

1 BEFORE THE ARIZONA POWER PLANT LS-363

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION OF )DOCKET NO.  
 4 TUCSON ELECTRIC POWER COMPANY, IN )L-00000C-24-0118-00232  
 CONFORMANCE WITH THE REQUIREMENTS )  
 5 OF A.R.S. § 40-360, ET SEQ., FOR A )LS CASE NO. 232  
 CERTIFICATE OF ENVIRONMENTAL )  
 6 COMPATIBILITY AUTHORIZING THE )  
 MIDTOWN RELIABILITY PROJECT, WHICH )  
 7 INCLUDES THE CONSTRUCTION OF A NEW )  
 138 KV TRANSMISSION LINE )  
 8 ORIGINATING AT THE EXISTING )  
 DEMOSS-PETRIE SUBSTATION (SECTION )  
 9 35, TOWNSHIP 13 SOUTH, RANGE 13 )  
 EAST), WITH AN INTERCONNECTION AT )  
 10 THE PLANNED VINE SUBSTATION )  
 (SECTION 06, TOWNSHIP 14 SOUTH, )  
 11 RANGE 14 EAST), AND TERMINATING AT )  
 THE EXISTING KINO SUBSTATION )  
 12 (SECTION 30, TOWNSHIP 14 SOUTH, )  
 RANGE 14 EAST), EACH LOCATED WITHIN )  
 13 THE CITY OF TUCSON, PIMA COUNTY, )EVIDENTIARY HEARING  
 ARIZONA. )  
 14 \_\_\_\_\_ )

15 At: Tucson, Arizona

16 Date: July 19, 2024

17 Filed: July 24, 2024

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19 REPORTER'S TRANSCRIPT OF PROCEEDINGS

20

VOLUME X  
(Pages 2082 through 2288)

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By: Jennifer Honn, RPR  
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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 Tucson Reid Park Doubletree, 445 South  
5 Alvernon Way, Tucson, Arizona, commencing at 9:29 a.m. on  
6 July 19, 2024.

7

8 BEFORE: ADAM STAFFORD, Chairman

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

19 APPEARANCES:

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and

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1 CHMN STAFFORD: Let's go back on the  
2 record.

3 We have -- can you please pull up  
4 Chairman's Exhibits 1 and 2.

5 So Chairman's 1 should be on the left and  
6 Chairman's 2 on the right. That's the Word document  
7 number 2 that we'll be editing.

8 Mr. Ancharski has graciously agreed to be  
9 our scrivener.

10 MEMBER GOLD: Wait. I'm having trouble  
11 finding it. Oh, CEC. Thank you. Thank you.

12 CHMN STAFFORD: All right. We have them on  
13 the tablet so that way you can read it at your own pace.  
14 You don't have to -- we don't have to scroll the whole  
15 thing up and down on the main screen.

16 MEMBER GOLD: Okay.

17 CHMN STAFFORD: So let's start with the  
18 introduction.

19 MEMBER HILL: Mr. Chair, I offer the motion  
20 to approve the language in the introduction paragraph,  
21 and after we vote on the complete -- after we vote on the  
22 total -- totality of the CEC, we can enter the vote.

23 CHMN STAFFORD: Yes. Thank you.

24 Do I hear a second?

25 MEMBER DRAGO: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

3 CHMN STAFFORD: All in favor say aye.

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, the  
8 introduction is adopted.

9 Moving on to the overview project  
10 description.

11 MS. DE BLASI: Chairman?

12 CHMN STAFFORD: Yes.

13 MS. DE BLASI: I have a request of when we  
14 were e-mailing about this. Just a clarification on the  
15 language for Routes D and 1, if I could ask the  
16 applicant.

17 The language says, "Where it turns south to  
18 an alignment in Route D," on line 22. Where it turns --

19 CHMN STAFFORD: Which page?

20 MS. DE BLASI: I'm sorry, on page 3.

21 CHMN STAFFORD: Page 3.

22 MS. DE BLASI: "Where it turns south to an  
23 alignment centered between East Lester Street and North  
24 Ring Road." Does that mean it's going on the private  
25 property or is it to the north side of the private



1 property?

2 I was trying to understand we have  
3 strong -- we haven't seen the right-of-way maps yet, but  
4 obviously the testimony of all of the impacts up there,  
5 particularly related to the emergency services and the  
6 route that the helicopters take right through that area,  
7 particularly at night, we don't want to create dangers.

8 So if we can get clarification there, if we  
9 can agree to narrow that right-of-way to the public  
10 right-of-way.

11 CHMN STAFFORD: If you want to pull up the  
12 map with the right-of-way for D and put on the left-hand  
13 screen, please. That should answer the question.

14 I believe it's wide enough to allow  
15 construction in either place. It would be up to the  
16 applicant if they choose -- if they do select that route  
17 where to put it. It gives them flexibility to put it on  
18 either Ring Road or Lester Road or in between them, I  
19 believe.

20 Is that correct, Ms. Grabel?

21 MS. GRABEL: That is correct, Mr. Chairman,  
22 although we are comfortable just saying centered on  
23 Lester Street, if that makes Banner more comfortable.

24 MS. DE BLASI: Yeah. Given time is of the  
25 essence and the private condemnation issues, we would not

1 want to hold up, you know, that litigation could be  
2 substantial because of that taking of that area.

3 So if it's clearer for the applicant and we  
4 can just remove that -- that private area, that would be  
5 probably better for giving them, you know, the ability to  
6 build anywhere in the public right-of-way.

7 CHMN STAFFORD: Well, I think the  
8 Committee's option was to allow the applicant to put it  
9 in either place, but it would be upon the applicant to  
10 select.

11 And it's unlikely that they'll select that  
12 route. But the alternative that was provided, my  
13 understanding -- Committee Members, correct me if I'm  
14 wrong -- would allow them to build it in either place.

15 If they wanted to pursue Ring Road they'd  
16 have to deal with Banner. So I think that's probably a  
17 motivating factor for them not to select this particular  
18 option, but my thought was -- my recollection from the  
19 discussion with the Committee yesterday, that they wanted  
20 to provide them that option.

21 MS. DE BLASI: Yeah, we understand that,  
22 but once it's, you know, approved, they have the ability  
23 to do it, so it would be our very strong preference,  
24 again, because of the emergency services, that's the only  
25 entrance to the hospital for the public and for people

1 coming in as an emergency who are not coming by  
2 ambulance.

3 So we just, we want to avoid as much as  
4 possible, you know, limiting those community services.  
5 So if we can do that by taking that out, that would be  
6 our preference.

7 CHMN STAFFORD: Members?

8 MEMBER GOLD: I'm not following. The  
9 entrance of the hospital is where?

10 MS. DE BLASI: Along Ring Road, that is the  
11 only entrance to the hospital for the public and for  
12 folks -- and for the employees coming in, most of the  
13 employees that Mr. Barkenbush testified, but also for  
14 emergency services not coming by ambulance, which does  
15 happen.

16 MEMBER GOLD: So Ring Road is the east-west  
17 road north of the hospital?

18 MS. DE BLASI: Correct. That's a private  
19 road. It's also the helicopter, the agreed-to route when  
20 they can. Obviously helicopters have to land into the  
21 wind, so there are probably issues, times when they can't  
22 do it, but that's the agreed route that Mr. Barkenbush  
23 testified that the helicopters try to land, they come up  
24 Campbell and go along Ring Road to the helipads that are  
25 not far from there, to avoid noise over the neighborhoods

1 and such.

2 So if they were to build a line right  
3 there, obviously that takes out the ability to do it,  
4 because it's at the same level as the helicopters are  
5 landing. It's about the same height.

6 MEMBER GOLD: Actually the landing pads are  
7 a lot higher.

8 MS. DE BLASI: No, they're about six or  
9 seven stories, same as the power line.

10 MEMBER GOLD: How tall would the power line  
11 be along Campbell Avenue? I'm going to ask somebody from  
12 TEP.

13 MR. BRYNER: Between --

14 MEMBER GOLD: Between Grant and Lester --  
15 Lester?

16 MR. BRYNER: So I think --

17 MEMBER GOLD: From Grant down.

18 MR. BRYNER: Yeah, between Campbell on  
19 Vine?

20 MEMBER GOLD: On Campbell between Grant and  
21 Vine.

22 CHMN STAFFORD: Member Gold, the portion  
23 they're speaking about is where it comes -- where it  
24 heads west from Campbell to Vine Substation. They could  
25 either take it -- the corridor would allow them to put it

1 either on Ring Road, in which case they'd have to deal  
2 with condemnation of the property from the hospital, or  
3 the right-of-way on Lester Road which is the public road  
4 to the north. I believe there's an area in between that  
5 they could run it through as well.

6 My thought that the Committee voted -- the  
7 position of the Committee yesterday was to allow them the  
8 option to put the -- either to deal with the hospital and  
9 put it on Ring Road or -- or put it on Lester Road to go  
10 to take this route.

11 That was the route that I believe the  
12 Committee approved and if the applicant pursues that  
13 route then they'll have to deal with the hospital. But  
14 my understanding was that the route the Committee was  
15 considering and was approving did not foreclose the use  
16 of Ring Road.

17 MEMBER GOLD: Well, my question again is  
18 the poles that are 138kV poles are 75 to 85 feet with the  
19 average being 80 feet. That's the testimony you gave  
20 earlier, and how tall is the helipad? Seven stories?  
21 How tall is that?

22 MS. DE BLASI: Yes, that was the testimony.

23 MEMBER GOLD: How tall is seven stories?

24 MS. DE BLASI: It's about 85 feet. Each  
25 floor is 15 feet, the hospital.

1 MEMBER GOLD: So 15 times 7 is 70 and 35,  
2 it's 105 feet. That's a lot taller than the telephone  
3 poles or the power lines.

4 MS. DE BLASI: I believe Mr. Barkenbush's  
5 testimony was that they were about the same level.

6 MEMBER GOLD: I think the power line views  
7 are at the same level. I mean, if it's --

8 MR. BRYNER: So if I could just jump in, so  
9 on the map on the screen, we represented just doing a  
10 hundred-foot-wide corridor on Lester. As the applicant  
11 we're comfortable with that.

12 I know we expressed the desire to have that  
13 flexibility, but knowing where Banner stands, I think  
14 we'd rather go the path of least resistance. I know it  
15 means greater impact on the neighborhood.

16 MEMBER GOLD: Wait. That's precisely the  
17 point. It means greater impact on the neighborhood in  
18 residential areas. So I'm saying I think we leave it as  
19 it is, because if you have 105-foot, say 100-foot helipad  
20 and the power lines are 80 feet, that's a 20-foot  
21 difference. Helicopters don't come up to a helipad, they  
22 come from a higher altitude down to a helipad. So I  
23 would say, Mr. Chairman, just leave it as it is.

24 CHMN STAFFORD: I'm fine with that.

25 MS. DE BLASI: Chairman, could I just ask,

1 since you have the pointer, Mr. Bryner, could you point  
2 to where that would be next to the emergency landing  
3 area? It's right next door to it.

4 CHMN STAFFORD: The emergency landing area  
5 is on the ground, but the helipads they use are the  
6 higher ones.

7 MS. DE BLASI: It's also the access for  
8 construction and all other issues. So that's -- it's not  
9 just that it would be landing on the building. I think  
10 those pilots need maximum flexibility to be able to land  
11 wherever they need to land. So that's why I'm asking, if  
12 the applicant doesn't have an issue with it, we would ask  
13 that it be definitive now. It just makes for clearer  
14 decision-making later.

15 MEMBER DRAGO: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Drago.

17 MEMBER DRAGO: So as a member I'm hearing  
18 there's a negotiated solution here. However, I hear  
19 Member Gold's concern. And let's talk about that for a  
20 minute. Those would be 138kV poles along Lester;  
21 correct?

22 MS. GRABEL: Correct.

23 MEMBER DRAGO: Okay. Aren't we going to  
24 remove distribution within the next 10 years of 2027?

25 MR. BRYNER: Correct. We'll remove 46kV

1 and distribution that would be along -- today it's on --  
2 grabbed the wrong remote -- so there's 46kV in this  
3 alleyway on the other side of the lots north of Lester,  
4 it's 46kV and distribution runs along there.

5 If that 46kV will be removed and if this  
6 were the path that we were going along, that distribution  
7 will be placed underground.

8 MEMBER DRAGO: So my take is let's go with  
9 the option of Lester, because the project no doubt needs  
10 to get done and condemnation is to me a really bad  
11 option.

12 So that would be my vote is let's go with  
13 Lester because there's going to be less congestion of  
14 poles in the future.

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Gold.

17 MEMBER GOLD: Are we selecting the route  
18 now or will we be selecting the route later?

19 CHMN STAFFORD: We are approving a -- we  
20 are approving the preferred route and then three  
21 alternatives. D is one of those alternatives. And it's  
22 up to the applicant to select which one they will build.

23 MEMBER GOLD: That's what I understood it  
24 to be. Thank you, Mr. Chairman.

25 MEMBER LITTLE: Mr. Chairman.



1 CHMN STAFFORD: Yes, Member Little.

2 MEMBER LITTLE: Since the applicant has  
3 agreed to change the language to an alignment centered on  
4 East Lester Street for approximately .4 miles, I move  
5 that we change the language as I just said.

6 CHMN STAFFORD: All right. Well, let's  
7 move the project description, and then we can move to  
8 amend it, and then we'll have to move it as amended and  
9 then we'll vote on it.

10 MR. LUSK: Mr. Chair, can I just ask a  
11 question?

12 CHMN STAFFORD: Yes, Mr. Lusk.

13 MR. LUSK: So the approximate mileage, is  
14 that for the preferred route or does that need to be a  
15 range of distances?

16 CHMN STAFFORD: Each -- each leg has its  
17 own distance.

18 MR. LUSK: I'm talking about for the  
19 overview project description in that language, does that  
20 need to be a range of mileage since you're approving more  
21 than one?

22 MS. GRABEL: That is for the preferred  
23 route.

24 MR. LUSK: So is it just for the preferred  
25 route that that language is applicable to?

1 MS. GRABEL: It is. That is the preferred  
2 route.

3 CHMN STAFFORD: What's the longest possible  
4 route that's available?

5 MR. BRYNER: The longest possible route of  
6 those on the table is the preferred route at 8.5.

7 CHMN STAFFORD: There you go, then.

8 MR. BRYNER: At least is 7.9.

9 CHMN STAFFORD: Right. So, yeah,  
10 approximately 8.5 covers it all, I think, then if that's  
11 the longest possible route, it can't be longer than that,  
12 I think it's covered. I don't think we need to be more  
13 specific than that.

14 Particularly in light of the fact that  
15 it's -- the applicant's most likely going to build the  
16 preferred route anyway, so that's -- unless something  
17 happens that changes, that's -- they have some kind of  
18 thing to fall back on. But my understanding is that if  
19 this is approved the applicant will pursue the preferred  
20 route. These others are just options for them in case  
21 something goes wrong.

22 MEMBER GOLD: Is that your assumption as  
23 well, Ms. Grabel?

24 MS. GRABEL: Mr. Chairman, Member Gold,  
25 that's certainly the path of least resistance, and I

1 think it's best for the City and TEP to pursue.

2 MEMBER GOLD: And you make that choice.

3 MS. GRABEL: TEP makes that choice.

4 MEMBER GOLD: TEP, so whether we leave it  
5 in, change it, take it out or anything else doesn't  
6 really affect the choice. You're going to choose the  
7 preferred route.

8 MS. GRABEL: Correct.

9 MEMBER DRAGO: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Drago.

11 MEMBER DRAGO: I have a different  
12 perspective. If you have something in writing, we have  
13 no ability to change going to Lester. If, in fact, that  
14 route is chosen and TEP says no, let's use Ring, it's  
15 easier.

16 So I'm surprised that we would not be as  
17 specific as we can in these alternative routes because  
18 they can be used. It's in writing. I mean, so just  
19 because they're saying that they're likely going to use  
20 the -- whatever route it is, what is it?

21 MS. GRABEL: The preferred route.

22 MEMBER DRAGO: The preferred route. I mean  
23 that doesn't mean anything.

24 MEMBER LITTLE: That's true.

25 MEMBER DRAGO: Am I correct?

1 CHMN STAFFORD: Yeah, I mean, the  
2 description of alternative Route D is probably moot  
3 because it's not going to be used by the applicant.

4 MS. DE BLASI: But once it's on the -- to  
5 Member Drago's point, Chairman, once it's on paper, you  
6 know, they have the right to do it.

7 CHMN STAFFORD: Right.

8 MS. DE BLASI: So we're just trying to  
9 avoid that down the road. If they're not going to use it  
10 anyway, then it should be easier to take it off.

11 MEMBER GOLD: That's a point as well,  
12 Mr. Chairman.

13 CHMN STAFFORD: Well, does the Committee  
14 want to only grant approval of the preferred route and  
15 not give them the alternatives, or do you want to give  
16 them the alternatives? I mean, that's --

17 MEMBER GOLD: No, no.

18 CHMN STAFFORD: -- our decision to make.

19 MEMBER GOLD: No, I think we leave -- in  
20 that case we leave it in and rely on TEP working with  
21 Banner and the City of Tucson to choose the most  
22 appropriate route, and I believe with the due diligence  
23 you've done already that you will choose the most  
24 appropriate route.

25 MEMBER DRAGO: Mr. Chairman.

1 MEMBER LITTLE: Mr. Chairman.

2 CHMN STAFFORD: Member Drago and then  
3 Member Little.

4 MEMBER DRAGO: So maybe I'm  
5 misunderstanding here. So what is the reluctance, at  
6 least, I don't want to speak for the whole Committee but  
7 some of you, not to change the alternative from Ring to  
8 Lester? Can someone explain the reluctance to do so?

9 MEMBER KRYDER: Mr. Drago, could you refer,  
10 please, to the lines and the section you're speaking  
11 about so that we can all be with you?

12 MEMBER DRAGO: Yeah. Thank you, Member  
13 Kryder.

14 So can I get some help from TEP? And can  
15 you outline Ms. De Blasi's challenge that she would like  
16 to remove?

17 MS. GRABEL: Certainly.

18 MEMBER DRAGO: Ring Road.

19 MS. GRABEL: Yes, I think it's being  
20 highlighted right now. The discussion is in the  
21 description of the alternative Route D, and it's on lines  
22 22 and 23.

23 And rather than having an alignment  
24 centered between East Lester and Ring Road, which would  
25 involve obviously Ring, and Banner objects to that. The

1 applicant will agree and I believe Member Little moved to  
2 have that language say where it turns south to an  
3 alignment centered on East Lester Street and delete the  
4 reference to North Ring Road.

5 MS. DE BLASI: Correct. As it's shown on  
6 the left, Member Drago.

7 CHMN STAFFORD: The right-hand screen.

8 MS. DE BLASI: Yes, on the map, Chairman.

9 CHMN STAFFORD: Okay.

10 MS. DE BLASI: As it's shown right now,  
11 that's what we're asking for.

12 MEMBER DRAGO: Thank you for that.

13 And then Member Kryder --

14 MEMBER KRYDER: Yes, sir.

15 MEMBER DRAGO: Does that make sense now  
16 that that change would prevent any future disagreement  
17 between Banner and TEP in the event alternative Route D  
18 is used?

19 MEMBER KRYDER: That was really not my  
20 request to you. My request was simply refer in the  
21 document by line and section so that we can follow you.  
22 So I'm going to say thank you, yes, that makes it clear  
23 where you're talking about. I'm still thinking about the  
24 rest of it.

25 MEMBER DRAGO: Okay. Member Kryder, the

1 second screen up there, that's the section we'd like to  
2 change.

3 CHMN STAFFORD: If you're looking at your  
4 tablet it's going to be page 3 of the proposed CEC.

5 MEMBER KRYDER: I have it in front of me on  
6 my tablet. Thank you very much.

7 MEMBER GOLD: Mr. Chairman, might I ask  
8 that you actually show it on the map? Just with your  
9 pointer so I can see what it is everybody's talking  
10 about? So what street is that?

11 MS. GRABEL: That is Lester.

12 MEMBER GOLD: And where's Ring?

13 MS. GRABEL: It is immediately south of it.

14 MEMBER GOLD: Oh.

15 CHMN STAFFORD: Where's the rest of D?

16 MR. BRYNER: Let me explain. So the rest  
17 of D is going north on Campbell and this is map panel, I  
18 think 4, within a series of map panels. So you're not  
19 seeing it on this screen.

20 CHMN STAFFORD: Okay. The entirety of  
21 Route D is not drawn on this map.

22 MEMBER RICHINS: Chairman.

23 CHMN STAFFORD: Yes, Member Richins.

24 MEMBER RICHINS: Yeah, this is the just the  
25 detail of where it jogs off of Campbell. This is the

1 commercial route. Ms. De Blasi, does Banner benefit from  
2 the upgrade of this project, the power upgrades, or is it  
3 indifferent?

4 MS. DE BLASI: No, not directly, Member  
5 Richins. No, they already have their power through the  
6 University of Arizona substation, the -- Mr. Bryner knows  
7 the proper name for it. Generally speaking, with  
8 reliability and such to the system, but they're not  
9 taking any power from this.

10 MEMBER RICHINS: And in the event that you  
11 guys lose power you go right on to emergency generators;  
12 correct?

13 MS. DE BLASI: Correct.

14 MEMBER RICHINS: Okay. All right. Thanks.

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Gold.

17 MEMBER GOLD: After identifying where  
18 Lester and Ring are parallel I do not disagree with  
19 taking Ring out.

20 CHMN STAFFORD: Well, if we're taking Ring  
21 out and running that section through the neighborhood, I  
22 question --

23 MEMBER GOLD: It's modifying D.

24 CHMN STAFFORD: Right. I question even  
25 keeping D at that point. My understanding was the point



1 of D is as an alternative to B, because B went through  
2 the neighborhoods and then D would not. It would --  
3 instead of ignoring the residents, it would ignore the  
4 hospital.

5 And that was the alternate route. So if  
6 we're going to -- I don't think there's a point in  
7 keeping D if we're going to run a chunk of the line  
8 through the neighborhood anyway.

9 MR. LUSK: Mr. Chair, maybe I can clarify  
10 just a little bit my understanding.

11 So Lester is the outer edge of that  
12 neighborhood. And I think the conversation yesterday was  
13 about how on Campbell the route -- and we can't  
14 necessarily see it here -- but the route on D runs only  
15 on Campbell, it doesn't go through that neighborhood, and  
16 then runs -- connects to Vine through Lester, which is  
17 the edge of that neighborhood between the hospital and  
18 the neighborhood.

19 I don't think anybody really thinks that's  
20 going to happen nor wants that, but that was -- I think  
21 that was the conversation yesterday.

22 MS. DE BLASI: And Chairman, if I might  
23 add, that's a very small, very, very small section of  
24 that whole line. And as you can see along Campbell,  
25 there's a lot of residential along Campbell. So I don't

1 think you're avoiding that much residential by --

2 CHMN STAFFORD: Well, I've driven this  
3 route, and the setback from Campbell to the houses is a  
4 lot more than -- if you put it down Lester you're running  
5 it right in front of those houses, you're in their front  
6 yard.

7 So there's a huge difference between the  
8 distance of houses to the line on Campbell as opposed to  
9 if you put it on Lester. So if you're going to put it on  
10 Lester I'd just as soon take D out of the equation.

11 MS. DE BLASI: Chairman, that's why we  
12 objected to strongly to D.

13 CHMN STAFFORD: Right. And then that would  
14 be -- that was the issue. I thought the way it was  
15 phrased because the D route would be annoying to the  
16 hospital as opposed to the neighborhood. But if you do B  
17 it goes right through the neighborhood and doesn't impact  
18 the hospital.

19 I thought that was the two choices we were  
20 providing to the applicant through the benefits of these  
21 routes. And if we're not -- if we're just going to put D  
22 through Lester through the neighborhood anyway, I don't  
23 see a point in keeping D as an alternative.

24 But I'll defer to the members on their  
25 wishes about that.

1 MEMBER DRAGO: Mr. Chairman, I completely  
2 agree with you, and now that you've talked about it I  
3 completely understand what you're saying. So I'll let  
4 the other Committee members speak before there's a vote.  
5 But thank you for the explanation.

6 CHMN STAFFORD: We still have to move the  
7 section before we start amending it. So I just want to  
8 make sure we follow the procedure. So if we get a motion  
9 to --

10 MEMBER LITTLE: Mr. Chairman.

11 CHMN STAFFORD: -- adopt the overview  
12 section then we can entertain motions to amend it.

13 Member Little, you had a question.

14 MEMBER LITTLE: I disagree. I feel  
15 strongly that we should leave D in. It only has a small  
16 section that goes adjacent to a neighborhood. I agree  
17 they'd be in their front yards, but it's a great deal  
18 less than the preferred route. And I really would like  
19 to see D remain.

20 And with that comment I move the section of  
21 the CEC entitled "Project Description."

22 MEMBER HILL: Second.

23 CHMN STAFFORD: Further discussion?

24 MEMBER DRAGO: Yes.

25 CHMN STAFFORD: Member Drago.

1 MEMBER DRAGO: Member Little, are you  
2 voting to keep Ring in or out? As you just voted.

3 MEMBER LITTLE: My preference would be to  
4 keep Ring in to give TEP the option. However, if they  
5 feel comfortable with -- well, that would be my  
6 preference.

7 However, I would rather leave Ring in with  
8 the center line on Lester than not leave -- I'm sorry. I  
9 would rather leave D in with the center line on Lester  
10 than not have D in at all.

11 MEMBER GOLD: I agree with Member Little.

12 MEMBER DRAGO: I agree with Member Little  
13 based on her further explanation.

14 CHMN STAFFORD: All right. So do we need a  
15 motion to amend the description of alternate Route D on  
16 page 3?

17 MEMBER GOLD: I make that motion.

18 MEMBER DRAGO: I second.

19 CHMN STAFFORD: And what exactly are we  
20 changing? So the motion -- is the motion to change the  
21 language on line 25 where it reads between East Lester  
22 Street and North Ring Road to just alignment centered on  
23 East Lester Street? Is that --

24 MS. DE BLASI: Chairman, I believe that  
25 that's correct.

1 MEMBER DRAGO: Chairman, I would defer to  
2 TEP to help us rewrite this so that it's exactly what  
3 you're able to do.

4 MS. GRABEL: Thank you, Mr. Chairman.

5 What I just heard the Committee say is they  
6 wanted to give us the flexibility and leave Lester and  
7 Ring as alternatives.

8 And if that's the case I don't think we  
9 need to make any changes to alternative Route D that does  
10 exactly what the Committee decided yesterday. I think  
11 the change that does need to happen is an amendment to  
12 this map that includes both Lester and Ring. But to give  
13 comfort to Banner, we do not want to engage in  
14 condemnation, so it's unlikely that that will be the end  
15 route selected.

16 CHMN STAFFORD: Right. And that was my  
17 understanding of the discussion yesterday. We wanted to  
18 give the utility the option even though it was highly  
19 unlikely that they would not -- it was highly unlikely  
20 that they would pursue it. But that was -- I thought  
21 that was the point, so.

22 MR. DEMPSEY: May I make a comment?

23 CHMN STAFFORD: Mr. Dempsey. Yeah.

24 MR. DEMPSEY: Please, so also, I want to  
25 make sure, and you guys, it seems like we're past it at

1 this point, but the idea also is that if we have the  
2 underground, that's a place to underground. So it's not  
3 just aboveground. So you might need to underground on  
4 Lester and then go back to Campbell, just FYI.

5 MEMBER GOLD: So changing the language,  
6 instead of between East Lester and North Ring Road, it  
7 would be on either East Lester or North Ring Road.

8 CHMN STAFFORD: I'm inclined just to leave  
9 the language as it is and amend the map. And then if the  
10 applicant decides to pursue that line on either Ring Road  
11 or Lester Road, they have to deal with the consequences  
12 and the legal issues. And that's for them to decide  
13 whether it's worth it or not for them to pursue it, but  
14 based on what the applicant is saying this entire hearing  
15 is that they -- if they can build B-4, they're going to  
16 build B-4.

17 MEMBER KRYDER: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Kryder.

19 MEMBER KRYDER: I concur in your analysis  
20 just made and believe that we would be a wiser Committee  
21 to retain the language as it is presented here, lines 20  
22 through 28, regarding alternative Route D. Retain it as  
23 is.

24 CHMN STAFFORD: That would be my  
25 preference. But they would need to change the map;

1 correct? We'll get to the map. These are typically  
2 voted on the maps last to make sure --

3 MEMBER KRYDER: That is correct. The map  
4 would need to be changed, the language would not. Am I  
5 okay with that, Ms. Grabel?

6 MS. GRABEL: Yes, Member Kryder, you are.  
7 And we're on the map right now.

8 MEMBER GOLD: In that case I make that  
9 motion.

10 CHMN STAFFORD: To amend the map?

11 MEMBER GOLD: Yes.

12 MEMBER RICHINS: Chairman.

13 CHMN STAFFORD: Member Richins.

14 MEMBER RICHINS: I do have a couple of  
15 words that I'm struggling with in these, and it's when we  
16 call it the planned upgraded Vine Substation. There's no  
17 station there now. It's a planned station. I don't know  
18 how we upgrade a planned station. There's no station  
19 there. You can't upgrade something that doesn't exist.  
20 You're planning to have a station.

21 So I would strike the word "upgraded," and  
22 just leave "planned substation." But just -- to me  
23 there's just -- I don't know why my brain spun on that,  
24 but it just seemed odd to describe a planned substation  
25 that's upgraded.

1 MS. GRABEL: That's fine with us.

2 MEMBER KRYDER: What line are you  
3 referencing, please?

4 MEMBER RICHINS: It would be on line 24 and  
5 line --

6 CHMN STAFFORD: It's throughout this  
7 section.

8 MEMBER RICHINS: -- 15 and any other lines  
9 in the section that just use the word "upgraded," because  
10 it just is inconsistent.

11 The other reason I'm struggling is we don't  
12 have purview over substations, and I'm reluctant to  
13 mention substations at all because of that.

14 CHMN STAFFORD: It's the termination point  
15 of the route --

16 MEMBER RICHINS: Yes, but it's a point of  
17 reference.

18 CHMN STAFFORD: It's a reference point, but  
19 we're not proving --

20 MEMBER RICHINS: Understood. Understood.

21 CHMN STAFFORD: We know where it is on the  
22 map and that's where we're going off.

23 MEMBER KRYDER: Thank you very much.

24 MEMBER RICHINS: When we get into the  
25 findings of fact there's another section there with



1 discussing -- I just want to make sure we're all clear.

2 CHMN STAFFORD: Okay. So if someone -- who  
3 made the motion to amend the language that they withdraw  
4 that motion.

5 MEMBER HILL: Mr. Gold, and I second that.

6 MEMBER GOLD: I withdraw.

7 CHMN STAFFORD: Okay. All right. So then,  
8 Member Richins, do you want to move the upgraded  
9 before -- after planned in every reference to the Vine  
10 Substation in this section?

11 MEMBER RICHINS: So moved.

12 MEMBER MERCER: Second.

13 MEMBER HILL: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, the word  
21 "upgraded" is removed in reference to the planned Vine  
22 Substation.

23 MEMBER KRYDER: In which lines, please?

24 CHMN STAFFORD: In all lines in Section B,  
25 "Overview Project Description."

1 MEMBER KRYDER: Thank you.

2 CHMN STAFFORD: And I guess we could make  
3 conforming changes throughout the document so we don't  
4 have to deal with this every time.

5 MEMBER KRYDER: Thank you.

6 CHMN STAFFORD: All right. Member Little.

7 MEMBER LITTLE: Mr. Chairman, yes, I would  
8 like to make one other suggested change I guess, I'll  
9 make it as a motion so we don't have to go round and  
10 round.

11 It is engineering as well as  
12 mathematical --

13 CHMN STAFFORD: What page are you on,  
14 please?

15 MEMBER LITTLE: I'm talking in general.

16 CHMN STAFFORD: Oh, okay.

17 MEMBER LITTLE: It is mathematical and  
18 engineering common notation to put a zero before the  
19 decimal when you have a number that is less than 1. So  
20 instead of .6 miles it would be 0.6 miles.

21 And it's done both ways in this. I would  
22 like to see it done with the zero in front of the decimal  
23 so there is no question we're not talking about  
24 six miles, we're talking about 0.6 miles.

25 CHMN STAFFORD: Seconded.

1 MEMBER LITTLE: Throughout the entire  
2 document, please.

3 MEMBER GOLD: She made a motion. Has it  
4 been seconded?

5 MEMBER MERCER: I second that motion.

6 CHMN STAFFORD: All right. Thank you,  
7 Member Mercer. 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, the motion  
14 passes. We'll add the zero before the decimal point for  
15 all numbers that currently only have the decimal point  
16 and a number after it.

17 So the rest of --

18 MEMBER LITTLE: Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Little.

20 MEMBER LITTLE: I do have a question on  
21 page 6. That's part of the description. Can I go that  
22 far? I know we aren't all the way there yet.

23 CHMN STAFFORD: You're talking on page --  
24 yeah, that is part of the description, it's everything  
25 between. It's under B before you get to conditions.

1 MEMBER LITTLE: I have never seen the  
2 Committee approve anything as part of a description  
3 before. And I personally object to the overhead  
4 construction.

5 CHMN STAFFORD: Well, that's all we can  
6 approve.

7 MEMBER LITTLE: That's true. But I've  
8 never seen that, the description says the description.  
9 It doesn't say --

10 MEMBER KRYDER: What is your objection to  
11 it other than philosophically?

12 MEMBER LITTLE: Just the fact that a  
13 description is a description. It doesn't give an opinion  
14 of the Committee.

15 MEMBER KRYDER: However, a description, if  
16 incorrect, leads the Committee offline, would you agree?

17 MEMBER LITTLE: I just am saying I don't  
18 believe it belongs in the description.

19 MEMBER KRYDER: That's a different  
20 statement.

21 CHMN STAFFORD: We have the vote count up  
22 in the prior section. And then it just reiterates it  
23 again in this section with reference to the routes.

24 Ms. Grabel, because it looks like from the  
25 redline that language came from a prior CEC.

1 MS. GRABEL: Yes, Mr. Chairman. I was  
2 going to say, this is the language we've used, I think in  
3 all of our prior CECs. The overhead is different and I  
4 don't object to removing it because as you said you have  
5 only jurisdiction to oversee overhead construction. But  
6 the approval is pretty standard and it's just a way of  
7 introducing the maps.

8 CHMN STAFFORD: Right. That's my  
9 recollection of it. I can't pull up -- I can't pull up a  
10 prior CEC to compare it, but --

11 MEMBER LITTLE: That's -- I withdraw my  
12 statement.

13 CHMN STAFFORD: Okay. So would you like to  
14 make a motion to remove -- to amend, we're looking at  
15 page 6, line 1. Now, it currently reads, "The Committee  
16 approves the overhead construction of the preferred  
17 route," you just want to remove "the overhead," just  
18 "overhead," it says, "the Committee approves the  
19 construction of the preferred route and" --

20 MEMBER LITTLE: I think we're just  
21 approving the route, aren't we?

22 CHMN STAFFORD: Right.

23 MEMBER LITTLE: So why don't we say the  
24 Committee approves the preferred route, B-4, and  
25 alternative routes and then continue on. So just remove

1 the words "overhead construction." Remove the words "the  
2 overhead construction of."

3 MEMBER HILL: If that's a motion I second  
4 it.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, the amendment  
12 is made.

13 MEMBER RICHINS: Chairman, can we go up to  
14 line 17 or 19 on the same page? I've never heard of a  
15 stravenue, I think it's something --

16 MS. GRABEL: That got me too, but that's a  
17 thing.

18 MEMBER RICHINS: Yeah, yeah, I looked it up  
19 on the maps, it's like it says "stra," S-T-R-A. So I  
20 just want to make sure we weren't --

21 CHMN STAFFORD: Yeah, I noticed that -- I  
22 noticed that too, it's like a combination of street and  
23 avenue, and when I was looking at this morning, I didn't  
24 have the maps to actually and look is it a street or an  
25 avenue. So that will need to be corrected.

1 MS. GRABEL: It doesn't, Mr. Chairman.

2 MEMBER GOLD: Mr. Chairman, I looked that  
3 up. There is such a thing as a stravenue, and it is only  
4 in the city of Tucson in the entire country and it does  
5 not go east-west or north-south, two of them going  
6 diagonally and they are called stravenues and it is  
7 defined.

8 MEMBER RICHINS: Mr. Lusk, can you confirm  
9 that?

10 MR. LUSK: I can.

11 MEMBER RICHINS: Only Tucson, man.

12 CHMN STAFFORD: So that is not a typo.

13 MS. GRABEL: No.

14 CHMN STAFFORD: Okay. I thought it was an  
15 area where things got moved around from street to -- but  
16 it's an actual thing. Okay.

17 MS. GRABEL: I kept trying to correct it in  
18 the application and Clark kept putting it back in.

19 MEMBER LITTLE: And I can confirm that  
20 Mr. Bryner and I had a conversation about it yesterday.

21 CHMN STAFFORD: The stravenues.

22 MEMBER GOLD: We actually were on one when  
23 we took the tour.

24 MEMBER MERCER: Yes.

25 MEMBER KRYDER: Absolutely.

1 CHMN STAFFORD: It looked like a street or  
2 an avenue, I couldn't tell it was a stravenue.

3 MEMBER RICHINS: Had I known that I would  
4 have bought a T-shirt, I mean, that's cool, come on,  
5 stravenue.

6 CHMN STAFFORD: Okay, well, that's not a  
7 typo, we'll keep it in.

8 Are there any further amendments to the  
9 project description?

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Kryder.

12 MEMBER KRYDER: Not hearing anything from  
13 the rest of the Committee about alternatives or other  
14 recommendations, I move approval by the Committee of  
15 overview project description.

16 CHMN STAFFORD: As amended.

17 MEMBER KRYDER: As amended. Thank you.

18 MEMBER HILL: Second.

19 MEMBER GOLD: Second.

20 MEMBER LITTLE: 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, the overview  
3 project description as amended is adopted.

4 MEMBER MERCER: Mr. Chairman.

5 CHMN STAFFORD: Moving on to Condition --  
6 Yes, Member Mercer.

7 MEMBER MERCER: Member Little had made a  
8 motion back on page 3, she had made a motion and then we  
9 went into discussion and we never went back to her motion  
10 that was second by I believe Member Hill.

11 CHMN STAFFORD: A motion to do --

12 MEMBER MERCER: I don't remember but we  
13 just never went back to it.

14 MEMBER DRAGO: Mr. Chairman.

15 CHMN STAFFORD: Yes, Member Drago.

16 MEMBER DRAGO: On page 6, Member Little  
17 asked to strike three words.

18 CHMN STAFFORD: It was the overhead  
19 construction. That has been removed. It just says, it  
20 reads, "The Committee approves the preferred route B-4  
21 and alternative Routes D, 1 and 1.2."

22 MEMBER DRAGO: So it was changed, then.

23 CHMN STAFFORD: That was Little's motion.  
24 I believe there was the prior motion to amend the  
25 description of alternative Route D was withdrawn.

1 MEMBER MERCER: Oh, it was withdrawn, okay.  
2 Never mind.

3 MR. LUSK: Mr. Chairman, there were two  
4 motions by Member Little, one was related to the overhead  
5 construction, the other was the zeros.

6 CHMN STAFFORD: That was passed.

7 MR. LUSK: Both of those were passed.

8 CHMN STAFFORD: Those passed. So yeah, I  
9 have a note we'll add the zeros and then we're going to  
10 remove -- Member Richins' motion to remove the "upgraded"  
11 when it refers to the new substation. It's going to be a  
12 planned substation not an upgraded planned station.

13 MEMBER MERCER: Now, Mr. Chairman, the one  
14 that was -- I was referring to was way before any of that  
15 because we went into discussion and then we kind of went  
16 all the way to page 6.

17 But we were -- Member Little was still on  
18 page 3, and it was about the wording on the removing Ring  
19 Road, and then Member Gold said something about making a  
20 motion to change it, and then they discovered that what  
21 Member Little was saying was the correct thing so we  
22 never came back to what.

23 MEMBER LITTLE: Mr. Chairman.

24 MEMBER GOLD: No, we did.

25 CHMN STAFFORD: I think we did and the

1 motion was withdrawn.

2 MEMBER MERCER: Okay.

3 CHMN STAFFORD: The option was we decided  
4 not to amend the language in Route D and to allow them to  
5 still -- the TEP the discretion to either pursue -- if  
6 they pursue Route D they can either go through -- they  
7 can either go along Lester or Ring Road, and that they  
8 would deal with the consequences of that should they  
9 choose that route.

10 MEMBER MERCER: Okay. I was -- I was just,  
11 I go, we never came back to that one.

12 CHMN STAFFORD: Okay.

13 MEMBER MERCER: Thank you.

14 CHMN STAFFORD: All right. Thank you. So  
15 we're -- are we ready to move on to conditions now?

16 MEMBER KRYDER: Mr. Chairman.

17 CHMN STAFFORD: Member Kryder.

18 MEMBER KRYDER: Moving on to conditions in  
19 order to get it on the table for discussion, I move  
20 approval of Condition Number 1.

21 MEMBER HILL: Second.

22 CHMN STAFFORD: Further discussion?

23 MR. LUSK: Mr. Chair, just briefly for a  
24 question again.

25 CHMN STAFFORD: Yes, Mr. Lusk.

1 MR. LUSK: There's a defined term "time  
2 period".

3 CHMN STAFFORD: Yes.

4 Mr. Lusk: In line 11, should that again  
5 refer to the defined term, or is that acceptable?

6 CHMN STAFFORD: I don't understand your  
7 question.

8 Mr. Lusk: The 10-year time period, the  
9 10-year time frame is defined in sentence 1 at line 10.  
10 And then at the end of that second sentence.

11 CHMN STAFFORD: Oh, I see, so on line 13 it  
12 should read as the project being in service within the  
13 time period.

14 MR. LUSK: Yes, I believe that's -- I'm  
15 just asking if that should be a change.

16 CHMN STAFFORD: Yes, I think so, yes.  
17 Well, we'll have to -- a member will have to make the  
18 motion, but I hear your suggestion.

19 MEMBER KRYDER: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Kryder.

21 MEMBER KRYDER: Looking at Condition  
22 Number 1, line 13, I move that we remove the words "a  
23 ten-year time frame" and place in lieu thereof "time  
24 period."

25 MEMBER HILL: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, the amendment  
8 is made.

9 MEMBER RICHINS: Chairman, I move to  
10 approve Condition 2 through --

11 CHMN STAFFORD: We have to move 1 as  
12 amended before we go into 2.

13 MEMBER RICHINS: Oh, I move, yeah, to  
14 approve 1 as amended. Sorry.

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 1  
23 as amended is approval.

24 MEMBER RICHINS: Thank you, Chairman.

25 Recognizing that the Committee will still

1 need time to review 2, 3, 4, 5 and 6, I move to approve  
2 conditions 2, 3, 4, 5, and 6 as written.

3 MEMBER LITTLE: Second.

4 MEMBER KRYDER: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: I don't understand why we  
7 would look at these in bulk rather than look at them one  
8 by one since there's been so much diligence put into  
9 preparing them one by one.

10 CHMN STAFFORD: Most of these ones I  
11 believe are pretty standard --

12 MEMBER KRYDER: At the point that I would  
13 be asked about this, I would not approve all of those but  
14 would prefer that the Committee look at the conditions  
15 one by one by one.

16 CHMN STAFFORD: Are you asking Member  
17 Richins to withdraw his motion?

18 MEMBER KRYDER: No, I'm asking that we take  
19 a vote and I get to vote no on it.

20 MEMBER RICHINS: Chairman, as I stated, you  
21 know, recognizing that Commission members need a few  
22 minutes to look at those, these are standard form with no  
23 changes that we've approved over and over and over in  
24 prior CECs.

25 So in the interest of time and that I've

1 been here for two weeks, I'd really like to go home and  
2 move this along. That's the only reason I did that.  
3 Thank you.

4 CHMN STAFFORD: All right. Well, the  
5 only -- these are typically the standard conditions we do  
6 adopt. The only difference is being in Condition 3 and  
7 4, they have the new language added subject to the  
8 Committee's findings as set forth in the Findings of Fact  
9 and Conclusions of Law. That's the only change to these  
10 conditions that we've adopted in every CEC that we issue.

11 MR. LUSK: Mr. Chair, may I just briefly --

12 CHMN STAFFORD: Mr. Lusk.

13 MR. LUSK: There is an additional change in  
14 2.

15 MEMBER KRYDER: Absolutely.

16 MR. LUSK: It's on line --

17 CHMN STAFFORD: 22?

18 MR. LUSK: 22. Correct.

19 CHMN STAFFORD: Yeah, I think -- I think  
20 that change has been made in quite a number of these.

21 MEMBER KRYDER: Mr. Chairman, we have a  
22 motion on the floor with regard to Dave's doing 2, 3, 4,  
23 and 5 all together.

24 CHMN STAFFORD: I haven't heard a second  
25 yet.

1 MEMBER HILL: Member Little.

2 MEMBER LITTLE: Second.

3 CHMN STAFFORD: Member Little seconded it.  
4 Okay. Well, I need to review them before I call it. I  
5 guess, further discussion?

6 MEMBER HILL: We could look at amendments  
7 by each section, so if folks have amendments for Section  
8 2, let's -- let's do that.

9 MEMBER KRYDER: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Kryder.

11 MEMBER KRYDER: I acknowledge my  
12 colleague's desire to get home. I think we've all been  
13 here more or less the same number of hours. And I find  
14 that just this discussion has extended it rather than  
15 shortened it.

16 So therefore I would ask that we call the  
17 question here about combining conditions 2, 3, 4, and 5,  
18 take a vote on this and we'll go with it from there.

19 MEMBER RICHINS: Chairman, of note the  
20 motion is not to combine them, but to approve them as to  
21 form as written with amendments that are in place  
22 already. I don't know why this is complicated. But if  
23 we have a vote, let's do it.

24 MEMBER KRYDER: It's not --

25 CHMN STAFFORD: So no one has any



1 amendments to offer to conditions 2, 3, 4, 5.

2 MEMBER KRYDER: Yes.

3 MEMBER LITTLE: Mr. Chairman, we're not  
4 saying that. We're just saying let's look at them all  
5 together in one motion.

6 CHMN STAFFORD: That is --

7 MEMBER KRYDER: And Mr. Chairman --

8 CHMN STAFFORD: That is the motion on the  
9 floor. Member Richins has moved for the adoption of  
10 conditions 2, 3, 4, and 5. It has been seconded. We're  
11 now in further discussion.

12 MEMBER HILL: Mr. Chairman, I have a --

13 CHMN STAFFORD: Does any member have any  
14 amendments to propose to any of these sections?

15 MEMBER HILL: I have a question.

16 CHMN STAFFORD: Yes, Member Hill.

17 MEMBER HILL: So I'm starting with  
18 Section 2, and I see the amendment or the change that's  
19 proposed is to within five miles to one mile. Can you,  
20 because I am the newest member of the Committee, can you  
21 talk to me a little bit about past CEC practices and  
22 notice radiuses?

23 MEMBER KRYDER: Mr. Chairman.

24 CHMN STAFFORD: Member Kryder.

25 MEMBER KRYDER: I believe the motion on the

1 floor is to look at these jointly rather than separately.  
2 And this is the very reason I oppose looking at them  
3 jointly rather than separately is because I read slowly  
4 and I think slowly, and I just heard my colleague, Member  
5 Hill, have a proposal. I heard -- and I personally have  
6 a proposed change to Number 2 and perhaps the others.  
7 And I strongly prefer that we look at these individually  
8 rather than in bulk like a big sandwich.

9 CHMN STAFFORD: Right. But if -- if we  
10 vote the motion now and it passes, then there won't be  
11 amendments to these. They'll be adopted as written.

12 MEMBER KRYDER: Well, then please repeat  
13 motion on the floor for us.

14 MEMBER RICHINS: Okay. I withdraw the  
15 amendment rather than beat the shit out of it further. I  
16 am so done with that. Let's -- the amendment is  
17 withdrawn. Let's do 2. You've completely --

18 CHMN STAFFORD: The motion --

19 MEMBER RICHINS: I just want to go home.

20 CHMN STAFFORD: The motion was withdrawn.  
21 So let's -- can we get a motion to adopt Condition  
22 Number 2? Can we get a motion to adopt Condition  
23 Number 2?

24 MEMBER LITTLE: So moved.

25 MEMBER KRYDER: Excuse me. The person

1 seconding the member's combined motion --

2 CHMN STAFFORD: That motion has been  
3 withdrawn.

4 MEMBER KRYDER: Yeah, their second as well.

5 CHMN STAFFORD: The motion for -- to adopt  
6 conditions 2, 3, 4, 5 has been withdrawn.

7 The motion on the floor now is to adopt  
8 Condition Number 2.

9 MEMBER KRYDER: Thank you.

10 CHMN STAFFORD: Do I hear a second?

11 MEMBER MERCER: Second.

12 CHMN STAFFORD: All right. Further  
13 discussion. I believe we discussed about the radius one  
14 or five miles. Do I hear motion to change it to five  
15 from one? Or to keep it at one?

16 MEMBER DRAGO: Mr. Chairman.

17 CHMN STAFFORD: Yes, Member Drago.

18 MEMBER DRAGO: I heard Member Hill wanting  
19 an explanation. And I don't think we've heard that.

20 CHMN STAFFORD: And I think I'm trying to  
21 recall from prior CECs, I think they've been one or five  
22 depending on the circumstances. Perhaps in this  
23 circumstance since it involves neighborhoods, I think  
24 perhaps five is a more appropriate radius to notify as  
25 opposed to one. So if we could get a motion to amend one

1 to five, we can proceed with that.

2 MS. GRABEL: Mr. Chairman, can I be heard  
3 on that quickly?

4 CHMN STAFFORD: Yes.

5 MS. GRABEL: So the reason we changed it  
6 here is five is very appropriate for a rural area where  
7 you have to go further to bring in more people. The  
8 one-mile radius here is what we used for the public  
9 outreach and notification that reaches 100,000 homes and  
10 businesses, a quarter of a million people. It really  
11 will notify everybody that would be impacted by this  
12 project.

13 If we did five miles, that's hundreds of  
14 thousands of people that aren't as impacted. I think  
15 that the change makes sense in a more urban involvement.

16 MEMBER HILL: Thank you, Ms. Grabel. That  
17 makes sense. I prefer to leave it at the one-mile  
18 radius. Thank you.

19 CHMN STAFFORD: All right.

20 MEMBER SOMERS: Mr. Chair.

21 CHMN STAFFORD: One at a time. Let's see.  
22 I have Member Somers.

23 MEMBER SOMERS: Mr. Chair, I just want to  
24 know if the City of Tucson has any issue with it. I  
25 agree with the explanation that's been given.

1 MR. LUSK: Thank you, Member Somers. Just  
2 so I understand, I believe this is the center line from  
3 the entire project, so one mile each way.

4 CHMN STAFFORD: Yes, exactly. Every  
5 section of the line, wherever it is, a mile radius of  
6 line.

7 MR. LUSK: That's fine with the City.  
8 Thank you.

9 MEMBER SOMERS: Yeah, I agree with the  
10 explanation then. One mile is sufficient.

11 CHMN STAFFORD: All right. So there's no  
12 amendment. Condition 2 has been moved and seconded.

13 All in favor say "aye."

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 2  
18 is adopted.

19 Moving on to Condition 3.

20 MEMBER HILL: Mr. Chair, I move approval of  
21 Condition 3.

22 MEMBER GOLD: Second.

23 MEMBER LITTLE: Second.

24 CHMN STAFFORD: Further discussion?

25 All in favor say "aye."

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

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

6 MEMBER GOLD: Mr. Chairman, I move  
7 Condition 4.

8 MEMBER MERCER: Second.

9 MEMBER LITTLE: Second.

10 CHMN STAFFORD: Further discussion?

11 MEMBER DRAGO: Yeah, I do.

12 CHMN STAFFORD: Yes, Member Drago.

13 MEMBER DRAGO: I like the preface to each  
14 of these. That seems to be new. Am I correct?

15 MS. GRABEL: Yes, Member Drago, you are  
16 correct, because for this condition in which it's  
17 requiring us to seek permits for construction from the  
18 City, that is subject to the Committee's findings that it  
19 makes, that you've determined to make in this case.

20 MEMBER DRAGO: I like it. Thank you.

21 CHMN STAFFORD: Further discussion?

22 MR. LUSK: So Mr. Chair, I'm sorry. Just  
23 for the record the City of Tucson would have an issue  
24 with any situation where they're not required to at least  
25 obtain the approvals, whether or not the Committee finds

1 that it's appropriate to grant the CEC.

2 CHMN STAFFORD: Right. That's the whole  
3 point of the later Findings of Fact and Conclusions of  
4 Law that the City and the applicant agreed to. That will  
5 be later in the document. We are on Condition 4.

6 All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

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

12 MEMBER MERCER: Mr. Chairman, I move  
13 Condition 5.

14 MEMBER GOLD: Second.

15 CHMN STAFFORD: Further discussion?

16 All in favor say "aye."

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Moving on to 6.

19 MEMBER HILL: Mr. Chair, I move Condition 6  
20 approval.

21 MEMBER MERCER: 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: All right. Moving on to 7,  
2 this is new language proposed by the applicant. I  
3 believe that the applicant proposed this in consultation  
4 with SHPO. Is that correct, Ms. Grabel?

5 MS. GRABEL: That is correct, Chairman  
6 Stafford, and I believe SHPO actually helped craft this  
7 language.

8 MEMBER HILL: Mr. Chair, I approve -- I  
9 move approval of Section 7.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further discussion?

12 MEMBER DRAGO: Mr. Chair, give me a minute  
13 to read through this.

14 CHMN STAFFORD: Okay.

15 MEMBER DRAGO: I think this is a great add.

16 CHMN STAFFORD: I agree.

17 All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 7  
22 is adopted.

23 Condition 8.

24 MEMBER HILL: Mr. Chair, I move approval of  
25 Section 8.



1 MEMBER GOLD: 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, Condition 8  
9 is adopted.

10 Condition 9.

11 MEMBER HILL: Mr. Chair, I approve -- I  
12 move approval of Section 9.

13 MEMBER MERCER: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 9  
21 is adopted.

22 Condition 10.

23 MEMBER HILL: Mr. Chair, I move approval of  
24 Section 10.

25 MEMBER LITTLE: Second.

1 CHMN STAFFORD: Further discussion?  
2 (No response.)  
3 CHMN STAFFORD: All in favor say "aye."  
4 (A chorus of "ayes.")  
5 CHMN STAFFORD: Opposed?  
6 (No response.)  
7 CHMN STAFFORD: Hearing none, Condition 10  
8 is adopted.  
9 Condition 11.  
10 MEMBER GOLD: Mr. Chairman, I move  
11 Condition 11.  
12 MEMBER HILL: 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, Condition 11  
20 is adopted.  
21 Condition 12.  
22 MEMBER HILL: Mr. Chair.  
23 CHMN STAFFORD: Member Little -- Member  
24 Hill -- excuse me.  
25 MS. HILL: It's my fault. It's my fault.

1 I'm so sorry.

2 MEMBER HILL: I mostly just have a question  
3 about this one. Maybe I don't completely understand why  
4 it would change dates, or can someone help me understand  
5 why we went this direction.

6 MS. GRABEL: Certainly. I'm happy to  
7 address that. The difference between this case and other  
8 cases is because we're going through the special  
9 exception process, it could take us longer to figure out  
10 what project we're actually pursuing.

11 And so the original language had that  
12 trigger date be upon approval of the CEC, but we might  
13 exceed that because we're going through the special  
14 exceptions process in this case, so we thought it might  
15 be best to figure out which project we're pursuing and  
16 then back up the date.

17 So this is six months prior to route  
18 selection and approval by the City of Tucson. We'll put  
19 the signs in the relevant neighborhoods rather than  
20 putting them all over town wherever the project might be  
21 impacted.

22 MEMBER HILL: Thank you. With that  
23 explanation I'd like to move approval of Section 12.

24 MEMBER GOLD: Second.

25 MEMBER SOMERS: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 12

8 is adopted.

9 Condition 13.

10 MEMBER MERCER: Mr. Chairman, I move

11 Condition 13.

12 MEMBER GOLD: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER DRAGO: I do.

15 CHMN STAFFORD: Yes, Member Drago.

16 MEMBER DRAGO: Mr. Chairman, I don't think

17 it needs to be included but was Pascua Yaqui a tribe we

18 communicated with? Or was this more about --

19 MEMBER HILL: That's a great addition.

20 MS. GRABEL: Member Drago, we did

21 communicate, they were one of our impacted stakeholders,

22 and we in fact treated them like an affected jurisdiction

23 in this matter, although they're not by statute an

24 affected jurisdiction.

25 MEMBER DRAGO: In that case, I would move

1 that we add Pascua Yaqui in here somewhere.

2 MEMBER HILL: Second.

3 MEMBER RICHINS: Chairman.

4 CHMN STAFFORD: You add it between ASLD and  
5 known builders. Is that your motion, Member Drago?

6 MEMBER DRAGO: That make sense, yes.

7 MR. BRYNER: It's P-A-S-C-U-A.

8 CHMN STAFFORD: Did we -- all in favor of  
9 Member Drago's motion, say "aye."

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, it carries.  
14 I would entertain a motion to adopt 13 as  
15 amended.

16 MEMBER KRYDER: Mr. Chairman.

17 CHMN STAFFORD: Member Kryder.

18 MEMBER KRYDER: I move the adoption of  
19 Condition 13 as amended.

20 MEMBER GOLD: I 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 13  
3 as amended is adopted.

4 MEMBER GOLD: I move Condition 14,  
5 Mr. Chairman.

6 MEMBER KRYDER: 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 14  
14 is adopted.

15 Now, 14 -- 15 is additional -- is an  
16 additional condition which puts into the CEC conditions  
17 the improvements that the applicant has agreed to make as  
18 part of this project having to do with the removal of the  
19 substations and parts of the 46kV system.

20 MEMBER KRYDER: Mr. Chairman.

21 CHMN STAFFORD: Member Kryder.

22 MEMBER KRYDER: In order to open  
23 discussion, I move approval of Condition 15.

24 MEMBER MERCER: Second.

25 MEMBER GOLD: Second.

1 MEMBER LITTLE: Second.

2 CHMN STAFFORD: Further discussion?

3 MEMBER KRYDER: Mr. Chairman.

4 Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: This is a question for TEP.

7 As I recall, there would be removal of a number of  
8 things, wires, poles and other equipment, does other  
9 equipment include the small stations that are being  
10 removed from work? Or must they be or should they be  
11 specifically included?

12 MR. BRYNER: That would include all the  
13 equipment, breakers, transformers, switches, anything  
14 within those substations.

15 MEMBER KRYDER: Thank you.

16 MEMBER GOLD: Mr. Chairman.

17 CHMN STAFFORD: Member Gold.

18 MEMBER GOLD: Does this restrict them from  
19 removing anything before 2027? Or they may be removing  
20 things as they are proceeding with their project?

21 CHMN STAFFORD: No, it only recites that  
22 their estimates begin in '27. They won't be able -- my  
23 understanding is they would not be able to start removing  
24 it until they get the new line in place because that's  
25 when we'll allow them to remove the 46kV. Until the

1 138kV line is in place, they still need the existing 46kV  
2 to serve their customers.

3 MEMBER GOLD: But what if they complete the  
4 lines before 2027? You know, TEP is very efficient.

5 MS. GRABEL: Member Gold, if we finish  
6 sooner we'll start the removal sooner. But we use the  
7 word "estimate" for that purpose.

8 MEMBER GOLD: Okay.

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 15

16 is adopted.

17 Condition 16.

18 MEMBER KRYDER: Mr. Chairman.

19 CHMN STAFFORD: Member Kryder.

20 MEMBER KRYDER: I move approval of

21 Condition 16 as indicated here.

22 MEMBER HILL: Second.

23 CHMN STAFFORD: Further discussion?

24 MEMBER KRYDER: I have a question,

25 Mr. Chairman.



1 CHMN STAFFORD: Of me or the applicant?

2 MEMBER KRYDER: Of TEP.

3 It says here you're going to be required to  
4 notify all of the attachers within six months. Is that  
5 adequate time? Did you all write this? So you are  
6 comfortable with it?

7 MS. GRABEL: We did we draft this, Member  
8 Kryder.

9 MEMBER KRYDER: Thank you. That's clear.

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 16  
17 is adopted.

18 Condition 17.

19 MEMBER MERCER: Mr. Chairman, I move  
20 Condition 17.

21 MEMBER HILL: Second.

22 CHMN STAFFORD: Further discussion?

23 MR. LUSK: Mr. Chairman.

24 CHMN STAFFORD: Mr. Lusk.

25 MR. LUSK: The City was just discussing

1 with the applicant that it might be helpful for them that  
2 we include the applicant shall collaborate with each  
3 neighborhood and/or existing neighborhood association,  
4 which gives them a point of contract within the  
5 neighborhood as opposed to the nebulous entire  
6 neighborhood.

7 CHMN STAFFORD: Ms. Grabel.

8 MS. GRABEL: We have no objection to that  
9 change. It makes good sense.

10 MEMBER LITTLE: Mr. Chairman, I move the  
11 suggested language be added.

12 MEMBER HILL: Second.

13 MEMBER LITTLE: Language suggested by  
14 Mr. Lusk be added.

15 MEMBER SOMERS: Second.

16 CHMN STAFFORD: "The applicant should  
17 collaborate with each neighborhood and/or neighborhood  
18 association."

19 Further discussion of the amendment?

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, the amendment

1 to 17 is adopted.

2 Can I get a motion to adopt 17 as amended?

3 MEMBER HILL: So moved.

4 MEMBER MERCER: Mr. Chairman.

5 MEMBER GOLD: 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 17

13 as amended is adopted.

14 Condition 18.

15 MEMBER LUSK: Mr. Chair.

16 CHMN STAFFORD: Yes, Mr. Lusk.

17 MR. LUSK: Just to again help with

18 flexibility, it may be usable to remove "department of

19 transportation and mobility" since there are two

20 departments that the applicant will be working with.

21 CHMN STAFFORD: Let's -- can I get a motion

22 to adopt 18 and then we can discuss amending.

23 MEMBER KRYDER: Mr. Chairman, I move the

24 approval of Condition 18 as printed.

25 MEMBER HILL: Second.

1 CHMN STAFFORD: Further discussion?

2 All right. Mr. Lusk, your suggestion was  
3 to do what exactly?

4 MR. LUSK: Remove "department of  
5 transportation and mobility" to allow flexibility because  
6 there are more than one department that will be  
7 implicated.

8 CHMN STAFFORD: Do I have a motion?

9 MEMBER RICHINS: Yes, on 18 I move to  
10 remove the words suggested by Mr. Lusk, "department of  
11 transportation and mobility." I think the idea here is  
12 just to work -- just to say City of Tucson.

13 MR. LUSK: Correct.

14 MEMBER RICHINS: Okay.

15 MEMBER HILL: Second.

16 MEMBER SOMERS: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

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

20 (A chorus of "ayes.")

21 MEMBER KRYDER: Mr. Chairman.

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 MEMBER KRYDER: Oh, sorry.

25 CHMN STAFFORD: Hearing none,

1 Condition 18 -- amendment to 18 is adopted.

2 Now we can get Condition 18 moved as  
3 amended.

4 MEMBER GOLD: So moved.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion? Member  
7 Kryder.

8 MEMBER KRYDER: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Kryder.

10 MEMBER KRYDER: I'm not sure who wrote  
11 this, but help me understand what right-of-way  
12 enhancements means. Is that those little gizmos that got  
13 put out in the driveway?

14 CHMN STAFFORD: Those are the chicanes,  
15 yes.

16 MEMBER KRYDER: Okay. The chicanery. All  
17 right.

18 MS. GRABEL: Yes, Member Kryder. The  
19 examples of what the enhancements would be are included  
20 in what are now lines 1 and 2 of -- I can't see the page.  
21 But it's multi-use pathways, chicanes, artwork, and  
22 landscaping. Just things to make it look prettier.

23 MEMBER KRYDER: I just needed to know.  
24 Thank you so much.

25 CHMN STAFFORD: All right. Condition 18 as

1 amended has been moved. Further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 18

8 as amended is adopted.

9 Condition 19.

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Member Kryder.

12 MEMBER KRYDER: I move approval of

13 Condition 19 as printed.

14 MEMBER GOLD: 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 19

22 is adopted.

23 Condition 20.

24 MEMBER MERCER: Mr. Chairman, I move

25 Condition 20.

1 MEMBER GOLD: 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, Condition 20

9 is adopted.

10 Condition 21.

11 MEMBER HILL: Mr. Chair, I move approval of

12 Condition 21.

13 MEMBER MERCER: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 21

21 is adopted.

22 Condition 22.

23 MEMBER KRYDER: Mr. Chairman.

24 CHMN STAFFORD: Member Kryder.

25 MEMBER KRYDER: I move approval of

1 Condition 22 as printed.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 22  
10 is adopted.

11 Condition 23.

12 MEMBER KRYDER: Mr. Chairman.

13 CHMN STAFFORD: Member Kryder.

14 MEMBER KRYDER: I move approval of

15 Condition 23 as printed.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 MEMBER KRYDER: Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Kryder.

20 MEMBER KRYDER: Could we see Exhibit B or

21 someone describe what we're looking at when we do look at

22 Exhibit B.

23 CHMN STAFFORD: Well, yeah, we will after

24 we get through the order proper, we will turn our

25 attention to adopt Exhibit A and Exhibit B.



1 MEMBER KRYDER: Okay. But what is  
2 Exhibit B? That is my question.

3 CHMN STAFFORD: Exhibit B is the --  
4 Exhibit A is the depiction of all the routes proposed by  
5 the applicant in the application.

6 Exhibit B is the maps, the detailed maps of  
7 the routes approved by this Committee and the corridors  
8 that we are approving.

9 MEMBER KRYDER: Okay. And so reading from  
10 line 14 on, it says, "Exhibit B does not authorize a  
11 right-of-way greater than 100 feet for the transmission  
12 line, nor does it grant the applicant exclusive rights,"  
13 et cetera.

14 CHMN STAFFORD: Right.

15 MEMBER KRYDER: Do I -- this is a question  
16 to TEP. Was there a section in one of the proposed  
17 routes that had a broadened right-of-way?

18 MS. GRABEL: Thank you, Member Kryder.  
19 There are sections that allow corridors greater than  
20 100 feet. But what this does, it says we can't get a  
21 right-of-way greater than 100 feet. And a right-of-way  
22 is just land entitlement in a corridor, is what this  
23 Committee grants to allow us flexibility to figure out  
24 where that right-of-way is going to be located.

25 I would note as I'm reading this now there

1 are multiple corridors that you're approving, so you  
2 might want to make that plural.

3 MEMBER KRYDER: Thank you, ma'am,  
4 Ms. Grabel, for the correction of my understanding of  
5 right-of-way and corridor.

6 MEMBER GOLD: Mr. Chairman.

7 CHMN STAFFORD: Member Gold.

8 MEMBER GOLD: In lieu of what Ms. Grabel  
9 says and another note that we're going to change in  
10 Exhibit B, should we not amend this to the designation of  
11 corridors in the certificate as shown in Exhibit B to be  
12 amended or as amended?

13 CHMN STAFFORD: Well, we don't -- Exhibit B  
14 is going to be Exhibit B after we get done. We'll move  
15 after we get done through the language of it, we'll look  
16 at the maps and make sure that the corridors -- that the  
17 corridor is what it says.

18 I mean, we don't -- sometimes we spell out  
19 the corridor in the language, but typically it's the map  
20 that shows the width of the corridor. But the language  
21 of the CEC says that's -- the corridor does not give  
22 them -- this one does -- they don't get exclusive rights  
23 in that corridor, but they'll end up with this narrower  
24 right-of-way, which is 100 feet.

25 But then, for example, if the corridor's

1 wide enough so they could put it on either side of a  
2 street, but once they pick a side the right-of-way is  
3 going to be there.

4 MEMBER GOLD: Understood.

5 CHMN STAFFORD: And someone else is free to  
6 do something on the other side of the street. It won't  
7 be a competing electricity utility, but at least, you  
8 know, they just don't -- someone else could put something  
9 there because they won't be occupied by the line.

10 MEMBER GOLD: But it says the designation  
11 of the corridor in the certificate.

12 CHMN STAFFORD: Would you like move to  
13 amend it to plural?

14 MEMBER GOLD: Yes, that's the amendment I  
15 would like to make.

16 MEMBER DRAGO: Second.

17 MEMBER RICHINS: Chairman. Further  
18 discussion?

19 CHMN STAFFORD: Yes, further discussion.

20 MEMBER RICHINS: There's part of me here,  
21 and I don't know, so I'm just going to brainstorm this  
22 just a little bit. Seems to me right-of-ways are  
23 governed by the franchise agreement, and that you could  
24 simply make a reference to the authority that's vested in  
25 the franchise agreement for the City to Grant

1 rights-of-way as appropriate.

2 Because usually when we're in urban areas  
3 or rural areas, we're going through land that is not  
4 governed by a franchise agreement. And, you know, so  
5 we're out in Pinal County and western Maricopa County,  
6 that's not on issue, but here it is. And that's the  
7 governing document for right-of-way grant by the City of  
8 Tucson to the utility.

9 So it seems to me like just a simple  
10 reference to the franchise agreement and the need for the  
11 City and the applicant to find that right-of-way would be  
12 appropriate.

13 CHMN STAFFORD: Yeah, but I -- I see what  
14 you're saying but I think what we're saying is we're  
15 giving them the right-of-way, but it's still subject to  
16 the City. I mean, they need -- without the franchise  
17 agreement how are they going to -- that's what -- I think  
18 this is necessary but not sufficient for them to occupy  
19 the right-of-way.

20 MS. GRABEL: And Member Richins, I think  
21 there are also areas that some of the routes traverse  
22 that are not within the city right-of-way, so this also  
23 limits what we would be able to do on private areas,  
24 et cetera.

25 And I think the fact that the franchise is

1 going to be renewed in 2026 could also -- reference to  
2 that just feels a little precarious to me.

3 MEMBER RICHINS: Well, I mean, you're going  
4 to have to be subject to the new franchise agreement  
5 anyway, so --

6 MS. GRABEL: I agree with that. I also --

7 MEMBER RICHINS: And you're going to  
8 negotiate it; right? Sorry.

9 MS. GRABEL: I also concur with Chairman  
10 Stafford's assessment.

11 CHMN STAFFORD: So item 23 has been moved  
12 and seconded. Any further discussion?

13 MEMBER HILL: Mr. Chairman.

14 MEMBER GOLD: Wait. Wait. Wait. We --  
15 we're voting on the amendment to change it from corridor  
16 to corridors.

17 CHMN STAFFORD: Oh, right. That's what's  
18 pending, the motion to amend corridor to corridors.

19 MEMBER KRYDER: Mr. Chairman.

20 CHMN STAFFORD: Member Kryder.

21 MEMBER KRYDER: Is that in line 13 or  
22 line 15 or both?

23 MEMBER GOLD: Both.

24 MEMBER KRYDER: That should be specified.

25 CHMN STAFFORD: There are two. The word

1 "corridor" appears twice in this paragraph. It should be  
2 "corridors" in both sections. Is that the motion, Member  
3 Gold?

4 MEMBER GOLD: Yes, Mr. Chairman.

5 CHMN STAFFORD: That has been seconded by?

6 MEMBER DRAGO: I did.

7 CHMN STAFFORD: Member Drago. Further  
8 discussion?

9 All in favor say "aye."

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, the amendment  
14 passes.

15 MEMBER HILL: I have a question. This is  
16 just further discussion on the whole section of 23.

17 I under -- I'm actually kind of  
18 questioning --

19 MEMBER KRYDER: Too late.

20 MEMBER HILL: -- the need for this section.  
21 I understand why we need this when we're working in rural  
22 areas where we're trying to lessen the impact on  
23 landowners and we're often working outside of -- there's  
24 very little that would be outside of the franchise  
25 agreement.

1                   There's part of me that feels like the  
2 width of this right-of-way should in any section be kind  
3 of agreed upon by the City and TEP rather than us is what  
4 I'm getting at.

5                   CHMN STAFFORD: And like I said before, I  
6 don't see a need to change it because this is us, this is  
7 standard for every right-of-way that we talk about in  
8 every CEC.

9                   And like I said, this is necessary but not  
10 sufficient for them to put the line in the right-of-way  
11 from the City. Because the City, it's -- they need this  
12 but they also need from the City to put it in the City's  
13 easement right-of-way subject to terms of their  
14 franchise.

15                   So I -- if you want to propose an  
16 amendment, please do, but I'm comfortable with it as it  
17 is.

18                   MR. LUSK: Mr. Chair, if I can maybe help  
19 explain a little bit in my understanding.

20                   CHMN STAFFORD: Yes, Mr. Lusk.

21                   MR. LUSK: So what this is saying is that  
22 the right to build the line as given by this Committee  
23 and the ACC is no greater than 100 feet.

24                   CHMN STAFFORD: Yes.

25                   MS. GRABEL: No.

1 MR. LUSK: But it doesn't mean -- it  
2 doesn't mean that they're granted a right-of-way within  
3 the city in that way.

4 The corridor is the corridor, and that's a  
5 different thing as opposed to the rights that they're  
6 getting from the ACC are limited by -- the only thing  
7 that's limited by this paragraph is the rights that  
8 they're getting from the ACC, if that makes sense.

9 CHMN STAFFORD: Yes, because we -- the CEC,  
10 we give them a corridor which gives them the flexibility,  
11 for example, like I said before, they could be on either  
12 side of the street in that corridor, and they could --  
13 the right-of-way -- they couldn't put -- they couldn't  
14 put dual circuits.

15 I mean, they could build one line as a dual  
16 circuit on one side of the street but they could not put  
17 single circuits on either side of the street if it's more  
18 than 100 feet across. That's the limitation imposed by  
19 this condition. Ms. Grabel, does --

20 MS. GRABEL: I agree with that  
21 interpretation, Chairman Stafford, but to Member Hill's  
22 point, I've also questioned the applicability of this  
23 condition to this case.

24 It originated a few cases back when  
25 corridors were proposed really wide in more rural areas,



1 and so there were concerns about intruding on people's  
2 property rights.

3 So I think in this case it does much less  
4 value. I do agree with Member Hill on that point, but I  
5 defer to the Committee on what you decide to do.

6 MEMBER RICHINS: Chairman.

7 MEMBER DRAGO: Mr. Chairman.

8 CHMN STAFFORD: Member Richins.

9 MEMBER RICHINS: I think part of it is just  
10 the way it's written is proving to be a bit confusing for  
11 some of us, when it does not authorize a right-of-way  
12 greater than 100 feet, maybe -- I think it's defining  
13 this in the negative. Maybe it needs to be flipped to  
14 defining it in the positive. It does authorize  
15 right-of-way less than 100 feet.

16 CHMN STAFFORD: Well, ah. It says the  
17 maximum we get from our authority is 100 feet, but my  
18 understanding is it could be narrower than that based on  
19 what the City provides; correct?

20 MEMBER RICHINS: Can we have the word  
21 subject to the franchise agreement in there somewhere?

22 CHMN STAFFORD: We could just strike the  
23 whole thing.

24 MEMBER RICHINS: It doesn't help, yeah.

25 MR. LUSK: Mr. Chairman, I would agree with

1 you and Mr. Richins and Member Hill that it might be  
2 appropriate to strike it if the applicant doesn't need it  
3 either.

4 MS. GRABEL: We actually prefer to strike  
5 it. We agree that it's confusing in this circumstance.

6 MEMBER LITTLE: Mr. Chairman.

7 CHMN STAFFORD: Member Little.

8 MEMBER LITTLE: Ms. Grabel is correct that  
9 is how this came to be was because of hugely wide  
10 corridors everybody was requesting, so they had the right  
11 to do whatever they wanted to out there. And this is  
12 different because it's in town.

13 However, this is one circumstance I believe  
14 that might be encountered, probably not but maybe, I  
15 think Ring Road is a private road; correct?

16 CHMN STAFFORD: Yes, that is correct.

17 MEMBER LITTLE: So it is not subject -- it  
18 is not subject to the franchise agreement. And all we're  
19 saying is that no matter what, you can't make it more  
20 than 100 feet wide because you didn't need more than  
21 100 feet, period.

22 You can -- you know, there's other -- other  
23 places in the CEC, we have said that the applicant must  
24 abide by existing agreements, franchise agreements,  
25 et cetera, and therefore, and we're saying it can't be

1 greater than 100 feet.

2 I have no objection to changing it to a  
3 more positive statement that says the same thing, but I  
4 really think that this is -- I think it's important to  
5 include it not only for this CEC and the possibility that  
6 it might be needed in dealing with private landowners.  
7 But also that for future ones. I'd just as soon see it  
8 remain, personally.

9 MEMBER HILL: I agree with Member Little.  
10 I'll take back my suggestion.

11 CHMN STAFFORD: All right. We have -- the  
12 Condition 23 has been amended. Do I hear a motion to  
13 adopt 23 as amended?

14 MEMBER KRYDER: Mr. Chairman.

15 CHMN STAFFORD: Member Kryder.

16 MEMBER KRYDER: Please check your notes but  
17 I thought that we approved the amended Condition 23.

18 CHMN STAFFORD: No.

19 MEMBER KRYDER: Is that not correct?

20 CHMN STAFFORD: No, we adopted an amendment  
21 to change corridor to corridors, plural. We have not  
22 moved the condition as amended yet. We were discussing  
23 whether to make further amendments to it or remove it in  
24 its entirety.

25 It seems like Member Hill is no longer

1 suggesting that we remove it or amend it. It has been  
2 amended to adopt. We need a motion to adopt it as  
3 amended.

4 MEMBER HILL: So moved.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 MEMBER DRAGO: Mr. Chairman.

8 CHMN STAFFORD: Member Drago.

9 MEMBER DRAGO: So I may have missed it  
10 earlier in our review of the CEC. And it may be  
11 forthcoming. But what about our discussion to narrow the  
12 corridor on some of these routes? I think there was one  
13 section where they wanted to keep the 400 feet or so.  
14 Are corridors mentioned somewhere else in this CEC?

15 CHMN STAFFORD: Yes. The corridors' widths  
16 are described in Exhibit B in great detail. And I  
17 believe when we get to Exhibit B, I believe there was  
18 discussion about the corridor for Route D along between  
19 Ring and Lester Roads that we may need to mess with. But  
20 we will -- we'll get to that. This is just saying that  
21 the corridors are designated in Exhibit B. That's  
22 where -- we have the highly detailed maps that show  
23 because they vary in width.

24 MEMBER DRAGO: Thank you.

25 MS. DE BLASI: Chairman, if I could just

1 add something real quick to that because I was going to  
2 make that comment as well that Member Little made.

3 Not only would taking it out require --  
4 allow them to take 400 feet of Banner's property or along  
5 that area and that 400-foot.

6 But I believe the applicant also talked  
7 about other private property owners, that may need that  
8 space. So I think you need to be protecting those  
9 residential areas as well with the corridor with a limit  
10 on the right-of-way.

11 CHMN STAFFORD: Do I have a --

12 MEMBER LITTLE: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Little.

14 MEMBER LITTLE: Can I propose one further  
15 amendment, or is it too late?

16 CHMN STAFFORD: Not yet, it has not been  
17 moved as amended. It's -- the amendment to it has passed  
18 but it has not been moved as amended.

19 MEMBER LITTLE: Well, I propose or I move  
20 that we change the language to make it more positive, to  
21 read on line 13 remove the words "does not," change  
22 "authorize" to "authorizes." And insert the word "no"  
23 between "right-of-way" and "greater."

24 So that it reads, "The designation of the  
25 corridors in this certificate as shown in Exhibit B

1 authorizes a right-of-way no greater than 100 feet wide  
2 for the transmission line." So we're authorizing the  
3 right-of-way but it can't be bigger than 100 feet.

4 MEMBER KRYDER: I would second that.

5 CHMN STAFFORD: Is that correct on screen  
6 now, Member Little?

7 MEMBER LITTLE: I believe so. Yes. Thank  
8 you.

9 CHMN STAFFORD: Further discussion on the  
10 amendment?

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, the amendment  
17 carries. Can I get a motion to adopt 23 as amended?

18 MEMBER HILL: So moved.

19 MEMBER GOLD: Second.

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, Condition 23  
2 as amended is adopted.

3 MEMBER LITTLE: Mr. Chairman, I move the  
4 adoption of Condition 24.

5 MEMBER HILL: 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 24  
13 is adopted.

14 Condition 25.

15 MEMBER GOLD: Mr. Chairman, I move

16 Condition 25.

17 MR. LUSK: Mr. Chair. On -- oh, go ahead.

18 CHMN STAFFORD: There's a motion on the  
19 floor.

20 MEMBER MERCER: Second.

21 CHMN STAFFORD: Further discussion.

22 Mr. Lusk, you had a comment.

23 MR. LUSK: Did you want to make 25 conform  
24 to the paragraph above relating to the Pascua Yaqui?

25 MEMBER DRAGO: Yeah, thank you.

1 CHMN STAFFORD: An excellent suggestion.

2 Does a member care to make the amendment?

3 MEMBER DRAGO: So moved.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Is that spelled correctly,

6 Mr. Bryner? Are we spelling it correctly, Mr. Bryner?

7 MR. LUSK: It is spelled correctly.

8 CHMN STAFFORD: All right. The amendment's

9 been made and seconded. Further discussion?

10 (No response.)

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

12 All in favor say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, the amendment

17 is adopted.

18 MEMBER KRYDER: Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Kryder.

20 MEMBER KRYDER: I was about to bring that

21 up with regard to the previous condition as well where we

22 jumped right over including the Pascua Yaqui.

23 MEMBER DRAGO: That's a good point.

24 MEMBER KRYDER: Is it too late to go back

25 and adjust Condition 24 thereby?



1 CHMN STAFFORD: Not if we can get a motion.

2 MEMBER KRYDER: Thereby, I would move.

3 CHMN STAFFORD: I guess you move to  
4 reconsider 24.

5 MEMBER KRYDER: Okay. Thank you. I move,  
6 Mr. Chairman, that we reconsider Condition 24 to  
7 include --

8 CHMN STAFFORD: Reconsider first. Can I  
9 get a second?

10 MEMBER MERCER: Second.

11 MEMBER KRYDER: Gotcha.

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, condition --  
18 we are reconsidering Condition 24. Member Kryder, did  
19 you have a motion to amend?

20 MEMBER KRYDER: Yes, a motion to amend  
21 Condition 24 to include the language that we'd had  
22 earlier to include the Pascua Yaqui tribe.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

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, the amendment  
6 passes.

7 MEMBER MERCER: Mr. Chairman, I move  
8 Condition 24 as amended.

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 24  
18 as amended is adopted.

19 Back to 25.

20 MEMBER LITTLE: Mr. Chairman, I move  
21 Condition 26.

22 CHMN STAFFORD: We have to finish 25. It  
23 has been amended, but I think it has to be adopted as  
24 amended.

25 MEMBER MERCER: Mr. Chairman, I move

1 Condition 25 as amended.

2 MEMBER DRAGO: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 25  
10 as amended is adopted.

11 MR. LUSK: Mr. Chair.

12 CHMN STAFFORD: Mr. Lusk.

13 MR. LUSK: I notice we've been going for  
14 quite some time. I don't know if you want to check with  
15 Jennifer.

16 CHMN STAFFORD: Yeah, how long have we been  
17 going? Because we didn't start until closer to 9:30.  
18 9:45, even, was it?

19 THE COURT REPORTER: I have an hour and 31  
20 minutes.

21 CHMN STAFFORD: All right. Well, then it  
22 is time for a break, then. We stand in recess.

23 (Recess from 11:00 a.m. to 11:20 a.m.)

24 CHMN STAFFORD: Let's go back on the  
25 record.

1 I believe we had just adopted Condition 25  
2 as amended. Moving on to Condition 26.

3 MEMBER KRYDER: Mr. Chairman.

4 CHMN STAFFORD: Member Kryder.

5 MEMBER KRYDER: I move adoption of  
6 Condition 26 as printed.

7 MEMBER HILL: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 26  
14 is adopted.

15 Number 27.

16 MEMBER KRYDER: Mr. Chairman.

17 CHMN STAFFORD: Member Kryder.

18 MEMBER KRYDER: I move approval -- or  
19 adoption of Condition 27 as printed.

20 MEMBER MERCER: Second.

21 CHMN STAFFORD: Do we also wish to add the  
22 Pascua Yaqui Tribe to Condition 27?

23 MEMBER KRYDER: By an amendment in a  
24 moment, Mr. Chairman.

25 CHMN STAFFORD: It's been moved and

1 seconded. We're ready for the amendment.

2 MEMBER KRYDER: Okay.

3 MEMBER GOLD: I move the amendment that we  
4 add Pascua Yaqui.

5 MEMBER DRAGO: Second.

6 CHMN STAFFORD: Further discussion?

7 MEMBER GOLD: Can we move that they all add  
8 Pascua Yaqui when you see south Tucson Pima?

9 CHMN STAFFORD: We're almost done with the  
10 conditions so we --

11 MEMBER GOLD: Oh.

12 CHMN STAFFORD: We'd have to move them all  
13 to amend them all.

14 MEMBER GOLD: Okay.

15 CHMN STAFFORD: So it's been -- okay. We  
16 have the motion to amend. 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, the amendment  
23 is adopted.

24 MEMBER HILL: Move approval of Section 28  
25 as amended.

1 CHMN STAFFORD: 27 as amended?  
2 MEMBER HILL: 27 as amended. Apologies.  
3 MEMBER GOLD: 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 27  
11 as amended is adopted.  
12 Condition 28.  
13 MEMBER LITTLE: Mr. Chairman, I move  
14 Condition 28.  
15 MEMBER GOLD: 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 28  
23 is adopted.  
24 On to the Findings of Fact and Conclusions  
25 of Law.

1 MEMBER KRYDER: Mr. Chairman.

2 CHMN STAFFORD: Member Kryder.

3 MEMBER KRYDER: I move approval of findings  
4 of fact and conditions of law number 1 as printed.

5 MEMBER GOLD: 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: Finding of Fact and  
11 Conclusion of Law Number 1 is adopted.

12 Number 2.

13 MEMBER LITTLE: Mr. Chairman, I move  
14 Finding of Fact Number 2.

15 MEMBER MERCER: 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, Finding of  
23 Fact and Conclusion of Law Number 2 is adopted.

24 Number 3.

25 MEMBER MERCER: Mr. Chairman, I move

1 condition of -- whatever it is, Finding of Fact and  
2 Conclusion of Law Number 3.

3 MEMBER GOLD: Second.

4 CHMN STAFFORD: Further discussion?

5 MR. DEMPSEY: May we provide a comment for  
6 the record?

7 CHMN STAFFORD: Sure, Mr. Dempsey.

8 MR. DEMPSEY: I just want it to be noted  
9 that we provided evidence that underground lines are  
10 safer and more reliable than aboveground lines. Multiple  
11 studies are in the record.

12 We also provided testimony that following  
13 the law is a prudent operational need. I think that is  
14 also shown by the costs that TEP has already incurred and  
15 says it will incur by not following the law. And I just  
16 want to make sure that's in the record.

17 CHMN STAFFORD: Thank you.

18 Finding of Fact and Conclusion of Law  
19 Number 3 has been -- has it been moved and seconded?

20 It has?

21 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, Finding of  
3 Fact and Conclusions of Law Number 3 is adopted.

4 Number 4.

5 MEMBER GOLD: I move Number 4.

6 MEMBER LITTLE: Mr. Chairman.

7 CHMN STAFFORD: Yes, Member Little.

8 MEMBER LITTLE: Would you note for the  
9 record that I abstained in Number 3, please.

10 CHMN STAFFORD: It's in the transcript now,  
11 Member Little. Thank you.

12 MEMBER LITTLE: Thank you.

13 MEMBER GOLD: I move Number 4,  
14 Mr. Chairman.

15 MEMBER MERCER: 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, Findings of  
23 Fact and Conclusions of Law Number 4 is adopted.

24 Number 5.

25 MEMBER KRYDER: Mr. Chairman.

1 CHMN STAFFORD: Member Kryder.

2 MEMBER KRYDER: I move acceptance of  
3 finding of fact and condition of law number 5 as printed.

4 MEMBER GOLD: Second.

5 MR. LUSK: Mr. Chair.

6 CHMN STAFFORD: Further discussion?

7 MR. LUSK: Mr. Chair.

8 CHMN STAFFORD: Mr. Lusk.

9 MR. LUSK: I'm actually wondering why this  
10 isn't a condition.

11 CHMN STAFFORD: This is not. This is a  
12 Finding of Fact and Conclusion of Law, not a condition.

13 MR. LUSK: I understand. I'm inquiring as  
14 to why it's not a condition?

15 MS. GRABEL: It is a condition.

16 CHMN STAFFORD: It is reflected in the  
17 conditions that they will underground the things -- it's  
18 that they give all the attachees -- attachers -- I forget  
19 the term exactly -- the six-month notice before they  
20 start construction so they can get their -- once they get  
21 their -- what's it six months of something they have to  
22 give them adequate notice to plan to relocate their  
23 facilities from the retired 46kV lines.

24 MR. LUSK: So that's a different thing?

25 CHMN STAFFORD: Yes.

1 MR. LUSK: And this is related to the  
2 distribution system.

3 CHMN STAFFORD: And that's also in the  
4 conditions that they're going to do it. It's in a  
5 prior --

6 MR. LUSK: Oh, I missed it. I apologize.  
7 Thank you.

8 CHMN STAFFORD: Okay.

9 MEMBER LITTLE: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Little.

11 MEMBER LITTLE: Along the same lines,  
12 because it is a condition I'm wondering why we need to  
13 put it here. We're recognizing our own condition?

14 CHMN STAFFORD: Well, there's a little more  
15 information here, but it is -- there's a condition, and  
16 then this is a Finding of Fact and Conclusion of Law.  
17 Pardon.

18 MEMBER RICHINS: Doesn't that support the  
19 condition -- I think it's Condition 15?

20 CHMN STAFFORD: Right.

21 MEMBER RICHINS: Isn't that the idea is  
22 that the finding of fact supports the reason for  
23 Condition 15?

24 CHMN STAFFORD: Exactly.

25 MEMBER LITTLE: Okay. All right.

1 CHMN STAFFORD: Well said, Member Richins.

2 MR. DEMPSEY: May I make a comment?

3 CHMN STAFFORD: Yes, Mr. Dempsey.

4 MR. DEMPSEY: So the problem that I have  
5 with this -- or Underground Arizona has with this is the  
6 last, I guess, sentence. It says that, "The project will  
7 result in a net reduction of 32 miles of overhead  
8 infrastructure."

9 That apparently -- that calculation  
10 apparently includes communication infrastructure, which  
11 they have absolutely no control over, and I'm not  
12 comfortable including that number because they don't  
13 have -- we have no way -- they haven't established that  
14 they can make that happen.

15 CHMN STAFFORD: Ms. Grabel, would you care  
16 to respond?

17 MS. GRABEL: Certainly. Thank you,  
18 Mr. Chairman.

19 So the communication attachments will not  
20 be able to be attached without our permission to the new  
21 138kV poles, and it's TEP's policy, as I understand it,  
22 not to allow such attachment to high-voltage transmission  
23 facilities. And so -- and that is in the record from our  
24 witnesses.

25 And there's also plenty of conversation in

1 the record about the fact that the communication  
2 attachments will either be relocated to a different place  
3 by the providers or buried belowground in joint  
4 consultation with TEP.

5 MEMBER LITTLE: Mr. Chairman.

6 CHMN STAFFORD: Member Little.

7 MEMBER LITTLE: I think the point is well  
8 taken.

9 We have no way of knowing how the  
10 communication companies will deal with that. It gets  
11 very unlikely that they will put up poles of their own  
12 with their communication on lines on whatever they call  
13 it.

14 However, it's possible that they could.

15 MS. GRABEL: Mr. Chairman, to address that  
16 concern you could amend line 15 as I'm seeing it and say  
17 "a net reduction of up to 32 miles of overhead  
18 infrastructure" to account for any potential  
19 communications attachments that we have no control over.

20 MR. DEMPSEY: You could also amend it to  
21 say "may" instead of "will."

22 MEMBER KRYDER: Mr. Chairman.

23 CHMN STAFFORD: All good suggestions.

24 Is that Member Somers?

25 MEMBER KRYDER: Kryder.

1 CHMN STAFFORD: Kryder. Okay.

2 MEMBER KRYDER: This line 15 appears to me  
3 to be a statement of fact, and that says the project will  
4 result in the net reduction of 32 miles of blah, blah,  
5 blah.

6 And as Ms. Grabel mentioned just a moment  
7 ago, because TEP controls access to their 135kV lines and  
8 because we have testimony that they do not allow any  
9 communication lines or distribution lines on them this  
10 will be reduced. It speaks nothing about what Cox TV may  
11 want to do or fill in the blank, whoever else is a  
12 current attacher.

13 This says that it "will be reduced by." It  
14 doesn't have anything to do with what these attachers  
15 might do, and therefore it is a valid statement of fact  
16 as written.

17 MEMBER LITTLE: No, it's not.

18 CHMN STAFFORD: Member Little, did you have  
19 a comment?

20 MEMBER LITTLE: I disagree.

21 CHMN STAFFORD: Ms. Grabel, does -- the  
22 32 miles, does that include the other infrastructure, or  
23 is that only TEP's infrastructure?

24 MS. GRABEL: That does include other  
25 infrastructure.

1 I don't believe the changing "will" to  
2 "may" would be right because TEP is committed to bury its  
3 distribution lines. It's now a condition of this CEC.

4 And we're also committed to retiring our  
5 existing 46kV lines that will no longer be necessary,  
6 which is also, I believe, a condition of this CEC.

7 So I think if we say "the project will  
8 result in a net reduction of 'up' to 32 miles" that would  
9 assume that some communication attachments may or may not  
10 be relocated but certainly TEP's will.

11 CHMN STAFFORD: Right.

12 MR. LUSK: Mr. Chair.

13 CHMN STAFFORD: I guess the issue is, then,  
14 whatever the miles of the attachers' infrastructure I  
15 guess would they be able to put up a pole in the same  
16 right-of-way as the power line?

17 MS. GRABEL: I assume, Mr. Chairman, that  
18 they'd need a permit from the City to do so.

19 CHMN STAFFORD: Mr. Lusk.

20 MR. LUSK: Well, Mr. Chair, I was actually  
21 going to ask for some clarification on that because, as  
22 we saw during the tour, there are multiple poles in the  
23 right-of-way that are what are called topped poles where  
24 TEP had poles in the right-of-way. They had attachers.

25 And then through their agreements with

1 their attachers they removed their infrastructure from  
2 the poles but then left the poles. So that's what I  
3 think might be the concern for the community.

4 CHMN STAFFORD: Right. But I think in this  
5 case they're going to be removing the poles. All the  
6 46kV poles would be removed that -- especially wherever  
7 the new 138kV line would go.

8 MR. LUSK: Well, I don't know that we're  
9 talking about 46kV right now. I think we're talking  
10 about distribution poles.

11 CHMN STAFFORD: Okay. You're talking about  
12 the 4kV or will it be 14kV poles?

13 MR. LUSK: Correct.

14 CHMN STAFFORD: Okay. They say up to  
15 30 miles because that would be the best-case scenario if  
16 everybody -- all the attachers underground at that point.

17 MR. LUSK: Might I suggest that it focus on  
18 TEP infrastructure only? That way it can actually be a  
19 finding of fact.

20 MEMBER RICHINS: Chairman, I concur with --  
21 I was going to make the same amendment that perhaps we  
22 just remove the reference on line 10 to that say "and  
23 communication attachments" and just use focus on TEP's.  
24 And then we can strike everything on line 13, 14, 15,  
25 and 16.



1                   So it should read, "As part of the project  
2 as conditioned by the CEC, TEP will relocate existing  
3 overhead distribution lines belowground. Additionally,  
4 the project will enable retirement of up to eight  
5 existing 46kV substations and approximately 19 miles of  
6 existing 46kV lines in the next ten years."

7                   Full stop.

8                   CHMN STAFFORD: So just strike the  
9 remainder of the paragraph?

10                  MEMBER RICHINS: We really should be silent  
11 on other people's lines such as communication. They're  
12 not part of this proceeding, and it's not necessary to  
13 include. Thank you.

14                  MEMBER KRYDER: Absolutely.

15                  MEMBER DRAGO: Mr. Chairman.

16                  CHMN STAFFORD: Member Drago.

17                  MEMBER DRAGO: So should there be some  
18 words in here about that this is regardless of the route  
19 that is -- the alternative routes that we've put in the  
20 CEC?

21                  So this includes all 22 routes?

22                  MS. GRABEL: No.

23                  MEMBER DRAGO: I don't understand what it's  
24 including outside of what we chose for routes.

25                  MR. BRYNER: So what this is referring to

1 is really a commitment by TEP irrespective of the route  
2 as you pointed out.

3 So we're upgrading our 46kV system to the  
4 138kV system. So as a result of that we will no longer  
5 have the need for those 46kV substations, no longer have  
6 the need for those 46kV lines. And then the distribution  
7 lines will be on top of that. But the 46kV system is  
8 independent of whatever route is selected.

9 MEMBER DRAGO: Then my follow-up is is this  
10 condition or the Finding of Fact and Conclusion of Law in  
11 here to give confidence to the public?

12 Because otherwise I don't know why it's  
13 here altogether.

14 MS. GRABEL: TEP would have no objection to  
15 removing it. We left this in simply because we thought  
16 it would bolster the ultimate finding that you make, and  
17 it's actually a positive to what this project is doing to  
18 the community.

19 But because that's already, like, reflected  
20 in the conditions and it seems to be causing angst we  
21 don't object to striking it altogether.

22 MEMBER LITTLE: Mr. Chairman.

23 CHMN STAFFORD: Member Little.

24 MEMBER LITTLE: I have no objection to  
25 leaving the finding in here as without any mention of

1 communication attachments and without 13, 14, 15, and 16,  
2 those lines included because if it -- the fact that  
3 knowing that the distribution -- the wooden pole line  
4 that is existing would be removed before the new pole  
5 line is put into place or subsequent to it. At some  
6 point it will go away did have some bearing on our choice  
7 of routes. So --

8 CHMN STAFFORD: I tend to agree. I think  
9 we can leave number 5 but just strike lines 13  
10 through 16. And then it should say "certificate" and not  
11 "CEC" because I thought we made the point to defer to it  
12 as a certificate throughout the entire certificate and  
13 not use the term "CEC" and "certificate" because I  
14 believe at the beginning we say "certificate" and then  
15 just continue "certificate" throughout.

16 MEMBER LITTLE: And then also remove the  
17 words "and communication attachments."

18 If we want to say belowground, we need to  
19 say -- we need to remove "and communication attachments"  
20 in line 10.

21 CHMN STAFFORD: Because they may or may not  
22 go belowground; correct?

23 MEMBER LITTLE: Right.

24 CHMN STAFFORD: Right.

25 MEMBER LITTLE: Well, we don't know that.

1 CHMN STAFFORD: Well, that's why I said  
2 they may or may not.

3 MEMBER LITTLE: Right.

4 CHMN STAFFORD: Right.

5 Let's focus on what TEP's going to do with  
6 its own facilities.

7 MEMBER HILL: I move approval of --

8 MEMBER DRAGO: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Drago.

10 MEMBER DRAGO: I have no objection leaving  
11 it in.

12 But I think just reading it as a layman, I  
13 have no idea within the Midtown project if my  
14 neighborhood is going to recognize the undergrounding of  
15 these distribution poles.

16 So, to me, is there an exhibit we can refer  
17 to that shows all of Midtown and what streets regardless  
18 of the preferred route or whatever alternative route they  
19 choose that shows that?

20 MEMBER KRYDER: Member Drago or  
21 Mr. Chairman.

22 CHMN STAFFORD: Yes, Member Kryder.

23 MEMBER KRYDER: Member Drago, I think the  
24 word "Project" there in line 9 may include what you're  
25 talking about. If you go back and look at the definition

1 of the word capital P "Project," I think that might  
2 clarify what I understand your question to be.

3 MEMBER DRAGO: Can we go back and look at  
4 that?

5 MS. GRABEL: Actually, Member Drago, we  
6 think you're right.

7 And perhaps what you could revise this to  
8 say is, "As part of the project as conditioned by the  
9 CEC, TEP will relocate existing overhead distribution  
10 lines belowground along the route selected" or something  
11 along those lines so that people know if that's the route  
12 selected, those are the lines that are going to be  
13 buried.

14 MEMBER LITTLE: Yes.

15 MEMBER DRAGO: Thank you for that,  
16 Ms. Grabel.

17 But the reason I brought it up is I was  
18 thinking regardless of the route chosen, there are going  
19 to be neighborhoods that will benefit undergrounding  
20 outside of that preferred route.

21 CHMN STAFFORD: Right. Because the 46kV  
22 system is going to be retired over the next ten years.

23 MS. GRABEL: That's the subsequent  
24 sentence, though. So the first sentence only refers to  
25 our commitment to bury the lines along the route on which

1 we're constructing the 138kV. And then the second  
2 sentence says, "We're going to retire other parts of our  
3 system." And that could be anywhere. I mean, not  
4 anywhere, but --

5 CHMN STAFFORD: Right. Because we're not  
6 calling out the eight substations in the order, but they  
7 are in the record because there's an exhibit I  
8 specifically recall that had the little blue teardrops  
9 showing all the substations that are going to get 86ed  
10 when the 46kV system goes away.

11 MEMBER DRAGO: Thank you for that,  
12 Ms. Grabel.

13 So back to Member Kryder's point. If I  
14 look at the definition of Project, would I be able to  
15 articulate whether my neighborhood is going to benefit  
16 from undergrounding distribution?

17 So we can look at that?

18 MS. GRABEL: It's probably not going to  
19 because it just generically refers to the Midtown  
20 Reliability Project Project.

21 MEMBER DRAGO: I'm just asking Member  
22 Kryder to explain what he meant.

23 MS. GRABEL: Okay.

24 MEMBER KRYDER: I don't have all of that.  
25 But buried early in the application the project is

1 defined, and I seem to recall, and I don't have the  
2 language in front of me, that in that definition of the  
3 project it calls out the neighborhoods and a variety of  
4 things, so that was the basis of my presumption, and it  
5 was a presumption not based on a recent reading.

6 So I'll stand corrected if we can look at  
7 it and see that it was wrong or I'll take Ms. Grabel's  
8 recommendation for the modification if that would work  
9 for you, Mr. Drago.

10 MEMBER DRAGO: Yeah. Member Kryder, I'm  
11 not suggesting that you're wrong.

12 I just want to have the public read this  
13 and understand whether quote/unquote my neighborhood will  
14 benefit from undergrounding regardless of the preferred  
15 route or alternative route that are optioned in this CEC.

16 CHMN STAFFORD: And, Member Drago, I  
17 think -- I don't think the public's going to be able to  
18 look at the certificate and tell what's going to be -- if  
19 they're going to be -- if they're going to benefit from  
20 the undergrounding of the distribution system or the  
21 removal of the 46kV system.

22 I think -- I think maybe the best way for  
23 the public to become aware of those benefits is that TEP  
24 will tell them as they're doing it as part of their when  
25 they're doing -- when they're building out this project

1 and removing the 46kV or they're putting the 138kV line  
2 and undergrounding the distribution that's there.

3 They can let the neighborhoods know that  
4 it's happening ahead of time and that they're going to  
5 be -- see what they'll be seeing. And, I guess, the ones  
6 that are the street over, they'll see the new power lines  
7 coming in, but the distribution lines, if they're next to  
8 a 46kV, they'll see that go away.

9 MR. LUSK: Mr. Chair, if I may.

10 CHMN STAFFORD: Yes, Mr. Lusk.

11 MR. LUSK: I'm just trying to clarify  
12 Member Drago's question.

13 I think what it might be a clarification is  
14 that the distribution lines are being undergrounded  
15 within the corridor that's granted by this Committee.

16 The 46kV lines are not being undergrounded  
17 but being removed in other areas of the City. And I  
18 think that -- is what you're looking for is what those  
19 other areas of the City are?

20 MEMBER DRAGO: I want to be able to read  
21 this and the laymen, the public, understand, Oh, will I  
22 benefit from undergrounding or removal?

23 MR. LUSK: Yeah. So I think maybe it might  
24 be helpful to add to that first sentence overhead  
25 distribution lines and whether you removed communication



1 attachments or not belowground along the route chosen or  
2 something of that nature, if that make sense.

3 CHMN STAFFORD: I believe Ms. Hill may have  
4 a suggestion or Ms. Grabel.

5 MS. GRABEL: Mr. Bryner.

6 CHMN STAFFORD: Mr. Bryner. We're going  
7 down the line.

8 MR. BRYNER: We'll see if I get it right.  
9 So, yes, I like what Mr. Lusk was saying.  
10 And I do appreciate your comment, Member  
11 Drago, because I think that reading this condition you  
12 could --

13 CHMN STAFFORD: It's Findings of Fact and  
14 Conclusions of Law.

15 MR. BRYNER: Sorry.

16 CHMN STAFFORD: It's not a condition. It's  
17 the Findings of Fact and Conclusions of Law.

18 MR. BRYNER: The Finding of Fact and  
19 Conclusion of Law. As you read that, you could see that,  
20 hey, TEP is putting all existing overhead distribution  
21 lines underground. And that's not the intention.

22 The intention, as we've tried to  
23 communicate throughout this -- the course of the past  
24 couple weeks, is that the distribution lines along the  
25 route, whatever route is ultimately selected and built,

1 those lines would be placed underground.

2 And the 46kV lines, those are irrespective  
3 of the route selected, but the distribution lines those  
4 are dependent on whichever route is selected.

5 And we could take care of communicating  
6 that to the public in a couple ways. I think clarifying  
7 right in here is the start.

8 I think another thing that we could do is  
9 we do have -- we will continue to maintain our project  
10 web page. We could clearly post that on there so that  
11 folks could take a look at and see, hey, where exactly  
12 are these distribution lines being placed underground.

13 Another thought is we -- I hate to muddy  
14 the waters with our CEC with our Exhibit B map, but we  
15 add it on that.

16 MEMBER GOLD: Mr. Chairman.

17 MEMBER LITTLE: Mr. Chairman.

18 MEMBER DRAGO: Thank you very much.

19 May I, Chairman?

20 CHMN STAFFORD: Yeah.

21 MEMBER DRAGO: Thank you very much. I  
22 think I like your idea. But then it begs the question if  
23 we should include the 46kV.

24 CHMN STAFFORD: Member Little, you had a  
25 question or a comment.

1 MEMBER LITTLE: Yes. I'm thinking in terms  
2 of how many people are going to read the CEC, how many  
3 members of the public. Probably five. And I'm thinking  
4 that if people are curious about whether their -- the  
5 pole in front of their house is going to go away they're  
6 going to call the company or go on the website first.  
7 They're not going to dig around in the docket and try to  
8 find a copy of the CEC and read it.

9 If it really is causing this kind of a  
10 problem, perhaps we should just eliminate the whole --  
11 the whole finding.

12 MEMBER DRAGO: Thank you.

13 CHMN STAFFORD: I have another suggestion.

14 If we look back to Condition 12 at the last  
15 sentence of that condition, "The applicant shall make  
16 every reasonable effort to communicate the decision  
17 either approving or disapproving the certificate in  
18 digital media." If we could add additional language that  
19 says they will -- "applicant will maintain the project  
20 website and update the public on the status of removal of  
21 the 46kV system and the undergrounding of distribution  
22 lines along the route."

23 MEMBER DRAGO: Member -- or, Chairman,  
24 sorry.

25 I like your idea a lot. And it's no

1 different than me reading the ADOT subscription to see if  
2 I should avoid a highway. So if they could put something  
3 on the website that shows next month we're going to be  
4 burying these distribution lines and removing these 46kV  
5 lines, I think that's an excellent suggestion.

6 MR. LUSK: And, Mr. Chair, may I offer  
7 maybe a friendly amendment to that, just add status and  
8 location.

9 CHMN STAFFORD: Excellent. So --

10 MEMBER GOLD: Mr. Chairman, before we move  
11 on.

12 CHMN STAFFORD: Well, I was hoping to get a  
13 motion to reconsider Condition 12 and make the amendment  
14 to that to require them to maintain what I just said of  
15 how they could update the public through the project  
16 website and what the status of the progress is.

17 MEMBER GOLD: Mine is going to be short,  
18 but it may affect both.

19 There's no mention of 4 or 14kV lines,  
20 which are distribution lines.

21 So are you going to remove them, leave them  
22 as they are, ignore them?

23 MR. BRYNER: So for our purposes, I would  
24 just classify 4 and 14kV same thing. They're  
25 distribution lines.

1           And as part of this project, the larger  
2 project, we will be upgrading the 4kV lines to 14kV.  
3 That's going to take a while. And while TEP will try to  
4 keep everyone informed of that, I guess I would prefer  
5 that didn't become a condition of the CEC surface our  
6 progress on that goes.

7           MEMBER GOLD: Okay. But you're not  
8 limiting yourself to just 46kV lines. It says of  
9 existing 46kV lines. Everything says existing 46kV  
10 lines. There's no mention of other distribution lines.  
11 Just a point of questioning.

12           MR. LUSK: Member Gold, I think if you  
13 refer to the sentence just before that, it talks about  
14 overhead distribution lines.

15           MEMBER GOLD: Where am I looking?

16           MR. LUSK: At line 1.

17           CHMN STAFFORD: Findings of Fact and  
18 Conclusions of Law Number 5.

19           I think that sentence should probably be  
20 changed to at least to be TEP relocate existing overhead  
21 distribution lines belowground along the selected route.

22           MEMBER GOLD: Then it's there. Thank you.

23           In that case let's go back to that motion.

24           CHMN STAFFORD: Okay. So we're -- so we're  
25 not going to -- okay. We're going back to the Findings

1 of Fact and Conclusion of Law Number 5.

2 Has Findings of Fact and Conclusion of Law  
3 Number 5 been moved?

4 MEMBER KRYDER: Yes. It is.

5 CHMN STAFFORD: Okay.

6 MR. KRYDER: We're in the discussion phase  
7 of it.

8 CHMN STAFFORD: Okay. If I can, can I get  
9 a motion to amend to what we've just talked about?

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Member Kryder.

12 MEMBER KRYDER: You gave a very  
13 well-articulated modification to lines 9 and 10 in  
14 finding of fact and conditions of law number 5, and I  
15 would move to include that language following belowground  
16 in line 10. Could you give it to us again?

17 CHMN STAFFORD: All right. Let me --  
18 starting on line 9, the CEC should be certificate. And  
19 then it will read, "TEP will relocate existing overhead  
20 distribution lines belowground," strike that, "along the  
21 selected route."

22 MEMBER KRYDER: Thank you very much. I  
23 move that modification to conditions number 5.

24 MEMBER GOLD: Second.

25 CHMN STAFFORD: Further discussion?

1 MEMBER MERCER: Mr. Chairman.

2 MEMBER DRAGO: Mr. Chairman.

3 CHMN STAFFORD: Yes. I have Member Drago  
4 and Member Mercer.

5 MEMBER MERCER: My question is is it  
6 "route" or "routes"?

7 CHMN STAFFORD: It'll be "route" because  
8 they will not -- although we've approved multiple routes,  
9 they will build only one route.

10 And that's -- but then they're not going to  
11 underground the distribution along all the routes. It  
12 will only be the one route that they ultimately build.  
13 So I think that should remain singular.

14 MEMBER MERCER: Thank you.

15 MEMBER DRAGO: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Drago.

17 MEMBER DRAGO: Yet another suggestion  
18 beyond Member Kryder's request, and that was about the  
19 website.

20 CHMN STAFFORD: Right.

21 MEMBER DRAGO: Are they going to modify --

22 CHMN STAFFORD: That would be -- did we  
23 want to -- because I had suggested we do it as a  
24 condition, but it would make more sense to do it as a  
25 condition as a finding of fact. But I think we should

1 probably strike the rest of this paragraph lines --

2 MEMBER HILL: 13 through --

3 CHMN STAFFORD: Lines 13 through 16.

4 MEMBER LITTLE: Yep.

5 MEMBER KRYDER: Mr. Chairman.

6 CHMN STAFFORD: Yes, Member Kryder.

7 MEMBER KRYDER: I agree with that and  
8 thereby modify -- ask to modify my motion to include  
9 that.

10 MEMBER DRAGO: 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, Finding of  
18 Fact and Condition Number 5 is amended.

19 MEMBER LITTLE: Mr. Chairman, I move  
20 finding of fact and condition of law number 5 as amended.

21 MEMBER HILL: 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, Finding of  
4 Fact and Conclusion of Law Number 5 as amended is  
5 adopted.

6 Now, do we want to -- do we want to go back  
7 and talk about communicating the status of the project on  
8 the project website or --

9 MEMBER DRAGO: I would like that,  
10 Mr. Chairman. Len Drago.

11 MEMBER HILL: Is it a reconsideration?

12 CHMN STAFFORD: Huh?

13 MEMBER HILL: Is it a reconsideration?

14 CHMN STAFFORD: Right. We'd have --  
15 someone would have to move to reconsider -- let me scroll  
16 back up here. It is --

17 MEMBER KRYDER: Condition 16.

18 CHMN STAFFORD: It is Condition Number 12.

19 MEMBER KRYDER: 12.

20 Mr. Chairman.

21 CHMN STAFFORD: Member Kryder.

22 MEMBER KRYDER: I move that we reconsider  
23 Condition 12.

24 MEMBER DRAGO: 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: All right. We are  
5 reconsidering Condition 12.

6 MEMBER KRYDER: Mr. Chairman.

7 CHMN STAFFORD: Yes, Member Kryder.

8 MEMBER KRYDER: Could I ask if attorney  
9 Grabel or someone has language that we could properly  
10 insert here?

11 MS. GRABEL: Certainly. I don't think you  
12 should amend what's currently there. I think it would  
13 make it wordy. So perhaps insert a new line that says,  
14 "The applicant shall also inform" -- how would you want  
15 to say this -- "shall also keep" -- hold on. Let me  
16 think about it.

17 CHMN STAFFORD: It would be a new sentence.

18 MS. GRABEL: What's that?

19 CHMN STAFFORD: It would be a new sentence.

20 MS. GRABEL: Correct.

21 CHMN STAFFORD: Because you'd have the  
22 sentence, "The applicant shall make every reasonable  
23 effort to communicate the decision either approving or  
24 disapproving the certificate in digital media."

25 Okay. Sorry. Sorry.

1 And then just new paragraph. And then  
2 start there.

3 MS. GRABEL: The applicant shall also  
4 communicate through its project website the status and  
5 location of the route ultimately constructed and the  
6 removal of the existing utility infrastructure along that  
7 route perhaps with the removal and undergrounding.

8 MEMBER DRAGO: Thank you.

9 CHMN STAFFORD: And project should be  
10 capitalized.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Member Kryder.

13 MEMBER KRYDER: I move the additional  
14 information in Condition 12 as Attorney Grabel just  
15 proposed.

16 MEMBER DRAGO: Second.

17 CHMN STAFFORD: To amend Condition 12 to  
18 reflect the language on the screen.

19 MEMBER KRYDER: To amend the language of  
20 Condition 12.

21 Thank you very much, Mr. Chairman.

22 CHMN STAFFORD: So that the amendment would  
23 read -- so the motion is to amend Condition 12 to add a  
24 new sentence that reads, "The applicant shall also  
25 communicate through its project website the status and

1 location of the route ultimately constructed and the  
2 removal and undergrounding of the existing utility  
3 infrastructure along that route."

4 MEMBER KRYDER: Thank you very much. Well  
5 done.

6 CHMN STAFFORD: That has been moved and  
7 seconded?

8 MEMBER DRAGO: Yeah, 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: Let's move to adopt  
14 Condition 12 as amended.

15 MEMBER HILL: So moved.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

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

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, Condition 12  
24 as amended, again, is adopted.

25 And we're back to Finding of Fact and

1 Conclusion of Law Number 6.

2 Has it been moved?

3 I don't believe.

4 MEMBER MERCER: Mr. Chairman, I move

5 Findings of Fact and Conclusion of Law Number 6.

6 MEMBER GOLD: Second.

7 CHMN STAFFORD: Further discussion?

8 I think I might have a suggestion here.

9 Would it be better to replace on line 14 "without the  
10 need" and replace it with "and avoid."

11 MEMBER KRYDER: I'm sorry, say that again.

12 CHMN STAFFORD: I said replace "without the  
13 need for" so -- with "and avoid."

14 MEMBER HILL: Substantial investment --

15 MS. GRABEL: That works for us.

16 MR. LUSK: Mr. Chair.

17 MEMBER KRYDER: Mr. Chairman.

18 CHMN STAFFORD: Member Kryder.

19 MEMBER KRYDER: Would you read Number 6 as  
20 your proposed amendment?

21 CHMN STAFFORD: Yes. "The evidence  
22 indicated that the project is required to be in service  
23 by 2027 to maintain safe and reliable service and to  
24 avoid additional substantial investment in the existing  
25 46kV system serving the area."

1 MEMBER KRYDER: Thank you very much.

2 I move that modification to Number 6  
3 conditions -- finding of fact and conditions of law.

4 MEMBER GOLD: Second.

5 CHMN STAFFORD: Further discussion?

6 MR. LUSK: Chairman.

7 MEMBER RICHINS: Chairman, I have one  
8 suggestion here. The first sentence, "Evidence indicated  
9 the project is required to be in service," it doesn't say  
10 required by whom. That's a preference of the utility to  
11 be in service by then.

12 Obviously if you guys slipped to 2028,  
13 you're not going to get fined. You know, it's a  
14 preference that they are in service by then. It's not a  
15 requirement by somebody, nor by us.

16 And so I stumble on that word a bit. I  
17 think it would be more appropriate to say, "The project  
18 is preferred to be in service by 2027."

19 CHMN STAFFORD: I might have a  
20 suggestion --

21 MEMBER LITTLE: Or needed.

22 CHMN STAFFORD: -- that it would be -- "The  
23 evidence indicated that the applicant needs the project  
24 to be in service by 2027 to maintain safe and reliable  
25 service in order to avoid additional substantial

1 investment in the existing 46kV system serving the area."

2 Because that's really what the fact is is  
3 that they have a choice to get this done by that time or  
4 they got to spend more money to prop up the 46kV system  
5 they're trying to get rid of.

6 MEMBER GOLD: Mr. Chairman.

7 CHMN STAFFORD: Yes, Member Gold.

8 MEMBER GOLD: Who is requiring that this  
9 project be done?

10 CHMN STAFFORD: Well, it's --

11 MEMBER RICHINS: Nobody.

12 CHMN STAFFORD: The utility needs the line  
13 to maintain reliability.

14 MEMBER GOLD: So the utility says the  
15 project must be done?

16 CHMN STAFFORD: That's why we say "need"  
17 instead of "require."

18 MEMBER GOLD: "Needs, require." It's  
19 semantics, but okay.

20 CHMN STAFFORD: I think "require" intimates  
21 that it's something is being -- the utility's being told  
22 they need to do something. They've come to us and said,  
23 We need to do this, we need this to happen to maintain  
24 reliability, so I think it's just a question of the  
25 verbiage to make it so it's not -- it's required by

1 physics and reality. It's not an external requirement  
2 from some governing agency or authority.

3 MEMBER GOLD: So the utility indicated that  
4 the project is required to be in service to maintain  
5 safety.

6 CHMN STAFFORD: Right.

7 MEMBER GOLD: Okay. However you want to  
8 word it.

9 CHMN STAFFORD: And so I would say --

10 MEMBER RICHINS: Well, there's a motion on  
11 the table that you need to deal with before you can add  
12 or the person who made the motion needs to add the  
13 additional language to his motion, and the seconder needs  
14 to second that.

15 CHMN STAFFORD: Right.

16 So who made the motion?

17 MEMBER KRYDER: I did.

18 CHMN STAFFORD: Member Kryder.

19 MEMBER KRYDER: Mr. Chairman, I acknowledge  
20 the additional language and ask that it be inserted in  
21 the amendment, and knowing you, you've captured that, and  
22 so I would ask you read to the Committee the revised  
23 motion before us.

24 CHMN STAFFORD: Does that work, Member  
25 Richins?



1 MEMBER RICHINS: Yeah.

2 CHMN STAFFORD: Amend the amendment. So it  
3 would be "The evidence indicated that the applicant needs  
4 the project" -- delete "is required" -- "to be in service  
5 by 2027 to maintain safe and reliable service in order to  
6 avoid additional substantial investment in the existing  
7 46kV system serving the area."

8 MR. RICHINS: That will work.

9 MR. LUSK: Mr. Chair, may I.

10 CHMN STAFFORD: Hold on.

11 MR. LUSK: Sure. Go ahead.

12 CHMN STAFFORD: So that's the amendment  
13 that has been moved and seconded.

14 Further discussion?

15 Mr. Lusk?

16 MR. LUSK: Yes. I just real quickly  
17 because this is a finding of fact the word "substantial"  
18 should probably have some meaning.

19 Can we just refer to the amounts that are  
20 in the record?

21 CHMN STAFFORD: No. I prefer not to put  
22 dollar amounts. I think the record speaks for itself.

23 If we -- I think it's enough to where it  
24 was in the tens of millions of dollars over the time  
25 frame that we're looking at. I think substantial is

1 enough.

2 I think we made a point not to include  
3 specific numbers for other parts of the CEC. I think --

4 MS. GRABEL: TEP intentionally did not  
5 refer to its own evidence and tried to vague it out in  
6 response to Committee's preference yesterday with --  
7 about these findings of fact.

8 CHMN STAFFORD: And that would be my  
9 preference for this one as well.

10 Members, do you have thoughts on that?

11 MEMBER HILL: Mr. Chair, I think that the  
12 amount of investment is different if it slips to 2028  
13 versus 2030.

14 And so what I'm struggling with is it's  
15 definitely additional investment, but whether it's  
16 substantial is I think the question that people are  
17 asking.

18 MS. GRABEL: We're fine taking out the word  
19 substantial. I think 10 million is "substantial", and  
20 that gets you to 2030.

21 MEMBER HILL: I'm not disagreeing with you.  
22 And I think it was the 2030 number.

23 MS. GRABEL: It was.

24 MEMBER HILL: But the 2028 number might be  
25 something different, so that's just what I wasn't sure

1 about.

2 MEMBER KRYDER: I believe it's 2027. Or am  
3 I reading it wrong?

4 MR. LUSK: Member Kryder, I believe what  
5 Ms. Grabel is referring to is that if it goes beyond 2027  
6 to 2028, there's an additional amount required. Yes.

7 MEMBER KRYDER: Thank you for the  
8 clarification.

9 MR. LUSK: Of course.

10 CHMN STAFFORD: Right. My recollection of  
11 the testimony would be 10 million if they have to go past  
12 '27 and, like, 50 million if it goes out to 2030.

13 MS. GRABEL: It's actually 10 million to  
14 2030 and 50 million after that.

15 CHMN STAFFORD: Okay.

16 MS. GRABEL: Member Hill had it right.  
17 So we're comfortable removing the word  
18 "substantial."

19 MR. LUSK: Thank you, Ms. Grabel.

20 CHMN STAFFORD: Member Kryder, it was your  
21 motion. Do you want to revise your motion to reflect  
22 that?

23 MEMBER KRYDER: Thank you very much,  
24 Mr. Chairman.

25 Please consider the revised motion that's

1 on the floor to reflect the new language that the  
2 Chairman just spoke.

3 MEMBER MERCER: 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, Finding of  
11 Fact and Conclusion of Law Number 6 as amended is  
12 adopted.

13 Number 7.

14 MEMBER MERCER: Mr. Chairman, I move  
15 finding of fact, conclusion of law number 7.

16 MEMBER RICHINS: Chairman, I have a little  
17 struggle with this one.

18 MEMBER HILL: I'll second that just so we  
19 can proceed with discussion.

20 CHMN STAFFORD: All right. Now we'll  
21 discuss it. Thank you.

22 MEMBER RICHINS: I have a little struggle.  
23 I mean, substations aren't in our purview.

24 Vine being located where it is is an  
25 important component of this project. But we don't cover

1 substations at all. I'm a little reluctant with the word  
2 "dictated" in there.

3 I don't know that we need any reference to  
4 substations other -- because the City has to approve that  
5 substation. We are not approving that substation  
6 location. We cannot help you with the location of that  
7 substation other than we can route through it.

8 And so I just -- I don't know that this is  
9 really necessary.

10 MEMBER HILL: Mr. Chair.

11 CHMN STAFFORD: Member Hill.

12 MEMBER HILL: I don't think that the  
13 saturation study dictated the location of Vine  
14 Substation, so the language is a little wonky there.

15 But I do think it's important that we  
16 indicate the importance -- that we have a finding of the  
17 importance of the Vine Substation and its location and  
18 frankly the necessity of the Vine Station for any of  
19 these routes to work.

20 So I agree with my colleague that "dictate"  
21 is definitely not the right word. But I do think we can  
22 word this in a way that we do have a finding of fact of  
23 the siting of the Vine Substation is necessary for any of  
24 these routes to work and for the CEC to be utilized by  
25 TEP.

1 CHMN STAFFORD: I would agree with that.

2 What's the better word --

3 MEMBER LITTLE: Mr. Chairman.

4 CHMN STAFFORD: -- than dictated?

5 MS. GRABEL: Perhaps supported.

6 MEMBER HILL: I bet Member Little has an  
7 idea.

8 CHMN STAFFORD: Member Little, do you have  
9 a suggestion? If you don't, I think Ms. Grabel does.

10 MEMBER LITTLE: Well, I defer to  
11 Ms. Grabel, but I would also like to suggest that we put  
12 the proposed location of the Vine Substation because  
13 location makes it sound like it's there.

14 CHMN STAFFORD: Exactly.

15 MEMBER LITTLE: And it isn't there.

16 CHMN STAFFORD: Good point, Member Little.

17 MEMBER KRYDER: Great point.

18 MEMBER LITTLE: But for the word replacing  
19 "dictated," Ms. Grabel.

20 MS. GRABEL: Perhaps "supported."

21 "Supported" by a saturation study.

22 MEMBER LITTLE: "Determined."

23 MS. GRABEL: "Determine" also works.

24 CHMN STAFFORD: Determined.

25 MS. GRABEL: Or you could say "TEP

1 determined the location of the Vine Substation by the  
2 results of a saturation study, available land, and its  
3 immediately adjacent proximity," something like that.

4 MEMBER RICHINS: That's more factual.

5 MEMBER LITTLE: That helps.

6 MS. GRABEL: Okay.

7 CHMN STAFFORD: So --

8 MEMBER LITTLE: I make a motion that we  
9 change the language of Number 7 to read "TEP  
10 determined" --

11 CHMN STAFFORD: Or "the applicant."

12 MEMBER LITTLE: Or "The applicant  
13 determined the proposed location of the Vine Substation  
14 through the use of a saturation study" blah, blah, blah.

15 CHMN STAFFORD: Do you want to say  
16 "proposed location" or "location of the proposed Vine  
17 Substation"?

18 MEMBER LITTLE: Well, I think -- I think  
19 they're proposing a location. They say it's needed, so I  
20 don't think it matters.

21 CHMN STAFFORD: Okay. I just wanted to  
22 make sure that it wouldn't be more or less clear one of  
23 those ways.

24 So can we get a motion to amend?

25 MEMBER HILL: Motion to approve as amended.

1 MS. GRABEL: Well, actually --

2 MEMBER HILL: Oh, wait --

3 MS. GRABEL: Sorry.

4 MEMBER LITTLE: I proposed it as an  
5 amendment.

6 MS. GRABEL: As you read the entire -- I'm  
7 sorry to interrupt you, but as you read the entire  
8 condition now, it's a little -- it doesn't make a lot of  
9 sense once you get past the saturation study. So perhaps  
10 say, "The applicant determined the proposed location of  
11 the Vine Substation through the use of a saturation study  
12 and the location of available land and its immediate  
13 proximity to" or something to effect.

14 MEMBER HILL: And identified available  
15 land?

16 MEMBER LITTLE: Available --

17 CHMN STAFFORD: Or maybe if we went --

18 MEMBER LITTLE: Well, you did --

19 CHMN STAFFORD: Maybe if we went back to  
20 the original language and said, "The location of the  
21 proposed Vine Substation was determined by the applicant  
22 through a saturation study," and you need another verb  
23 for available land. The availability of -- I don't  
24 know.

25 MS. GRABEL: Well, how about this: "The



1 applicant determined the proposed location of the Vine  
2 Substation through the use of a saturation study. The  
3 actual site was identified given the available land and  
4 its immediate adjacent proximity to two existing  
5 substations."

6 MEMBER GOLD: Perfect.

7 MEMBER LITTLE: I'm fine with that, and I  
8 modify my proposed amendment to reflect that.

9 MEMBER HILL: Do we have a second for  
10 Member Little's amendment?

11 MEMBER KRYDER: Second.

12 CHMN STAFFORD: All right. And then,  
13 Member Little, if you could read the -- let's let  
14 Mr. Ancharski get through the drafting of it here.

15 MS. GRABEL: Based on available land and  
16 its immediate -- there you go.

17 CHMN STAFFORD: And you don't need a comma  
18 after land.

19 MS. GRABEL: You don't.

20 MEMBER LITTLE: Well, let me ask the  
21 applicant this: Did you determine the location through  
22 the use of a saturation study or did you determine the  
23 need through the use of a saturation study?

24 MR. BRYNER: It was both.

25 MEMBER LITTLE: Yeah.

1 MR. BRYNER: So it identified the load  
2 center through the saturation study, and it identified  
3 the need for a substation in that area.

4 MEMBER LITTLE: So you could say, "The  
5 applicant determined the proposed location of the" --

6 MEMBER HILL: I would lead with "the need."  
7 "The applicant determined" --

8 MEMBER LITTLE: -- "the need and the  
9 proposed location."

10 MEMBER HILL: "And the proposed location."

11 MEMBER LITTLE: "The need for and proposed  
12 location of."

13 CHMN STAFFORD: There you go.

14 MEMBER LITTLE: Okay. So my proposed  
15 amendment is that Finding of Fact Number 7 reads, "The  
16 applicant determined the need for and proposed location  
17 of the Vine Substation through the use of a saturation  
18 study. The actual site was selected based on available  
19 land and its immediate adjacent proximity to" blah, blah,  
20 blah.

21 CHMN STAFFORD: I like it.

22 MEMBER HILL: Second.

23 CHMN STAFFORD: It's been moved. The  
24 amendment has been moved and seconded except for the  
25 "blah, blah, blah."

1 All right. Further discussion?

2 MEMBER DRAGO: Yeah. Mr. Chairman, should  
3 it be immediate and its or --

4 MS. GRABEL: Yes.

5 MEMBER DRAGO: Yeah.

6 CHMN STAFFORD: Yes, exactly. The  
7 adjective, not the adverb.

8 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, Member  
15 Little's amendment to Finding of Fact and Conclusion of  
16 Law Number 7 is adopted.

17 Can I get a motion to adopt the Finding of  
18 Fact and Conclusion of Law as amended?

19 MEMBER GOLD: So moved.

20 MEMBER DRAGO: 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, Finding of  
3 Fact and Conclusion of Law Number 7 as amended is  
4 adopted.

5 Number 8.

6 MEMBER RICHINS: Chairman --

7 MEMBER LITTLE: Mr. Chairman.

8 MEMBER RICHINS: -- I move to strike 8  
9 altogether.

10 MEMBER LITTLE: Second.

11 CHMN STAFFORD: Let's -- okay. I guess we  
12 can just to move to strike instead of moving to consider  
13 it.

14 So, yeah, it's been seconded. The motion  
15 before us is to strike number 8.

16 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, the proposed  
23 Findings of Fact and Conclusion Of Law 8 is stricken.

24 All right. Now I guess we're going to do 8  
25 again because the numbers changed.

1 MEMBER RICHINS: Yeah. We actually put --  
2 should we keep a placeholder there for 8 --

3 CHMN STAFFORD: I think --

4 MEMBER RICHINS: -- or just change it like  
5 this? Let it change.

6 CHMN STAFFORD: I guess we'll let it --

7 MEMBER RICHINS: Yeah, just leave it like  
8 that for now.

9 CHMN STAFFORD: I know that the original  
10 one that it's been -- the original one has been stricken.

11 Yeah, let's leave it blank, and then we'll  
12 go through and vote them as this. And then a conforming  
13 a change will be to renumber the Findings of Fact and  
14 Conclusion of Law.

15 That way we -- it's the record's more  
16 clear. Otherwise, it's going to look like we voted on 8  
17 twice, and then it's going to be all --

18 Okay. All right. So the original 8 is  
19 stricken.

20 Moving on to Number 9.

21 MEMBER RICHINS: Chairman, I would prefer  
22 to strike 9 as well.

23 I don't believe this was part of the  
24 language negotiation. I think that that begins on 10.

25 Can you confirm that, Ms. Grabel?

1 MS. GRABEL: That is true, Member Richins.

2 The reason I kept it in there, and I  
3 actually deleted a lot of what was in there previously is  
4 because it explains why you're making a finding. It's  
5 pursuant to TEP's request.

6 CHMN STAFFORD: The conditional finding.

7 MS. GRABEL: Conditional finding.

8 MEMBER RICHINS: I think it's been well  
9 covered, but --

10 MS. GRABEL: It is not referenced elsewhere  
11 in this document. This is the first time the finding is  
12 referenced.

13 MEMBER RICHINS: Okay.

14 MEMBER KRYDER: Mr. Chairman.

15 CHMN STAFFORD: Member Kryder.

16 MEMBER KRYDER: I have a question for  
17 Attorney Grabel.

18 MS. GRABEL: Yes, sir.

19 MEMBER KRYDER: Is it thereby your opinion  
20 that the Condition 9 as printed ought to be struck?

21 MS. GRABEL: So as somebody who thinks kind  
22 of chronologically I think you need to introduce in the  
23 document why the Committee's making the finding that it's  
24 making, and it is pursuant to TEP's request.

25 I tried to get rid of anything inflammatory

1 that was in the prior finding. And so that's -- I would  
2 leave it in because I think it makes the flow of the read  
3 better.

4 And when you go to the next line, it talks  
5 about the City and Underground Arizona's position on the  
6 finding, and then the negotiated language in 11.

7 MEMBER KRYDER: Thank you very much.  
8 That's clarifying.

9 MEMBER RICHINS: Chairman, I think the  
10 language that I'm struggling with is -- is -- it's an  
11 editorialized comment which is unreasonably restrictive.

12 CHMN STAFFORD: Well, that's the language  
13 from the statute.

14 MEMBER RICHINS: Well, I know. And  
15 that's -- that's what I'm trying to remove is because  
16 this is -- this is -- this is language to help litigation  
17 and leverage, and -- and I do not want to give that.

18 And so I -- I would strike -- I actually  
19 would move to strike 9 altogether.

20 MEMBER HILL: Second.

21 MEMBER SOMERS: Second.

22 CHMN STAFFORD: Further discussion?

23 MS. GRABEL: So, Mr. Chairman, if I could  
24 respond.

25 CHMN STAFFORD: Okay. Yeah, I'm looking

1 at -- because they're trying to get to the stipulated  
2 language of 11, and I'm wondering -- because I --  
3 I'm just trying to have it how it makes sense leading up  
4 to that.

5 MR. LUSK: Mr. Chair.

6 CHMN STAFFORD: Mr. Lusk.

7 MR. LUSK: If I may suggest, it may be  
8 actually helpful in this instance to discuss the two, 9  
9 and 10 together. I think they might be related.

10 MEMBER HILL: That's what I'm struggling  
11 with.

12 MR. LUSK: Sure.

13 CHMN STAFFORD: Right. Because you need to  
14 have a lead up to that to say that it's --

15 MS. GRABEL: So if the language in 9 that  
16 you're struggling with, Member Richins and Member Hill  
17 and Member Somers, is the language about being  
18 unreasonably restrictive, that comes straight from the  
19 statute, and it is contained in the finding.

20 If you would like to delete it in 9, you  
21 could just say "TEP therefore requested a finding  
22 pursuant to A.R.S. 40-360.06(D)," which is functionally  
23 the same. But this isn't language I inserted because I'm  
24 TEP's lawyer. It's literally quoting the statute.

25 You could even put it in quotes, "The



1 project was," quote, "unreasonably restrictive and that  
2 compliance therewith is infeasible in light of the  
3 technology available," unquote. Sorry.

4 CHMN STAFFORD: That was really fast.

5 Okay. Yeah, I think -- so we're -- I'm not  
6 suggesting amendments yet, but I'm just talking this  
7 through.

8 So if you remove the first --

9 MEMBER RICHINS: I think it --

10 CHMN STAFFORD: -- line -- the first  
11 sentence and then the second sentence of the finding of  
12 fact and start where "TEP therefore requested," you could  
13 state, "The applicant has requested a finding that  
14 compliance with any local ordinance or plan that would  
15 require underground construction of the project" -- and  
16 then "was," and then you could put in quotes --  
17 "unreasonably restrictive and that compliance therewith  
18 is infeasible in light of the technology available," end  
19 quotes.

20 I believe that's the statutory language  
21 purpose to A.R.S. 40-360.06(D). And that would be a  
22 factual statement of what has actually occurred in this  
23 process.

24 MEMBER LITTLE: Mr. Chairman.

25 MEMBER RICHINS: I disagree with the term

1 "unreasonably" here.

2 CHMN STAFFORD: It's quoting the statute.  
3 We're not finding that it is. We're finding -- this is a  
4 finding of fact that TEP has requested the finding that  
5 is the case.

6 MEMBER RICHINS: Okay. I see what you're  
7 saying.

8 CHMN STAFFORD: That's a statement of the  
9 fact and the law under which they are requesting relief.

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Member Kryder.

12 MEMBER LITTLE: Mr. Chairman.

13 MEMBER KRYDER: I think your language was  
14 very clarifying, and thereby I move that finding of  
15 fact --

16 MEMBER RICHINS: You can't do that. We  
17 have a motion on the table already.

18 CHMN STAFFORD: The motion is to strike.

19 MEMBER KRYDER: Okay. I would not want to  
20 strike it but rather to use the language that you  
21 proposed.

22 CHMN STAFFORD: Right. We can't -- we  
23 can't do an amendment until we resolve the motion to  
24 strike.

25 MEMBER KRYDER: I get that.

1 CHMN STAFFORD: So we have --

2 MEMBER LITTLE: Mr. Chairman.

3 CHMN STAFFORD: We can either call the  
4 question and vote on the motion or --

5 MEMBER KRYDER: Yes. Call the question.

6 CHMN STAFFORD: -- or Member Richins could  
7 withdraw his motion.

8 Those are the two options before us right  
9 now, I believe.

10 MEMBER LITTLE: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Little.

12 MEMBER LITTLE: Can I comment?

13 CHMN STAFFORD: Certainly.

14 MEMBER LITTLE: Or did Member Kryder call  
15 the question?

16 CHMN STAFFORD: Did you call the question,  
17 Member Kryder?

18 MEMBER KRYDER: I did.

19 CHMN STAFFORD: Okay. All right. Well,  
20 then let's do a roll call vote.

21 The motion before the Committee is to  
22 strike Finding of Fact and Conclusion of Law Number 9.

23 Member Kryder?

24 MEMBER KRYDER: No.

25 CHMN STAFFORD: Member Mercer?

1 MEMBER MERCER: No.

2 CHMN STAFFORD: Member Gold?

3 MEMBER GOLD: No.

4 CHMN STAFFORD: Member Drago?

5 MEMBER DRAGO: Nay.

6 CHMN STAFFORD: Member Richins?

7 MEMBER RICHINS: Yes.

8 CHMN STAFFORD: Member Hill?

9 MEMBER HILL: Yes.

10 CHMN STAFFORD: Member Little?

11 MEMBER LITTLE: No.

12 CHMN STAFFORD: Member Somers?

13 MEMBER SOMERS: Yes.

14 CHMN STAFFORD: And I vote no.

15 So a vote of 6-3 the motion -- or 3-6 the

16 motion fails.

17 So we need a motion to adopt 9, and then we

18 can consider motions to amend it.

19 MEMBER GOLD: I make a motion to adopt 9.

20 MEMBER KRYDER: Second.

21 CHMN STAFFORD: Further discussion?

22 MEMBER GOLD: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Gold.

24 MEMBER GOLD: It is a fact that the cost of

25 building underground is more expensive than building

1 overhead. That is a fact.

2 It is a fact that TEP explored alternative  
3 funding.

4 At the time of this hearing the funding  
5 sources were determined -- were determined to be  
6 nonviable.

7 CHMN STAFFORD: That's reference to the  
8 four -- Proposition 412 being voted down.

9 MEMBER GOLD: Yes. So it's a fact that TEP  
10 therefore requested a finding that would make the project  
11 work.

12 Everything here is a statement of fact.  
13 However, nothing there is a conclusion of  
14 law.

15 CHMN STAFFORD: Right. That's why we kind  
16 of clump them together. They can be either-or.

17 MEMBER GOLD: Oh, it can be either-or?

18 CHMN STAFFORD: Yeah. That's why the whole  
19 section is entitled, Findings of Fact and Conclusions of  
20 Law.

21 I mean, in other Commission orders like  
22 rate cases they'll have a whole big giant section of  
23 findings of fact and then they'll have a section of  
24 conclusions of law.

25 MEMBER GOLD: Okay. So we just combined

1 the two, so it could be either.

2 CHMN STAFFORD: Yeah. The Committee --  
3 this is how -- this is how the -- the Committee's by  
4 tradition done it -- grouped them together so they can be  
5 either-or in that section.

6 MEMBER GOLD: So therefore, everything here  
7 is a fact.

8 MEMBER LITTLE: Mr. Chair.

9 MEMBER GOLD: What are we objecting to?

10 CHMN STAFFORD: All right. Member Hill.

11 MEMBER HILL: So I think -- I don't have an  
12 issue with the statement that TEP requested a finding.

13 I think it's the lead up to that that makes  
14 me uneasy because it seems to validate -- it seems to  
15 suggest that TEP's request is -- it seems to make a case  
16 for TEP's request in a way that I don't find completely  
17 factual. I'm not saying that there isn't a cost  
18 difference. Maybe it's a separate finding if we want to  
19 address that.

20 I know that TEP explored alternative  
21 fundings, but I am not certain if they exhausted that or  
22 all of them are nonviable options.

23 And so I think if we narrowed it to what  
24 TEP requested from us and then simultaneously with 10  
25 kept it narrow as to what the City and Underground

1 Arizona believe and they're comfortable with that  
2 language, I'm kind of fine with both of these.

3 But it does feel like that introductory  
4 section of 9 is intended to give more weight to the  
5 position of one of the members of this conflict over the  
6 other. And so that's what I'm just trying to be  
7 sensitive to.

8 CHMN STAFFORD: I hear you, Member Hill.

9 MEMBER LITTLE: Mr. Chairman.

10 CHMN STAFFORD: I'm thinking that if it  
11 looked more like in the light -- in light of the  
12 incremental cost difference between the costs of building  
13 the project overhead compared to underground.

14 MS. GRABEL: TEP requested a finding.

15 CHMN STAFFORD: TEP has requested a  
16 finding -- TEP requested or the applicant requested a  
17 finding that compliance with any local ordinance or plan  
18 that would require underground construction of the  
19 project -- I think we need to add a qualifier that it's  
20 without -- that require the utility to cover the cost.

21 But that's in a later one. I think that's  
22 one of the ones we did.

23 So I just think, yes, for this one I think  
24 that we could just -- if we just trim it down to state  
25 that there was an issue with the cost difference between

1 underground and aboveground and because of that TEP has  
2 requested a finding pursuant to A.R.S. 40-360.06(D).

3 MEMBER RICHINS: Chairman, I have a  
4 suggestion that might add clarity.

5 MEMBER LITTLE: Mr. Chairman.

6 MEMBER RICHINS: Perhaps we lead with the  
7 request for the finding in this section. And so the  
8 emphasis is on that you requested a finding. We didn't  
9 necessarily give you one, but you requested a finding  
10 based on the following criteria.

11 Because -- because -- the -- the lead-in in  
12 reverse like this makes it sound like all that other  
13 stuff is, you know -- and, yeah, there's -- yeah, it's  
14 more expensive to underground than overhead. Nobody's  
15 disputing the facts in that.

16 But the paragraph itself is turning on the  
17 request, right. So maybe we emphasize the request.  
18 Okay.

19 MS. HILL: Mr. Chair. It's Meghan Hill.

20 CHMN STAFFORD: Oh, Ms. Hill.

21 MS. HILL: I'm sorry. I just wanted to ask  
22 Member Richins my own clarifying question because I think  
23 it will help us understand.

24 I don't have any issue with what you are  
25 talking about. I just have a question about -- and we



1 haven't gotten to the paragraph that -- of the language  
2 that TEP and the City and Banner were able to agree on  
3 yesterday.

4 And when you say we're not necessarily  
5 giving you a finding, I just want to make sure that what  
6 we're talking about here -- because when we are drafting  
7 the findings of fact, we're trying to draft it in a way  
8 that makes some sense to the Commission about why any  
9 approval or anything like that occurred.

10 Are you referring to the fact that the  
11 finding in the paragraph that TEP, the City, Banner  
12 agreed upon yesterday is conditional?

13 MEMBER RICHINS: No. It hinges on 9  
14 actually with 10. It just -- it's just the way these two  
15 paragraphs are constructed puts particular emphasis on  
16 those facts rather than the request, which is the request  
17 is what this is really focusing on.

18 MS. HILL: Thank you.

19 MEMBER RICHINS: Yeah. Thank you.

20 MR. DEMPSEY: May I make a comment?

21 MEMBER LITTLE: Mr. Chairman.

22 CHMN STAFFORD: Member Little.

23 MEMBER LITTLE: I'm in agreement with much  
24 of what has been said here.

25 I agree that striking that part of 9 that

1 is highlighted on the screen there is a very good idea.

2 I would also like to strongly suggest that  
3 your -- that we follow your suggestion of putting  
4 quotation marks around the unreasonably restrictive and  
5 compliance therewith, the language that actually came  
6 from the statute, so that we know that we didn't have  
7 anything to say with -- about it being unreasonably  
8 restrictive at this point. That's what the statute said  
9 and that's what TEP is requesting.

10 CHMN STAFFORD: Right.

11 MEMBER LITTLE: I also have a question.

12 Do we have to -- does -- do all of those  
13 words have to be in there if it's even mentioned?

14 Can we say it's unreasonably restrictive  
15 but not say it's infeasible?

16 CHMN STAFFORD: Well, I think it's part of  
17 the finding that they're requesting, so I think it's  
18 accurate to include that line from the statute.

19 MEMBER LITTLE: In this place I agree  
20 because that is what they requested.

21 But what about elsewhere?

22 CHMN STAFFORD: Well, let's get -- I  
23 think -- I think the party -- I think both TEP and the  
24 City have agreed to the language in its entirety in 10  
25 and 11. So my thought is for this one --

1 MEMBER LITTLE: 11 and 12.

2 CHMN STAFFORD: 11 and 12. Yeah, 11 and  
3 12. Excuse me. Okay.

4 Right. My thought is for this one here for  
5 9 to read, "In light of the incremental cost difference  
6 between the cost of building the project overhead  
7 compared to underground, the applicant requested" --

8 MR. DEMPSEY: I'd like to make a comment.

9 CHMN STAFFORD: Not now -- "requested a  
10 finding from this Committee that" -- I guess you could  
11 put that -- that would be inside the quotes as well. And  
12 I'm reading from the statute here as well. "That  
13 compliance with such ordinance, master plan, or  
14 regulation," end quote, that would require underground  
15 construction of the project, quote, "is unreasonably  
16 restrictive and compliance therewith is not feasible in  
17 view of technology available," end quote.

18 Because some of those words are in the  
19 statute and some are not, and we don't want to -- because  
20 require undergrounding the project is not in the statute.

21 MS. GRABEL: Correct.

22 CHMN STAFFORD: But that's -- but those are  
23 the plan, regulation, ordinance that we're talking about.  
24 But that's what the applicant was just talking about.

25 MEMBER LITTLE: But where are the quotes

1 going?

2 MS. GRABEL: So I think to the Chairman's  
3 point that the language that we're actually quoting  
4 verbatim from the statute and could be quoted starts  
5 before the word unreasonably and ends after the word  
6 available.

7 MEMBER LITTLE: Yep.

8 MEMBER RICHINS: Chairman, 11 and 12 cover  
9 this. It's almost like you don't need 9 and 10 anymore  
10 because you cover it so well in 11 and 12 in your  
11 negotiated language. This is almost a --

12 MS. GRABEL: Member Richins.

13 CHMN STAFFORD: Well, it's -- I think it's  
14 a finding of fact that the applicant requested this, and  
15 it's kind of like if --

16 MEMBER RICHINS: It feels like a preamble  
17 to 11 and 12.

18 MS. GRABEL: Except -- sir, I'm sorry. 10  
19 and 11 were the negotiated languages, not 11 and 12. So  
20 10 is very important to the City.

21 MEMBER RICHINS: No, no, no. Yes, yes,  
22 yes.

23 MS. GRABEL: And 9 is a segue into 10.

24 CHMN STAFFORD: Right. So I think 9 lays  
25 out the position of the applicant, 10 lays out the

1 position of the City and Underground Arizona. And then  
2 11 is the negotiated solution.

3 That's the way I see it.

4 MS. GRABEL: Correct.

5 CHMN STAFFORD: Right. Okay.

6 Well, it should be from this Committee,  
7 quote --

8 MS. GRABEL: Actually, Mr. Chairman, I  
9 don't think the quote's correct there because we didn't  
10 quote the statute verbatim.

11 CHMN STAFFORD: Right. But I wanted to put  
12 it in here.

13 MS. GRABEL: Okay.

14 CHMN STAFFORD: And then we'll unquote  
15 around the part that you added to describe it, and then  
16 back to the quote and then reference to statute so they  
17 know that it's -- so it's clear that it's the statute so  
18 that compliance with any --

19 MS. GRABEL: Actually --

20 CHMN STAFFORD: -- with such --

21 MS. GRABEL: -- now I see what you're  
22 struggling with.

23 CHMN STAFFORD: Right.

24 MS. GRABEL: I think perhaps we just delete  
25 the words "that compliance with" because I think we

1 requested a finding from the Committee that any local  
2 ordinance or plan that would require underground  
3 construction of the project was, quote, "unreasonably  
4 restrictive." I think we've a duplicate of "compliance  
5 with."

6 CHMN STAFFORD: There you go. Yes. Okay.  
7 So that would be it is -- then in quotes would be is  
8 "unreasonably restrictive and compliance therewith is not  
9 feasible in view of the technology available," end quote.

10 MS. GRABEL: Correct.

11 MR. LUSK: So, Mr. Chair, just briefly on  
12 that. I think the language of the statute actually says  
13 master plan.

14 CHMN STAFFORD: No. It's ordinance, master  
15 plan, or regulation.

16 MR. LUSK: Correct.

17 MS. GRABEL: But we're not quoting part.

18 CHMN STAFFORD: We're not quoting that part  
19 of the statute.

20 MR. LUSK: Okay.

21 CHMN STAFFORD: Because it's too awkward to  
22 say such.

23 MEMBER RICHINS: And it states that in 12.  
24 It references the master plan.

25 MR. LUSK: Thank you.

1 MR. DEMPSEY: Let me know when you're ready  
2 for my comment.

3 CHMN STAFFORD: Okay. I think that's -- I  
4 think 9 is -- I think it makes sense -- it's an accurate  
5 factual statement what the applicant has requested.

6 Mr. Dempsey, you had a comment?

7 MR. DEMPSEY: Yeah. So the problem that we  
8 have here and elsewhere is use of the word "incremental."  
9 That's not in the policy statement. It's not in the  
10 statute. The language is actually "significant cost."  
11 It's much more.

12 To me the word "incremental" is a tiny  
13 amount. We're not talking about a tiny amount here.  
14 We're talking about large amounts.

15 CHMN STAFFORD: We're talking about the  
16 difference between putting it on poles aboveground and  
17 the difference from putting it under the ground, the cost  
18 difference between those two things.

19 MR. DEMPSEY: Right.

20 CHMN STAFFORD: I think -- and the issue is  
21 that difference. And that's the focus of the Commission.  
22 That's what they mean when they talk about the cost of  
23 undergrounding.

24 They're not -- they don't oppose the cost  
25 of building necessary transmission lines aboveground.

1 What they are concerned with is the additional cost of  
2 putting it underground. That's -- they're not putting  
3 that in rates because that's -- unless undergrounding is  
4 required for reliability or safety, for example, when  
5 you're, like, how APS's lines downtown there's no place  
6 to put the lines aboveground because of the buildings,  
7 they have to be underground, that's a condition that  
8 statement of policy would not apply because that's for  
9 safety and operational reasons.

10           Whereas it's perfectly feasible to put the  
11 lines aboveground, but the choice to put them belowground  
12 is due to the City ordinance or plan.

13           The cost difference is what the Commission  
14 is concerned with. And that's what the applicant pointed  
15 out, and that's we're talking about here. That's the  
16 whole crux of the issue. That is why they requested the  
17 finding.

18           MR. DEMPSEY: So I'm not asking that you  
19 remove "cost difference." I'm just -- just the word  
20 "incremental" to me sounds it's not -- if you read the  
21 policy statement, it says "much more," not just "more."  
22 It says "much more."

23           CHMN STAFFORD: It is much more. I think  
24 looking at my notes with the preferred route I had based  
25 on Exhibit TEP-31 or 32 I'm not -- it was, like, 63 --



1 well, it's almost a \$64 million difference for the cost  
2 of the line.

3 MR. LUSK: If I may, Chair. If I may  
4 assist in this.

5 I think what UAZ is trying to point out is  
6 that incremental doesn't -- that the word "incremental"  
7 doesn't provide enough information in terms of the --  
8 because there's no definition for what incremental is in  
9 the document, and so nobody as -- and I agree with Member  
10 Richins, nobody is disputing that there is a cost  
11 difference, but just the cost difference is sufficient.

12 MS. GRABEL: The reason that the applicant  
13 did not put any kind of modifier to incremental was  
14 really because we believe that the Committee -- there are  
15 variations into what the difference in undergrounding  
16 versus aboveground is, and it was very clear that we  
17 didn't want to get into any multipliers or anything to  
18 that extent.

19 CHMN STAFFORD: Right. I'm looking at --  
20 the dictionary definition of incremental is relating to  
21 or denoting an increase or addition, especially one of a  
22 series on a fixed scale.

23 MS. GRABEL: Correct. Well, we thought the  
24 definition kind of spoke for itself and did not need to  
25 be modified.

1 CHMN STAFFORD: That's the common -- from  
2 the Oxford language dictionary I just Googled that's what  
3 the meaning of incremental is.

4 MEMBER LITTLE: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Little.

6 MEMBER LITTLE: It's also -- the use of  
7 incremental difference or incremental -- or incremental  
8 difference because it can be between rates. It can be  
9 between all kinds of things. But it's a very common term  
10 in the utility industry.

11 MR. DEMPSEY: Well, I guess what I'm  
12 suggesting is if you strike the word "incremental" there,  
13 it doesn't change the sentence.

14 MEMBER GOLD: Mr. Chairman, the cost is  
15 going up. It's an additional cost. As you stated in  
16 your explanation, why not just change "incremental" to  
17 "additional."

18 CHMN STAFFORD: Or you could say, "In light  
19 of the additional cost of building the project  
20 underground instead of overhead" --

21 MS. GRABEL: We think the word incremental  
22 as defined really works. It's a word that's very  
23 commonly used at the Commission. I guess I don't  
24 understand why -- why we would need to change it.

25 MEMBER GOLD: I think this is between the

1 lawyers, and the rest of us should take a break.

2 CHMN STAFFORD: Well, how long have we been  
3 going?

4 We'll take another break here in about five  
5 minutes, I think.

6 MEMBER RICHINS: We're almost done.

7 CHMN STAFFORD: Let's get through -- let's  
8 get through this --

9 MEMBER RICHINS: I want to go home.

10 CHMN STAFFORD: -- this Finding of Fact and  
11 Conclusion of Law.

12 So I myself am comfortable with  
13 incremental. It means the additional marginal cost.  
14 That's -- it's on the record here, "incremental" means  
15 additional marginal cost.

16 MEMBER HILL: Do you want to put in  
17 additional marginal cost?

18 MR. DEMPSEY: Yeah, just say that.

19 MR. LUSK: The City is fine with the  
20 Chairman's suggested language of additional cost.

21 CHMN STAFFORD: Additional marginal cost I  
22 think is --

23 MS. GRABEL: We would just stick with  
24 incremental. I'm not sure what the concern is.

25 CHMN STAFFORD: Yeah.

1 MS. GRABEL: And "incremental" is also used  
2 in the paragraph that was negotiated by the parties in  
3 11. And so this is --

4 MR. LUSK: And we disagreed there too.

5 MS. GRABEL: You did not disagree --

6 CHMN STAFFORD: I thought you guys worked  
7 it out and agreed --

8 MR. DEMPSEY: I was not a part of that,  
9 so -- if they're not -- if "additional" means the same  
10 thing to them, then what's the problem with changing it?

11 I think that's the heart of the issue here.  
12 They really want to keep it, and there's a reason for  
13 that.

14 MS. HILL: Mr. Chair, may I?

15 CHMN STAFFORD: Well, you have to rephrase  
16 it because they use -- they talk about the building  
17 project overhead first, so it's not additional cost to  
18 build it overhead compared to the underground.

19 MS. HILL: Mr. Chair, may I? This is Megan  
20 Hill.

21 CHMN STAFFORD: Oh, Ms. Hill, sorry.

22 MS. HILL: And I don't want you to blame  
23 Ms. Grabel for her client's intransigence here. So I  
24 would like to just talk about this.

25 And I'm sure that because Mr. Dempsey has

1 so much experience with utilities, as he described in his  
2 testimony, he understands that regulatory bodies when  
3 they are looking at rates, when they are looking at cost  
4 of -- you know, at our cost of capital, when they're  
5 looking at that, they're looking at the cost  
6 differential, and they're calling it incremental cost.

7 This is a commonly defined term in the  
8 industry. And any confusion about what this document  
9 means is going to refer back to that is essentially what  
10 I want to say. And having been a litigator for 20 years,  
11 what I'd like to do is stay out of court about what  
12 does -- what does excessive or substantial or whatever.

13 We try to use terms that are commonly  
14 understood in the industry that are used on a regular  
15 basis and that will not -- they're not -- it's not going  
16 to generate any confusion at the Commission.

17 And so I understand -- I disagree with the  
18 City's position, and we talked about this yesterday. I  
19 disagree with the City's stating our position at any time  
20 during this discussion, quite frankly.

21 And so I just want to be really clear that  
22 this is -- this is very -- this is an item -- we've  
23 compromised a lot. We've put on a lot here. We're  
24 working through a lot of things. This language is  
25 important to us.

1 MR. LUSK: Mr. Chairman, can I respond?

2 CHMN STAFFORD: Yes, Mr. Lusk.

3 MR. LUSK: I am not suggesting that I was  
4 trying to suggest what their position is. I understand  
5 they disagree, and we disagreed about it in the e-mail.

6 But more -- I'm just thinking for this  
7 particular paragraph "incremental" provides nothing that  
8 is required other than cost difference.

9 And as also a litigator, that isn't up to  
10 interpretation in court as to what that word would mean.  
11 And the applicant will proceed to argue that based on  
12 industry practice it means this thing, and under the law  
13 the City will mention something else. I'm trying to  
14 prevent litigation as well.

15 So if we can just go with a word that --  
16 without the word at all. We don't -- why do we need it?

17 MR. DEMPSEY: Or "additional marginal." It  
18 means the same thing, and it's not as --

19 MR. LUSK: I'm just -- I'm just suggesting  
20 we completely leave the word out in light of the cost  
21 difference. Everybody understands there's a cost  
22 difference. That's it.

23 CHMN STAFFORD: Well, I think the -- well,  
24 I'd have to disagree with you there. Because if you take  
25 out "incremental," I think you could interpret it as

1 meaning that the cost of building the project overhead is  
2 more expensive than underground.

3 MR. LUSK: Incremental doesn't change that.

4 MEMBER LITTLE: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Little.

6 MEMBER LITTLE: As somebody who has also  
7 worked in the utility industry for more years than I like  
8 to say, I am in total agreement with Ms. Hill.  
9 Incremental cost is -- it is so common in the utility  
10 industry.

11 MR. LUSK: Might I suggest, Member Little,  
12 then instead we put in "the difference in the incremental  
13 cost."

14 CHMN STAFFORD: What?

15 MR. LUSK: "The difference in the  
16 incremental cost" because that doesn't make a judgment on  
17 what that cost difference is. If you want the word  
18 "incremental," that's my suggestion.

19 MEMBER LITTLE: "Difference in incremental  
20 cost" would mean that you're comparing two incremental  
21 costs and that you're looking at the difference between  
22 them. That's -- it's kind of meaningless.

23 CHMN STAFFORD: Well, I'm wondering if it  
24 shouldn't be --

25 MEMBER LITTLE: And you really don't need

1 the word "difference."

2 "In light of the incremental cost between"  
3 the cost of -- "between building" without even putting  
4 the other word "cost" in.

5 The way that I have heard it used in the  
6 industry would be to reflect this would be "In light of  
7 the incremental cost between building the project  
8 overhead compared to underground."

9 CHMN STAFFORD: I think it would be better  
10 in the reverse. "In light of the incremental cost of  
11 building the project underground compared to overhead."

12 Because that's -- because here's the cost  
13 of overhead, here's the cost of underground. And it's  
14 the -- I think we need to reverse it the other way and  
15 just "incremental cost," and that would cover the whole  
16 thing because that's what the evidence shows.

17 MEMBER LITTLE: Exactly right. That's  
18 exactly right. And leave the word "difference" out  
19 because "incremental" means difference and --

20 MS. HILL: The applicant --

21 CHMN STAFFORD: "Incremental" means  
22 additional cost, additional marginal cost. So it's like  
23 you need to reverse the order when you speak about it,  
24 because, like I said, it should be "In light of the  
25 incremental cost of building the project underground



1 compared to overhead the applicant requested a finding."

2 MEMBER LITTLE: Yes.

3 CHMN STAFFORD: I think that gets us to  
4 where we need to be.

5 MEMBER GOLD: I move that that verbiage be  
6 used.

7 CHMN STAFFORD: Wait -- have we -- have we  
8 moved this -- oh, yes, we're in discussion. I always --  
9 the discussions go on so long I forgot we did that.

10 Okay. So the motion is to amend Number 9  
11 so to say what I just said.

12 MEMBER GOLD: And all the lawyers were  
13 shaking their heads yes.

14 MR. LUSK: So we could just remove the word  
15 "difference;" is that right?

16 MS. HILL: So it's in light of the  
17 incremental --

18 CHMN STAFFORD: Right. And reverse the  
19 order.

20 All right. One at a time.

21 MEMBER LITTLE: Well, it actually should be  
22 "incremental cost of building the project overhead  
23 compared to underground."

24 CHMN STAFFORD: It should be reversed. "In  
25 light of the incremental cost of building the project

1 underground compared to overhead."

2 MEMBER LITTLE: Yes. Yes. Thank you.

3 CHMN STAFFORD: All right. Now I think  
4 that's a fair statement of what the applicant's position  
5 was in this case.

6 MEMBER GOLD: And the motion has been made  
7 to accept it.

8 Is it seconded?

9 CHMN STAFFORD: Is it seconded?

10 MEMBER DRAGO: 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: 9 has been amended.

18 Now we can move it as amended or --

19 MEMBER GOLD: I move Finding of Fact and  
20 Conclusion of Law Number 9 be amend -- be accepted as  
21 amended.

22 MEMBER MERCER: Second.

23 MEMBER DRAGO: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

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

2 (A chorus of "ayes.")

3 MEMBER SOMERS: Mr. Chair. Mr. Chairman.

4 CHMN STAFFORD: The vote has been called  
5 for.

6 Did you vote opposed?

7 MEMBER SOMERS: I did not because I can't  
8 read the language. It's blurry.

9 CHMN STAFFORD: I'll read it to you.

10 MEMBER SOMERS: Thank you.

11 CHMN STAFFORD: All right. "In light of  
12 the incremental cost of building the project underground  
13 compared to overhead, the applicant requested a finding  
14 from this Committee that any local ordinance or plan that  
15 would require underground construction of the project was  
16 unreasonably restrictive and that compliance therewith is  
17 infeasible in light of the technology available pursuant  
18 to A.R.S. Section 40-360.06(D).

19 MEMBER SOMERS: Thank you, Chair. I  
20 appreciate that. I'll vote "aye."

21 CHMN STAFFORD: Okay. Opposed?

22 MEMBER RICHINS: I vote "nay."

23 CHMN STAFFORD: I didn't hear you, Member  
24 Richins.

25 MEMBER RICHINS: "Nay."

1 CHMN STAFFORD: "Nay." Okay.

2 Well, the count of the vote is 8-4 -- 8-1,  
3 8 in favor, 1 opposed.

4 Finding of Fact and Conclusion of Law of  
5 Number 9 is adopted as amended.

6 All right. Where are we at now? Well,  
7 we're at the 90-minute mark. We will take a hopefully  
8 brief recess. Five to 10 minutes. Maybe 10. I think  
9 the court reporter needs more than five.

10 But and then we'll come back. And then we  
11 will we have --

12 MEMBER RICHINS: Nine.

13 CHMN STAFFORD: Nine or 10 more Findings of  
14 Fact and Conclusions of Law to make it through until  
15 we're done with that portion. And then we have to move  
16 on to the maps and exhibits. But we are getting close.

17 With that, we stand in recess.

18 (Recess from 12:50 p.m. to 1:28 p.m.)

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

21 Okay. We had adopted Finding of Fact and  
22 Conclusion of Law Number 9 as admitted. Now we are on to  
23 Number 10.

24 MEMBER LITTLE: Mr. Chairman, I move  
25 Number 10 so that we can begin discussion.

1 MEMBER HILL: Second.

2 CHMN STAFFORD: All right. Number 10,  
3 let's ask the City and Underground Arizona if this  
4 accurately describes their position.

5 MR. LUSK: The City would agree that it  
6 does reflect our position.

7 CHMN STAFFORD: Mr. Dempsey.

8 MR. DEMPSEY: Yes, you just need to fix  
9 where it says "its." It should say the City's. But,  
10 yes.

11 MR. LUSK: If that makes it more clear I'm  
12 fine with that.

13 CHMN STAFFORD: Which line are you talking  
14 about?

15 MR. DEMPSEY: 1.

16 MEMBER LITTLE: Oh, that is correct.

17 MR. DEMPSEY: I wish we had ordinances.

18 MR. LUSK: Line 9 I think is the --

19 MS. GRABEL: 9. So you could just delete  
20 "its."

21 CHMN STAFFORD: Right, and it says are  
22 reasonably restrictive, would it be better to say are not  
23 unreasonably restrictive?

24 MEMBER LITTLE: Please.

25 MR. LUSK: I'm sorry, say that one more

1 time, Chairman.

2 CHMN STAFFORD: Okay. It says "and that  
3 the local ordinances are reasonably restrictive."  
4 Wouldn't it be better to say are unreasonably  
5 restrictive?

6 MR. LUSK: We're fine with that, Chairman.  
7 I was trying to avoid a double negative just for personal  
8 preference.

9 MS. GRABEL: And just for a reminder to the  
10 Committee, 10 and 11 were the paragraphs that we crafted  
11 in the room yesterday.

12 CHMN STAFFORD: Okay. Well, I'm fine with  
13 10 as it is, then.

14 MEMBER LITTLE: Mr. Chairman.

15 CHMN STAFFORD: Yes, Member Little.

16 MEMBER LITTLE: I would really like to see  
17 it changed as you suggested, not unreasonably  
18 restrictive. Reasonably restrictive, I don't know, that  
19 just sounds awkward to me.

20 However, I will only suggest that if it is  
21 okay with the parties.

22 MR. LUSK: Member Little, the City's fine  
23 with that.

24 CHMN STAFFORD: All right. 10 has been  
25 moved and seconded. Is our amendment on the floor?

1 MEMBER LITTLE: I so move.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Thank you, Member Mercer.

4 The amendment is to change it from "reasonably  
5 restrictive" to "not unreasonably restrictive."

6 Further discussion?

7 MR. ANCHARSKI: Chairman, just -- just  
8 clarification, this is Mr. Ancharski over here. You did  
9 remove "its."

10 CHMN STAFFORD: And "its."

11 MR. ANCHARSKI: We discussed that. But  
12 removed it.

13 CHMN STAFFORD: That was part of your  
14 amendment, too, Member Little. Wasn't it?

15 MEMBER LITTLE: Yes. Oh, yes.

16 CHMN STAFFORD: Okay. Excellent. All  
17 right. The amendment is moved and seconded. Further  
18 discussion?

19 All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, the condition  
24 amendment carries.

25 Can someone move Number 10 as amended?

1 MEMBER MERCER: So moved.

2 MEMBER GOLD: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Finding of  
10 Fact, Conclusion of Law 10 as amended is adopted.

11 Number 11. And this is the language that  
12 the City and TEP agreed to after their discussions  
13 yesterday; correct?

14 MS. GRABEL: That is correct, subject to a  
15 later e-mail we received from the City and I'll let the  
16 City speak to that first.

17 MR. LUSK: And we just want to state on the  
18 record, Mr. Chair, that the concern that the City has  
19 with the language is that in -- let me refer to the  
20 line -- appropriate line number. Where it's talking  
21 about, oh, line 14, 15, that any local ordinance or plan  
22 that requires TEP to incur an incremental cost to  
23 construct the project, I think the concern is is that the  
24 Commission and/or parties going forward may take that as  
25 that if any utility has to incur any cost to underground



1 then it's unreasonable, then for compliance with code or  
2 whatever, that it'll be unreasonably restrictive and/or  
3 technologically infeasible. And we would just want to  
4 state on the record that that's not our position.

5 CHMN STAFFORD: It's only TEP that we're  
6 talking about here.

7 MR. LUSK: Correct.

8 CHMN STAFFORD: When it comes to the  
9 undergrounding of any of the attachers, whatever,  
10 that's --

11 MR. LUSK: No, no we're not talking  
12 about -- we're not talking about joint-use attachers or  
13 anything like that. We want to make sure that for the  
14 record everybody understands the City's position is  
15 that -- that the City's position is is that any local  
16 ordinance that may require a utility to incur a cost to  
17 comply with its law is not unreasonably restrictive or  
18 makes it -- does not make it technologically infeasible,  
19 and I'm fine with just stating that on the record.

20 CHMN STAFFORD: Okay. Yeah, because like,  
21 my understanding is it's all about the incremental costs  
22 of undergrounding as opposed to overhead, and that's it.  
23 And it's not just -- it's the fact as to how that is paid  
24 for. If there's -- that's the point, that's kind of the  
25 conditional finding we're talking about here. So

1 that's -- everybody agrees on that; correct?

2 MR. LUSK: Well, and what our position is  
3 is that, again, that just stating it for the record that  
4 that is not the definition of feasibility.

5 CHMN STAFFORD: Okay. So --

6 MR. LUSK: So that's where our disagreement  
7 is and we understand that.

8 CHMN STAFFORD: All right. Okay. But  
9 you're not suggesting we change the language; correct?

10 MR. LUSK: Not at this time, no.

11 CHMN STAFFORD: Okay. Well, it's speak now  
12 or forever hold your peace.

13 MR. LUSK: Well, I think we reserved our  
14 right for judicial review.

15 CHMN STAFFORD: Right, and that was  
16 expressed in the prior finding.

17 MEMBER RICHINS: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Richins.

19 MEMBER RICHINS: We've been editing the  
20 letters "TEP" to "the applicant". Do we want to continue  
21 that form in this paragraph?

22 CHMN STAFFORD: I think -- I did  
23 double-check that and it says applicant or TEP in the  
24 paragraph. I think in a lot of cases it make sense to do  
25 applicant, but this case since we're talking about

1 multiple parties and stuff, it's shorter to put TEP. I  
2 think it works for this one.

3 MEMBER HILL: Mr. Chair, I move approval of  
4 fact -- Findings of Fact 11.

5 MEMBER LITTLE: 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, Finding of  
13 Fact and Conclusions of Law Number 11 is adopted.

14 On to Number 12.

15 MEMBER LITTLE: Mr. Chairman, I move  
16 Finding of Fact and Conclusion of Law Number 12.

17 MEMBER HILL: Second.

18 CHMN STAFFORD: Further discussion?

19 MR. LUSK: Mr. Chair.

20 CHMN STAFFORD: Mr. Lusk.

21 MR. LUSK: In consistency with the  
22 Committee's prior determination on the previous, I'm  
23 wondering if it might be just helpful to -- just use the  
24 last sentence of that. I don't think anything else is  
25 necessary. Or it is already been discussed, I guess.

1 CHMN STAFFORD: It's just quoting statute.  
2 I'm fine leaving it in there. Members? Preferences?

3 MEMBER KRYDER: I think it's fine where it  
4 is, Mr. Chairman.

5 CHMN STAFFORD: All right. It has been  
6 moved and seconded.

7 All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Finding of  
12 Fact and Conclusions of Law Number 12 is adopted.

13 MEMBER MERCER: Mr. Chairman, I move  
14 Finding of Fact and Conclusions of Law Number 13.

15 MEMBER GOLD: Second.

16 CHMN STAFFORD: Further discussion?

17 MEMBER LITTLE: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: 13 as always bothered me.

20 The word "aids" implied increases or makes the adequate  
21 economical and reliable supply of electric power better.

22 And we have no way of knowing whether any project aids  
23 the southwestern region of the United States.

24 The studies -- what the studies show is  
25 that the addition of a project, if the studies are done

1 properly, the addition of the project does not negatively  
2 affect the grid. That's what they're intended to do.

3 I would like to see the language changed,  
4 and once again I would like to reiterate that TEP with  
5 this project has followed the process and the procedure  
6 and all of the study avenues open to it, and the western  
7 grid, just exactly as it should have. And for that they  
8 are to be commended.

9 But I would like to see that language  
10 changed to "the project aids TEP and the state in meeting  
11 the need for an adequate economical and reliable supply  
12 of electric power and will not negatively affect the  
13 regional electric systems."

14 Because I believe that's what we know.

15 MEMBER HILL: If that's a motion I will  
16 second that. I think it's a much better wording and  
17 directly applies to the project.

18 MEMBER KRYDER: I would second that  
19 amendment.

20 CHMN STAFFORD: All right. Further  
21 discussion on the amendment? Do you need a minute to get  
22 that, Mr. Ancharski?

23 MEMBER DRAGO: Mr. Chairman.

24 Yes, Member Drago.

25 MEMBER DRAGO: Member Little, I

1 thought you were headed down the road of replacing  
2 the project "aids," and maybe put "contributes."

3 MEMBER LITTLE: Well, "contributes" we  
4 still know -- I mean the testimony and the record has  
5 shown that TEP needs this project. And that by  
6 installing this -- building this project, it is  
7 definitely going to increase the reliability, the  
8 economics, the adequacy of their system. I believe they  
9 have shown that in the record.

10 And by extension, because the utilities of  
11 our state and in the immediate area are affected by the  
12 strength of each other, I believe that I -- I know as a  
13 fact that it will also increase or aid or contribute to  
14 the -- those things for the state also.

15 I also know because of the regional studies  
16 that this project has been included in WECC, West  
17 Connect, SWAT, that it will do no harm, that there will  
18 not be any overloads, any voltage or any -- any problems  
19 caused by installing this system, which is what the  
20 purpose of those studies is.

21 So I just don't think that we can say that  
22 the project contributes to the southwest region or the  
23 western grid because those studies are not intended to  
24 show us that. They're intended to show that there will  
25 be no issues.

1 And if the company feels differently I  
2 would like to hear what they have to say.

3 MEMBER DRAGO: Thank you, Member Little.

4 CHMN STAFFORD: Ms. Grabel.

5 MS. GRABEL: We agree with you, Member  
6 Little. We think that's a more accurate and precise  
7 depiction of what the project is doing.

8 MEMBER GOLD: Mr. Chairman.

9 CHMN STAFFORD: Member Gold.

10 MEMBER GOLD: I think 13 and 14 say almost  
11 the same thing.

12 MEMBER LITTLE: 14 just talks about the  
13 state. It does not talk about the region or the western  
14 grid.

15 MEMBER HILL: It underscores the importance  
16 of the conditions. That's how I see 14 being a little  
17 bit different.

18 MEMBER LITTLE: Right. And it also talks  
19 about safety and -- safety.

20 MEMBER GOLD: I think we can easily combine  
21 13 and 14 into one sentence.

22 CHMN STAFFORD: Perhaps, but I would  
23 suggest we do that in a different hearing that hasn't  
24 lasted two weeks.

25 MEMBER GOLD: Then I retract my statement.

1 MEMBER LITTLE: Thank you.

2 CHMN STAFFORD: I think it could be some  
3 wordsmithing, but I think another time would be better  
4 suited, that's all.

5 MEMBER LITTLE: Yeah, I just wanted to make  
6 that change in this one because I believe so strongly  
7 that TEP has followed, has done everything they should do  
8 when it comes to system studies. And that they have  
9 shown these things very strongly.

10 CHMN STAFFORD: So do we have an  
11 amendment -- this is an amendment that's been seconded;  
12 correct?

13 MEMBER HILL: Correct.

14 CHMN STAFFORD: Is there further discussion  
15 on the amendment?

16 All in favor say "aye."

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, the amendment  
21 is passed.

22 MEMBER KRYDER: Mr. Chairman.

23 MEMBER GOLD: I move amendment 13 be  
24 accepted or be moved forward, however you're supposed to  
25 do it.



1 CHMN STAFFORD: As amended.

2 MEMBER GOLD: As amended.

3 CHMN STAFFORD: Yes.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion, Member  
6 Kryder?

7 MEMBER KRYDER: Only to say that we're  
8 still two hours off of the 10 days.

9 CHMN STAFFORD: Thank you for that astute  
10 observation, Member Kryder.

11 All in favor say "aye."

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Finding of  
16 Fact and Conclusions of Law Number 13 as amended is  
17 adopted.

18 MEMBER GOLD: I move Finding of Fact and  
19 Conclusions of Law for Number 14.

20 MEMBER MERCER: Second.

21 MEMBER LITTLE: Second.

22 CHMN STAFFORD: Further discussion?

23 All in favor say "aye."

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Finding of  
3 Fact and Conclusion of Law Number 14 is adopted.

4 Number 15.

5 MEMBER GOLD: I move 15 be adopted.

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, Finding of  
14 Fact and Conclusions of Law Number 15 is adopted.

15 MEMBER GOLD: I moved 16 be adopted.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

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

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, Finding of  
24 Fact and Conclusions of Law Number 16 is adopted.

25 Number 17.

1 MEMBER GOLD: For the sake of brevity I  
2 moved 17 be adopted.

3 MEMBER MERCER: 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, Finding of  
11 Fact and Conclusions of Law 17 is adopted.

12 MEMBER GOLD: Your turn.

13 CHMN STAFFORD: Number 18.

14 MEMBER MERCER: I move Finding of Fact and  
15 Conclusions of Law Number 18.

16 MEMBER GOLD: Second.

17 CHMN STAFFORD: Thank you. Thank you,  
18 Member Gold, for the second.

19 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, Finding of

1 Fact and Conclusions of Law Number 18 is adopted.

2 Number 19.

3 MEMBER LITTLE: Mr. Chairman, I move 19.

4 MEMBER GOLD: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Finding of

12 Fact and Conclusions of Law Number 19 is adopted.

13 On to Exhibit A.

14 MEMBER RICHINS: Wait, Chairman, is it

15 still July or is it August already? I'm trying to --

16 we've been here a while.

17 MEMBER SOMERS: I was thinking the same

18 thing.

19 CHMN STAFFORD: 2025? What year is it?

20 MEMBER RICHINS: You don't have to write my

21 jokes down. You don't.

22 THE COURT REPORTER: Yes, I do.

23 MEMBER RICHINS: Just when I swore earlier,

24 strike that.

25 CHMN STAFFORD: Okay. All right. This

1 will be Exhibit A. This is the map that accompanied the  
2 application that shows all the potential routes proposed  
3 by the applicant.

4 MEMBER GOLD: I move Exhibit A be adopted.

5 MEMBER MERCER: Second.

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: Now, here comes the tricky  
12 part. Exhibit B.

13 MEMBER HILL: A new Exhibit B?

14 CHMN STAFFORD: Yes, they haven't pulled it  
15 up yet here.

16 MEMBER GOLD: Where's B --

17 CHMN STAFFORD: I saw Mr. Bryner waving a  
18 paper copy around earlier.

19 MR. BRYNER: It's done.

20 MS. GRABEL: We have it. It's been  
21 amended.

22 CHMN STAFFORD: I think it's on our --  
23 okay. It's the big breakdown with the corridors.

24 So the first part, this is the B-4 map;  
25 correct?

1 MS. GRABEL: Yes. Correct.

2 CHMN STAFFORD: Okay. And this one is  
3 entirely correct, we've covered this one, this is the one  
4 we looked at at the hearing and had all the correct  
5 corridor widths.

6 MEMBER DRAGO: Mr. Chairman.

7 CHMN STAFFORD: Yes.

8 MEMBER DRAGO: For the record, it may have  
9 been talked about some period over the past two weeks.  
10 But the squares, numbered 1 through 9, explain the  
11 significance of the square box.

12 MR. BRYNER: Yeah. I'd be happy to take  
13 your question, Member Drago. So those are simply, that's  
14 an index map. So each of those 1 through 9 refer to the  
15 subsequent pages that are details of those portions.

16 MEMBER DRAGO: Thank you.

17 CHMN STAFFORD: All right. And then there  
18 is, this is the first section for B-4. I guess we can --  
19 do we want to do this by itself first and then D, 1, and  
20 1.2? It is all part of Exhibit B.

21 MEMBER GOLD: Can we just do them all at  
22 once?

23 CHMN STAFFORD: We can, so I think we've  
24 looked at the first 10 pages and they reflect it  
25 accurately. Let's go on to -- the next one is going to

1 be D. Yes. This is D. Correct?

2 MS. GRABEL: That is correct.

3 CHMN STAFFORD: Okay. And I believe --  
4 what was the discrepancy was for --

5 MEMBER HILL: Map 4.

6 CHMN STAFFORD: Right there, both those  
7 two.

8 MS. GRABEL: And you'll see in the orange  
9 the corridor has now been expanded to include both Lester  
10 and Ring.

11 CHMN STAFFORD: Excellent. And then we  
12 have -- so that -- and this is D, 1, and 1.2; correct?

13 MS. GRABEL: That's correct.

14 CHMN STAFFORD: All right. I'll entertain  
15 a motion to adopt Exhibit B.

16 MEMBER HILL: Motion to adopt Exhibit B.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 MEMBER KRYDER: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Kryder.

21 MEMBER KRYDER: Does this address the  
22 issues that Banner raised? I'm not quite clear what I'm  
23 looking at up there. Go through and give me a minute or  
24 so of that issue around Lester Street and the Circle  
25 Drive or whatever.

1 CHMN STAFFORD: Yes. That was right there.

2 It's -- there's Lester and then there's Ring Drive.

3 MEMBER KRYDER: Ring Drive, not Circle

4 Drive. Thank you.

5 CHMN STAFFORD: Right, and the Committee

6 decided to have -- the corridor should be wide enough to

7 allow them to construct on either of those roads,

8 recognizing the fact that it would be difficult and

9 create delays to pursue a route along Ring Road.

10 But that was not -- but that was not

11 foreclosed by the corridor. The corridor would allow it

12 even though it would be impractical to do so.

13 MEMBER KRYDER: Thank you.

14 Ms. De Blasi, does that address the issues

15 for Banner to you?

16 CHMN STAFFORD: No, it does not. She --

17 MS. DE BLASI: No, it exacerbates them, and

18 we had understood that TEP was in agreement to make the

19 corridor on the -- the 100 feet on Lester Road which

20 apparently they retracted. So Banner will do what

21 Banner's going to do.

22 MEMBER KRYDER: Thank you.

23 MS. GRABEL: Just for the record, Chairman.

24 Ms. De Blasi, we certainly didn't retract

25 our interest in pursuing Lester. We just reflected this



1 Committee's interest in allowing both. But we are  
2 certainly pursuing the one that will not result in  
3 condemnation action.

4 MS. DE BLASI: Understood. Understood.

5 CHMN STAFFORD: The point was the Committee  
6 was not going to foreclose that option through the  
7 corridor. The corridor would allow it whether or not the  
8 utility chooses to pursue it. That was the point that  
9 I -- that's what I thought we all agreed on.

10 MEMBER KRYDER: Thank you, Mr. Chairman.  
11 That was my question.

12 CHMN STAFFORD: All right. So Exhibit B  
13 has been moved 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, Exhibit B is  
20 adopted. All right. Now we are ready to move on to vote  
21 on the CEC as a whole. Member Kryder.

22 MEMBER KRYDER: Yes.

23 CHMN STAFFORD: Member Mercer.

24 MEMBER MERCER: Yes.

25 CHMN STAFFORD: Member Gold.

1 MEMBER GOLD: Yes.

2 CHMN STAFFORD: Member Drago.

3 MEMBER DRAGO: Yes.

4 CHMN STAFFORD: Member Hill.

5 MEMBER HILL: Yes.

6 CHMN STAFFORD: Member Richins.

7 MEMBER RICHINS: Yes.

8 CHMN STAFFORD: Member Somers.

9 MEMBER SOMERS: Yes.

10 CHMN STAFFORD: Member Little.

11 MEMBER LITTLE: Mr. Chairman, I am going to

12 get a bit gushy here and say that I cannot thank the

13 applicant enough for how well they -- what a good job

14 they did and how well they pursued or presented all of

15 this. It was a difficult project. And they led us

16 through it. And I really appreciate that.

17 I also want to thank the intervenors.

18 Without you guys we would not have been able to do this,

19 and I really appreciate your time and the information

20 that you presented, and with that I vote aye.

21 CHMN STAFFORD: And I vote aye. By a vote

22 of nine to zero, the certificate is granted.

23 MEMBER LITTLE: Yay.

24 CHMN STAFFORD: I would like to --

25 MEMBER LITTLE: Champagne. Champagne.

1 CHMN STAFFORD: I would like to thank the  
2 parties for their endurance in putting up with this, in  
3 getting us through this hearing. It took the full two  
4 weeks. This is the longest CEC hearing I've ever been  
5 to. I think that's the case for most of us here.

6 But I appreciate everyone's patience and  
7 their continued effort to work together on this. And I  
8 look forward to the -- to seeing this project come to  
9 fruition and to the improvement of the grid here in  
10 Tucson.

11 And I would also like to get a motion for  
12 me to correct scrivener's errors and typos and whatever.

13 MEMBER HILL: So moved.

14 MEMBER DRAGO: 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: Motion carries.

20 Member Richins, I believe you had --

21 MEMBER RICHINS: Mr. Grant -- maybe a

22 quick --

23 CHMN STAFFORD: Go ahead.

24 MEMBER RICHINS: I don't know if many of  
25 you that have been around for a while, Michael Grant was

1 a long time in front of this Committee. He passed away  
2 yesterday.

3 MS. GRABEL: Oh no.

4 MEMBER RICHINS: He was the host of Horizon  
5 and appeared many times before the Corporation  
6 Commission, and I just wanted to note his passing, and  
7 the significant contribution he made to this industry and  
8 the State and political dialogue, civil political  
9 dialogue, in Arizona. And so I just wanted to recognize  
10 him on the record before we concluded.

11 CHMN STAFFORD: Thank you. He was a class  
12 act and he will be missed.

13 MS. GRABEL: Mr. Chairman, may I also --  
14 this feels horrible after hearing about Mike. But TEP,  
15 the Meghans really want to thank you guys from the bottom  
16 of our hearts. I know it's been two weeks, it's been  
17 hot, it's been tiring.

18 But we are so impressed by the way that you  
19 really took the time and effort to understand the routes,  
20 to understand the impacts, to make recommendation that  
21 improved our recommendations, and, I mean, it's been long  
22 but we are very grateful to each and every one of you for  
23 the time that you took, so thank you all. This Committee  
24 does not get enough attention and gratitude for the very  
25 hard work that you do, so thank you. Thank you.

1 CHMN STAFFORD: Thank you.

2 MS. GRABEL: And thank you, Jennifer, and  
3 thank you, A/V Team.

4 MEMBER LITTLE: Yes, yes, absolutely.

5 MR. LUSK: And the City would reiterate  
6 that as well. We appreciate the time and energy that you  
7 put into reviewing all the matters and this was a  
8 complicated case, and we appreciate you taking that time.

9 CHMN STAFFORD: We really appreciate the  
10 City coming in and giving us its perspective and its  
11 efforts to work with the utility and to try to push  
12 forward to get past this whatever impasse may have been  
13 in the past. I look forward to you working together and  
14 making this project happen.

15 And to Underground Arizona, Mr. Dempsey,  
16 thank you for your input.

17 MR. DEMPSEY: Thank you.

18 CHMN STAFFORD: Ms. De Blasi, you as well.  
19 We appreciate when parties come and contribute to the  
20 process.

21 MEMBER DRAGO: Mr. Lusk.

22 MR. LUSK: Yes, Member Drago.

23 MEMBER DRAGO: Thank you for teaching me  
24 what a chicane and a stravenue is. I've learned  
25 something new.

1 MR. LUSK: You're quite welcome, Member  
2 Drago. Thank you.

3 CHMN STAFFORD: Anything further?

4 MEMBER HILL: Mr. Chair, I do want to  
5 acknowledge all of the public input we've had, and how  
6 much individuals have stuck with us throughout the week,  
7 throughout the two weeks.

8 I really appreciate public engagement. I  
9 mean, I'm a relatively new member but I think this might  
10 be the largest amount of public engagement that we've  
11 ever had. A lot of what we do is under the radar. It's  
12 really nice when residents and community leaders can come  
13 talk to us about what they need in these projects. So I  
14 want to thank you those folks too.

15 MEMBER LITTLE: Absolutely. Absolutely.

16 CHMN STAFFORD: Well, thank you everyone.  
17 With that, we are adjourned.

18 (Proceedings concluded at 1:58 p.m.)  
19  
20  
21  
22  
23  
24  
25

1 STATE OF ARIZONA )  
 )  
2 COUNTY OF MARICOPA )

3 BE IT KNOWN that the foregoing proceedings were  
4 taken before me; that the foregoing pages are a full,  
5 true, and accurate record of the proceedings, all done to  
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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, July 25, 2024.

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17  
18 

19 \_\_\_\_\_  
20 JENNIFER HONN, RPR  
21 Arizona Certified Reporter  
22 No. 50885

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