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BEFORE THE ARIZONA POWER PLANT

AND TRANSMISSION LINE SITING COMMITTEE

In the matter of the Application) DOCKET NO.
of Tucson Electric Power Company,) L-00000C-21-0288-00192
in conformance with the)
requirements of A.R.S. § 40-360,) LS CASE NO. 192
et seq., for a Certificate of)
Environmental Compatibility)
authorizing the Kino to)
DeMoss-Petrie 138 kilovolt (kV))
Transmission Line Project, which)
includes the construction of a)
new 138 kV transmission line)
originating at the existing Kino)
Substation (Section 30, Township)
14 South, Range 14 East), with)
an interconnection at the planned)
Vine Substation (Section 06,)
Township 14 South, Range 14)
East), and terminating at the)
Existing DeMoss-Petrie Substation)
(Section 35, Township 13 South,)
Range 13 East), each located)
within the City of Tucson, Pima) STATUS HEARING
County, Arizona.)
_____)

At: Phoenix, Arizona
Date: January 12, 2022
Filed: January 18, 2022

REPORTER'S TRANSCRIPT OF PROCEEDINGS

COASH & COASH, INC.
Court Reporting, Video & Videoconferencing
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By: Carolyn T. Sullivan
Arizona CR No. 50528

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 1:06 p.m. on the 12th of
5 January, 2022, with all participants appearing via
6 videoconference.

7

8 BEFORE: PAUL A. KATZ: Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 OSBORN MALEDON, P.A.
13 Ms. Meghan H. Grabel
14 2929 North Central Avenue
21st Floor
Phoenix, Arizona 85012

15 and

16 TUCSON ELECTRIC POWER COMPANY
17 Ms. Megan Hendrickson
88 East Broadway Boulevard
Tucson, Arizona 85701

18

19 POTENTIAL INTERVENORS:

20 For Sam Hughes Neighborhood Association, Inc.:

21 JACKSON & ODEN, P.L.C.C.
22 Mr. Todd Jackson
1670 East River Road
Suite 260
23 Tucson, Arizona 85713

24

25

1 POTENTIAL INTERVENORS: (Cont.)

2 For Banner University Medical Center Tucson Campus,
3 L.L.C., and Banner Health:

4 LEWIS ROCA ROTHGERBER CHRISTIE LLP
5 Mr. Stanley B. Lutz
6 201 East Washington Street
7 Suite 1200
8 Phoenix, Arizona 85004

9 For City of Tucson:

10 OFFICE OF THE TUCSON CITY ATTORNEY
11 Mr. Roi Lusk
12 Mr. Michael Rankin
13 Civil Division
14 255 West Alameda
15 Tucson, Arizona 85701

16 For the Arizona Corporation Commission:

17 Mr. Max G. Carpinelli
18 Staff Attorney
19 Legal Division
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 ALSO PRESENT:

23 Mr. Erik Bakken, Vice President, TEP
24 Mr. Todd Hixon, Vice President and
25 General Counsel, UNS Energy Corporation
26 Mr. Eric Raatz, Manager, Operations Planning, TEP
27 Mr. Ed Beck, Consulting General, Energy Resources
28 Mr. Andrew Smith, Arizona Corporation Commission
29 Mr. Tod Brewer, Assistant to Chairman Katz

1 CHMN. KATZ: I do understand that the parties, I
2 believe, are all in agreement that this matter is not
3 ready for a hearing on February 7th. I know the City and
4 TEP have been engaged in settlement negotiations, and the
5 last representation in writing to me was that they wanted
6 to expand those negotiations to include all of the other
7 parties. And I see two ways of possibly doing that:

8 One is to continue the matter like we did from
9 September to -- my allergies are terrible. I apologize.
10 Either continuing it, or I believe Ms. Grabel has
11 indicated that TEP may withdraw its application and
12 refile it at a later date.

13 So what are your thoughts right now on behalf of
14 TEP, Ms. Grabel?

15 MS. GRABEL: Thank you, Chairman Katz.

16 Right now, TEP's suggestion is that we do go
17 ahead and withdraw the application, possibly keep the
18 docket open so that we can refile it in time to have a
19 hearing in late July. I believe that Tod has reserved a
20 couple of weeks beginning July 25th, I think, for a
21 new -- or maybe it's July 26th -- for a new two-week
22 hearing.

23 Our hope is that we will be able to reach some
24 sort of consensus with the parties and that will result
25 in a material modification to the application, which is

1 why it probably makes sense to just withdraw the pending
2 one and refile at a later time with whatever the new
3 provisions are.

4 CHMN. KATZ: And I would be hopeful that I
5 somehow could enter an order allowing you to withdraw the
6 matter without prejudice to be able to refile it under
7 the same docket number because I would hate to have a new
8 docket number assigned with all of the documents the
9 parties might still be wanting to rely upon down the
10 road.

11 MS. GRABEL: I agree with you, Chairman Katz.
12 I've actually reached out to Docket Control, and they can
13 do that. And so I plan to file a motion to withdraw.
14 I'm going just to include in the motion a statement that
15 we would like to keep the docket open in the matter
16 pending for future filing.

17 CHMN. KATZ: Right. And even though we could
18 possibly do that orally, I think it's better to get a
19 written motion and then for us to enter an order that the
20 matter is withdrawn without prejudice to refile.

21 And we can set aside a tentative date in July.
22 We're booked -- I'm trying to not hold more than one of
23 these a month, and I got a bit presumptuous because of
24 scheduling issues. My next hearing was set for January
25 18th, and the Sierra Club, a neighborhood association,

1 and another environmental group belatedly intervened and
2 wanted more time. I wasn't inclined to give it to them
3 because Sierra Club had been aware of what was going on
4 since last August. But needless to say, I already set
5 that matter for two weeks beginning February the 7th.

6 So unless we have major disagreement -- is there
7 any disagreement between any of the lawyers that objects
8 to the withdrawal of the matter so settlement
9 negotiations can continue and the matter hopefully gets
10 refiled with at least a partial, if not a total
11 agreement? And we then would have a three- or four-day
12 hearing rather than a two-week hearing. But are there
13 any objections to Ms. Grabel filing that motion to
14 withdraw?

15 MR. RANKIN: Mr Chair, I'll go first. On behalf
16 of the City of Tucson, there's no objection. And, to the
17 extent a written motion follows this request, then I
18 authorize the filer to note the City's no objection to
19 the withdrawal and keeping the docket open.

20 CHMN. KATZ: That's fine. I appreciate that
21 courtesy.

22 Anybody from the neighborhood association,
23 counsel, Mr. Jackson?

24 MR. JACKSON: Mr. Chairman, I don't expect that
25 we will be objecting to keeping the docket open. It's

1 not something I've discussed specifically with my client,
2 but I at this point don't expect that we would have a
3 problem with keeping that docket open. Obviously, our
4 position hasn't changed. We're opposed to it being
5 granted without the undergrounding condition. And
6 assuming that's not with prejudice, then I don't expect
7 that that would be a difficulty.

8 I would only ask this, that in terms of the
9 rescheduling, if we could be included in that discussion
10 so that I can make sure my witnesses are available in the
11 contemplated time period.

12 CHMN. KATZ: And that's fine. What I'd like to
13 do, though, is reserve a date. And the way things are
14 going -- I haven't taken a decent vacation in almost two
15 years. But we're booked solidly through June. We could
16 probably do this in July, and I want to try to keep
17 August and September open, even if we keep --
18 inconvenience a few folks. So it's too hard for me with
19 family in Iowa and family here and in L.A. to plan a
20 vacation right now, especially with COVID. Anyway,
21 enough from me.

22 What about Mr. Lutz, representing Banner Health?

23 MR. LUTZ: Mr. Chairman, Banner Health wouldn't
24 have any objection to the withdrawal of the application.
25 I don't anticipate they'd have any objection to keeping

1 the docket open.

2 Building on what Mr. Jackson said, I think the
3 only thing that I would like to see as part of an order
4 is that we have a sense of when the refiling would occur
5 so we know and we have time to prepare, if necessary, for
6 a hearing. If we wait till a week before the hearing and
7 we get a refiling, that's going to be somewhat
8 unreasonable. So not anticipating TEP would do that, but
9 I would like to see some certainty, I guess, so that we
10 know we're going to have adequate time to prepare, if
11 needed.

12 CHMN. KATZ: Right. And if we can agree right
13 now to a tentative date. But if you want to talk amongst
14 yourselves and you want to talk with Tod and get a
15 different date or time frame, that would be fine.

16 But I certainly would expect us, once we say --
17 if we do July 25th, I would want to have anything refiled
18 maybe 45 days or so before that date or whatever time
19 frame the parties might agree to because I don't want to
20 have a lot of things hanging out. I'd like to be able
21 to, 45 to 60 days before we reset it, to have that
22 application filed so everybody has their heads-up and
23 hopefully will have some significant agreements, even if
24 some of you respectfully agree to disagree.

25 Mr. Carpinelli, I don't know what the position

1 of the Corporation Commission is, but I'm assuming you
2 would have no objection to the parties' agreement to
3 continue the matter, and we'd like to keep the docket
4 open. And I don't know if the best way to rephrase it in
5 an order would be that the dismissal will be without
6 prejudice to refile under the same docket number, CEC
7 192.

8 MR. CARPINELLI: Yes. I think that all sounds
9 appropriate.

10 And the question for you, Mr. Chairman, is in
11 terms of the parties' positions, would you want the
12 parties to respond to the motion if they did not have
13 opposition of any sort just to have it in the record
14 or --

15 CHMN. KATZ: What would be the easiest for me is
16 for everybody to confer with Ms. Grabel. I'm going to go
17 ahead -- even though we don't have anything yet, I'm
18 going to vacate your hearing to be rescheduled. Or I can
19 just stand silent and do nothing. But I'd like you all
20 to confirm, if there is no objection, if all of the
21 parties have no objection to doing what has been
22 proposed, it would be good for Ms. Grabel to be able to
23 say that in her motion. That way I won't sit here
24 waiting for responses.

25 MR. CARPINELLI: Yeah. On behalf of the

1 Corporation Commission, we have no objection to the
2 motion to withdraw the current application and keep the
3 current docket open.

4 CHMN. KATZ: And just to protect ourselves, I
5 probably ought to issue some order that we did meet today
6 with the expectation that the petition will be withdrawn
7 without prejudice and reset in the future.

8 But what dates do we have available, Tod?

9 MR. BREWER: Mr. Chairman, we had previously
10 discussed the time frame of July 25th, I believe, to have
11 the hearing start, and we blocked off that week and the
12 following week.

13 CHMN. KATZ: So that would be the week of July
14 25th going into the first week of September?

15 MR. BREWER: Or August.

16 CHMN. KATZ: Yeah, I'm getting way ahead of
17 myself.

18 MS. GRABEL: That would be a long hearing.

19 CHMN. KATZ: That would be the first week of
20 August. Does that seem like -- I know that you need to
21 check with your clients and your witnesses, but does that
22 seem like a reasonable time frame?

23 I'm hearing no immediate objection. But if it
24 doesn't work, please try to get in touch with your
25 clients ASAP and communicate with each other and with

1 Ms. Grabel either by phone or email or whatever because
2 it would be easy to get that motion to withdraw filed. I
3 don't know if I need to enter an order vacating your
4 hearing yet. I think I can wait to get that motion to
5 withdraw. I don't think there's going to be any harm.

6 MS. GRABEL: I'll have that filed as soon as I
7 confer with the other parties, Mr. Chairman.

8 CHMN. KATZ: Does that sound okay,
9 Mr. Carpinelli, from the Corporation Commission's
10 perspective? Should I enter an order today or should we
11 just stand silent and hopefully get something within the
12 next week, a motion to withdraw?

13 MR. CARPINELLI: When is the current hearing?

14 CHMN. KATZ: It was set for February the 7th.

15 MR. CARPINELLI: If we get the motion this week,
16 I think that should be okay.

17 CHMN. KATZ: Okay.

18 MR. CARPINELLI: And maybe by indicating that
19 there's no objection by any other parties, could Your
20 Honor enter an order maybe within a week of that filing,
21 at least, so that it's on the record well before that?

22 CHMN. KATZ: As soon as we get it, I'll get
23 together with Tod and put something together that's
24 fairly simple and straightforward. But if there's any
25 problems, get in touch with Tod either by phone or email.

1 And if we all need to get together again before that
2 February date, we can. But I hope we can just simply
3 deal with this. And maybe in that motion, we can even
4 indicate that the parties have agreed that the matter
5 should be reset for two weeks beginning on July the 25th
6 and that the application will be filed no later than --
7 picking a date, whether it's 60 days beforehand or 45
8 days beforehand. But I'd like to see if you can all
9 agree so that it makes it real easy for me to enter an
10 order.

11 MR. CARPINELLI: As to that last point, I do
12 agree with Mr. Lutz that it would be good to have that
13 time frame in the order. And I'm trying to look up real
14 quick what is the code, at least, required. If we could
15 follow the procedure in the code as far as the hearing
16 and the filing timelines, I think that would be
17 appropriate.

18 CHMN. KATZ: I will attempt that we would do
19 that. I just want to make sure that if we're looking at
20 a July 25th date that we don't get an application filed
21 on July 15th.

22 MS. GRABEL: We'll follow the statutory
23 requirements. I can absolutely give you a date certain
24 that we can refile the application.

25 CHMN. KATZ: Right. But please get together as

1 soon as you can by phone, email, or otherwise. Or I can
2 get off -- well, you still need to talk with your
3 clients, so it's no use for me to leave you all on this
4 virtual hearing.

5 And I did hear Mr. Carpinelli calling me "Your
6 Honor." That's something that I had the privilege of for
7 almost 22 years on the Maricopa County Superior Court
8 bench. Now I'm just an X man, and you can call me
9 informally Paul; but on the record, you can say Mr. Chair
10 or whatever you're comfortable with, Mr. Chair or
11 Mr. Katz. But on a one-on-one basis, we can remain, at
12 least as far as I'm concerned, on a first-name basis.

13 And remember that casual -- business casual
14 attire at our hearing will be appropriate. No suits and
15 ties unless you feel that you need to impress somebody.

16 So, anyway, you guys have a healthy and happy
17 new year. Get back in touch with me if there are any
18 issues. But if I get an order that's consented to by all
19 of the parties -- I mean if I get a motion that's
20 consented to by all the parties, I'll issue an order
21 within a day or two.

22 MS. GRABEL: Perfect. Thank you very much,
23 Chairman.

24 CHMN. KATZ: Thank you all, and I hope that
25 you'll be able to work things out in a reasonable

1 fashion. But I also understand that as long as you show
2 each other respect, you're welcome to respectfully agree
3 to disagree.

4 Take care, and we'll be in touch. Bye-bye.

5 (The status hearing concluded at 1:20 p.m.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

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

9 I CERTIFY that I am in no way related to any of
10 the 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, this 17th day of
16 January, 2022.

17 

18 _____
19 CAROLYN T. SULLIVAN
20 Arizona Certified Reporter
21 No. 50528

22 I CERTIFY that COASH & COASH, INC., has complied
23 with the ethical obligations set forth in
24 ACJA 7-206(J)(1)(g)(1) through (6).

25 

_____ COASH & COASH, INC.
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