draft CEC and then we'll  
3 incorporate these into there and then once we'll have to  
4 put -- adopt a new condition and amend it at that time.  
5 This is just for discussion only. So don't make any  
6 changes to any of the documents on the screen yet.

7 MEMBER FONTES: Thank you, Mr. Chairman.  
8 And that's exactly where I was going. This is a  
9 discussion at this point just for input.

10 CHMN STAFFORD: All right. Please proceed.  
11 Member Richins.

12 MEMBER RICHINS: I just had one question on  
13 the community working group facilitation. It says that  
14 you'll be retaining a facilitator. Does that come out of  
15 the budgeted funds, the \$428,000 budgeted funds? Or are  
16 you paying for that facilitator independent of that  
17 money?

18 MR. MOYES: It would come out of the funds.  
19 That's why we included the amount that we did.

20 MEMBER RICHINS: Okay. Thank you.

21 CHMN STAFFORD: Member Little.

22 MR. MOYES: In I might add to that, we did  
23 consult with parties from those previous CECs and asked  
24 follow-up questions as to how their community working  
25 groups have played out over time and what they did in

1 terms of facilitators and mediators, and again have tried  
2 to mimic that process.

3 CHMN STAFFORD: Thank you. Member Little.

4 MEMBER LITTLE: I'm curious. Approximately  
5 what capacity factor does the 420-acre-feet maximum  
6 represent?

7 MR. MOYES: We'll have that shortly.

8 MR. THOMPSON: Approximately 36 percent.

9 MEMBER LITTLE: Thank you.

10 CHMN STAFFORD: Any other questions from  
11 members? Comments?

12 Member Hill.

13 MEMBER HILL: Thank you, Mr. Chair.

14 I wanted to talk -- or ask a couple  
15 questions about the noise surveys.

16 This plant is pretty intermittent as we've  
17 talked about. I mean, it really is meant to rapidly fire  
18 up when there's peak demand. And I'm just a little bit  
19 concerned about, you know, the periods in which you're  
20 conducting noise surveys doesn't really reflect -- if we  
21 don't hit it at the right time.

22 So I was wondering if you could talk about  
23 what it looks like to do within 120 days of commercial  
24 operations of the project, you'll conduct noise surveys.

25 Because my thought was to really kind of

1 maybe do continuous noise for, I mean, I can't even say  
2 three months or six months because if it's not the right  
3 months, then we're not really getting peak load either.

4 So my thought was continuous monitoring for  
5 one year, because that really gives us the baseline of  
6 what the experience is for residents in the area. And  
7 then intermittent stuff beyond that. And so I was  
8 wondering if you could talk about how you would approach  
9 this -- this noise survey at 120 days. And, yeah, can  
10 you just fill us in on what that would include?

11 MR. THOMPSON: Yes. Committee Member Hill,  
12 thank you for the question.

13 The intent for -- the reason why there's  
14 120 days there is the intent was all 10 turbines would be  
15 operating at the same time. So we would agree to put  
16 that language in there.

17 The intent is we will be required, part of  
18 the air permit to do, you know, testing that's full load  
19 test, it's called a source test, and that's to validate  
20 the air permit parameters and the details that we  
21 identified in the air permit for ultimate compliance.  
22 Those are required within a certain amount of time after  
23 commercial operation.

24 We need a certain amount of time for what's  
25 called shakedown and startup, which is working through

1 all the plant details.

2           So the intent was to provide a sound study  
3 equal to the same process which we did the simulations  
4 which we would do a, you know, one when all the turbines  
5 were operating at the same time, and then one where all  
6 the chillers were operating at the same time. So that  
7 it's reflective of true operations of the facility.

8           Those are, in standard industry is --  
9 practice is to do these what's called source tests which  
10 are these one-time tests that typically last from four to  
11 six hours at a time which would include the start and the  
12 shutdown during that process.

13           So, you know, you would be aware if there  
14 was any additional, you know, noise issues during the  
15 startup, for example.

16           And that's typically what's done.

17           What the industry has found is that these  
18 longer-term continuous monitors such as avian monitor at  
19 a wind field or something like that for sound are not  
20 necessarily reflective.

21           The perspective that I would have -- the  
22 concern I would have is the Attesa racetrack, for  
23 example, would be providing noise to the area that is not  
24 reflective of our project and any noise coming from our  
25 project but it would not be -- you would not be able to



1 tell just from a sound monitor where that noise was  
2 specifically coming from.

3 So those would be the concerns that we  
4 would have with a continuous 80-day or monitoring system  
5 or something like that.

6 Now, given that, you know, remember that we  
7 do have continuous emissions monitoring systems that are  
8 identified, and those are 24 hours at all times with any  
9 equipment that's emitting would be -- would be monitored  
10 there.

11 And then the last point that I wanted to  
12 add was that -- I lost my train of thought. I apologize.

13 Right. And so with that sound study that's  
14 done, there's two things. One, we've agreed to cover any  
15 additional cost to attenuate that sound ourselves, so  
16 that's not part of the community funding. Number one.

17 And number two, the community advisory  
18 group has the right to file any noise aggravations and  
19 then we can go back and if it's reasonable do a sound  
20 test to -- to either address their concern or explain a  
21 one-off issue that may have caused a sound event.

22 MEMBER HILL: Great. Okay. So I'm going  
23 to restate this and I want you to tell me if I'm hearing  
24 this correctly.

25 The two concluding thoughts that you had

1 were that if the -- if there is a noise reading that is  
2 not -- that exceeds the county standards, then you would  
3 incur the cost to resolve that and that wouldn't impact  
4 the community fund; right?

5 MR. THOMPSON: That is correct.

6 MEMBER HILL: Okay. And if a set of  
7 neighbors were having issues, they could file some kind  
8 of complaint or form and your company would be  
9 responsible for evaluating that area or that place as a  
10 function of the complaint? And then addressing that, not  
11 impacting the community fund.

12 MR. THOMPSON: That's correct.

13 MEMBER HILL: Okay. That's helpful. Thank  
14 you, Mr. Thompson.

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: I hear two voices. Member  
17 Gold, and who was the second?

18 MEMBER LITTLE: Me, Toby.

19 MEMBER FRENCH: Member Little.

20 CHMN STAFFORD: Let's let Member Gold go  
21 and then Member Little, you had another question?

22 MEMBER LITTLE: Yes, please.

23 CHMN STAFFORD: Okay. Member Gold.

24 MEMBER GOLD: Mine is going to be a quick  
25 one. When you do your -- this is for Mr. Thompson --

1 when you do your noise testing, you know, in light of the  
2 duck curve study that you showed us, you would do your  
3 noise testing in accordance with I think the times you  
4 used was 1200 to 1900 hours, military time? So that  
5 would -- when it would be the noisiest, that would be  
6 your intention, I'm guessing.

7 MR. THOMPSON: Yes. Typical dispatch of  
8 the units would be from 1800 to 2400, and that's when we  
9 would do the testing. But in either case the testing  
10 would be done with all 10 gas turbines operating.

11 MEMBER GOLD: Thank you. Very well done.

12 CHMN STAFFORD: Member Little.

13 MEMBER LITTLE: My concern is perhaps with  
14 the language. I understand that the applicant is -- has  
15 the intention here of meeting the noise standards that  
16 would be for anybody. But I think I recall reading that  
17 generation plants are exempt from those, even though you  
18 have chosen to -- to abide by them.

19 And I'm just wondering whether the language  
20 maybe needs to be a little more explicit there to really  
21 reflect that you intend to not activate, I guess, an  
22 exemption that is possible. Am I correct there?

23 MR. THOMPSON: Committee Member Little,  
24 yes, it is our intention to comply with the noise codes  
25 and not claim any exemption.

1 MEMBER LITTLE: I don't know if this is a  
2 legal thing. I'm not a lawyer, maybe whether we need to  
3 make sure that the language reflects that intention, or  
4 if it's good enough. I just wanted to bring that up,  
5 thank you.

6 CHMN STAFFORD: Thank you, Member Little.  
7 Yeah, my understanding is that the conditions in the CEC  
8 would subject them to that requirement even though  
9 otherwise they would not be. We can, when we start  
10 voting language, we can tighten the language up if  
11 necessary.

12 MEMBER LITTLE: Thank you.

13 CHMN STAFFORD: Thank you. Member Fontes,  
14 you have your hand raised.

15 MEMBER FONTES: Thank you, Mr. Chairman. I  
16 got a few items for the document that I just want to  
17 clarify here so I'm going to point them out by paragraph.  
18 There's six.

19 On 24 you said the applicant may if  
20 necessary employ dispute mechanisms. Can I suggest that  
21 we also add the members of the local community so it's  
22 balanced there?

23 On the second page of item 24 under  
24 "Preconstruction," I think we missed having the public  
25 review the decommission plan and the funding that goes to

1 the county. Because I know you're going to have to do  
2 that anyway, we might well share that with them so they  
3 see that in preconstruction as a request.

4 On 27, it states, "Within 120 days after  
5 commercial operations of the Project commences, applicant  
6 shall conduct a noise survey overseen by a qualified,  
7 independent third party."

8 Who picks? Is that the CWG? Is that you?  
9 Because if you pick and pay that's not really  
10 independent, is it? From the public's perspective. So  
11 I'd ask you to address that.

12 On 28, "Applicant's use of groundwater for  
13 the Project shall not exceed 420 acre feet per year,  
14 averaged over any three-year periods."

15 Can we just state the previous three-year  
16 period, because I really like the way you phrased it,  
17 Mr. Moyes, that you're concerned and you want to stay in  
18 tune with the public.

19 That average could change on a rolling  
20 basis as we go forward into the future especially here in  
21 Arizona. So the request is to change from any to the  
22 previous.

23 On 30, I really appreciate that with  
24 respect to the county. I do know on other solar projects  
25 there's also a reference to financial assurance, be it a

1 surety bond or whatever the county requires.

2 Request that we include in here funding, or  
3 words that state decommission plan and evidence of  
4 funding in accordance with the county.

5 And then on item 31, it says, applicant  
6 agrees to comply with all applicable federal, state,  
7 local regulations for the storage, transportation of  
8 chemicals.

9 I think we should put water storage and  
10 hazardous materials, too, because chemicals in some  
11 areas, or hazardous materials and water may not include  
12 the definition of chemicals in some of the permits and  
13 applications you have.

14 Just to be a little more thorough, because  
15 then it reflects back to the design layout that we want  
16 to note that we have inputs on the citizen and it gets  
17 into the other things that we've talked about.

18 Lastly, I'd like to talk to you,  
19 Mr. Chairman, with respect to, I really appreciate  
20 Mr. Moyes' commitment to working with the CEC and the ACC  
21 on this.

22 But, and as he noted it relates what we're  
23 asking for relates to other permits. But I'd like to  
24 introduce the concept of a cross event of default  
25 triggering any kind of rights and remedies that we would

1 have at the ACC if you're in violation of any other  
2 state, local, federal, regulatory or governmental permit  
3 that you're issued.

4 I don't think you would, but in the event  
5 that things change in the future, and we have to look at  
6 a project in terms of a standard changing, we want to  
7 look at that in terms of the CEC we've issued.

8 And towards that Mr. Chairman, I e-mailed  
9 you some suggested language because it's probably too  
10 complex to do over this video, but just for consideration  
11 when we get to that.

12 I'd like to introduce a cross event to  
13 default in the event that some county or other  
14 environmental permit is required, a default that it would  
15 require a notification of us and update and review if  
16 necessary.

17 Thank you, Mr. Chairman.

18 CHMN STAFFORD: Thank you, Member Fontes.  
19 Any other questions from members? Member Hill?

20 MEMBER HILL: I'm slowly digesting this.  
21 Forgive me. I wanted to just ask a couple questions  
22 about the makeup of the community work group. And it's  
23 mostly the statement about up to two representatives from  
24 Pinal County.

25 When you say Pinal County, do you mean like

1 their staff or elected officials? Or are you talking  
2 about two people from Pinal County that maybe live a mile  
3 and a half from the plant and have a vested interest in  
4 what's happening because of visual or sound potential  
5 impacts?

6 When you capitalize Pinal County, I hear  
7 Pinal County, the institution. So can you tell me what  
8 your thinking was on that?

9 MR. MOYES: Our intention is the Pinal  
10 County governmental body, staff from planning and zoning,  
11 that sort of thing. Not other residents located in Pinal  
12 County.

13 MEMBER HILL: Okay. That's helpful.

14 MR. MOYES: And it would be employees, not  
15 elected officials, so it would be planning and zoning  
16 employees that understand zoning requirements, understand  
17 planning.

18 MEMBER HILL: Who have the technical  
19 experience and background. Okay. Thank you,  
20 Mr. Thompson.

21 MEMBER LITTLE: Mr. Chairman.

22 CHMN STAFFORD: Yes, Member Little.

23 MEMBER LITTLE: First I'd like to really  
24 thank the applicant for being amenable to these  
25 mitigation measures that we have discussed and we're



1 proposing, truly, clearly truly listening to what the  
2 public and the Committee members have had to say.

3 But I would like to make not -- not but --  
4 but I would like to make two observations. One is I'm  
5 wondering whether the one-mile area, a distance limit for  
6 the resident members of the AWC, maybe that should be a  
7 little bit further.

8 It was my understanding that one mile was  
9 right to the edge of that little community that is  
10 Whispering Sands and Mammoth. I would like to include  
11 that community so that they have the freedom to choose  
12 whoever they think would be best to represent them.

13 MR. MOYES: Member Little, we have -- I'll  
14 ask Mr. Morgan to responding that.

15 MR. MORGAN: Yes, that community would be  
16 captured within the one-mile buffer, that includes to  
17 Whispering Sands and Mammoth Drive.

18 MEMBER LITTLE: Thank you. Okay.

19 My other comment is that I would really  
20 like to see the wall, a wall constructed on the north and  
21 east sides of the project. Maybe not all the way down to  
22 the southern tip, but at least in the area where the  
23 generators are going to be.

24 I would like to see that installed separate  
25 from the Committee's -- the community working group's

1 funds. I think that, you know, I understand and perhaps  
2 the community working group's funds could then be  
3 decreased a little bit. I don't know.

4 But I think that, you know, just looking at  
5 some average numbers that came from Google, it would take  
6 about two years of the community's funds to put up those  
7 walls and they wouldn't be able to do anything else.

8 You know, I have heard from various sources  
9 that that is a very much desired mitigation that I think  
10 I would like to see included in here as a proposed  
11 condition.

12 Thank you.

13 MEMBER FONTES: Member Little, would you be  
14 opposed if I suggested that we just state a structure and  
15 let them define that as part of final design with the  
16 community?

17 MEMBER LITTLE: I would be fine with that.

18 CHMN STAFFORD: Mr. Moyes, you look like  
19 you're about to say something, but then you started  
20 writing.

21 MR. MOYES: One moment, Mr. Chairman. I'm  
22 trying to capture all the member's notes as they're  
23 flying in rapid fire.

24 MR. THOMPSON: We'd like to continue to  
25 hear any other comments before we respond.

1 CHMN STAFFORD: Any other comments from  
2 members on this issue?

3 MEMBER FONTES: Mr. Chairman, I just got an  
4 observation based on my review of one of the other  
5 natural gas plants in Arizona on this related issue.

6 Mr. Thompson, one of the things that they  
7 noted is after construction was completed and we had all  
8 the tests, there were still some concerns by citizens.  
9 And one of the projects, and it's escaping me which one,  
10 actually permitted for some of those use of funds to be  
11 not just on the physical site of the natural gas facility  
12 or the energy center as it's defined here, but also in an  
13 acceptable area and property so long as the citizen  
14 groups could get the permissions to help closer to the  
15 residences.

16 So I guess the observation is or the  
17 request is could we consider that language there,  
18 Mr. Moyes, that might capture that as well to permit not  
19 just use of funds on the energy center but as the working  
20 group may be determined, and so long as permissions are  
21 made for additional features to protect against sound,  
22 visibility, or other impacts close to the residences?

23 MR. MOYES: Member Fontes, as we explained  
24 at the beginning, that of course is the intent of the  
25 community working group as a whole. That pot of money is

1 for them to decide whether they want to use that on  
2 putting trees on their front yard or they want to put  
3 dust mitigation measures down on certain roads or they  
4 want to build screens in front of one particular house as  
5 opposed to another, or one particular project boundary or  
6 area along a project boundary as opposed to another. So,  
7 yes, absolutely the community working group funds can be  
8 spent off of our project boundaries.

9 MEMBER FONTES: Right. It just didn't  
10 state that, so I'm just clarifying that here.

11 CHMN STAFFORD: Any other questions or  
12 comments from members?

13 MEMBER RICHINS: Mr. Chairman.

14 CHMN STAFFORD: Member Richins.

15 MEMBER RICHINS: I'm curious as to what  
16 experience the applicant has in facilitating a community  
17 working group or working within these kinds of  
18 parameters. Have you guys done this before? Hello?

19 MR. MOYES: One moment, please.

20 CHMN STAFFORD: They're talking amongst  
21 themselves before they respond to you, Member Richins.

22 MR. THOMPSON: I can speak to it.

23 So we have a very extensive community  
24 member group in a project that we built in California, as  
25 you might imagine through the CEQA process. And then I

1 think as evident is our communications during the open  
2 houses and during this process we do have a dialogue with  
3 the local residents.

4 This approach, we chose to mirror this  
5 specific approach after the Coolidge structure as we were  
6 requested by the Committee rather than an approach that  
7 we had previously done in the past, which was actually  
8 more technical folks from the areas that were appointed  
9 by the neighbors and neighbors could participate, but  
10 there was more a technical working group rather than a  
11 community working group.

12 So that's why I paused to respond to you.  
13 There is a slight difference because we've been  
14 specifically asked to incorporate the residents versus  
15 more of a technical group.

16 MEMBER RICHINS: Thank you for that  
17 response. It's an important delineation I think here to  
18 make sure that you guys have the tools within what we do  
19 to make it successful.

20 And I think that's the one thing that I'm  
21 struggling with is how we memorialize agreements, not  
22 only the community working group agreement, but how do we  
23 memorialize an agreement with the group with the force of  
24 law, you know.

25 Because that's -- here we've established

1 the group but we're not establishing how the group will  
2 operate, who appoints people to the group, who tracks  
3 expenditures, how those expenditures look. You know,  
4 there's a lot of detail behind that. And I just want to  
5 make sure we give you guys a tool that's successful,  
6 because the whole point is to help the community mitigate  
7 the impacts of the plant; right? So if they're happy,  
8 you're happy and we're happy.

9                   And so I'm not sure how in this forum we  
10 get to that with you. I'm a little bit -- I'm just not  
11 sure how to memorialize the community working group in  
12 some kind of an agreement that gives it, you know,  
13 enforcement, and just doesn't cause a headache for you  
14 guys.

15                   You know, I'm all about the community  
16 working group. I think it's a great idea. I've seen  
17 many of them in operation. I've actually written a good  
18 neighbor agreement that worked with a community working  
19 group, a big mining project. And saw how those  
20 agreements were memorialized, which is why I'm concerned  
21 about them here. Thanks.

22                   MR. MOYES: As we mentioned at the outset  
23 our explanation for these conditions, what we've  
24 attempted to do is exactly what has been done in the  
25 previous CECs that were recommended to us.

1           And, in fact, we consulted with folks who  
2 were and still are involved in tracking those community  
3 working groups specifically, the most recent Coolidge  
4 one.

5           We intend to follow that same procedure.  
6 Who serves on that, those four seats from the community  
7 will be up to the community to decide, and we are happy  
8 to follow up with those existing groups to see how, if  
9 there was a formal voting process or how that was taking  
10 place. But we will accommodate that and make sure we are  
11 not deviating from previous groups that have been  
12 requested or mandated by this Committee.

13           MEMBER RICHINS: Sure. Do you feel like  
14 you have all the tools you need to be to pull that all  
15 together? It's a lot. It's a big piece of work. So I  
16 just -- that's why I'm trying to get at you have  
17 experience with technical groups. A community group is  
18 whole different animal. And so we just want to make sure  
19 we arm you.

20           So maybe putting, maybe we just put  
21 language in there that an operating agreement between the  
22 community working group and the applicant is intended to  
23 be developed in some way so everybody understands how it  
24 will work together.

25           I know we're not making edits yet, but that

1 way you guy have a mechanism to memorialize everything  
2 with that community working group that you all agreed  
3 upon with local government.

4 So I saw the good neighbor agreement. It  
5 included government entities, non-profit entities and  
6 community groups. And they all were signatories on some  
7 kind of a thing that agreed on how that would operate. I  
8 just want to give you guys tools that help you be  
9 successful. I love this approach. I just want to see it  
10 work.

11 MR. MOYES: Thank you. We appreciate that.

12 Another key distinguishment between those  
13 previous groups were the large number of intervenors who  
14 were heavily involved in the hearings and the follow-up  
15 on those commitments, which we don't have here.

16 So do we have all of the tools set in stone  
17 at this time? No. This was something that was developed  
18 last night. We are committed to develop those tools.  
19 We'd certainly consider some type of operating agreement  
20 or governing document to make sure that the interaction  
21 between the members representing the applicant, the  
22 community members and any Pinal County Staff as they  
23 choose that there's some structure and organization to  
24 that. I think that's helpful. Thank you.

25 CHMN STAFFORD: Member Hill.



1 MEMBER HILL: Thank you, Mr. Chair.

2 So just a couple of thoughts on the  
3 community fund. Can you talk -- I think Member Fontes  
4 maybe asked if the consultant and the facilitators' cost  
5 would come out of that, and you said yes.

6 And when I first read this I thought that  
7 this was dollars that would go to work for the community  
8 goals. And so it didn't occur to me that some of the  
9 costs of the facilitator group would come out of it.

10 So can you talk a little bit about the  
11 types of things, because I think to the layperson if they  
12 see a \$400,000 investment, they think that they're going  
13 to see \$400,000 on the ground.

14 And so there might be -- it might be worth  
15 kind of separating out, you know, the facilitator and  
16 administrative costs of a group like this from the  
17 investment.

18 And I'm just suggesting that for the  
19 layperson, they think they're going to get \$400,000 of  
20 investment and they don't see that, because they have no  
21 idea how much the consultants are going to cost.

22 So can you guys talk a little bit about  
23 that number and what you chucked -- what you kind of  
24 chucked in there, if you will.

25 MR. THOMPSON: Yes, Committee Member Hill.

1                   So I want to -- I want to point you to a  
2 sentence that says, "The project will provide reasonable  
3 reimbursement for third-party professional experts in the  
4 area of environment, sound, air and water to assist in  
5 reviewing and explaining the reports on a biannual  
6 basis."

7                   So we, separate from that, and it's  
8 probably not in the actual document but it was in our  
9 draft notes that we were preparing and it just didn't fit  
10 into this type of format.

11                   So I want to clarify that, that on a, you  
12 know, not every day can you pick up the phone and call  
13 somebody, you know, like that. But we would set biannual  
14 meetings in which we would have people there that are  
15 experts in explaining these reports, number one.

16                   Number two, the reports would all be  
17 prepared ahead of time and in whatever format that's  
18 requested. So there's no cost in, you know, receiving  
19 the reports or downloading the reports or making copies  
20 or anything like that that could be administrative. So  
21 that's all covered by us. We will provide all those  
22 reports that we've identified.

23                   Thirdly, we've already stated and this goes  
24 a little bit to one of the other requests on the wall,  
25 we've already stated that if a wall was identified around

1 the battery energy storage system by the fire plan and  
2 the emergency response plan, but also the mitigation  
3 analysis, then that would be -- that would be done as  
4 part of our construction process.

5 We've already stated, fourthly we've stated  
6 that the sound study that would be conducted and if there  
7 is any issues in which we're not meeting the sound, that  
8 is our expense that we would be handling directly as  
9 well. So no need for that to come out of the expense.

10 So really the only expense that's  
11 administrative that would come out of this is the expense  
12 of the facilitator, and that facilitator, the reason why  
13 we rounded it up to \$428,000 was we anticipated that that  
14 would be less than \$28,000 a year, and therefore there is  
15 a net of 400,000 going to the community. So it was  
16 intentional.

17 MEMBER HILL: Okay. That's helpful.  
18 Because I had no idea how much a facilitator would cost.  
19 But you don't anticipate any significant cost for  
20 consultants, technical consultants coming out of this  
21 fund?

22 MR. THOMPSON: We will provide, you know,  
23 experts that can explain the reports or explain details.  
24 If for some reason they didn't agree or something like  
25 that, then that might be something that they would want

1 to seek.

2 MEMBER HILL: Okay. That's super helpful.

3 So really the only staff time, if you will, for lack of a  
4 better term, is roughly 28 grand is the estimate for the  
5 facilitator?

6 MR. THOMPSON: Correct.

7 MEMBER HILL: Okay.

8 MR. THOMPSON: And that should be more than  
9 sufficient.

10 MEMBER HILL: That's helpful. Super.

11 Thank you.

12 MEMBER RICHINS: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Richins.

14 MEMBER RICHINS: I think your statement is  
15 wildly low on a decent facilitator. Having hired many to  
16 facilitate exactly this kind of thing, \$28,000 is only  
17 about \$2300 a month. You're going to be looking at much  
18 more than that for a retainer for this kind of complexity  
19 in agreement making that you're going to have to do.

20 I would recommend that you up that budget  
21 probably by double. To get somebody that's going to  
22 actually be able to do what you need them to do. If not,  
23 I think you're going to be very disappointed at the  
24 operations of the community working group.

25 MEMBER SOMERS: Mr. Chairman.

1 CHMN STAFFORD: Yes, Member Somers.

2 MEMBER SOMERS: I just want to concur with  
3 board Member Richins on that price. My only question is  
4 is that a max price that they set in there, a minimum  
5 price, or would it be better served with a range? That's  
6 my comment.

7 MEMBER FONTES: I would also note there  
8 might be an inflation adjuster over the life cycle of the  
9 plan.

10 MEMBER RICHINS: And I, Chairman, I don't  
11 think that you need to necessarily add more money to that  
12 pot of funds. I just think you should consider  
13 allocating more to professional services just to make  
14 sure you get it done right. I think the amount overall  
15 is fine. Just a word of caution.

16 CHMN STAFFORD: Any other questions or  
17 comments from members?

18 MEMBER HILL: I just have one what I think  
19 is a minor question. It does say that we're relying on  
20 the website of -- what's the life of the website? And  
21 how long do you guys usually maintain those if we're  
22 relying on the website to communicate information out?

23 CHMN STAFFORD: And you mean specifically  
24 the project website?

25 MEMBER HILL: Yes, I apologize. The

1 project website for posting all of these things. I mean,  
2 will that be a permanent website for the next 10 years or  
3 more? Or is there usually a winding down of some of that  
4 stuff? I don't really know that.

5 MR. MOYES: Member Hill, that language was  
6 taken directly from the previous CECs as one of the means  
7 of communicating these ongoing matters with the public in  
8 that committee in particular, or the working group,  
9 rather. So the applicant will commit to make sure that  
10 there is a website available. But other reasonable means  
11 will be used as well to communicate with the working  
12 group.

13 MEMBER HILL: I think one of those was SRP,  
14 and of course they're going to have a website for a very  
15 long time, but I wasn't sure how it works with the  
16 merchants. So thank you so much.

17 CHMN STAFFORD: All right. Any other  
18 questions or comments from members?

19 Are we ready to begin to start voting on  
20 the CEC at this time?

21 MEMBER GOLD: I so move, Mr. Chairman.

22 MEMBER RICHINS: Chairman, should we check  
23 with your court reporter. We've been going more or less  
24 for about an hour and a half.

25 CHMN STAFFORD: All right. I think that's

1 probably a good idea. I think what we'll do, so we  
2 have -- how this will work is we'll have Chairman's 1 is  
3 the PDF of the CEC proposed by the applicant.

4 Chairman's 2 is the Word document is the  
5 CEC that I've made slight changes to.

6 And then Chairman's 3 is the PDF of the  
7 proposed conditions. So we won't make any changes to 1  
8 or 3. 2 is the document that we'll be working off of to  
9 edit, and so what we will end up doing is incorporating  
10 the language from 3 into 2.

11 Does that make sense to the applicant and  
12 the -- who is assigned to type it? Is that going to be  
13 you, Mr. Morgan?

14 MR. MOYES: No, my paralegal, Julie, will  
15 be helping do that.

16 CHMN STAFFORD: Okay. Excellent.

17 With that let's take a --

18 MEMBER FONTES: Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Fontes.

20 MEMBER FONTES: Just a reminder to check  
21 your e-mail on the item of cross default with other  
22 environmental.

23 CHMN STAFFORD: Okay. Yeah. When we  
24 get -- when we start voting in the conditions I can pull  
25 that up and read it, and we can -- you can make the

1 motion and we can vote and discuss it and amend it, not  
2 amend it, however, wherever the Committee is at that  
3 time. But I do have your e-mail. I got it so I can read  
4 it into the record at the appropriate time.

5 MEMBER FONTES: Thank you.

6 CHMN STAFFORD: Thank you. With that let  
7 us take a 10- to 15-minute recess and when we come back  
8 we will begin to vote on the language of the CEC. We  
9 stand in recess.

10 (Recess from 11:29 a.m. to 11:47 a.m.)

11 CHMN STAFFORD: Let's go back on the  
12 record. Before -- actually before we get to voting on  
13 the CEC I wanted to give the applicant a chance to  
14 respond to some of the discussion between the members and  
15 their suggestions.

16 MR. MOYES: Thank you, Mr. Chairman.

17 A number of issues were raised by the  
18 members in response to our proposals.

19 A lot of the things we think are good  
20 additions I wanted to remind the Committee that, again,  
21 we are trying to do what has been done in past cases and  
22 use the language that was used in those past cases.

23 The overarching theme I need the Committee  
24 to remember is that the applicant is already making  
25 substantial concessions. That they're as a whole don't



1 even need to be here asking for this permit right now.  
2 And we're making substantial financial concessions that  
3 affect our operational expenses, that affect our  
4 financing opportunities, mind you we still have to go get  
5 financing for a project like this and there are certain  
6 additions to conditions that were suggested that would  
7 make the project unfinanceable.

8 One of those conditions was with regards to  
9 decommissioning bonding or funding. As I mentioned  
10 before, that falls solely within the jurisdiction of the  
11 county. I would argue from a legal perspective the Line  
12 Siting Committee does not have oversight over that area.

13 And if we had -- although we haven't seen  
14 whatever language Member Fontes sent to the Chairman  
15 regarding cross defaults, haven't had a chance to review  
16 that, legally analyze that.

17 Each individual permit that the applicant  
18 is held to, you could of course violate a permit or have  
19 a default if something happens, something spilled, you  
20 have an opportunity to cure defaults. You have an  
21 opportunity to clean up a spill quickly.

22 If you didn't do that, each agency with its  
23 respective permit has the ability to shut down your  
24 plant. If we had written into our permit that a default  
25 one time, or an or uncurable default had the ability to

1 default our CEC compliance, no bank would finance the  
2 project.

3                   There are a few other concessions that we  
4 are willing to make. The suggestion regarding funding  
5 for the facilitator, we are willing to increase the  
6 amount of yearly contributions to the CWG fund to  
7 \$450,000.

8                   The facilitator is going to be meeting with  
9 these people four times a year at most, and speaking with  
10 the Coolidge folks, they've actually started meeting much  
11 less than what their document says because they don't  
12 need to.

13                   We don't anticipate a consultant to be  
14 round the clock all year long dealing with this issue and  
15 with a very small group of residents. So a facilitator  
16 is intended to act as a mediator to show up at that  
17 meeting and make sure that productive, safe conversation  
18 happens and that the things we've committed to do are  
19 adequately described to those folks and they have an  
20 opportunity to respond.

21                   So we think the additional money that we've  
22 contributed to that pool to \$450,000 should be plenty for  
23 a facilitator's cost.

24                   The suggestion was made regarding building  
25 a wall along the entire northern boundary and the entire

1 eastern boundary of the project. During the hearings you  
2 heard testimony and visual simulations regarding natural  
3 viewscales and visual impacts from project facilities,  
4 from existing facilities. There were also concerns  
5 raised by the public about their ability to view  
6 background features such as the mountains.

7           The residents to the east of the project in  
8 particular, which is the largest cluster of homes, is  
9 half a mile away from the project boundary. We can't  
10 build a wall outside our project boundaries, obviously.

11           A wall that would be high enough to block  
12 the project features from half mile away would also block  
13 any background features that folks already see right now  
14 including those very mountains.

15           And we're prepared to show visuals. We can  
16 get back on and show what that looks like. We showed it  
17 before. But the reason why we put the fund together for  
18 the community group is so that they can decide does a  
19 wall make sense for them? If you build a wall, who  
20 maintains it?

21           Is the wall going to violate what Pinal  
22 County says okay? Is the wall going to violate what  
23 Game & Fish say is okay? Is it going to prohibit  
24 wildlife movement? We don't know.

25           But we want to citizens to be able to

1 decide whether a wall is appropriate for them or what  
2 length of wall and where. We don't think the Committee  
3 should dictate that for them.

4 Let me make sure there's nothing else.  
5 Thank you.

6 Regarding events of cross default, we  
7 already agreed as part of any default that we would  
8 report violations, we would report any default events for  
9 any other permits, so as part of our disclosures ongoing  
10 to the community group, we're committed to make sure that  
11 they are aware of that.

12 Regarding the water, there was a question  
13 about the three-year average. It was our intent for the  
14 limitation on groundwater pumping to be a rolling  
15 average, so essentially the previous three years, not  
16 picking and choosing any three years. That suited us.

17 The reason we chose three years is because  
18 if there was any particular emergency on the grid that  
19 required the plant to do something out of ordinary. In  
20 one particular year you had to pump more than that.  
21 You'd make up for it presumably in other years. But  
22 that's why we couldn't just pick one year. Three years  
23 is important. But it would be the previous three years.  
24 And we can clarify that in the language.

25 We're fine with any addition to the

1 language regarding water storage or hazardous chemicals  
2 in that provision.

3 The selection of the sound study consultant  
4 was raised. Our intent, again, is that the community  
5 working group have the discretion to make those decisions  
6 just like the facilitator themselves.

7 Community working group gets to choose a  
8 facilitator that they want. We proposed for both that  
9 and for the sound analysis technician that we provide  
10 three qualified names and we want to make sure -- well,  
11 this is more important for the sound study, whoever's  
12 going to do that needs to be qualified to do it.

13 The applicant would provide three  
14 recommendations and then the working group could choose  
15 who they want amongst those three. We're not going to  
16 get involved in telling them who we think is the best  
17 facilitator, but we would happy to accommodate and make  
18 recommendations similarly there.

19 I believe, Mr. Chairman, that was  
20 everything.

21 CHMN STAFFORD: Thank you, Mr. Moyes.

22 Are there any clarifying questions from  
23 members? Yes, Member Hill.

24 You're on mute.

25 MEMBER HILL: Thank you, Mr. Chair. Let me

1 turn on the camera.

2 So my -- so some of the residents talked  
3 about an interest in sand barriers. They cited the walls  
4 that go along the highway that is examples of that. So I  
5 just did a quick little Google search from the Federal  
6 Highway Administration on what those, like the  
7 description is 14-foot walls, some ground mounted, some  
8 on structures, so it depends on what the foundation is.

9 But those are between 50 and \$65 a square  
10 foot. So my quick math was a thousand square feet or a  
11 thousand-foot wall that's 14 feet tall, you know, roughly  
12 700 to \$900,000.

13 So I'm just suggesting that if the  
14 residents, and they did talk about wanting walled  
15 structures in some places potentially, either for  
16 viewshed or for sound-related things. If they want  
17 those, I'm not sure that the funds as they're -- the fund  
18 as it's developed or described is going to get very far.

19 So that's the comment that I wanted to  
20 suggest. And the Federal Highway Administration bid  
21 numbers are for 2022 is what I was looking at. And  
22 federal projects sometimes cost more than private  
23 projects. I realize that. But I just don't know -- what  
24 I'm trying to figure out is what does \$400,000 really get  
25 the citizens. And so I just wanted to be thoughtful

1 about what that looks like.

2 And maybe there are more needs up front in  
3 the first three years than later years, and maybe the  
4 funds should be front loaded, so I just want to suggest  
5 that we at least have a conversation about what that  
6 looks like and what we think we could -- it's one thing  
7 to say what you can afford. I think that's part of the  
8 discussion.

9 I also think what the citizens have talked  
10 about might be a little more expensive than, and that  
11 there is some middle space on that is the conversation  
12 that I'm hoping to have as we move forward. So, thank  
13 you.

14 MR. THOMPSON: Thank you, Committee Member  
15 Hill. Your federal government does not guarantee to meet  
16 the Pinal County noise standards on their highways that  
17 go through Pinal County. We are.

18 We're agreeing to meet the noise standards  
19 required and we're agreeing to do that at our cost that's  
20 outside of this additional funding. So there is no need  
21 for a wall from a noise perspective. We're very  
22 concerned about a wall from a perspective of it's not  
23 going to do anything additional for them. And it could  
24 actually obstruct visual.

25 So everything is a balance when -- and

1 that's why we want to give that balance back to the  
2 neighbors.

3 MEMBER HILL: Well, just one rebuttal on  
4 that. I think you're thinking from a technical  
5 perspective --

6 MR. THOMPSON: That's my job.

7 MEMBER HILL: I appreciate that. But a lot  
8 of times just giving the community and the citizens for  
9 the choice that the things that they've talked about and  
10 identified that they want provides -- gives them agency.

11 And Mr. Moyes and you have both expressed  
12 that you want them to have the choice, but if the funding  
13 that we're describing doesn't afford them the choices  
14 that they've already kind of identified, then that's my  
15 concern.

16 So saying yes, we're going to give you some  
17 money but we're not going to give you enough for the  
18 walls that you've talked about that you like, maybe not  
19 even on the whole project but on portions of the project,  
20 doesn't feel like you're giving them the agency to choose  
21 the things that they've talked about.

22 And so I think there's more conversation to  
23 have around this.

24 MR. THOMPSON: I respectfully disagree. We  
25 did not have to offer a fund at all. And that's where



1 we're at. So if we'd like to move to no fund, we could  
2 build the wall, no fund.

3 MR. MOYES: I think what Member Hill, -- we  
4 respect, obviously, the perspective of the community.  
5 And we've heard some comments from the public. They may  
6 not be representative of the entire public.

7 The perspective that I mentioned earlier  
8 comparing previous plants and previous funds is important  
9 here. We have a very sparse, small residential community  
10 in an otherwise very rural area. And we are committing  
11 huge amounts of funds outside of the fund already to  
12 comply with a standard that we do not have to comply  
13 with.

14 That may include additional sound baffling  
15 equipment, whatever it is. So as Mr. Thompson pointed  
16 out, you know, maybe the public, now their view regarding  
17 wanting a wall changes knowing that, if sound is their  
18 big concern.

19 But we did hear those concerns about  
20 visuals. There are other concerns that we can't even  
21 decide right now because we don't have the parties to  
22 tell us regarding wildlife or county restrictions on  
23 walls and how you would maintain that over time.

24 So the concessions we've made are generous.  
25 They're not legally required. We're stepping into bounds

1 that I personally feel this Committee probably doesn't  
2 have the authority to impose upon an applicant, but we're  
3 doing it willingly again because we're trying to be a  
4 good neighbor.

5 But at some point the project has to say  
6 enough is enough, we can't finance the project without  
7 having some reasonable assurance to the banks that we can  
8 afford to do these things and operate the plant on the  
9 budgets that we have.

10 The community members, if they want  
11 portions of wall, let them build a portion of wall or  
12 smaller wall, whatever they want, or put up trees was  
13 suggested in their front yard. If one person's house the  
14 sound travels into their house more than their  
15 neighbor's, they can use that fund, \$4 million --  
16 actually more than that now -- is a lot of money.

17 MEMBER GOLD: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Gold, one  
19 second. I believe Member Fontes has his hand up and I  
20 wanted to make an observation.

21 With regard to the Coolidge plant I seem to  
22 recall that a building of a wall was a condition that SRP  
23 agreed to initially but then subsequently they changed  
24 their mind and wanted to allocate the wall funds for  
25 another purpose.

1           So I mean, I think decision of to wall or  
2 not to wall is probably best left to the community  
3 working group and them -- they have -- the applicant has  
4 generally agreed to supply a budget to mitigate the  
5 impacts and let them work with the community to address  
6 the best way to do that. I think that's probably from my  
7 perspective the most prudent way to go.

8           Member Fontes, you had your hand up and  
9 then Member Gold, you had a comment.

10           MEMBER FONTES: Thank you, Mr. Chairman.

11           My comments with respect to item number 30.  
12 My original comments were I think misdirected. I'm  
13 pointing to the county to determine the decommissioning  
14 plan and the financial assurance, not trying to create  
15 any kind of obstacle to financing.

16           We have seen on this Committee that other  
17 applicants on solar and storage projects in particular  
18 have found suitable financing for those projects, and  
19 they have worked with county to both do the  
20 decommissioning plan and post financial assurance.

21           So certainly that's not the purview of what  
22 we do, but I'm just saying work it out with the county  
23 and serve to inform us. If the county does not require  
24 it at this time but in the future, that's what I'm  
25 looking for in that observation that's sort of missing in

1 item 30.

2 With respect to cross default. You've got  
3 a unique project here. We've got a BESS with merchant  
4 gas. I don't know of another project like that,  
5 certainly in the desert southwest and definitely in  
6 Arizona. We're going to connect to a common POI. My  
7 fellow members, particularly Gold and Kryder, had a lot  
8 of questions with respect to the fire and safety on that.

9 What I am attempting to do is capture those  
10 standards because those standards are at the county level  
11 and fire and safety is not the purview of the Committee,  
12 but focus on systems reliability and stakeholder  
13 engagement, is that we capture, and definitely open,  
14 Mr. Moyes, to some middle ground language, where if you  
15 had an issue with those particular issues or anything  
16 that impacts visual, water, air, or related matters that  
17 we have purview on on another permit, that we are  
18 informed.

19 Definitely open to cure periods, but if  
20 they cannot be resolved I think they need to be revisited  
21 by the CEC and the ACC. So my suggestion of a cross  
22 default, perhaps that's not the right application here,  
23 Mr. Moyes.

24 I appreciate that you have to go through  
25 funding some stuff, but what I'm looking for is

1 assurances because of the uniqueness of this project and  
2 the potential life cycle of this. How do we guarantee  
3 that we're informed and that you're working out the cure  
4 periods, and that and that you've solved those corrective  
5 actions.

6 So that's where I'm coming from. I hope  
7 that's helpful. Not trying to hinder financing  
8 whatsoever. I've worked in project finance for a good  
9 part of 20 years on three different continents and I've  
10 actually been on the equity side for a merchant power  
11 plant in financing, so I have a deep appreciation for  
12 where you're coming from. Please work with us, and I  
13 think you might have suggestions to refine that language  
14 and I welcome it.

15 MR. MOYES: Thank you, Mr. Fontes -- or  
16 Member Fontes. Again, as we testified, we do agree to  
17 report back both to the community working group and any  
18 other relevant jurisdiction.

19 There may -- the concern regarding  
20 financing is more directed towards language that suggests  
21 cross defaulting. I would point you back to the standard  
22 condition that is contained in every single CEC, in our  
23 draft it's number 3, and we'll go over this here shortly,  
24 but in summary that the CEC itself is bound by us  
25 complying with every single state, federal, local, county

1 jurisdictional requirement and permit.

2           If we were to violate any of these, there's  
3 already language in the CEC that says you're violating  
4 the CEC. Adding additional language that suggests any  
5 sort of cross defaulting power is what would raise red  
6 flags for financiers.

7           MEMBER FONTES: I understand, and I'll work  
8 with you on that, but here's the issue: We got a BESS,  
9 we don't have jurisdiction over that. And it could  
10 impact the gas plant and related things as we talked  
11 about on the issues that we do have purview. The sound,  
12 the water, and the visual and the things that my  
13 colleagues looked at.

14           So what I'm trying to do is to add, if the  
15 BESS impacts what we do have purview on there within that  
16 language, so if you have some suggestions to do that I'm  
17 definitely keen to hear those.

18           MR. MOYES: Again, my immediate response  
19 would be that provision, that's a standard condition,  
20 covers not only items of our project that are strictly  
21 jurisdictional to the Committee. It covers everything  
22 that an applicant has to do.

23           If a solar developer violates a county  
24 permit or doesn't get the required building permit or  
25 zoning to build their solar panels, the Committee has no

1 jurisdiction over the solar panels. But if they violate  
2 that, they are already violating their CEC because of  
3 that provision.

4 MEMBER GOLD: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Gold. And then  
6 Member Little has her hand up.

7 MEMBER GOLD: First I'd like to thank the  
8 applicant for being very thorough, for putting up with  
9 everything we've done. I'd like to thank you my fellow  
10 Committee Members for their expertise, what they've put  
11 in where each person on this Committee has different  
12 expertise.

13 However, I made a previous motion,  
14 Mr. Chairman, that we proceed to look at the CEC and I  
15 was waiting for either a second or it to be tabled.

16 CHMN STAFFORD: Yeah, I didn't hear a  
17 second.

18 MEMBER KRYDER: Second.

19 CHMN STAFFORD: Further discussion? All  
20 right.

21 MEMBER HILL: Mr. Chair.

22 CHMN STAFFORD: Member Little has her hand  
23 up. Yes, Member Little.

24 MEMBER LITTLE: Mr. Chairman, my comment  
25 can wait until we get to the appropriate condition.

1 Thank you.

2 CHMN STAFFORD: Okay. Member Hill. Okay.

3 MEMBER HILL: Okay.

4 CHMN STAFFORD: Okay. All right. So was  
5 the motion to begin considering the CEC, that was  
6 correct?

7 MEMBER GOLD: That is correct, Mr. Chair.

8 CHMN STAFFORD: All right. Do we have --  
9 can we get Chairman's 2 up on the left screen? Let's  
10 look at the introduction.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: Can we get one of these on  
14 our screen here as well?

15 CHMN STAFFORD: I think right now we could  
16 put Chairman 2 up on both screens.

17 MEMBER KRYDER: Thank you. I would agree.

18 CHMN STAFFORD: So we had a motion and  
19 second to consider the CEC, correct?

20 MEMBER KRYDER: Correct.

21 MEMBER GOLD: Correct.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

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

25 (Chorus of "ayes.")



1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: All right.

4 We have the CEC on the screen,

5 Chairman's 2. Would the members review the introduction

6 and then, of course, the only thing left to be done to

7 the introduction would be absent any proposed amendments

8 from members would be to fill in the vote count at the

9 end of the -- at the final vote of the CEC.

10 MEMBER KRYDER: Mr. Chairman, question.

11 CHMN STAFFORD: Yes, Member Kryder.

12 MEMBER KRYDER: So I have Chairman 1 in

13 front of me with the lined-out portions. Is this what we

14 would be working off of, then, to make Chairman's 2?

15 CHMN STAFFORD: No, Chairman's 2 is what

16 I -- for Chairman's 2 is, what -- it's based off of

17 Chairman's 1. Chairman's 1 is what the applicant filed

18 as a proposed CEC.

19 MEMBER KRYDER: Okay.

20 CHMN STAFFORD: It's the baseline, and it

21 has things like it contains the CEC number at the end of

22 the condition. Instead of having to vote to remove that

23 after every one, what I've done, Chairman's 2 is it takes

24 those out and it makes technical corrections.

25 For example, the difference between

1 Chairman's 1 and 2 in the introduction is certificate is  
2 mentioned in the first paragraph, and then it appears  
3 throughout as "certificate" as opposed to certificate of  
4 environmental compatibility or CEC. And I corrected the  
5 designation for Member Hill. And then for the date which  
6 the hearing is going through today, not tomorrow. Knock  
7 on wood.

8 But, and then I think that's it for the  
9 changes. Those are the differences between Chairman's 1  
10 and 2.

11 MEMBER KRYDER: Thank you.

12 CHMN STAFFORD: Chairman's 2 is the  
13 document we're working off of, so I would entertain a  
14 motion to adopt the introduction as it appears on the  
15 screen which is Chairman's 2.

16 MEMBER MERCER: So moved.

17 MEMBER KRYDER: I move to accept it,  
18 Mr. Chairman.

19 MEMBER GOLD: And I second.

20 CHMN STAFFORD: Further discussion?

21 MEMBER FONTES: Yes, Mr. Chairman.

22 CHMN STAFFORD: Yes, Member Fontes.

23 MEMBER FONTES: I note that in the -- where  
24 the docket is, we described it for the construction of a  
25 480-megawatt natural gas-fired single cycle peaker plant.

1 There is no mention of the battery energy storage system  
2 project.

3 CHMN STAFFORD: You're looking at the  
4 project description, Member Fontes.

5 MEMBER FONTES: I'm looking, yes, as noted  
6 in the -- with the docket number. But then when I go to  
7 the end of the first paragraph on -- and perhaps lines 18  
8 through 20, I note that it says for the construction of  
9 the project.

10 Is the project defined as the Pinal County  
11 Energy Center, or is the project the Project Bella  
12 Generation and Battery Storage Project?

13 CHMN STAFFORD: I will give -- before I  
14 give Mr. Moyes a chance to address that, my understanding  
15 is that the certificate will be for the natural gas-fired  
16 power plant. It will not be for the battery project  
17 because the battery project is not a thermal resource.

18 MEMBER FONTES: Thank you, Mr. Chairman.  
19 That's where I was going with that. And if we could  
20 define the project and just be consistent throughout the  
21 document as opposed to the project description,  
22 Mr. Moyes, if that's helpful.

23 CHMN STAFFORD: Well, the project does  
24 contain a battery storage project. There's a battery  
25 storage element to the project, although the certificate

1 is for the site for the gas plant, I think the purpose of  
2 the description is to note that it does contain a  
3 storage -- a battery storage system. Now for the actual  
4 title of the project, it is the, either Project Bella or  
5 Pinal County -- that's the entity. The actual name of  
6 the project I believe is just Project Bella. Is that  
7 correct, Mr. Moyes?

8 MR. MOYES: Yes. In some places it's  
9 referred to as the Project Bella Generation Battery and  
10 Storage Project, or just Project Bella. We have other  
11 ongoing processes as you know at the county that --

12 MEMBER FONTES: Just looking for  
13 consistency here, Mr. Moyes, with respect -- and then  
14 taking into account we don't have the jurisdiction over  
15 the battery storage piece of that.

16 MR. MOYES: I would agree with the  
17 Chairman's assessment that we're just trying to, for full  
18 disclosure, describe so that someone knows that the  
19 project does entail a BESS. It's not jurisdictional.  
20 It's why it's not listed in the caption. For the CEC  
21 itself what the permit covers is the gas generation.

22 But generically want the people to know  
23 that the project has that component as well.

24 MEMBER FONTES: Just some clarity on that,  
25 Mr. Chairman, is what we're looking for on line 20 there.

1 CHMN STAFFORD: Right. That's the only  
2 place that I think battery storage project appears  
3 throughout the document, because it's henceforth referred  
4 to as the "the project" throughout the rest of the  
5 document.

6 MR. MOYES: And we would be happy to amend  
7 that to just say the Project Bella Generation Project if  
8 that sounds better.

9 MEMBER LITTLE: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Little.

11 MEMBER LITTLE: I think that -- I think  
12 that's the more correct way to do it, take the battery  
13 storage project out of the definition of project.  
14 Because the project is referred as the Project, capital P  
15 Project is referred to later on. It's just referring  
16 to -- over the part that we have jurisdiction over.

17 In the project description you can include  
18 the fact that there's battery storage, nonjurisdictional.  
19 So that people who might be reading this recognize that  
20 that's there also. But the definition of project is just  
21 the part that we have jurisdiction over, for the purposes  
22 of the CEC, I think.

23 MR. MOYES: We agree with that and would be  
24 happy to do that.

25 CHMN STAFFORD: So we suggest -- so I guess

1 what I'm looking for now is a motion to amend the  
2 introduction section that has been moved and seconded.  
3 So now we can move to amend it and I guess --

4 MEMBER FONTES: I so move.

5 CHMN STAFFORD: -- you would say to amend  
6 it to -- I have a motion from Member Fontes.

7 MEMBER FONTES: Yes, to amend line 20 to  
8 just simply read "Project Bella Generation" followed by  
9 "Project" in brackets and parentheses, and drop "and  
10 battery storage project."

11 CHMN STAFFORD: Why don't we just say  
12 "Project Bella"?

13 MEMBER KRYDER: Oh no.

14 MEMBER FONTES: Applicant? Are you okay  
15 with that?

16 MEMBER KRYDER: Mr. Chairman.

17 CHMN STAFFORD: One second, Member Kryder.  
18 I think Mr. Moyes is about to give an answer to the  
19 question.

20 MEMBER KRYDER: Fine.

21 MR. MOYES: We are okay with amending the  
22 name. I would suggest the proper name for line 20 and  
23 the introduction would be, "For construction of the  
24 Project Bella Generation Project." And then in  
25 parentheses and quotes, "Project."

1 MEMBER KRYDER: That's the right way to do  
2 it.

3 CHMN STAFFORD: Is that your motion, Member  
4 Fontes?

5 MEMBER FONTES: Thank you, Mr. Chairman. I  
6 so move.

7 MEMBER HILL: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

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

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, the  
15 introduction as amended is adopted.

16 Moving on to the project description.

17 MEMBER LITTLE: Mr. Chairman, I move the  
18 acceptance of the project description.

19 MEMBER KRYDER: Second.

20 CHMN STAFFORD: Further discussion?

21 MEMBER FONTES: Mr. Chairman.

22 CHMN STAFFORD: Yes, I heard Member Fontes  
23 and I thought I heard another voice.

24 Yes, Member Fontes.

25 MEMBER FONTES: Thank you, Mr. Chairman.

1 Couple items for clarification. I'm fine with the better  
2 battery energy story here, because it captures the  
3 description.

4 I note we have a 500kV Pinal Central to  
5 Duke transmission line. I would like to put the  
6 ownership there, and then on clarification for the WAPA  
7 230 Test Track to ED5 I don't think state level has any  
8 kind of jurisdiction over a federal-level asset.

9 WAPA is part of the Department of Energy,  
10 so I'm wondering if we can even include that here.

11 Mr. Chairman, I defer to you based on your position in  
12 the attorney general's office.

13 And then with respect to the map at  
14 Exhibit A, and Mr. Moyes, we've done this before, but any  
15 kind of references here in the narrative, we've always  
16 looked to have them in the exhibit in the legend and  
17 we're not referencing -- it's not consistent on the  
18 labeling, so when we get to the administrative changes  
19 I'm going to bring that up. But I thought I'd note that  
20 here as well.

21 Mr. Chairman, that's all I have.

22 CHMN STAFFORD: All right. Thank you.

23 Yeah, my thought is here it's just referencing that how  
24 the project will interconnect to the grid. I don't think  
25 the Committee is in any way asserting any jurisdiction



1 over WAPA whatsoever.

2 MEMBER FONTES: We had one point of  
3 interconnection, and I guess is that point of  
4 interconnection to the SRP system or the WAPA system,  
5 because the way I read this I'm confused.

6 CHMN STAFFORD: Oh, so you'd suggest that  
7 the sentence should read starting --

8 MEMBER FONTES: Will connect to the SRP  
9 system via the existing 500kV Pinal Central to Duke  
10 transmission, and the 235kV Test Track to ED5 line  
11 operated by WAPA.

12 CHMN STAFFORD: Well, is it connecting to  
13 both the 500 and 230 or just the 500kV? Just the 500kV?

14 MEMBER FONTES: I guess we'd have to look  
15 at the systems impact study and what was filed for the  
16 interconnect. And I'd ask the applicant to opine on that  
17 because I don't have that in front of me.

18 CHMN STAFFORD: I seem to recall testimony  
19 on how the interconnection would go, but I just -- I  
20 didn't memorize it so I don't have it off the top of my  
21 head, so I would look to the applicant to explain.

22 My understanding is it would connect to the  
23 500kV line alone. The 230kV line runs across the project  
24 just -- it's attached at the same structures as the 500kV  
25 line. So I think potentially we could remove -- this

1 sentence could read from line 2, "The gas generation  
2 facility will interconnect to the grid via the existing  
3 500kV Pinal Central to Duke transmission line."

4 MEMBER FONTES: The applicant should --

5 CHMN STAFFORD: Transmission line, comma,  
6 and then skip everything until you get to "which  
7 intersects the project site." Because I think reference  
8 to 230kV system may be irrelevant, redundant because it's  
9 not germane to this project. Is that correct, Mr. Moyes?

10 MR. MOYES: Yes, that's correct and we  
11 agree with that change.

12 MEMBER FONTES: The other thing I'd like to  
13 note for the applicant, we're trying to protect you from  
14 NEPA, too, because you mentioned WAPA in some of these  
15 documents, it can cause issues with financiers down the  
16 road, having been there, as an equity side project  
17 finance guy, just trying to protect you on that as well.

18 That's all I had, Mr. Chairman. Hope  
19 that's helpful to the applicant.

20 CHMN STAFFORD: All right. Could I get a  
21 motion to amend the project description?

22 MEMBER FONTES: I so move.

23 MEMBER GOLD: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

1 CHMN STAFFORD: I'm watching as the  
2 adjustments are made to the screen.

3 MEMBER KRYDER: Let's see the adjustment.

4 CHMN STAFFORD: Before they vote, let's  
5 make sure the adjustments to the screen reflect the  
6 understanding that all the members have.

7 MEMBER KRYDER: Correct.

8 MEMBER FONTES: Clarification for the  
9 editing. Do we want to reference the ownership of the  
10 500kV by Pinal Central to Duke transmission line as SRP,  
11 Salt River Project?

12 CHMN STAFFORD: I understand that there's  
13 multiple owners. I think it would probably be overly  
14 complicated to list them all here. To just list SRP  
15 would be not entirely accurate. My preference would be  
16 just to, the ownership, for the purpose of the CEC isn't  
17 really important, I don't think.

18 MEMBER FONTES: I appreciate that,  
19 Mr. Chairman, and concur.

20 CHMN STAFFORD: Thank you.

21 All right. So let me reiterate the motion  
22 that we have. It would be to amend the sentence  
23 beginning on page 2, line 2 of Chairman's 2, "The gas  
24 generation facility will intersect via the existing 500kV  
25 Pinal Central to Duke transmission line, which intersects

1 the project site."

2 This has been moved and seconded. Further  
3 discussion?

4 MEMBER FRENCH: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member French.

6 MEMBER FRENCH: There was testimony  
7 regarding the switchyard and the possibility of transfer  
8 of ownership in the future. Is that something that  
9 should be included here? I don't mean to overcomplicate  
10 anything.

11 CHMN STAFFORD: Technically I believe the  
12 CEC is just for the plant. The switchyard is not --  
13 there's not a new transmission line that's over a mile  
14 long or switchyard being conducted in connection with  
15 that new line. I think that the certificate is for the  
16 gas facility only.

17 It's my understanding of the -- is that the  
18 switchyard wouldn't be jurisdictional because it's  
19 attached -- it's not attached to a new line that's over a  
20 mile long.

21 MR. MOYES: Yes, Mr. Chairman. As we  
22 explained in the project tour that question was raised  
23 that the switchyard facilities, the interconnection  
24 facilities themselves, are not jurisdictional to the CEC.  
25 They do not qualify as a new transmission line in and of

1 themselves.

2 CHMN STAFFORD: Member Little, I believe  
3 you had a -- was that you that had a comment or question?

4 MEMBER LITTLE: Yes, Mr. Chairman. That  
5 was not my understanding, but I defer to the lawyers.

6 CHMN STAFFORD: Any other questions,  
7 comments from members?

8 MEMBER FONTES: Just want to reiterate the  
9 need once we get this for the note that was mentioned in  
10 Exhibit A reflects the map, or the site plan reflects the  
11 narrative here when we get to that, Mr. Chairman.

12 CHMN STAFFORD: Yes, we will, Member  
13 Fontes. Typically we'll review and vote on the exhibit  
14 at the end. Sometimes the applicant has to produce an  
15 amended or revised exhibit to comply with what actually  
16 makes it into the order.

17 The project description has been amended.  
18 Has the amended project description been moved and  
19 seconded yet?

20 MEMBER KRYDER: Yes, it has.

21 CHMN STAFFORD: As amended.

22 MEMBER KRYDER: It was. Without having  
23 seen all of it, Mr. Chairman, I believe it was moved and  
24 seconded for amendment. And now the question would be to  
25 approve or disapprove that amended language.

1 CHMN STAFFORD: All right. So the project  
2 description as amended. All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, the project  
7 description as amended is adopted.

8 MEMBER KRYDER: Great.

9 CHMN STAFFORD: Moving on to conditions.  
10 And before we start talking about the conditions, I just  
11 wanted to let the members know, I think that for ease of  
12 operation and understanding, instead of attempting to  
13 insert the additional proposed conditions throughout the  
14 order in which the conditions already appear, the easiest  
15 thing would be just to add them all at the end. That way  
16 we wouldn't have to deal with the renumbering issue as  
17 we're going through the typical standard conditions that  
18 we impose in these certificates.

19 MEMBER KRYDER: That sounds appropriate.

20 CHMN STAFFORD: All right.

21 With that, I would -- can we get a motion  
22 to adopt condition number 1?

23 MEMBER LITTLE: Mr. Chairman, I so move.

24 MEMBER KRYDER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 1  
7 is adopted.

8 Condition 2.

9 MEMBER MERCER: Mr. Chairman, I move  
10 Condition 2.

11 MEMBER GOLD: Second.

12 CHMN STAFFORD: Further discussion?

13 I believe one of the differences between  
14 the application as -- the certificate as proposed by the  
15 applicant and in Chairman's 2 is I recall several of  
16 these cases we've had discussions of whether the  
17 landowners or residents in a one or five-mile radius  
18 should be notified.

19 Typically it would depend upon whether it's  
20 rural or urban area. I think since this one is much more  
21 sparsely populated, I think the applicant originally set  
22 a one-mile radius. A lot of these cases have been  
23 five-mile radius.

24 I remember discussion in the last case in  
25 Tucson we left it at one because that was over a hundred

1 thousand people. If you put it to five you had over,  
2 like hundreds plural of thousands of people.

3 So, but I think for this case since it's  
4 more rural setting a five-mile radius is more  
5 appropriate. And that's what I've included in  
6 Chairman's 2. I'm looking to the applicant to get their  
7 input on whether a one or five-mile radius is more  
8 appropriate for the notification.

9 MR. MOYES: We think that's fine.

10 CHMN STAFFORD: Thank you. Condition 2 has  
11 been moved and seconded?

12 MEMBER MERCER: Yes.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 2  
20 is adopted.

21 Moving on to Condition 3.

22 MEMBER GOLD: Mr. Chairman, I move  
23 Condition 3 be adopted.

24 MEMBER MERCER: Second.

25 MEMBER KRYDER: Second.



1 CHMN STAFFORD: Further discussion?

2 MEMBER FRENCH: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member French.

4 MEMBER FRENCH: I would like to pose a new  
5 subparagraph or line to this condition with respect to  
6 the water usage. Something along the lines of the  
7 applicant shall meet all requirements established for the  
8 Pinal Active Management Area.

9 CHMN STAFFORD: Could we insert it in C  
10 where it says, "All applicable water use discharge and/or  
11 disposal requirements of the Arizona Department of Water  
12 Resources, the Pinal County Active Management Area," or  
13 is it "Active Management District"?

14 MEMBER FRENCH: It's Pinal Active  
15 Management Area.

16 CHMN STAFFORD: Okay.

17 MEMBER FRENCH: No "County."

18 MR. THOMPSON: Do you want to abbreviate  
19 that AMA afterwards or --

20 CHMN STAFFORD: You mean -- yeah, I think  
21 we probably should. I mean, do we refer to it again?

22 MR. MOYES: I don't believe so, but that's  
23 the common vernacular.

24 CHMN STAFFORD: I think that would be  
25 appropriate to put ("AMA").

1 MR. THOMPSON: And the Applicant's fine  
2 with that.

3 CHMN STAFFORD: So the section, subsection  
4 C of Condition 3 would be amended to read, "All  
5 applicable water use, discharge and/or disposal  
6 requirements of the Arizona Department of Water  
7 Resources, the Pinal Active Management Area, AMA, and the  
8 Arizona Department of Environmental Quality." Is that  
9 your amendment, Member French?

10 MEMBER FRENCH: That's acceptable.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: I move approval of the  
14 amended Condition Number 3.

15 CHMN STAFFORD: Member French has moved.  
16 Would you like to second it?

17 MEMBER KRYDER: I would second it. Yes.  
18 I'm sorry.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor of the  
22 assessment say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, the amendment  
2 passes.

3 MEMBER MERCER: Mr. Chairman.

4 CHMN STAFFORD: Could I get a motion to  
5 pass to adopt Condition 3 as amended?

6 MEMBER MERCER: So moved.

7 MEMBER GOLD: Second.

8 MEMBER KRYDER: Second.

9 CHMN STAFFORD: Further discussion?  
10 (No response.)

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

13 CHMN STAFFORD: Opposed?  
14 (No response.)

15 CHMN STAFFORD: Hearing none, Condition 3  
16 as amended is adopted.

17 Number 4.

18 MEMBER GOLD: Mr. Chairman, I move  
19 Condition 4 be adopted.

20 MEMBER KRYDER: Second.

21 CHMN STAFFORD: Further discussion?  
22 (No response.)

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

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 4  
3 is adopted. Condition 5.

4 MEMBER KRYDER: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: I move approval of  
7 Condition Number 5.

8 MEMBER MERCER: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

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

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Condition 5  
16 is adopted.

17 Condition 6.

18 MEMBER MERCER: Mr. Chairman, I move

19 Condition 6.

20 MEMBER KRYDER: Second.

21 CHMN STAFFORD: Further discussion?

22 Is this condition necessary seeing how it's  
23 not a line, a jurisdictional line as part of the project?

24 Mr. Moyes? Do you have thoughts on that or  
25 would you prefer to see it just left in there as a

1 standard condition or would you prefer to see it removed  
2 as irrelevant?

3 MR. MOYES: It is a standard condition.  
4 I've seen it in other generation project CECs. I would  
5 in an abundance of caution prefer to leave it in. I  
6 don't think it harms the applicant in any way.

7 CHMN STAFFORD: Yes, because we don't  
8 want -- there will be a 50-foot section of line, don't  
9 want to see the birds get electrocuted on it.

10 MR. MOYES: Correct.

11 CHMN STAFFORD: Condition -- was it  
12 Condition 5 -- no. Condition 6 has been moved and  
13 seconded.

14 All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Condition 6  
19 is adopted.

20 Number 7. I believe 7 and 8 are both the  
21 language that was proposed by TEP in the last case at the  
22 suggestion of SHPO.

23 MR. MOYES: That's correct. And they also  
24 sent the same suggestion to us and to the chairman  
25 requesting generally that this be the new standard

1 condition regarding SHPO coordination going forward.

2 MEMBER KRYDER: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Kryder.

4 MEMBER KRYDER: I move approval of

5 Condition Number 7 as shown.

6 MEMBER LITTLE: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

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

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 7

14 is adopted.

15 Number 8.

16 MEMBER KRYDER: Mr. Chairman.

17 CHMN STAFFORD: Member Kryder.

18 MEMBER KRYDER: I move approval of

19 Condition Number 8 as shown.

20 MEMBER GOLD: Second.

21 CHMN STAFFORD: Further discussion?

22 (No response.)

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

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)  
2 CHMN STAFFORD: Hearing none, Condition 8  
3 is adopted.  
4 Condition 9.  
5 MEMBER HILL: Move approval of Condition 9.  
6 MEMBER MERCER: Second.  
7 CHMN STAFFORD: Further discussion?  
8 (No response.)  
9 CHMN STAFFORD: All in favor say "aye."  
10 (A chorus of "ayes.")  
11 CHMN STAFFORD: Opposed?  
12 (No response.)  
13 CHMN STAFFORD: Hearing none, Condition 9  
14 is adopted.  
15 Number 10.  
16 MEMBER MERCER: Mr. Chairman, I move  
17 Condition 10.  
18 MEMBER KRYDER: Second.  
19 CHMN STAFFORD: Further discussion?  
20 (No response.)  
21 CHMN STAFFORD: All in favor say "aye."  
22 (A chorus of "ayes.")  
23 CHMN STAFFORD: Opposed?  
24 (No response.)  
25 CHMN STAFFORD: Hearing none, Condition 10

1 is adopted.

2 MEMBER GOLD: Mr. Chairman, I move  
3 Condition 11 be adopted.

4 MEMBER MERCER: Second.

5 MEMBER KRYDER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Condition 11 is adopted.

13 Number 12.

14 MEMBER GOLD: Mr. Chairman, I move  
15 Condition 12 be adopted.

16 MEMBER KRYDER: Second.

17 CHMN STAFFORD: Further discussion?

18 MEMBER FONTES: Yes, Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Somers -- oh,  
20 Member Fontes, excuse me.

21 MEMBER FONTES: Yes, in line 2 of this we  
22 reference a right-of-way. That is a commonly used term  
23 to designate an easement for a transmission line.

24 I think we're building a power plant here  
25 is the primary project description, and I'm wondering if



1 Mr. Moyes might have some suggestion in there near the  
2 public -- or how do we describe that, Mr. Moyes, better  
3 suitable to the project description?

4 CHMN STAFFORD: Well, one second before --  
5 my thought is that it refers to --

6 MEMBER FONTES: Mr. Chairman. Sorry.

7 CHMN STAFFORD: It refers to public  
8 rights-of-way because that's the same language used to  
9 tell them where to post the signs to provide notice of  
10 the hearing.

11 MEMBER FONTES: Yeah. The signs shall  
12 advise on the future site of the project, is this  
13 project -- I guess I'd have to refer back to the lead  
14 environmental consultant, was he posting them on  
15 rights-of-way or was he posting them on KOPs? I can't  
16 remember.

17 MR. MORGAN: They're along the project  
18 boundary within the -- or adjacent to the public  
19 right-of-way.

20 MEMBER FONTES: So it's adjacent to the  
21 public right-of-way. I guess we're okay with that,  
22 Mr. Chairman, if you are.

23 CHMN STAFFORD: Right. Because it's  
24 rights-of-way, small letters. It's referring generally  
25 to rights-of-way where people generally have the right to

1 post things. And it says in or near public  
2 rights-of-way, so they could post it on their own  
3 property, they could post it in the right-of-way, they  
4 could post it on someone else's property with permission.  
5 That's my understanding of what the condition means.  
6 Mr. Moyes.

7 MR. MOYES: Yes, and this is the standard  
8 condition exactly worded as probably hundreds of CECs now  
9 at this point.

10 MEMBER FONTES: I was just focusing on what  
11 the (indiscernible) generation one, because most of the  
12 (indiscernible) transmission, as you're well aware.

13 (Reporter clarification.)

14 CHMN STAFFORD: Member Fontes, can you  
15 repeat what you said? Member Fontes, can you repeat what  
16 you said because the court reporter couldn't make it out.

17 MEMBER FONTES: I was just trying to get  
18 down that this covers a generation project, given that we  
19 typically are looking at transmission-related facilities,  
20 and it appears that it does.

21 MEMBER KRYDER: Call for the question.

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 12  
2 is adopted.

3 MEMBER KRYDER: Mr. Chairman.

4 CHMN STAFFORD: Yes, Member Kryder.

5 MEMBER KRYDER: I move approval of  
6 Condition 13 as shown.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 MEMBER RICHINS: Because of the rural  
10 nature of this project -- Chairman, I'll put my video on.

11 Due to the -- I'm having technical  
12 difficulties here. Here we go -- the rural nature of the  
13 project, I'm wondering if a slightly larger radius might  
14 be helpful. Maybe two and a half miles or something.

15 CHMN STAFFORD: That seems like a  
16 reasonable suggestion, Member Richins. Mr. Moyes, is the  
17 applicant -- I mean, we're doing notification in the  
18 prior for a five-mile radius.

19 MEMBER HILL: Mr. Chair.

20 CHMN STAFFORD: Yes, Member Hill.

21 MEMBER HILL: I want to support that  
22 amendment. Mostly because I just think this construction  
23 will have impacts on traffic and traffic flow, and it  
24 will be much larger than just a mile from the site  
25 because of the use of the highway and the exits and other

1 things. I do think we just want to expand it out. Not  
2 that it needs to be five, but I like Member Richins'  
3 suggestion of two, two and a half miles.

4 CHMN STAFFORD: Mr. Moyes.

5 MEMBER RICHINS: Okay. Sorry. I was just  
6 going to make one more suggestion is you have a large  
7 copper mine under development not far from you that's  
8 going to have huge water impacts in the same AMA not far  
9 from you.

10 In fact, if you look out the back window of  
11 that hearing room you can see the tailings dam. I just  
12 recommend specifically notifying that project about what  
13 you're doing.

14 CHMN STAFFORD: So what's the distance to  
15 that project?

16 MEMBER RICHINS: From the site it's  
17 probably five miles. I'm guessing. Maybe six. It's  
18 just another big water user there and I think those two  
19 entities need to talk. They potentially could have  
20 impacts on each other. I don't know how far out the  
21 copper mine's water well field goes.

22 MR. MOYES: Without knowing the boundaries  
23 between project site and the mine, it's difficult to give  
24 you -- my fear here is we put in a distance that we're  
25 already vastly expanding in expensive notification

1 requirement to send these materials out.

2 If we expand it to five miles, the  
3 applicant would agree to that. We can also agree to, or  
4 affirm on the record, that we will consult with the mine  
5 and let them know those plans, but where does it end if  
6 you keep extending it on and on?

7 MEMBER RICHINS: I agree with you. Just  
8 due to the rural, you know, let's expand one mile, just a  
9 little bit further. And if you'll commit to talking to  
10 the mine I don't think we need to expand the radius to  
11 include all of that. I agree with you.

12 CHMN STAFFORD: So you're moving to amend  
13 the 1 on line -- what now appears to be 11 and a half?

14 MEMBER RICHINS: Let's make it two and a  
15 half.

16 And, you know, I don't know that we need to  
17 specifically call out notification of that mining  
18 project, but if the applicant agrees to do it on the  
19 record, I'm comfortable with that.

20 MR. MOYES: Yes, I agree.

21 MEMBER RICHINS: I think it's in your best  
22 interest to do so.

23 CHMN STAFFORD: I agree.

24 MEMBER HILL: And I do think it would be  
25 nice to get to the primary exit that's off of 8 that

1 they've identified, just because other developers and  
2 industry will be using those exits and those corridors as  
3 well.

4 MR. MOYES: I believe two and a half miles  
5 would cover those I-8 interchanges, wouldn't they, Steve?

6 MR. MORGAN: Yes, that's correct.

7 CHMN STAFFORD: All right. So I've heard a  
8 motion from Member Richins to amend Condition 13.

9 MEMBER HILL: Second.

10 CHMN STAFFORD: So change the radius from  
11 one to two and a half miles I heard a second from Member  
12 Hill. Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Condition 13  
19 is adopted -- Condition 13 as amended is adopted.

20 MEMBER KRYDER: Mr. Chairman.

21 CHMN STAFFORD: Yes, Member Kryder.

22 MEMBER KRYDER: I move approval of  
23 Condition 14 as shown.

24 MEMBER HILL: Second.

25 CHMN STAFFORD: Further discussion?

1 MEMBER FONTES: Is it applicable,  
2 Mr. Chairman?

3 MEMBER GOLD: Yeah, for 50 feet.

4 CHMN STAFFORD: Yeah, there's not  
5 technically a transmission line associated with the  
6 project, but for --

7 MEMBER FONTES: Does the applicant want to  
8 keep it for standard practice?

9 MR. MOYES: Yes.

10 CHMN STAFFORD: Condition 14 has been moved  
11 and seconded. Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 14  
18 is adopted.

19 Number 15.

20 MEMBER GOLD: Mr. Chairman, I move  
21 Condition 15 be adopted.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

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

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 15  
5 is adopted.

6 MEMBER MERCER: Mr. Chairman, I move  
7 Condition 16.

8 MEMBER GOLD: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

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

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Number 17, anyone?

14 MEMBER MERCER: I move Condition 17.

15 MEMBER GOLD: I second. It's irrelevant,  
16 but I second.

17 CHMN STAFFORD: Further discussion?

18 MEMBER FONTES: Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Fontes.

20 MEMBER FONTES: And it's got attributes of  
21 generation. I'm wondering if the applicant is fine if we  
22 add "transition and generation study forms." I'm sure  
23 the ACC would appreciate that.

24 CHMN STAFFORD: I'm not entirely sure.  
25 Would that require them to participate in IRPs or



1 something? I think --

2 MEMBER LITTLE: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Little.

4 MEMBER LITTLE: I don't think that's  
5 necessary, transmission studies always include the  
6 generation and the load.

7 MEMBER FONTES: There you go. Thank you,  
8 Member Little. You're closer to that than I am.

9 CHMN STAFFORD: Mr. Moyes, your thoughts?

10 MR. MOYES: We agree with Member Little's  
11 assessment.

12 CHMN STAFFORD: Number 17 has been moved  
13 and seconded. Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 17  
20 is adopted.

21 Number 18. My thought is this is probably  
22 still relevant because there will be transmission lines  
23 on the project site and there is a natural gas pipeline  
24 on the project site. So I think this one is still  
25 relevant and should be kept.

1 Mr. Moyes?

2 MR. MOYES: We agree.

3 MEMBER GOLD: Mr. Chairman, in that case, I  
4 move 18 be adopted.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 18  
13 is adopted.

14 Number 19.

15 MEMBER KRYDER: Mr. Chairman.

16 CHMN STAFFORD: Member Kryder.

17 MEMBER KRYDER: I move Condition Number 19  
18 be approved.

19 MEMBER MERCER: Second.

20 CHMN STAFFORD: Further discussion?

21 Mr. Moyes, the compliance, the first  
22 compliance date for a letter to the docket, just  
23 confirming you want it December 1, 2025; correct.

24 MR. MOYES: We estimated that, as you know,  
25 it typically takes two months to get on the open meeting

1 agenda to have these confirmed, and that would give us a  
2 month buffer in case something carried over.

3 MEMBER KRYDER: Mr. Chairman.

4 CHMN STAFFORD: Member Kryder.

5 MEMBER KRYDER: Mr. Moyes, do you need more  
6 time on that? Would you like to have the date changed?

7 MR. MOYES: If the Committee was willing to  
8 grant us a January 1 date, that's a good clean start date  
9 and it's easy to remember for the applicants.

10 MEMBER KRYDER: Thank you very much.  
11 Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: I move that line 5 be  
14 changed from December 1, 2025, to January 1, 2026.

15 MEMBER GOLD: 2nd.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

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

19 MR. MOYES: Sorry. Oh, she caught it.

20 Opposed? Hearing none, the amendment carries.

21 Can I get a motion to adopt Condition 19 as  
22 amended?

23 MEMBER GOLD: I so move.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 20.

7 MEMBER GOLD: Mr. Chairman, I move

8 Condition 20 be adopted.

9 MEMBER KRYDER: Second.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 20

17 is adopted.

18 21.

19 MEMBER MERCER: Mr. Chairman, I move

20 Condition 21.

21 MEMBER KRYDER: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?  
2 (No response.)  
3 CHMN STAFFORD: Hearing none, Condition 21  
4 is adopted.  
5 Number 22.  
6 MEMBER GOLD: Mr. Chairman, I move  
7 Condition 22 be adopted.  
8 MEMBER MERCER: Second.  
9 CHMN STAFFORD: Further discussion?  
10 (No response.)  
11 CHMN STAFFORD: All in favor say "aye."  
12 (A chorus of "ayes.")  
13 CHMN STAFFORD: Opposed?  
14 (No response.)  
15 CHMN STAFFORD: Hearing none, Condition 22  
16 is adopted.  
17 Number 23.  
18 MEMBER KRYDER: Mr. Chairman.  
19 CHMN STAFFORD: Member Kryder.  
20 MEMBER KRYDER: I move approval of  
21 Condition 23.  
22 MEMBER GOLD: Second.  
23 CHMN STAFFORD: Further discussion?  
24 (No response.)  
25 CHMN STAFFORD: All in favor say "aye."

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 23  
5 is adopted.

6 Now we need to pull up on one of the  
7 screens Chairman's 3, which is the PDF of the proposed  
8 additional conditions.

9 THE COURT REPORTER: Mr. Chairman?

10 CHMN STAFFORD: Yes.

11 THE COURT REPORTER: Can I request lunch?

12 CHMN STAFFORD: Yes, that is an excellent  
13 suggestion. It is almost one o'clock. It's appropriate  
14 to take our lunch break now. Can we do a shorter than  
15 hour lunch break to get back, Members?

16 MEMBER GOLD: I so move.

17 MEMBER KRYDER: Yes.

18 CHMN STAFFORD: All right. So let's take a  
19 recess from now until --

20 MEMBER FONTES: I have a conflict,  
21 Mr. Chairman. I need one hour.

22 CHMN STAFFORD: You need an hour.

23 MEMBER FONTES: Yeah, I have a board  
24 meeting. I'll try my best to get back, Mr. Chairman. I  
25 understand.

1 CHMN STAFFORD: Well, I guess we'll take an  
2 hour lunch break. We'll be back at exactly two o'clock.

3 With that, we stand in recess.

4 (Recess from 12:58 p.m. to 2:02 p.m.)

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

7 All right. We concluded with -- we had  
8 finished Condition 23.

9 Now, let's move on to the proposed  
10 conditions from the applicant starting with 24. Can we  
11 get Chairman's 3 up on one of the boards? There we go.

12 MEMBER GOLD: Mr. Chairman, I move  
13 additional proposed condition starting at line 24 be  
14 moved. Then we can open it for discussion.

15 CHMN STAFFORD: Do I hear a second?

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: All right. Discussion on  
18 Condition 24.

19 I believe the applicant had a suggestion or  
20 was considering the input to the Committee Members about  
21 the cost of the, not the arbiter, but the facilitator.

22 MR. MOYES: The cost is factored into the  
23 increased annual payment that we're putting into the  
24 fund.

25 CHMN STAFFORD: And what would that --

1 MR. MOYES: From 428 to 450,000.

2 CHMN STAFFORD: 450. All right. Do I have  
3 an amendment to amend the 428 in line 24 --

4 MEMBER KRYDER: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: I move an amendment to  
7 Condition 24 at line -- line 23 and 24 to read where the  
8 four hundred and twenty-eight thousand dollars,  
9 (\$428,000.00) be deleted and replaced therewith four  
10 hundred and fifty thousand dollars, (\$450,000) written  
11 out, per year.

12 MEMBER GOLD: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER KRYDER: Mr. Chairman.

15 CHMN STAFFORD: Yes, Member Kryder.

16 MEMBER KRYDER: I would like to state for  
17 the record a word of thanks to the applicant for first  
18 offering 428,000 and then being willing to move it up to  
19 450. I think that is a most generous offer and I  
20 officially want to go on record as stating that. Thank  
21 you.

22 CHMN STAFFORD: Thank you, Member Kryder.

23 MEMBER LITTLE: Mr. Chairman.

24 CHMN STAFFORD: Member Little.

25 MEMBER LITTLE: I had mentioned that I



1 would really like to see there be funds designated for  
2 whatever barriers the group -- community working group  
3 determines are what they think would work best for them  
4 for mitigation.

5 And I think that putting the funds into the  
6 community working group as it's been proposed here by the  
7 applicant is probably the best -- in my opinion, the best  
8 way to do that. I agree with them, I guess is what I  
9 should say.

10 And I had -- I've been thinking about  
11 Member Hill's suggestion that maybe we want to front --  
12 or front-load the first few years with maybe a heavier  
13 proportion of the total amount of funds that the  
14 applicant is willing to put into -- for use by the  
15 community working group.

16 And I guess although I think this would  
17 work fine, I'm just wondering whether it might make more  
18 sense to put more funds in earlier in the ten-year period  
19 and less later.

20 You know, I also live in a rural community  
21 for a lot of the same reasons that the people stated.  
22 And if it was me, I would rather do the things that I  
23 felt would be helpful to me right away instead of waiting  
24 eight years.

25 I mean in eight years I might be dead. So

1 I certainly probably wouldn't care as much as I do now.

2 I'm just wondering how the other members of  
3 the Committee would feel about that possibility. I'm not  
4 proposing that we increase the total amount by anything.  
5 I'm just proposing that we increase earlier years and  
6 have it diminish down.

7 CHMN STAFFORD: Let's -- I'd like to ask  
8 the applicant about that. And I seem to recall them  
9 saying something earlier about they could -- that that  
10 might be possible, or that they could not spend funds in  
11 a year and it would be the following year.

12 I think it was the other way, it was if you  
13 didn't spend it right away you could spend a large amount  
14 in a subsequent year.

15 I'm curious to hear from the applicant  
16 about how they selected the amount and the time frame.  
17 I'm assuming it has something to do with the financing or  
18 economic viability of the project, but I'd like to hear  
19 from Mr. Moyes or Mr. Thompson on that.

20 MR. MOYES: Well, the fund itself was  
21 designed to be a revolving fund or a carrying over fund,  
22 so if they didn't decide they wanted use it in year 1 or  
23 2, they're not going to lose that money. It will  
24 accumulate over time.

25 With regard to front-loading some of the

1 money, I would have to ask Mr. Thompson whether the  
2 financing projections he's made would allow that.

3 MEMBER KRYDER: Mr. Chairman.

4 CHMN STAFFORD: Member Kryder.

5 MEMBER KRYDER: I, while Mr. Thompson and  
6 Mr. Moyes are speaking through that, a point of  
7 observation is that how much is enough is always the  
8 question.

9 And because the moneys can be held on as  
10 was just established, if they're not spent in year 1,  
11 they carry to year 2. Now, that doesn't address what  
12 Toby's concern was of front-loading it.

13 On the other hand, how much front-loading  
14 is appropriate, you know. It goes into a round-robin.  
15 And I understood that that was the very purpose of this  
16 community working group, to allow them the capability of  
17 taking a very generous gift and making it work the best  
18 for them.

19 For us to say, oh, by the way, I want you  
20 to get that front-loaded so you can do A, B, or C, puts  
21 the Committee back into driving this rather than having  
22 it being driven by the working group to -- it would seem  
23 to me, again, we're saying we know better for you than  
24 you know for yourself. And that's I think contrary to  
25 most democratic principles. Thank you.

1 MEMBER LITTLE: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Little.

3 MEMBER LITTLE: I acknowledge what Member  
4 Kryder said. I'm just also wondering, you know, if, for  
5 example, they decide they want to put a wall up, just as  
6 an if, and they make that decision pretty much right  
7 away.

8 And when the applicant gets to the point in  
9 their construction of the project where it's time to put  
10 the wall up, to build a wall instead of a chain link  
11 fence with barbed wire on top of it, and there isn't  
12 enough money in the CWG fund, would it be possible for  
13 them to loan the money to the CWG to pay for that? Or  
14 could they -- I mean, do they have to wait until they  
15 have enough money saved up to get the wall? Or what --  
16 how would this work? That's my concern.

17 MEMBER FONTES: Mr. Chairman, if I could --

18 CHMN STAFFORD: Yes, Member Fontes.

19 MEMBER FONTES: -- add color to Member  
20 Little, because she asked for the other members' inputs.  
21 One of the items I pointed out is that we have a final  
22 design review with this community action group --  
23 community working group, excuse me -- looking at that.

24 Presumably the applicant is not going to  
25 100 percent equity finance this. They're going to go for

1 debt finance and they're going to have to get debt  
2 financing after that final design review prior to  
3 construction.

4 So it would seem reasonable that they're  
5 going to include that as a part of their financing with  
6 both debt and equity.

7 I would ask the applicant to consider that  
8 that final design review and the final plan include the  
9 barrier, the wall that is subject to the review of the  
10 community working group, and somehow segregate that from  
11 the operations aspect of the annual use of this.

12 One way to look at it is if funds are  
13 constrained is it going to impact cash flow here? Look  
14 at it as a cap on what that wall would be in terms of the  
15 initial construction, and then reduce that from the  
16 future years.

17 Seen that done in other projects, it's been  
18 effective on access roads. So just trying to address  
19 Member Little's concern, but also give something to the  
20 applicant to consider, that's linking back to that final  
21 design review that I think is important here.

22 MEMBER KRYDER: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Kryder.

24 MEMBER KRYDER: Perhaps they could have a  
25 cake sale.

1 MEMBER HILL: Mr. Chair.

2 MR. MOYES: Mr. Chairman.

3 CHMN STAFFORD: Yes, Mr. Moyes.

4 MR. MOYES: In order to accommodate the  
5 front-loading request the applicant is willing to offer  
6 to bump the payment for the first four years to \$650,000.  
7 In the second six years, the payment would be \$250,000.

8 MEMBER KRYDER: That's very generous.

9 MEMBER HILL: Mr. Chair.

10 CHMN STAFFORD: Yes, Member Hill.

11 MEMBER HILL: I really appreciate that. I  
12 think that it's tremendously beneficial to the community.  
13 I think if they identify mitigation measures I don't want  
14 them to have to wait over several years to make a few  
15 investments, and this puts them in a much better position  
16 in year 1 through 4. So I really, really appreciate that  
17 approach.

18 MEMBER LITTLE: As do I, Mr. Chairman.

19 CHMN STAFFORD: Thank you. Just from an  
20 operational standpoint here, if we can take Condition 24  
21 from Chairman's 3 and add it to Chairman's 2, I believe  
22 it has been moved and seconded.

23 MEMBER GOLD: I move that we do that,  
24 Mr. Chairman.

25 CHMN STAFFORD: You move to make the

1 amendment that was just proposed or --

2 MEMBER GOLD: Well, I move both, so  
3 whatever order you think is the correct order.

4 CHMN STAFFORD: We already moved and  
5 seconded the additional proposed condition. I'm just  
6 talking about the mechanics of how it gets onto the page.

7 MEMBER GOLD: Whatever you suggest,  
8 Mr. Chairman.

9 MEMBER MERCER: Second.

10 MEMBER RICHINS: Chairman, this is Member  
11 Richins. I was on late. Sorry. Kid duty.

12 CHMN STAFFORD: Yes, Member Richins.

13 MEMBER RICHINS: I am just coming to this  
14 discussion a little late, and I apologize that it's  
15 probably been covered.

16 Have you guys gone through the mechanics of  
17 how the community working group should work at all?

18 CHMN STAFFORD: No, not yet. We're in the  
19 process of condition -- additional -- well, Condition 24  
20 has been moved and seconded. It's been added to the  
21 document as a condition, and now we're in discussion.

22 There's been an amendment to change the  
23 dollars -- was that an amendment from Member Mercer to  
24 change the dollar amount, or was --

25 MEMBER MERCER: Yes.

1 CHMN STAFFORD: Okay. Was there a second?

2 MEMBER GOLD: I second.

3 CHMN STAFFORD: Okay. And so now there's  
4 an amendment. There's a motion to amend Condition 24 to  
5 have the amount that goes into the CWG fund to be  
6 increased for the first --

7 MEMBER MERCER: Three years.

8 CHMN STAFFORD: -- was it three or four  
9 years?

10 MR. MOYES: First four years.

11 CHMN STAFFORD: First four years, to 600 --

12 MR. MOYES: 50.

13 CHMN STAFFORD: -- \$50,000 and then reduced  
14 to 200 and some thousand for the last --

15 MR. MOYES: \$250,000 for the last six  
16 years.

17 CHMN STAFFORD: Six years. There you go.  
18 That amendment has been moved and seconded.  
19 Further discussion?

20 MEMBER RICHINS: But we're still  
21 amending -- we're still amending additionally 24; is that  
22 right? That's just specifically for the money dollar  
23 amount?

24 CHMN STAFFORD: Yes.

25 MEMBER RICHINS: We're not approving 24



1 yet.

2 CHMN STAFFORD: No, we're not. We just --  
3 right now -- okay.

4 MEMBER RICHINS: Apologies. Thanks for  
5 getting me up to speed.

6 CHMN STAFFORD: No problem.

7 MEMBER RICHINS: Do we want to entertain  
8 initial amendments before we vote on this one, or vote on  
9 them as a whole, or do we want to have that discussion,  
10 each separate amendment?

11 CHMN STAFFORD: What we'll do is we're  
12 still on 24. It's been moved. Now it's been amended.  
13 Did I call the roll for the amendment yet?

14 MEMBER MERCER: No.

15 MEMBER RICHINS: No. I just have  
16 additional clarifications on 24 that may result in  
17 additional amendments.

18 CHMN STAFFORD: Yes, we can amend it  
19 further before we adopt it as amended.

20 So right now I think we're waiting for them  
21 to finalize the language on the screen in front of us,  
22 and then I'm going to read it and then I will call for  
23 the vote on the amendment.

24 Mr. Moyes, just give me the thumbs up when  
25 the changes to paragraph 2 of Condition 24 are complete

1 and then I will read them off.

2 MR. MOYES: I believe we're good to go now.

3 CHMN STAFFORD: Okay. So the amendment  
4 that we're about to vote on is to change the second  
5 paragraph of Condition 24 to read: Applicant shall  
6 deposit into a revolving CWG Fund the amount of \$650,000  
7 per year for years 1 through 4, and \$250,000 per year for  
8 years 5 through 10, commencing on the earlier of A,  
9 February 2026, or B, three months prior to initial  
10 groundbreaking.

11 Is that clear to members the amendment we'd  
12 be voting on?

13 MEMBER GOLD: Yes, Mr. Chairman. Why are  
14 we doing it prior to ground breaking?

15 CHMN STAFFORD: Mr. Moyes, that was in the  
16 condition that you proposed.

17 MR. THOMPSON: So you have my money.

18 CHMN STAFFORD: Mr. Thompson, we couldn't  
19 hear the response there.

20 MR. THOMPSON: So that we're funding this  
21 ahead of ground breaking, before we cause any impact to  
22 the environment.

23 MEMBER GOLD: Okay. Understood.

24 CHMN STAFFORD: Further discussion?

25 MEMBER FONTES: Could there be a scenario

1 whereby the community working group is involved in a  
2 dispute because they want a barrier that could interfere  
3 with the project site and construction goes ahead and  
4 ground breaking goes ahead?

5 How do we sort of carefully thread the  
6 needle on that so if they want the wall it can still be  
7 executed with these funds?

8 MR. MOYES: That's what the facilitator is  
9 for.

10 MEMBER FONTES: We haven't got there, but  
11 the facilitator, if there's arbitration it's -- in the  
12 present form it states that you can use it but not the  
13 community.

14 CHMN STAFFORD: Right now the amendment on  
15 the floor is changes to the dollar amount and the years  
16 of the funding. We can amend this section further after  
17 we deal with the amendment that's currently before the  
18 Committee.

19 MEMBER KRYDER: Call the question on the  
20 amendment.

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

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, the amendment

1 passes.

2 Now before we move Condition 24 as amended,  
3 now we can address the other issues. Member Fontes, is  
4 there -- let's see --

5 MEMBER FONTES: We can wait till we get to  
6 them sequentially, Mr. Chairman, to facilitate this.

7 CHMN STAFFORD: I'm trying to see if this  
8 is the condition to do it.

9 MEMBER RICHINS: I just have some  
10 clarifications about that money, what that money is spent  
11 for. A question, really.

12 CHMN STAFFORD: Ask away.

13 MEMBER RICHINS: Okay. So I know that as  
14 you guys go through your county -- your hearing with  
15 Pinal County, they're likely to put additional -- they'll  
16 impose additional conditions on you.

17 Is your vision for this funding to be used  
18 to meet those conditions as well as the stuff imposed by  
19 the community working group? Or is that a separate pot  
20 of money that you're going to have to deal with those  
21 things with?

22 MR. MOYES: Whatever additional conditions  
23 the county imposes on the applicant will be the  
24 applicant's responsibility. We're not speaking to those  
25 or making commitments in the CEC regarding any county

1 obligation other than we will broadly comply with  
2 whatever county obligation there is.

3 The funds for this particular group will be  
4 reserved solely for the discretion of this group to spend  
5 however and whenever they please.

6 MEMBER RICHINS: Thank you.

7 MR. THOMPSON: However, though, being  
8 defined as in the document as it's defined. I mean, they  
9 can't go have a keg party or something.

10 MEMBER RICHINS: I'll cross that out.

11 MR. THOMPSON: Okay.

12 CHMN STAFFORD: All right. And then I  
13 think it was -- was it Member Fontes or Member Richins  
14 that was asking about how I believe it's the last  
15 sentence of the first paragraph of Condition 24 -- no,  
16 it's the penultimate sentence where it says -- no, no.  
17 It's the last sentence, excuse me.

18 "The facilitator may if necessary employ  
19 dispute resolution mechanisms."

20 MEMBER FONTES: It appears to have improved  
21 from when I read it last time, or we read it. In the  
22 version I had it had a reference to applicant.

23 CHMN STAFFORD: Not in that sentence I  
24 understand. That one -- this one -- the only changes to  
25 these to these -- to the language that we've addressed so

1 far in Condition 24 was the change to the amount and the  
2 timing of the payments. Was that a different section  
3 that had the applicant in it?

4 MR. MOYES: It did not.

5 CHMN STAFFORD: Okay.

6 MEMBER FONTES: I'm good with this.

7 Mr. Chairman, for the absence of doubt.

8 CHMN STAFFORD: Okay. Because I'm looking  
9 at the PDF on the tablet and it says, "The facilitator  
10 may if necessary employ dispute resolution mechanisms."

11 MR. MOYES: That is how it was originally  
12 drafted.

13 CHMN STAFFORD: Okay. Are there any other  
14 proposed amendments to Condition 24, or are we ready to  
15 move it as amended?

16 MEMBER RICHINS: I'm just -- this is David  
17 Richins again -- one of my worries about this community  
18 working group is its functionality of how it's going to  
19 reach consensus within its group to operate, to draw down  
20 funds who's responsible for the funds.

21 So there's a whole underlying agreement  
22 that needs to happen on operating principles for the  
23 group. And this -- I don't want to leave the applicant  
24 with a really vague assignment with the community working  
25 group that just descends into chaos because there's not

1 enough clarity on how things are supposed to operate, who  
2 controls the money, where it gets deposited, how the  
3 funds are drawn down, how the consensus is achieved for  
4 what they're going to spend money on.

5 I mean, there's just a whole big mess of  
6 stuff that has to happen, and I'm not sure how to even  
7 address this in a condition other than, you know, making  
8 sure that community working group -- and I don't know if  
9 we need a line siting member that participates with this  
10 Committee to help recall what we talked about here.

11 We might want to consider that. But there  
12 needs to be an operating agreement reached between the  
13 applicant and the community working group that largely  
14 defines how things will operate, and it needs to happen  
15 by agreement with the community working group, not  
16 imposed by the applicant.

17 And the applicant already stated they have  
18 experience doing technical groups, but a community  
19 working group is a much different animal. And it's  
20 really easy for it to go sideways very quickly.

21 And so I'm I think appealing for a little  
22 help from the group here on just getting some sideboards  
23 on here just to help ensure the success of the group,  
24 because it's a great idea, it's great to have real  
25 funding behind what it can do, but it could just

1 become -- quite quickly. So I'm just appealing for a  
2 little help here on how we might do that.

3 MEMBER FONTES: Mr. Chairman.

4 MEMBER LITTLE: Mr. Chairman.

5 CHMN STAFFORD: Wait. One at a time.

6 Member Fontes and then Member Little, and then I  
7 believe --

8 MEMBER FONTES: I struggle with one last  
9 item, and that's -- it's composed of four members of the  
10 local community, but who picks those members of the local  
11 community is not stated, so that's the only observation I  
12 have.

13 MEMBER GOLD: Mr. Chairman.

14 CHMN STAFFORD: Wait. Member Little was on  
15 the board.

16 MEMBER LITTLE: My comment is that  
17 Mr. Moyes had mentioned that they have been in touch with  
18 the two working groups that this is being patterned  
19 after. And the language in this one at least, because I  
20 was present when the language was developed for the  
21 Coolidge plant, this language is very similar to that  
22 language. And I believe that that community working  
23 group has worked very well.

24 I think maybe I'd like to hear a little bit  
25 from Mr. Moyes since he has actually spoken to them



1 about, you know, whether -- I don't think it's our job to  
2 put details in here about how they get -- how they vote  
3 for who's going to represent them or details like that.  
4 I think it's our job to tell them they need to put it  
5 together.

6 MR. MOYES: Thank you, Member Little. We  
7 have, in fact, communicated in particular with  
8 representatives from the most recent Coolidge working  
9 group. And I would agree with that sentiment that they  
10 have expressed the flexibility is important to those  
11 groups, not being hamstrung by guardrails that this  
12 Committee chooses for them is important to those groups.

13 And if you look the way the description of  
14 the formation of the group was drafted in the Coolidge  
15 CEC, we tried to mimic that. We have actually much more  
16 detail in ours than even that group had.

17 So when it comes to formulating some sort  
18 of charter or organizational document, remember that we  
19 will have representatives from the applicant there.  
20 There will be a community representative, the county  
21 representatives, and we are committing to report the  
22 progress of that group in each annual meeting so we can  
23 explain to the Commission how those decisions are being  
24 made.

25 But as it's been set up in the past

1 successfully, we don't want to put too many restrictions  
2 on them and let them decide how they vote and any other  
3 administrative decision.

4 MEMBER GOLD: Mr. Chairman.

5 CHMN STAFFORD: Thank you.

6 Member Gold.

7 MEMBER GOLD: I agree. I think that we are  
8 dealing with retired adults. They run businesses. They  
9 run companies. They are concerned enough to be here. I  
10 don't believe we should put any restraints on you.  
11 You've gone overboard and done everything you're -- more  
12 than you're required to do. I think we leave it and now  
13 it's up to them.

14 CHMN STAFFORD: Member Drago.

15 MEMBER DRAGO: Member Little, I can't agree  
16 more with you. We have a tendency in the Committee to  
17 almost write standard work where I don't think that's  
18 necessary. I think we just need to provide kind of what  
19 our wish is to go above and beyond and help that  
20 community, based on the concerns we heard from the public  
21 comment period. So I agree, and thank you for saying  
22 that.

23 MEMBER KRYDER: Call for the question on  
24 the revised Condition 24.

25 MEMBER GOLD: Second.

1 MEMBER RICHINS: Chairman, I got --

2 CHMN STAFFORD: It's been moved as amended.  
3 Further discussion, Mr. Richins?

4 MEMBER RICHINS: Yeah, I'd like further  
5 discussion.

6 CHMN STAFFORD: You shall have it now.  
7 Please proceed.

8 MEMBER RICHINS: I'm not asking for us to  
9 define the guardrails. I'm asking for the group to have  
10 a mechanism for defining the guardrails. Because I agree  
11 with what's been (indiscernible) the group  
12 that (indiscernible) but when --

13 THE COURT REPORTER: I can't understand  
14 him.

15 CHMN STAFFORD: Hold on. You're breaking  
16 up. The court reporter can't make out what you're  
17 saying.

18 MEMBER RICHINS: I'm sorry, I'm in the car.  
19 See if I can do this. I just pulled over.

20 CHMN STAFFORD: There you go.

21 MEMBER RICHINS: I mean, I worked one of  
22 these groups. I facilitated it, I paid for it, I've done  
23 this. So I know what can go -- can -- and I agree with  
24 my Committee Members. We should not be the ones who  
25 define -- we need the rail on how this is going to work.

1           The Committee -- I don't know, some type of  
2 specific assignment that we're going to put together a  
3 document with the community group about how they're going  
4 to operate. So maybe something as simple as the  
5 recommendation that the community working group adopt  
6 operating principles with the applicant on how the  
7 expenditure, you know, on how the group will operate and  
8 spend money.

9           So it can be that simple. But we need to  
10 impose on the applicant and the community working group  
11 members that they create roles for themselves because  
12 when you have \$600,000 a year at stake, you're going to  
13 get a bunch of people in the room that are looking to  
14 feed their own self-interest.

15           And then you get their buddies on the  
16 committee and you start voting yourself your own  
17 self-interest. And this is public money to be spent for  
18 the benefit of the general public, not individual  
19 committee members. And the impact --

20           CHMN STAFFORD: You broke up and the last  
21 sentence was incomprehensible.

22           MEMBER GOLD: We lost him.

23           MEMBER RICHINS: Just on the record that  
24 the community working group can develop a set of  
25 operating principles that's agreeable to the members of

1 the community working group and the applicant. You can  
2 try to go without it, but I want to make sure we set this  
3 up for success. So --

4 MR. MOYES: We would be amenable --

5 MEMBER LITTLE: Mr. Chairman.

6 CHMN STAFFORD: Mr. Moyes, you had a  
7 response? An answer?

8 MR. MOYES: We would be amenable to a  
9 simple sentence to that effect. The CWG shall develop a  
10 set of operating principles in coordination with the  
11 applicant and members --

12 CHMN STAFFORD: And the county --

13 MR. MOYES: -- of the CWG, which would  
14 include all of those, to guide or instruct how money is  
15 spent. I don't know how -- what's the best way to word  
16 that.

17 MEMBER KRYDER: Don't do it.

18 MEMBER FONTES: The community operating  
19 guidelines I think is what he -- I caught in his --

20 MEMBER RICHINS: Disposition of funds.

21 MEMBER KRYDER: Don't do it.

22 MR. MOYES: The CWG shall work with  
23 applicant and the other members to develop working  
24 principles to guide the disposition of CWG funds.

25 MEMBER RICHINS: Operating principles

1 instead of working principles.

2 MR. MOYES: Operating. Yeah.

3 MEMBER HILL: So moved.

4 MEMBER RICHINS: Second.

5 MEMBER MERCER: Mr. Chairman?

6 CHMN STAFFORD: One second.

7 MEMBER RICHINS: -- beat a dead horse.

8 CHMN STAFFORD: Okay. One at a time. All

9 right. Now, I heard a motion by whom? Who made the --

10 MEMBER HILL: Member Hill.

11 CHMN STAFFORD: Member Hill. Okay.

12 MEMBER HILL: I'm talking about myself in

13 third person now. Okay.

14 CHMN STAFFORD: All right. I didn't hear a

15 second, but I heard that Member Mercer had a question.

16 MEMBER MERCER: Somebody seconded and then

17 I had a question.

18 CHMN STAFFORD: Okay. Who seconded?

19 MEMBER LITTLE: Second.

20 CHMN STAFFORD: Member Little seconded?

21 Now, further discussion.

22 MEMBER MERCER: My question is, I mean it

23 sounds like, I know they're trying to protect the -- how

24 the money's going to be dispersed or who's going to

25 manage the money.

1 I don't think they're going to -- the  
2 applicant is going to write a check for \$650,000 for the  
3 first four years and give it to a group without any  
4 accountability. Is that the -- is that the -- what some  
5 members are afraid of, that there's not any  
6 accountability? I don't understand any of this  
7 discussion. I'm sorry.

8 MEMBER GOLD: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Gold.

10 MEMBER GOLD: I think we are micromanaging.  
11 This is not the applicant's problem. This is not our  
12 issue. This is the Committee's issue. Let the Committee  
13 deal with it. Why are we doing this?

14 CHMN STAFFORD: Well, the community working  
15 group will be the applicant's problem. Hopefully it's  
16 not a problem at all. Hopefully it's a constructive  
17 process. It allows them to take the input of the  
18 community and mitigate the impacts of the plant, but it  
19 will definitely be their issue to deal with. How --

20 MR. MOYES: Mr. Chairman, if I --

21 CHMN STAFFORD: I want to ask you a  
22 question. My thought is that how did -- this is -- the  
23 language in this is patterned after what was adopted in  
24 the Coolidge case, and you've been speaking with the SRP  
25 who had to manage that community working group.

1                   How was the -- and they didn't have these  
2 requirements or the language in their CEC that we're  
3 talking about right now. How did they manage to do this  
4 without having the whole thing go off the rails?

5                   MR. MOYES: That I cannot answer,  
6 Mr. Chairman. We didn't ask that question. They may  
7 very well have some governing document or they may not.  
8 But I know that the group has been successful and they've  
9 even shortened the frequency of their meetings.

10                  I would like to propose a simpler sentence  
11 that I think will -- can also cover accountability that  
12 Member Mercer requested, and just simply state, "The CWG  
13 shall adopt operating principles to direct the  
14 disposition of funds." As simple as that.

15                  The operating principles can and most  
16 likely will include some kind of accountability or  
17 reporting responsibility and accounting principles.

18                  CHMN STAFFORD: Okay. Member Richins, you  
19 had your hand up.

20                  MEMBER RICHINS: Yeah, it's -- the answer  
21 to your question about SRP is very simple. SRP is an  
22 incumbent utility that has a huge community team that  
23 works with the community, they have outreach here, they  
24 live here.

25                  This is a merchant utility, this is a



1 merchant developer. It's a very different thing than an  
2 incumbent utility who has a huge staff to be able to  
3 facilitate this kind of stuff and are embedded.

4 I don't know any of our applicant team, I  
5 don't know if any of them even live in Arizona. So  
6 they're going to need to rely on people that are here to  
7 make this happen.

8 And so the difference between a utility  
9 pulling this off and a merchant developer pulling this  
10 off are very, very different, which is why we need to  
11 have language that just -- that just tells the community  
12 working group that they are required to adopt operating  
13 principles.

14 So I'm fine with the language that's been  
15 proposed here. That's fine. But that's the difference  
16 here for my fellow Committee Members so they can  
17 understand that nuance between a merchant developer and  
18 an incumbent utility.

19 CHMN STAFFORD: Okay. Thank you. Member  
20 Hill.

21 MEMBER HILL: So my first order of business  
22 is to withdraw my motion.

23 And I'm hoping that whoever seconded it is  
24 okay with withdrawing that second.

25 CHMN STAFFORD: Who was the second?

1 MEMBER LITTLE: It was me.

2 MEMBER MERCER: It was Member Little.

3 MEMBER LITTLE: Okay. Okay with me.

4 MEMBER HILL: Okay. And then my comment is  
5 that I do feel like Coolidge was a little more organized  
6 as a community and kind of had a working structure and a  
7 set of working relationships, but this is really is  
8 relationship that's evolving and new.

9 You know, there were intervenors in  
10 Coolidge, they are far more organized. And so I just  
11 want to make sure they get (indiscernible) the right, but  
12 I don't think we're imposing a lot.

13 We're imposing -- we're asking for some  
14 governing, you know, agreement about how they're going to  
15 govern themselves. And given that the Applicants have  
16 actually drafted the language and feel comfortable with  
17 it, I now make a motion that we accept this language as  
18 amended here -- or accept this amended language.

19 CHMN STAFFORD: Member Little, did you  
20 withdraw your second of the prior motion?

21 MEMBER LITTLE: Yeah, I did. Yes.

22 CHMN STAFFORD: Okay.

23 MEMBER GOLD: In that case I second Member  
24 Hill's motion.

25 CHMN STAFFORD: All right. And the

1 language that was the subject of the motion pending is  
2 the language that Mr. Moyes read a moment ago.

3 MEMBER KRYDER: And Mr. Chairman, where  
4 would that language be inserted in line what?

5 CHMN STAFFORD: That's what we're about to  
6 discuss.

7 MEMBER KRYDER: Thank you.

8 CHMN STAFFORD: Mr. Fontes. Mr. Fontes,  
9 you have your hand up.

10 MEMBER FONTES: Can you hear me?

11 CHMN STAFFORD: Yes.

12 MEMBER FONTES: Thank you, Mr. Chairman.

13 Echoing Member Richins' observation, I  
14 still am confused. It says the CWG will be composed of  
15 four members of the local communities who live within  
16 one-mile radius. Two members representing the applicant  
17 and two representatives of the county.

18 Who picks the initial four members of the  
19 local community? In the preexisting sited plans we had  
20 preexisting organizations, as Member Hill noted. In this  
21 case with a merchant plant, we need somebody to represent  
22 and pick those members.

23 Also, I will note that you previously had  
24 concerns that one mile was insufficient due to the rural  
25 nature of this plant. I don't mean to nitpick, but I

1 think that's important to get at the intent of what  
2 Member Hill and Member Richins have already underscored  
3 in some of the previous notes from Member Little.

4 CHMN STAFFORD: Thank you, Member Fontes.

5 I can give you my thoughts on that. The  
6 five-mile radius is about notification. I think when it  
7 comes to the actual mitigation measures that will be paid  
8 for through this fund, I think the people who are the  
9 closest who are the most impacted should be the ones to  
10 make -- to have the most input into that decision, if  
11 that makes sense to you.

12 MEMBER FONTES: I agree, Mr. Chairman. I  
13 just was deferring to you because you made that note.  
14 But, again, the other point is who picks the initial four  
15 members?

16 MR. MOYES: Mr. Chairman, in the case of  
17 the latter community group, that group was not  
18 preestablished. I understand SRP obviously has a robust  
19 public outreach department.

20 However, that group was formed organically,  
21 somehow. This is a very small community. They're  
22 tight-knit. We've seen many of those community members  
23 appear during these proceedings. I think they're capable  
24 of organizing amongst themselves and deciding who those  
25 four representatives should be without us dictating

1 additional conditions.

2 CHMN STAFFORD: I think that sounds  
3 reasonable. So I'm just -- let me just kind of pitch a  
4 scenario here to see how this would play out. So you  
5 have a dozen community residents show up vying for the  
6 four spots on the Committee. I think, and this is just  
7 my thought, if I was the applicant my thought would be  
8 to, okay, the dozen of you amongst yourselves pick the  
9 four you're going to seat on the committee -- the working  
10 group.

11 MR. THOMPSON: And the term that you should  
12 reside on that until other members are picked.

13 CHMN STAFFORD: Right. If they want to do  
14 it on an annual basis, every two years for the duration  
15 of the fund, I think that would be up to those people  
16 from the community that show up that want to participate  
17 on how to kind of amongst themselves figure out the best  
18 way for them to do it.

19 And I guess if they have -- if they're  
20 unable to reach agreement then I guess the facilitator,  
21 it would be necessary at that point for them to employ  
22 dispute resolution mechanisms.

23 MR. MOYES: That's exactly as we envision  
24 it.

25 MR. THOMPSON: Correct. And provide a hat

1 if necessary. To draw names out of the hat.

2 CHMN STAFFORD: Exactly.

3 So we have a motion on the floor to add a  
4 sentence to the second paragraph of Condition 24, to  
5 where after November 15 of the previous calendar year, it  
6 would say, "The CWG shall adopt operating principles to  
7 direct the disposition of funds."

8 MEMBER KRYDER: Mr. Chairman?

9 CHMN STAFFORD: Member Kryder.

10 MEMBER KRYDER: I would move to insert the  
11 language you just gave us in the position in line 1 of  
12 that condition as noted.

13 CHMN STAFFORD: I believe the motion was  
14 already made and seconded to add it. We just --

15 MEMBER KRYDER: My mistake.

16 CHMN STAFFORD: I'm just reading it out  
17 loud so it's clear on the record what the actual sentence  
18 that we had hemmed and hawed about would actually be --

19 MEMBER KRYDER: Forgive me.

20 CHMN STAFFORD: All right. No problem.

21 Any further discussion on it?

22 MEMBER KRYDER: Question.

23 CHMN STAFFORD: Yes, Member Kryder.

24 MEMBER KRYDER: No, I call the question.

25 CHMN STAFFORD: All in favor of the

1 amendment say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, the amendment  
6 passes.

7 I guess we need to move the -- do we want  
8 to make further amendments or do we want to move the  
9 condition as amended?

10 MEMBER HILL: So moved.

11 MR. MOYES: Mr. Chairman, there are a  
12 couple of editorial cleanups we need to make to some of  
13 the bullet points as we were rushing to put this together  
14 this morning and get it off to you.

15 I think in the last bullet point under the  
16 "Preconstruction" heading, we could reword it or put a  
17 hyphen between "truck traffic."

18 CHMN STAFFORD: Okay. Member Hill, you  
19 want to withdraw your motion and then we can talk about  
20 some --

21 MEMBER HILL: I think that's a scrivener's  
22 error.

23 MR. MOYES: Yes, there are a few  
24 scrivener's errors.

25 CHMN STAFFORD: So it would be truck --

1 MEMBER HILL: Do you want me to withdraw my  
2 motion?

3 CHMN STAFFORD: Yes, please.

4 MEMBER HILL: I think that's a scrivener's  
5 error.

6 CHMN STAFFORD: Yes, please. But I'm  
7 not -- I'd like -- I'm not sure if I would correct that  
8 accurately at the end of the day without the input from  
9 the applicant about what they were actually wanting to  
10 put in there.

11 MEMBER HILL: No worries. No worries. I  
12 withdraw my motion.

13 CHMN STAFFORD: Okay. And it had not been  
14 seconded yet, so I think we're good on that front.

15 MR. MOYES: Okay. You now see it on the  
16 screen, reads better.

17 MEMBER HILL: I think truck traffic is the  
18 modifier of studies, so truck hyphen traffic might --

19 MR. MOYES: Or we could take the word  
20 "truck" out completely and essentially --

21 CHMN STAFFORD: That was going to be --

22 MEMBER HILL: Loved it.

23 MR. MOYES: Just describe a traffic study.

24 CHMN STAFFORD: That was going to be my  
25 question, like what, is the word "truck" necessary for



1 the sentence?

2 MR. MOYES: There. Now it reads "traffic  
3 study." Just write "traffic study" for delivery of  
4 equipment.

5 CHMN STAFFORD: So we take -- I guess the  
6 amendment we need is to take the final bullet under  
7 "Preconstruction" to amend it to read, "Traffic study for  
8 delivery of equipment." And strike what's currently  
9 there.

10 MEMBER KRYDER: Mr. Chairman, I so move  
11 that.

12 MEMBER GOLD: I second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, the amendment  
20 is passed.

21 Are there any other amendments other than  
22 scrivener errors that could be corrected later? For  
23 example, I know we're going to have to -- we're going to  
24 change Arizona Corporation Commission to make it  
25 consistent throughout the document. Things like that I

1 don't know we need to address right now. If there's  
2 anything that's more important that would affect the  
3 meaning of it, I think is what we need to --

4 MR. MOYES: Not from the applicant's end,  
5 Mr. Chairman.

6 CHMN STAFFORD: And my thought is I'll --  
7 would I --

8 MEMBER HILL: I would move paragraph 24 as  
9 amended.

10 MEMBER FRENCH: Second.

11 MS. MARTINEZ: What was that?

12 THE REPORTER: Who was --

13 MEMBER FRENCH: Second.

14 THE REPORTER: Thank you.

15 CHMN STAFFORD: She moved paragraph 24 as  
16 amended.

17 MEMBER KRYDER: Okay.

18 CHMN STAFFORD: It was seconded by Member  
19 French. Further discussion?

20 (No response.)

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

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 24

1 as amended is adopted.

2 And for Committee's notes, when I ask for  
3 your vote to correct scrivener's error, that's what I  
4 would do is add some punctuation in here and semicolons  
5 and that kind of thing.

6 But I don't think we need to go through  
7 that in detail right now. Is that acceptable to the  
8 members? That's everyone's understanding? Excellent.  
9 Thank you.

10 Now moving on to proposed Condition 25.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Member Kryder.

13 MEMBER KRYDER: I move Condition 25 be  
14 approved as printed.

15 MEMBER HILL: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 25  
23 is adopted.

24 MEMBER KRYDER: Mr. Chairman.

25 CHMN STAFFORD: Member Kryder.

1 MEMBER KRYDER: I move Condition 26 be  
2 approved as printed.

3 MEMBER GOLD: I second.

4 CHMN STAFFORD: Further discussion?

5 (No response.)

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

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Condition 26  
11 is adopted.

12 Number 27.

13 MEMBER GOLD: I move 27, Mr. Chairman.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

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

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 27  
22 is adopted.

23 Number 28.

24 MEMBER KRYDER: Mr. Chairman.

25 CHMN STAFFORD: Member Kryder.

1 MEMBER KRYDER: I move approval of  
2 Condition 28 as printed.

3 MEMBER GOLD: Second.

4 CHMN STAFFORD: Further discussion?

5 MEMBER FRENCH: Mr. Chairman.

6 CHMN STAFFORD: Member French.

7 MEMBER FRENCH: I believe there was  
8 some discussion earlier about the verbiage used about  
9 the three-year period. I would suggest instead of over  
10 any three-year period to use the language similar to  
11 what's in the Pinal Active Management Area -- management  
12 plan of any consecutive three-year period.

13 MEMBER LITTLE: Yes.

14 MEMBER GOLD: I second that, Mr. Chairman.

15 MEMBER LITTLE: Second.

16 CHMN STAFFORD: All right. So it would  
17 say, the condition as amended would read, "applicant's  
18 use of groundwater for the project shall not exceed  
19 420 acre feet per year averaged over," would it "any  
20 consecutive three-year period" or just "over" --

21 MEMBER KRYDER: No --

22 MEMBER FONTES: The preceding.

23 MEMBER KRYDER: Any consec --

24 MEMBER FONTES: The previous --

25 MEMBER KRYDER: No, no.

1 MEMBER FONTES: Or the consecutive, Member  
2 French.

3 MEMBER FRENCH: I would suggest over --

4 MS. MARTINEZ: I think it should come out.

5 MEMBER FRENCH: -- a consecutive three-year  
6 period. For clarification, the calculations for  
7 withdrawals and exceedances are all done during the  
8 reporting each year that the applicant will be  
9 responsible to file.

10 And then the department calculates any  
11 overages once those reports come in. And then they look  
12 at the preceding three years and the year that they  
13 submit their annual report.

14 CHMN STAFFORD: So for any given year, it  
15 would be the current year and the two years prior?

16 MEMBER FRENCH: Correct.

17 CHMN STAFFORD: Is that the applicant's  
18 understanding?

19 MR. MOYES: Yes.

20 MEMBER FONTES: That's what was previously  
21 recommended and not included here, Mr. Chairman.

22 CHMN STAFFORD: All right. So Member  
23 French, your amendment is to change Condition 28 to read,  
24 "applicant's use of groundwater for the project shall not  
25 exceed 420 acre feet per year averaged over a consecutive

1 three-year period."

2 MEMBER FRENCH: That's my suggestion as  
3 long as it's acceptable to the applicant.

4 MR. MOYES: It is.

5 CHMN STAFFORD: So that means a three-year  
6 rolling average, then.

7 MEMBER FRENCH: Yes.

8 MEMBER GOLD: And it was seconded,  
9 Mr. Chairman.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 28  
17 is amended.

18 Can I get a motion to adopt 28 as amended?

19 MEMBER FRENCH: So moved.

20 MEMBER GOLD: Seconded.

21 CHMN STAFFORD: Further discussion?

22 (No response.)

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

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 28  
3 as amended is adopted.

4 29.

5 MEMBER KRYDER: Mr. Chairman.

6 CHMN STAFFORD: Member Kryder.

7 MEMBER KRYDER: I move approval of  
8 Condition 29 as printed.

9 MEMBER LITTLE: Second.

10 MEMBER GOLD: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 29  
18 is adopted.

19 Number 30.

20 MEMBER KRYDER: Mr. Chairman.

21 CHMN STAFFORD: Member Kryder.

22 MEMBER KRYDER: I move approval of  
23 Condition 30 as printed.

24 MEMBER GOLD: I second.

25 CHMN STAFFORD: Further discussion?



1 (No response.)

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

3 (A chorus of "ayes.")

4 MEMBER FONTES: Can we see it on the screen  
5 first?

6 Thank you, Mr. Chairman. No further  
7 comments.

8 CHMN STAFFORD: I already called the vote,  
9 didn't I?

10 MEMBER FONTES: Yeah, but we hadn't seen it  
11 on the screen.

12 CHMN STAFFORD: It was the same one that --  
13 the one you got e-mailed to you. So it wasn't any new  
14 language that you hadn't seen already.

15 MEMBER KRYDER: Call for the question.

16 CHMN STAFFORD: It's been moved, seconded.  
17 All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Member Fontes?

22 MEMBER FONTES: I said "aye." Sorry. I  
23 was on mute.

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 30  
2 is adopted.

3 31.

4 MEMBER GOLD: I move Condition 31 be  
5 adopted.

6 MEMBER KRYDER: Second.

7 CHMN STAFFORD: Further discussion?

8 MEMBER FONTES: The applicant had noted  
9 that they were going -- they weren't opposed to including  
10 a water or hazardous materials in addition to chemicals  
11 used at the plant.

12 MR. MOYES: That's correct.

13 CHMN STAFFORD: Would you like to propose  
14 an amendment to the language?

15 MEMBER FONTES: I would like to propose an  
16 amendment that after "chemicals" be inserted "water and  
17 hazardous materials."

18 MEMBER SOMERS: Second.

19 MEMBER LITTLE: Agreed.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, the amendment  
2 passes.

3 Can I get a motion to adopt 31 as amended?

4 MEMBER GOLD: I so move.

5 MEMBER KRYDER: Second.

6 MEMBER SOMERS: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

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

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 31  
14 as amended is adopted.

15 32 I believe this is the last condition.

16 MEMBER LITTLE: Mr. Chairman, I move  
17 Condition 32 as written.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

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

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 32

1 is adopted.

2 Member Fontes, you had some language you  
3 wanted to propose as well.

4 MEMBER FONTES: I'm going to withdraw that.  
5 I took Mr. Moyes' recommendations and I reviewed Sections  
6 13 and 19. Given that this is a natural gas peaker plant  
7 at best, Mr. Moyes, I did want to look at that closely.

8 I'm satisfied that any kind of cross event  
9 default is already covered, and so I'd like to withdraw  
10 that.

11 CHMN STAFFORD: I guess the technical issue  
12 would be it's not offered, not withdrawn.

13 MEMBER FONTES: It's not offered, correct.

14 CHMN STAFFORD: Right. Because we never  
15 managed -- we hadn't managed to print it out yet and  
16 circulate it.

17 MEMBER FONTES: Correct, in light of a  
18 careful reading and given the particular technical  
19 aspects of this project.

20 CHMN STAFFORD: Excellent. Thank you.

21 All right. Now, I guess we can go -- we're  
22 still on Chairman's 2 on the right. We can take  
23 Chairman's 3 off and put on -- back to Chairman's 2 and  
24 do Chairman's 1 on the left.

25 And, Members, you should have -- I guess

1 you won't see the changes on your tablet, but it has the  
2 Chairman's 2 that we're working off of. So if we don't  
3 make any changes it'll be exactly the same.

4 Can I get either a motion to adopt Finding  
5 of Fact and Conclusion of Law Number 1?

6 MEMBER GOLD: I so move.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 MEMBER LITTLE: Mr. Chairman.

10 CHMN STAFFORD: Member Little.

11 MEMBER LITTLE: I still have issues with  
12 the project saying that the project aids the state and  
13 the southwest region. We don't know that for a fact.

14 CHMN STAFFORD: I tend to disagree  
15 slightly, Member Little, because I think the evidence in  
16 the record shows that Arizona has -- and the region as a  
17 whole has a growing need for power. A lot of that's -- a  
18 lot of it was shown to be driven by the increased need  
19 for data centers and the increased placement of those  
20 data centers in Arizona. I think we've seen -- I think  
21 the records show that --

22 MEMBER LITTLE: I agree with --

23 CHMN STAFFORD: So they've seen a lot of  
24 growth in the demand and this is going to add to the  
25 supply, and I think that the testimony shows that it

1 would -- this would be used to meet that demand. Would  
2 you like to --

3 MEMBER LITTLE: I agree with -- I agree  
4 with your statement and I agree that we need -- we need  
5 this type of gas-fired generation for many reasons.

6 I guess I just feel like by stating this  
7 project in particular.

8 You know what, I'm going to withdraw what I  
9 just said. I think the word "aids" probably takes care  
10 of my concerns. Never mind.

11 MEMBER GOLD: Mr. Chairman.

12 CHMN STAFFORD: Member Gold.

13 MEMBER GOLD: Along with what has been  
14 said, I'm reading the wording, "Meeting the need for an  
15 adequate, economical, and reliable," this is a readily  
16 available. It's not relying on wind. It's not relying  
17 on solar. It's readily available when the others are not  
18 or may not be. I think the word, "Readily available and  
19 reliable supply of electric power" should be inserted.

20 CHMN STAFFORD: I'm not --

21 MEMBER GOLD: It's a simple -- it's a  
22 simple whatever you call it, a simple process, not the  
23 steam process. I mean, it's something that you can turn  
24 on and within minutes you have electric power when  
25 needed.

1 CHMN STAFFORD: Right. And that's how the  
2 project aids in reliability.

3 MEMBER FONTES: I think reliability covers  
4 that, Mr. Chairman, especially if you look at it as it's  
5 defined in other context in the ACC and IRP documents,  
6 for example, adequate, economic, reliable and especially  
7 when you look at it in grid operations.

8 MEMBER GOLD: Well, solar is reliable too,  
9 the sun pretty much shines every day and the wind blows  
10 every day. But this is something you can turn on  
11 manually, quickly.

12 CHMN STAFFORD: As long as the natural gas  
13 infrastructure is intact and not frozen, which I guess  
14 isn't much of a chance -- a risk here in this state, but  
15 it did happen in Texas a few years back.

16 And that was the main cause of that power  
17 outage was a failing of the natural gas infrastructure.  
18 So every different means of generation has its pros and  
19 cons.

20 MEMBER GOLD: Well, many of them are  
21 adequate. Many of them are economical. But gas, simple  
22 fired -- what's the proper terminology for your plant?

23 CHMN STAFFORD: Simple cycle.

24 MEMBER GOLD: Simple cycle plants are quick  
25 start, and that's something that could be needed that is

1 not available for solar, for complex cycle, and --

2 MEMBER KRYDER: Wind.

3 MEMBER GOLD: Wind. None of that is quick  
4 start. So this is more than just reliable, this is  
5 available on demand.

6 MEMBER FONTES: I think that's beyond the  
7 scope of this. I think I would look at reliability as  
8 defined by West Connect and/or possibly NERC or FERC.

9 MEMBER GOLD: Well, what's the definition,  
10 then, of reliable?

11 MEMBER FONTES: We could look up the  
12 federal order if you'd like, Member Gold.

13 MEMBER GOLD: That would be -- I would --

14 MEMBER FONTES: I don't have that --

15 MEMBER GOLD: I would like you to do --

16 THE REPORTER: Whoa.

17 CHMN STAFFORD: One at a time.

18 MEMBER GOLD: I would like you to do that  
19 because I don't think reliable meets the definition of  
20 what this plant actually makes available. And I think  
21 this is a very necessary plant for the reason that it can  
22 supply electricity when you need to, when you flick a  
23 switch.

24 CHMN STAFFORD: I think the dictionary  
25 definition of reliable covers all our bases here.



1 MEMBER GOLD: Let me look at it.

2 CHMN STAFFORD: Under the Oxford dictionary  
3 it says, "Consistently good and quality of performance.  
4 Able to be trusted." I think that encompasses all the  
5 things that you were talking about, Member Gold.

6 MEMBER GOLD: I'm looking it up. Wait one  
7 moment.

8 MEMBER SOMERS: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Somers.

10 MEMBER SOMERS: I just want to check while  
11 Member Gold is looking that up, and I want to thank him  
12 for that comment. Because I think the language is good  
13 but what Member Gold has brought -- is that the right  
14 word, Member Gold -- brought up is relevant because we  
15 need this kind of power in Arizona for the very reasons  
16 all the members have stated.

17 But it's not just -- it's not just data  
18 centers which are growing quite a bit, and I've seen  
19 quite a bit of that here in Mesa in my district. We've  
20 seen incredible growth there, but I would stress for  
21 other industries as well, manufacturing, aerospace,  
22 electronics, automotive, all create a considerable number  
23 of jobs but have a lot of demand for power.

24 The same could be said for the steel  
25 industry who has a footprint here in Mesa and continues

1 to expand. They need the power.

2 But one of the greatest things is the  
3 semiconductor industry. Who's increasingly because of  
4 the global threat in their international locations are  
5 moving here to Arizona. There's some, I believe, 40 or  
6 so semiconductor expansion since 2020 representing over  
7 \$100 million in capital investment in the state, all  
8 of -- all of which require power.

9 And to Member Gold's point immediately  
10 available power in order to operate. I mean, these are  
11 not only jobs but particularly I feel the semiconductor  
12 industry really speaks to the security of this country,  
13 and having semiconductor industries here in the United  
14 States secures our supply, and power is absolutely a  
15 critical component of that.

16 So I just wanted to go on record in support  
17 of that and recognize Member Gold's sentiments there.

18 MEMBER FONTES: Mr. Chairman.

19 CHMN STAFFORD: Member Fontes.

20 MEMBER FONTES: So FERC defines reliability  
21 in the context of the bulk power system as, "The ability  
22 of the electrical system to supply the aggregate demand  
23 and energy requirements of customers at all times, taking  
24 into account scheduled and reasonably expected  
25 unscheduled outages of the system's components."

1 Another definition which is not included  
2 here, which may address Member Gold's observation is  
3 resource adequacy, and that is defined as, "The ability  
4 of electric power systems to ensure that there are  
5 sufficient resources in terms of generation capacity  
6 demand response and storage available to meet the  
7 electric demand at all times, even under extreme  
8 conditions and during unforeseen outages."

9 And then it goes on to explain the critical  
10 components of which demand response and reserve margin  
11 from peaker plants is noted.

12 I would view if we really want to get into  
13 this, I think the term that he's searching for that is  
14 defined in terms of the electric power system, and I'll  
15 defer to Member Little on this, is resource adequacy that  
16 might be introduced here.

17 MEMBER GOLD: I agree. I'm not a lawyer,  
18 and I'm not as expertised as some of you are. But if  
19 resource adequacy covers this, this provides something  
20 that solar and wind does not provide.

21 MEMBER LITTLE: The word "adequate"  
22 is already in there.

23 MEMBER FONTES: Yes, ma'am.

24 CHMN STAFFORD: I think the language here  
25 covers everything. I don't think we need to

1 differentiate between the different types of generation.  
2 They all serve different purposes. They have their pros  
3 and cons.

4 I mean, for example, these simple cycle  
5 plants, they have the quick start and ramping ability,  
6 and their primary function is to provide -- to fill the  
7 quick ramping up and down is to accommodate more  
8 renewables on the system, because those don't have  
9 emissions. These do have emissions. They have  
10 significantly less emissions than coal plants, but they  
11 don't -- but they do have emissions and those, you know,  
12 emissions are harmful to the environment.

13 So the thing is -- but it does serve a  
14 purpose because you can't -- the solar functions in the  
15 daytime, it doesn't generate at night, there's -- you  
16 have -- this also has storage capacity which would be  
17 able to discharge that at different times.

18 But, again, the duration of the storage  
19 project is four hours at 400 megawatts, 400 and something  
20 megawatts, whereas this is 400 and something megawatts  
21 but it can run for 24 hours or more.

22 And so it serves a different purpose but  
23 it's -- both are critical pieces to maintaining an  
24 adequate, economic, and reliable supply of electric power  
25 for Arizona.

1 I appreciate the sentiment but I'm not  
2 inclined to make any changes. I think the Finding of  
3 Fact and Conclusion of Law serves our purposes as it is  
4 written.

5 Is there a motion to amend?

6 MEMBER FONTES: I so move.

7 CHMN STAFFORD: To amend?

8 MEMBER FONTES: To keep it as is.

9 CHMN STAFFORD: It's already been -- it's  
10 already been moved and seconded. It's just we were in  
11 discussion. I'm going to see if we're going to entertain  
12 an amendment to it.

13 MEMBER GOLD: Mr. Chairman?

14 CHMN STAFFORD: Uh-huh.

15 MEMBER GOLD: If you feel this is adequate,  
16 does the applicant feel this is adequate?

17 MR. MOYES: We do. This is a standard  
18 findings of fact and conclusions of law in virtually  
19 every CEC and we believe it covers us as well.

20 MEMBER GOLD: In that case, Mr. Chairman,  
21 I'm not sure of the correct language, but I withdraw.

22 CHMN STAFFORD: All right. Ready to call  
23 the question, then, on the Finding of Fact and Conclusion  
24 of Law Number 1?

25 MEMBER GOLD: I do.

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Findings of  
6 Fact and Conclusion Number 1 is adopted.

7 Number 2. Now, the one on the screen, and  
8 this is what was proposed by the applicant, it has the  
9 additional language at the end that I believe was  
10 proposed by Member Fontes back in either 209 or 221.

11 MEMBER FONTES: 221.

12 CHMN STAFFORD: Yeah. I think that my  
13 recollection is that was originally added to this -- and  
14 it hasn't been in most of the CECs, but it was in that  
15 one because my recollection is that for that specific  
16 project where we added this language, it's 221, was that  
17 they had a storage system, it was a solar plus storage,  
18 and from the system impact study the interconnecting  
19 utility had said that there was a period of time during  
20 the day where they would not be able to charge it from  
21 the grid because that would cause reliability issues.

22 And hence the addition of this language,  
23 "Within the operating requirements of the balancing  
24 authority and the contractual offtaker." I assume that  
25 is -- that this is relevant for your project and that's

1 why you included it.

2 MR. MOYES: Yes.

3 MEMBER GOLD: In that case I move that it  
4 be admitted. Do we have a second?

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 MEMBER FONTES: Mr. Chairman, do we have a  
8 contractual oftaker is my only observation I have here.

9 CHMN STAFFORD: Mr. Moyes.

10 MR. MOYES: We do not yet. We could change  
11 it.

12 CHMN STAFFORD: I guess my question to you,  
13 follow-up question I would have, is obviously you'll have  
14 to operate within the requirements of the balancing  
15 authority, because that's how you get to the grid.

16 But will there be additional requirements  
17 or safety -- or additional conditions imposed by the  
18 contractual oftaker that would affect the operation of  
19 the plant?

20 MEMBER FONTES: Mr. Chairman, I might  
21 suggest the word "counterparty" since we don't know if  
22 that's going to be on an EIM, it could be EDAM or what  
23 the contractual oftaker is, but I'll defer to the  
24 applicant on what they prefer.

25 But counterparty would work. Balancing

1 authority and counterparty for power.

2 MR. MOYES: There may be additional  
3 conditions imposed, and counterparty would be fine if we  
4 wanted to substitute that language.

5 CHMN STAFFORD: Okay. 2 has been moved and  
6 seconded. Do I hear a motion to amend the final -- well,  
7 I guess it's only one sentence to after "balancing  
8 authority" --

9 MEMBER FONTES: I so move --

10 CHMN STAFFORD: -- and strike "contactual  
11 oftaker" and replace with "counterparty." I guess it  
12 would be "and any counterparty," because it's conceivable  
13 you'd have more than one taker for the energy coming out  
14 of the project.

15 MR. MOYES: Correct.

16 CHMN STAFFORD: All right. So the  
17 amendment is to change number 2 to, "When constructed in  
18 appliance with the conditions imposed in the certificate,  
19 the project aids the state, preserving a safe and  
20 reliable electric transmission system within the  
21 operating requirements of the balancing authority and any  
22 counterparty."

23 That was your amendment, Mr. Fontes?

24 MEMBER FONTES: Yes, Mr. Chair.

25 CHMN STAFFORD: Do I hear a second?



1 MEMBER LITTLE: Second.  
2 CHMN STAFFORD: Further discussion?  
3 (No response.)  
4 CHMN STAFFORD: All in favor say "aye."  
5 (A chorus of "ayes.")  
6 CHMN STAFFORD: Opposed?  
7 (No response.)  
8 CHMN STAFFORD: Hearing none, Finding of  
9 Fact and Conclusion of Law Number 2 is amended.  
10 Is there a motion to adopt as amended?  
11 MEMBER FRENCH: So moved.  
12 MEMBER MERCER: Second.  
13 CHMN STAFFORD: Further discussion?  
14 (No response.)  
15 CHMN STAFFORD: All in favor say "aye."  
16 (A chorus of "ayes.")  
17 CHMN STAFFORD: Opposed?  
18 (No response.)  
19 CHMN STAFFORD: Hearing none, Finding of  
20 Fact and Conclusion of Law Number 2 is amended as  
21 adopted.  
22 Number 3.  
23 MEMBER RICHINS: So moved to approve.  
24 MEMBER FRENCH: Second.  
25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Finding of

7 Fact and Conclusion of Law Number 3 is documented.

8 Number 4.

9 MEMBER GOLD: I move.

10 MEMBER FONTES: So moved.

11 MEMBER RICHINS: So moved to approve.

12 MEMBER GOLD: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Finding of

20 Fact and Conclusion of Law Number 4 is adopted.

21 Number 5.

22 MEMBER RICHINS: So moved to approve.

23 THE REPORTER: I'm sorry. Who's that?

24 CHMN STAFFORD: That was Member Richins.

25 MEMBER RICHINS: Indeed.

1 MEMBER FRENCH: Second.

2 CHMN STAFFORD: Further discussion?

3 (No response.)

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

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Finding of

9 Fact and Conclusion of Law Number 5 is adopted.

10 Number 6.

11 MEMBER FRENCH: Move finding 6.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Finding of

20 Fact and Conclusion of Law Number 6 is adopted.

21 Mr. Moyes, I noticed we didn't have the

22 typical number 7 that says that substation is

23 nonjurisdictional. I guess that's unnecessary for this?

24 MR. MOYES: It's unnecessary.

25 CHMN STAFFORD: All right.

1 Moving on to Exhibit A.

2 MEMBER GOLD: Mr. Chairman, I move  
3 Exhibit A be adopted.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 MEMBER FONTES: Mr. Chairman.

7 CHMN STAFFORD: Member Fontes.

8 MEMBER FONTES: Is this consistent with the  
9 description that we changed? Wondered if we could see  
10 that side by side.

11 CHMN STAFFORD: Excellent suggestion.

12 MEMBER FONTES: And that would be the  
13 project description under B, so that we have the labeling  
14 of the 500kV Pinal Central to Duke line, and then the  
15 230kV Test Track to ED5 line pulled out on that in  
16 particular.

17 And then --

18 CHMN STAFFORD: My recollection is that we  
19 removed reference to the 230kV line and ownership of the  
20 lines and just referenced the 500kV line that we'll be  
21 inter-tying with in the section -- here we go, there it  
22 is.

23 MEMBER FONTES: I would just recommend that  
24 they -- that as part of the scrivener's review, we just  
25 tune up the exhibit and the side map to conform to this

1 paragraph.

2 MR. MOYES: Mr. Chairman, the Exhibit A  
3 does not show or describe the WAPA 230 line. It only  
4 describes the 500kV line.

5 MEMBER GOLD: That's true.

6 CHMN STAFFORD: So Mr. Moyes, you'd say  
7 that currently the description that we -- well, the  
8 project description that we adopted as amended that we  
9 adopted does conform with the Exhibit A?

10 MR. MOYES: Yes.

11 CHMN STAFFORD: Member Fontes.

12 MEMBER FONTES: Just a point in the final  
13 design. If anything changes would this exhibit be  
14 updated?

15 MR. MOYES: I'm not aware of any project  
16 that -- with a projected footprint of equipment has been  
17 required to go then subsequently amend an exhibit map in  
18 a CEC.

19 CHMN STAFFORD: However, they would have to  
20 show the actual design as part of the community working  
21 group and notices and compliance with any county  
22 requirements.

23 They'll have to -- the final design will  
24 have to be updated and distributed and would be  
25 available. They wouldn't actually change the Exhibit A

1 to the CEC, but the actual design would be reflected in  
2 all the other documents. That's my understanding.

3 MR. MOYES: We agree.

4 CHMN STAFFORD: Is that sufficient,  
5 Mr. Fontes?

6 MEMBER FONTES: Absolutely, Mr. Chairman.  
7 That's what I was getting at. Appreciate that.

8 CHMN STAFFORD: Okay. So Exhibit A has  
9 been moved and seconded. Further discussion?

10 (No response.)

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

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Exhibit A is  
16 adopted.

17 We are now ready to move the CEC as  
18 amended.

19 MEMBER RICHINS: So moved.

20 MEMBER GOLD: Second.

21 CHMN STAFFORD: Further discussion?

22 (No response.)

23 CHMN STAFFORD: Member Kryder?

24 MEMBER KRYDER: Yes.

25 CHMN STAFFORD: Member Gold?

1 MEMBER GOLD: Yes.

2 CHMN STAFFORD: Member Mercer?

3 MEMBER MERCER: Mr. Chairman, I would like  
4 to make some comments.

5 CHMN STAFFORD: By all means.

6 MEMBER MERCER: During the last three days  
7 I have seen that the applicant has done due diligence,  
8 and it is my understanding that the applicant has gone  
9 over and above what the law requires based on the Arizona  
10 Revised Statute pertaining to the Line Siting Committee  
11 purview.

12 What I would like to say for the record and  
13 for the benefit of the concerned public is that this  
14 Committee makes sure that the applicant follows the law  
15 and will continue to follow the law if a certificate of  
16 environmental compatibility is granted.

17 The ultimate decision comes from the  
18 Arizona Corporation Commission to grant the CEC. Since I  
19 have been part of this Committee I have seen that the  
20 Arizona Corporation Commission has reversed this  
21 Committee's recommendation, meaning this Committee is  
22 kind of like a Ninth Circuit Court of Appeal versus a  
23 Supreme Court.

24 I am basing my vote on the evidence  
25 provided by the applicant that they have done what the

1 law dictates as required. And my vote is yes.

2 CHMN STAFFORD: Thank you. Member Drago?

3 MEMBER DRAGO: I vote aye.

4 CHMN STAFFORD: Mr. French?

5 MEMBER FRENCH: I vote aye.

6 CHMN STAFFORD: Member Somers?

7 MEMBER SOMERS: I vote aye.

8 CHMN STAFFORD: Member Fontes?

9 MEMBER FONTES: I vote aye.

10 CHMN STAFFORD: Member Richins?

11 MEMBER RICHINS: Aye.

12 CHMN STAFFORD: Member Little.

13 MEMBER LITTLE: I'd like to make some

14 comments also, if I may, Mr. Chairman.

15 CHMN STAFFORD: Please.

16 MEMBER LITTLE: First I'd like to thank the  
17 applicant for following the order of the CEC in their  
18 presentation of the information. It made it easy to  
19 relate the two and that's not always the case in these  
20 hearings.

21 And, you know, I've stated during the  
22 course of this hearing that based on my years of  
23 experience in the utility business I know this type of  
24 generation is needed on the grid right now to meet load,  
25 to support renewable generation integration, to meet



1 system reserve requirements, and to provide grid  
2 stability.

3 I also know that there is a whole lot of  
4 desire to site the plant elsewhere. Maybe we could  
5 all -- we'd all agree that we'd love to have these things  
6 all on the moon with no transmission lines. It would be  
7 ideal.

8 But I am very grateful to the applicant.  
9 I'm grateful to the public who participated so readily  
10 and completely with this process. And I'm grateful to my  
11 fellow members and everyone's efforts to try to reach  
12 some agreement on what I hope is a compromise that we can  
13 all live with.

14 And with that I vote aye.

15 CHMN STAFFORD: Member Hill.

16 MEMBER HILL: Mr. Chairman, just a few  
17 comments, I don't want to duplicate a lot of effort, but  
18 I really, really want to say thank you to the applicant  
19 for just a really authentic dialogue, and sincere  
20 conversation, patience with us, because all of the  
21 members of this Committee have different talents and  
22 different skill sets.

23 And, you know, you took the time to walk us  
24 through the opportunities and risks associated with this  
25 project. And I think you just hit it out of the ballpark

1 with the community engagement piece along the way the  
2 hearing evolved, and keeping the members of the public in  
3 mind and really listening to them and integrating their  
4 concerns into this final certificate.

5           And then I really want to thank my members,  
6 you know, my colleagues. I learn something from every  
7 single one of you in these conversations, and I think  
8 that, you know, for me that's the most important thing is  
9 as the newest member is learning what strengths and  
10 weaknesses, leaning on all of you, because I know you  
11 have talents beyond any of mine, and I rely on you to ask  
12 all of the good questions and help train me up.

13           And then lastly, but not lastly, but the  
14 public. I have maybe been in six hearings and I have to  
15 say that the folks that came out for this hearing and  
16 hung with us and shared their perspective and their  
17 knowledge was really, really valuable to this process.  
18 And I think we're kind of an obscure body to a lot of  
19 folks and I'm just really glad that we had the public  
20 with us along the way.

21           So with that I vote yes in support of this  
22 CEC.

23           CHMN STAFFORD: Thank you. And I vote aye.

24           I'd like to thank the public and the  
25 applicant for their time and effort and diligence, and I

1 appreciate the applicant's willingness to work with the  
2 community and to commit to minimizing the impacts of the  
3 plant.

4 By vote of 11 to nothing, the Committee has  
5 granted the CEC as amended.

6 I would ask for a motion to allow the Chair  
7 to correct scrivener's errors before filing this with the  
8 Commission.

9 MEMBER FRENCH: So moved.

10 MEMBER MERCER: Second.

11 MEMBER FONTES: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, the motion  
19 carries.

20 Thank you all. It's been not the longest  
21 hearing we've had, but certainly probably the second  
22 longest for most of the members on the Committee  
23 currently. And we have another one next week, so I look  
24 forward to seeing you all there.

25 Anything further from the applicant?

1 MR. MOYES: We just wish to express our  
2 sincere appreciation for all of your time and patience  
3 with us as well. And also to express our appreciation  
4 for the public who engaged so politely, which is very  
5 important in these matters. We've seen other hearings  
6 get out of hand and so we're grateful for your grace and  
7 patience as well.

8 Thank the court reporter, our audio-visual  
9 folk from Peaks, and everyone else from the hotel who  
10 made this hearing possible. Thank you.

11 CHMN STAFFORD: Thank you.

12 With that, we are adjourned.

13 (Proceedings concluded at 3:28 p.m.)  
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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  
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8 to print under my direction.

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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, August 20, 2024.

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17  
18 

19 \_\_\_\_\_  
20 JENNIFER HONN, RPR  
21 Arizona Certified Reporter  
22 No. 50885

23 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has  
24 complied with the ethical obligations set forth in  
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