

1 BEFORE THE ARIZONA POWER PLANT LS-488

2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE) DOCKET NOS.
 4 APPLICATION OF CG APACHE) L-21364A-25-0198-00250
 5 COUNTY WIND LLC AND CG APACHE)
 6 COUNTY SOLAR LLC, IN) L-21365A-25-0198-00250
 7 CONFORMANCE WITH THE)
 8 REQUIREMENTS OF ARIZONA) LS CASE NO. 250
 9 REVISED STATUTES §§ 40-360,)
 10 ET. SEQ., FOR A CERTIFICATE OF)
 11 ENVIRONMENTAL COMPATIBILITY)
 12 AUTHORIZING THE CONSTRUCTION)
 OF THE LAVA RUN)
 INTERCONNECTION PROJECT, A)
 345-KILOVOLT (KV) ALTERNATING)
 CURRENT GENERATION TIE)
 TRANSMISSION LINE, WITH)
 ASSOCIATED INTERCONNECTION)
 FACILITIES, WITHIN APACHE)
 COUNTY, ARIZONA.) PREHEARING
) CONFERENCE

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14

15 At: Phoenix, Arizona

16 Date: February 2, 2026

17 Filed: February 5, 2026

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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INDEX TO EXHIBITS

No.	DESCRIPTION	ID'd	ADMITTED
PH-1	Map and photographs of signs publicizing remand hearing	6	7
PH-2	List of public comments	6	7

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee commencing at 11:02 a.m. on the 2nd day of
5 February, 2026, with all participants appearing via
6 videoconference.

7

8 BEFORE: ADAM STAFFORD, Committee Chair

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APPEARANCES:

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For the Applicant:

12

 SNELL & WILMER
 By: Matt Derstine
 One East Washington Street, Suite 2700
 Phoenix, Arizona 85004

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16 ALSO PRESENT:

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 Mike Anable, Pro Se
 Gourjia Odisho, Snell & Wilmer
18 Derek Rieman, Repsol
 Donna Power, Repsol
19 Mariana Ambrose, Repsol
 James Wayne, Repsol
20 Jeremy Casteel, SWCA
 Tom Koronkiewicz, SWCA
21 Erica Fraley, SWCA
 Tod Brewer, Assistant to Chairman Stafford

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

2 Now is the time set for the prehearing
3 conference on the remand hearing in the application of
4 CG Apache County Wind and CG Apache County Solar.
5 Docket Number L-21364A-25-0198-00250, and Docket Number
6 L-21365A-25-0198-00250, or Line Siting Case 250.

7 Let's start with appearances.

8 Mr. Derstine.

9 MR. DERSTINE: Good morning, Chairman. Matt
10 Derstine with Snell & Wilmer appearing on behalf of the
11 Applicants, CG Apache County Wind, LLC, and CG Apache
12 County Solar, LLC. Appearing also is Ms. Gourjia
13 Odisho, a paralegal with Snell & Wilmer.

14 And then we sent in an attendee list to the
15 court reporter, but I'm happy to go through. We have
16 several representatives of the Applicants, I believe, on
17 the line. And then we have a couple attendees on behalf
18 of our environmental consultant, SWCA.

19 Would you like me to go through that list?

20 CHAIRMAN STAFFORD: Yes, please.

21 MR. DERSTINE: We have Derek Rieman, spelled
22 R-I-E-M-A-N, chief development officer for Repsol, the
23 parent of the Applicants; Mariana Ambrose, development
24 manager; Donna Powers -- I think Donna is on, although I
25 didn't see her -- senior legal counsel; and James Wayne,

1 also development manager, on behalf of the Applicants.

2 And then also appearing for SWCA, as I
3 mentioned, the consultant for the Applicants, Jeremy
4 Casteel, project manager; Tom Koronkiewicz,
5 K-O-R-O-N-K-I-E-W-I-C-Z, project manager; and Erica
6 Fraley, a biologist with SWCA.

7 And I think that's it, but if I've missed
8 anyone, please speak up.

9 CHAIRMAN STAFFORD: Thank you.

10 And Michael Anable.

11 You're on mute, sir.

12 MR. ANABLE: There we go. Found it.

13 CHAIRMAN STAFFORD: You requested to become an
14 intervenor in this matter?

15 MR. ANABLE: Yes, sir.

16 CHAIRMAN STAFFORD: All right. Intervention
17 requests under A.4 are made by the -- ruled upon by the
18 committee. So at the hearing, when it commences, the
19 committee will hold a vote to determine whether or not
20 you'll be granted party status.

21 MR. ANABLE: Hmm. That seems to put me at a
22 bit of a disadvantage. But I thought that just the
23 Chairman would decide that?

24 CHAIRMAN STAFFORD: No. Under the statute, the
25 committee decides.

1 MR. ANABLE: The committee. Okay.

2 CHAIRMAN STAFFORD: We've also had a number of
3 limited appearances. I should say additional limited
4 appearances since the notice of the remand hearing went
5 out. We have them from Linda Weiland, Monica Boehning,
6 the Town of Springerville, the Town of Eagar, and Apache
7 Natural Resource Conservation District.

8 Mr. Derstine, you have a couple of exhibits for
9 the prehearing conference?

10 MR. DERSTINE: We submitted two exhibits,
11 Mr. Chairman. One was the map and photographs of the
12 signs publicizing the remand hearing. We used the same
13 sign locations but updated the content to reflect this
14 hearing that's moving forward on the 9th.

15 And then I also submitted a public comment
16 summary. We typically give you a public outreach
17 summary. We've tried to put together a list that
18 indicates all of the public comments that are received
19 in total, and then tries to identify -- I think SWCA did
20 a pretty good job of trying to go through that list and
21 indicate the folks who have submitted comment, and in
22 some cases submitted more than one comment, or in some
23 cases submitted multiple comments.

24 CHAIRMAN STAFFORD: All right. Does this
25 include comments filed in the docket, or these are just

1 all the comments?

2 MR. DERSTINE: These are, I think, primarily
3 comments in the docket.

4 CHAIRMAN STAFFORD: All right. Those are
5 admitted.

6 If you could get the spreadsheet, the Excel
7 spreadsheet, to the court reporter in a PDF format; so,
8 when they file the exhibits, it will be easier for them.

9 MR. DERSTINE: All right.

10 CHAIRMAN STAFFORD: All right. Mr. Derstine,
11 just to confirm, you have made arrangements for lodging
12 for the out-of-town committee members for the hearing?

13 MR. DERSTINE: Yes. I think the housing
14 arrangements are made at the -- let me find it here.

15 If I can't, I want to say it's at the Holiday
16 Inn, but, Mr. Casteel, can you confirm where the lodging
17 arrangements are and whether or not Mr. Brewer, the
18 Chairman's assistant, has received that information?

19 Oh, I do see it. It's the Holiday Inn Express
20 and Suites in Phoenix Downtown. We can get you more
21 detailed information, but I think that information has
22 been passed along to Mr. Brewer.

23 CHAIRMAN STAFFORD: Thank you.

24 All right. Now, do the parties agree that
25 March 4, 2026, remains the time limit for the committee

1 to act in compliance with the statute?

2 MR. DERSTINE: Yes.

3 CHAIRMAN STAFFORD: Mr. Anable?

4 Mr. Anable.

5 MR. ANABLE: My mouse is having trouble moving
6 around the screen.

7 CHAIRMAN STAFFORD: Do you agree that March 4,
8 2026, is the time limit for the committee to act in
9 compliance with the statute?

10 MR. ANABLE: I'm sorry. Excuse me. March 4
11 what?

12 CHAIRMAN STAFFORD: 2026. Do you agree that's
13 the time limit -- the deadline for the committee to act
14 in compliance with A.R.S. 40-360.04.D?

15 MR. ANABLE: Yes.

16 CHAIRMAN STAFFORD: Okay. Now, Mr. Derstine,
17 has the Applicant complied with providing notice to the
18 areas of affected jurisdiction?

19 MR. DERSTINE: We submitted a notice of a list
20 of the affected jurisdictions, the same list that was
21 used for the original siting hearing before the
22 committee in October.

23 And as happens in all other cases, the Arizona
24 Corporation Commission Docket has mailed out the notice
25 of hearing, and I think it included the decision from

1 the Commission, to those affected jurisdictions.

2 CHAIRMAN STAFFORD: And I'm seeing that was --
3 you filed that on January 9th. It was docketed. It was
4 the order remanding.

5 MR. DERSTINE: I think that's correct.

6 CHAIRMAN STAFFORD: The notice of hearing on
7 remand and the map and the procedural order.

8 Now, has the Commission filed the green cards
9 showing receipt of those?

10 MR. DERSTINE: I haven't checked the docket,
11 certainly, this week. And I think last week -- we have
12 been checking the docket. I think those green cards are
13 filtering their way in.

14 I did see the green card that went to Mr. Rigg
15 on behalf of -- I believe it's Eagar or Springerville.

16 But we can give you an update on the green
17 cards as they're coming back.

18 CHAIRMAN STAFFORD: Okay. Now, the county has
19 not requested intervention. Have you had any
20 communication with the county?

21 MR. DERSTINE: I sent a letter to the Apache
22 County Attorney, and I also sent similar letters to Town
23 of Eagar and the Town of Springerville, encouraging them
24 to participate in the proceeding as suggested by the
25 Commission, in addition to, obviously, the notice that

1 they received by mail from the notice of affected
2 jurisdictions.

3 I didn't receive any responses, but I did have
4 a conversation with Mr. Rigg who called me to just
5 inquire about what form the limited appearance should
6 take, so we discussed that.

7 Other than the conversation I had with
8 Mr. Rigg, I haven't had any direct communication with
9 any other representative of either Apache County or the
10 towns.

11 CHAIRMAN STAFFORD: Okay. You said you sent
12 additional letters to the county?

13 MR. DERSTINE: One to the county, two directed
14 to the county attorney, yes.

15 The prior communication, I think the affected
16 jurisdiction list, lists the county manager, and so
17 those other notices went to the county manager.

18 And then I think the Chairman of the Commission
19 sent a letter to Mr. Fish, who I may get his exact title
20 incorrect, but, essentially, the development director
21 for the Planning and Zoning Commission of Apache County,
22 alerting him that they had received his letter as of --
23 back on December 3, and that there would be a remand
24 hearing.

25 So I think that the -- you know, the county and

1 the towns have all received notice in multiple forms.

2 CHAIRMAN STAFFORD: Okay. Now, you have
3 complied with the posting and publishing requirements
4 from the procedural order, I think it was Paragraph 3,
5 and the statute?

6 MR. DERSTINE: We have. As I noted, the
7 Prehearing Exhibit No. 1 shows evidence of the signs
8 that were posted.

9 And then we have the publication of the notice
10 of the remand hearing. It was published on December 30
11 and January 2 in the White Mountain Independent.

12 CHAIRMAN STAFFORD: Okay. Have you done
13 additional outreach on social media for the remand
14 hearing?

15 MR. DERSTINE: We have. Facebook ads went out
16 starting on January 13, and they will continue -- I'm
17 not sure the cadence, but those ads will continue to run
18 up and through the start of our hearing date on
19 February 9.

20 CHAIRMAN STAFFORD: Now, Mr. Derstine and
21 Mr. Anable, have you had a chance to review the agenda
22 for the upcoming hearing/open meeting for the committee?

23 MR. DERSTINE: Yes, I did.

24 MR. ANABLE: I have not. I've been busy doing
25 other things.

1 CHAIRMAN STAFFORD: Well, it went out on
2 December 24, so it's in the docket.

3 MR. ANABLE: I'll find it.

4 CHAIRMAN STAFFORD: Okay. All right. At this
5 time, are there any objections or additions to the
6 agenda?

7 MR. DERSTINE: Not on behalf of the Applicants.

8 CHAIRMAN STAFFORD: Okay. Mr. Anable, how the
9 meeting will proceed is we'll go on the record. We'll
10 take attendance of the members, and then we'll
11 consider -- we'll take appearances from you and
12 Mr. Derstine, and then the committee will vote on your
13 application to intervene. After that, we'll go to
14 public comment. And then once public comment is
15 concluded, we'll go to the direct cases.

16 So the scope of the matter is for additional
17 evidence on county and municipal land concerns and land
18 use impacts in the county.

19 Now, I see the Applicant has three witnesses
20 that they will present as a panel. You filed their
21 summaries on January 30; is that correct, Mr. Derstine?

22 MR. DERSTINE: That is correct.

23 CHAIRMAN STAFFORD: All right. Mr. Anable, how
24 many witnesses do you intend to call?

25 MR. ANABLE: I would like to interview or ask

1 questions of Mr. Derstine's witnesses, and I hope to
2 call either the State Historic Preservation Officer or
3 her deputy.

4 And there's a -- I need some kind of a legal --
5 maybe a -- you know, a teacher at a law school or
6 something to discuss kind of some legal issues that I
7 don't think the board or I understand correctly having
8 to do with the ex parte and who the other party really
9 is.

10 And the other party, in my opinion, is the
11 public, because it's the public's resources that you're
12 talking about evaluating, and you -- we haven't been
13 able to see what the impacts of the public resources are
14 going to be, so the other party hasn't been really
15 brought into the case.

16 So I think I'm right on that, but I need to
17 find somebody that I can question on that, so I don't
18 have that name right now.

19 CHAIRMAN STAFFORD: Well, the deadline to
20 provide the witness summaries was Friday.

21 MR. ANABLE: I understand.

22 CHAIRMAN STAFFORD: Mr. Derstine, he filed his
23 list of three witnesses, the summary of their testimony.

24 You have not done that, I take it, Mr. Anable.

25 MR. ANABLE: I have not.

1 CHAIRMAN STAFFORD: Okay. Do you intend to
2 present any exhibits at the hearing?

3 MR. ANABLE: No, sir.

4 CHAIRMAN STAFFORD: Mr. Derstine, how many
5 exhibits do you have to present at the remand hearing?

6 MR. DERSTINE: Ms. Odisho, do you have that
7 number of our exhibit list?

8 We filed our list of exhibits on Friday. And
9 as of today, we have two additional exhibits that are
10 already part of the docket, but we thought we would mark
11 them formally. So that updated exhibit list will be
12 filed today.

13 But, Ms. Odisho, what is our current number?

14 MS. ODISHO: 23 exhibits.

15 CHAIRMAN STAFFORD: Beg your pardon?

16 MR. DERSTINE: 23.

17 CHAIRMAN STAFFORD: All right. Well, were some
18 of them presented in the underlying hearing?

19 MR. DERSTINE: Yes. We have included -- among
20 our various exhibits will be the CEC, other matters that
21 are already of record in the docket, but there are some
22 additional new exhibits. We will have an updated
23 witness presentation slide deck that's relatively short.

24 Again, what we've tried to do and will do is to
25 tailor our presentation to the issues identified in the

1 Commission's decision as you just noted.

2 CHAIRMAN STAFFORD: All right. How I want you
3 to number those is start any new exhibits at
4 Exhibit CG -- mark it as Exhibit CG-28. We had 27
5 exhibits admitted already at the hearing. So any new
6 exhibits, start at 28 and go from there.

7 If you're referring to something that's already
8 in the prior list of exhibits that were already
9 admitted, you can simply refer to them. You don't need
10 to introduce them again as an exhibit.

11 MR. DERSTINE: Understood.

12 CHAIRMAN STAFFORD: As a new exhibit, I should
13 say.

14 All right. Now, Mr. Anable, have you received
15 a copy of the witness summaries from Mr. Derstine?

16 MR. ANABLE: Not these recent ones.

17 CHAIRMAN STAFFORD: The ones that were filed on
18 Friday?

19 MR. ANABLE: I'm sorry. I -- life happened
20 last week. My mother-in-law took me away from this
21 issue for the whole week, and we moved her into a memory
22 care place over the weekend, so I'm kind of behind the
23 ball. I'm sorry. My intent was not to be behind the
24 wall, but life happened.

25 CHAIRMAN STAFFORD: Sorry about your

1 mother-in-law, sir.

2 MR. DERSTINE: Mr. Chairman, I'm happy to
3 e-mail or Ms. Odisho will e-mail to Mr. Anable the
4 exhibit list.

5 And I did send him an e-mail on Friday
6 indicating that he -- recognizing that he had filed an
7 application to be made a party and that we would meet
8 and confer with him over exchange of exhibits.

9 And so we're happy to e-mail him our updated
10 exhibit list, our witness summaries, so it's easier for
11 him to -- I think they're making their way to him by
12 mail, but just so he has them.

13 CHAIRMAN STAFFORD: Okay. So your mailing him
14 a copy of all your exhibits for the hearing?

15 MR. DERSTINE: And we will -- yes. It will be
16 by e-mail. We'll do it electronically.

17 CHAIRMAN STAFFORD: All right. Yeah. That's
18 usually more efficient.

19 So now for Mr. Anable, you said you had no
20 exhibits, but you don't know who your witness is going
21 to be.

22 MR. ANABLE: I haven't confirmed yet with the
23 SHPO who they will -- well, whether they'll even send
24 somebody.

25 And then I may just discuss the ex parte issue

1 in some kind of a dialogue. I don't know.

2 But the only exhibits that I would have -- I
3 don't think of them as exhibits. But some of the
4 statutes, I might have copies of them to remind people
5 of what the statute says.

6 CHAIRMAN STAFFORD: You don't need to introduce
7 the statutes as exhibits.

8 MR. ANABLE: Okay. I didn't think so.

9 CHAIRMAN STAFFORD: So what you need to do,
10 Mr. Anable, is you need to get your witness summary
11 filed today; otherwise, you won't be putting a witness
12 on at the hearing.

13 MR. ANABLE: Okay.

14 CHAIRMAN STAFFORD: It can be just yourself and
15 you can do -- just cross-examine the Applicant's
16 witnesses.

17 But you need to get that -- you need to file
18 the witness summary in the docket and send a copy to
19 Mr. Derstine. You have got his list of witnesses, and
20 he's sending you all of his exhibits. You don't need to
21 send him any exhibits because you said you're not going
22 to present any.

23 Now, for Mr. Derstine, the additional exhibits,
24 will you provide them in binders or you'll have tablets
25 for the committee members?

1 MR. DERSTINE: We will have tablets, and we
2 will have a couple hard copies for you, Mr. Chairman;
3 obviously, a set for the court reporter as usual; and
4 then I think we'll have one or two additional paper sets
5 in case any of the members of the committee would prefer
6 that.

7 CHAIRMAN STAFFORD: Okay. Now, it might be
8 easier to have a set for Mr. Anable, as well, seeing as
9 how --

10 Are you going to have a tablet there with the
11 exhibits on it for yourself to look at, Mr. Anable, or
12 how do you intend to address that?

13 MR. DERSTINE: We would --

14 MR. ANABLE: Yeah, I can bring a tablet.

15 CHAIRMAN STAFFORD: One at a time.

16 You will bring a tablet?

17 MR. ANABLE: Yes.

18 CHAIRMAN STAFFORD: Okay. And then prior to
19 the start, you can just upload everything onto the
20 tablet for Mr. Anable.

21 MR. DERSTINE: Yeah, or we may just simply give
22 him one of the tablets that we have available to the
23 committee, give him an extra set, so we don't have to
24 worry about loading things at the last minute.

25 CHAIRMAN STAFFORD: Okay. All right.

1 MR. ANABLE: I do have a question. I guess
2 I'll just -- my only other witness other than cross-
3 examining Mr. Derstine's people would be somebody from
4 the SHPO. If I don't have a name by the end of the day,
5 can I just say a representative from the SHPO?

6 CHAIRMAN STAFFORD: Well, you would have to
7 have their agreement to show up and testify.

8 MR. ANABLE: Yeah. I just haven't confirmed
9 it, so I don't -- I'm not sure who they'll send or even
10 if they'll send somebody, but I hope they will. And it
11 will be somebody to speak on the State Historic
12 Preservation Act and what their agency does.

13 CHAIRMAN STAFFORD: Would you object to that,
14 Mr. Derstine? Having a witness testimony description
15 without the identity of the witness?

16 MR. DERSTINE: No. I wouldn't object to
17 Mr. Anable just filing his -- in his witness list
18 indicating that it would be a representative of SHPO.

19 I guess I would have concerns about spending a
20 fair amount of time before the committee explaining what
21 SHPO does because this committee is well-versed in the
22 State Historic Preservation Office, the statutes that
23 govern preservation of cultural resources.

24 There's a number of conditions in the CEC
25 that's already been granted by the committee concerning

1 how those artifacts and, you know, historic and
2 archaeological, you know, items, if discovered, are
3 preserved, and also the conditions requiring the survey
4 of the corridor prior to construction. All of those are
5 contained in the existing CEC.

6 If there's, you know, something important or
7 different that Mr. Anable wants to put on, I would
8 simply note that I don't think the committee needs a lot
9 of background on what the State Historic Preservation
10 Office is or what it does.

11 MR. ANABLE: Okay.

12 CHAIRMAN STAFFORD: All right. And,
13 Mr. Derstine, you've got the arrangements made for
14 public comment in Springerville.

15 MR. DERSTINE: That's right. We have -- and I
16 guess I failed to mention that we did issue a postcard
17 to the public within our larger notification area
18 advising the public of the hearing at the location at
19 the Corporation Commission, the date and time, but also
20 informing the public that there was an attendance option
21 at the Springerville Municipal Airport conference room
22 at 905 West Airport Road, Springerville.

23 And so that comment room will be staffed by
24 representatives of SWCA as well as Peaks Audio to ensure
25 that we have, you know, connectivity, strong Wi-Fi, and

1 that members of the public who wish to go to the
2 municipal airport conference room can provide comment
3 there when you open public comment at 10:00 a.m. on the
4 first day of the hearing.

5 CHAIRMAN STAFFORD: All right. Yeah, and this
6 is for additional public comment. So people who have
7 already made public comment already in the proceeding,
8 this is not a new proceeding. They will not be giving
9 public comment again. This is for additional public
10 comment, not a repeat of what we've already heard.

11 Now, Mr. Anable, will you be attending the
12 hearing in person, I presume?

13 MR. ANABLE: I'm sorry. Attending the hearing
14 as what? In person?

15 CHAIRMAN STAFFORD: In person.

16 MR. ANABLE: Yes. Here in Phoenix.

17 CHAIRMAN STAFFORD: Okay. Good.

18 All right. Is there anything else we need to
19 cover?

20 MR. DERSTINE: Nothing from the Applicant.
21 Thank you.

22 CHAIRMAN STAFFORD: Mr. Anable?

23 MR. ANABLE: No. I'm good. I'll get to work
24 on my witness write-up.

25 CHAIRMAN STAFFORD: Excellent.

1 The only thing else is that I intend to call a
2 witness, Mr. Fish, who sent the letter from the Apache
3 County Planning Commission, to appear and answer
4 questions under oath at the hearing. So we shall see if
5 he complies with the subpoena.

6 Anything further?

7 MR. DERSTINE: Nothing, Your Honor,
8 Mr. Chairman. Thank you.

9 CHAIRMAN STAFFORD: Nothing, Mr. Anable?
10 Tod, do we need anything else?

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

12 MR. ANABLE: No. Thank you.

13 CHAIRMAN STAFFORD: Thank you all very much.
14 With that, we are adjourned. See you on Monday.

15 (The proceedings concluded at 11:28 a.m.)

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1 STATE OF ARIZONA)
) ss.
 2 COUNTY OF YUMA)

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I, MICHELE E. BALMER, Certified Reporter
 No. 50489 for the State of Arizona, do hereby certify
 that the foregoing pages constitute a full, true and
 accurate transcript of the proceedings had in the above
 matter, all done to the best of my skill and ability.

DATED this 5th day of February, 2026, at Yuma,
 Arizona.



MICHELE E. BALMER
 Certified Reporter
 AZ Certificate No. 50489