

1 BEFORE THE ARIZONA POWER PLANT LS-347
2 AND TRANSMISSION LINE SITING COMMITTEE
3 IN THE MATTER OF THE APPLICATION) DOCKET NO. TBA
4 OF TUCSON ELECTRIC POWER COMPANY,) L-00000C-24-0118-00232
5 IN CONFORMANCE WITH THE)
6 REQUIREMENTS OF A.R.S. § 40-360,) LS CASE NO. 232
7 ET SEQ., FOR A CERTIFICATE OF)
8 ENVIRONMENTAL COMPATIBILITY)
9 AUTHORIZING THE MIDTOWN)
10 RELIABILITY PROJECT, WHICH)
11 INCLUDES THE CONSTRUCTION OF A)
12 NEW 138 KV TRANSMISSION LINE)
13 ORIGINATING AT THE EXISTING)
14 DEMOSS-PETRIE SUBSTATION (SECTION)
15 35, TOWNSHIP 13 SOUTH, RANGE 13)
16 EAST), WITH AN INTERCONNECTION AT)
17 THE PLANNED VINE SUBSTATION)
18 (SECTION 06, TOWNSHIP 14 SOUTH,)
19 RANGE 14 EAST), AND TERMINATING)
20 AT THE EXISTING KINO SUBSTATION) PREFILING CONFERENCE
21 (SECTION 30, TOWNSHIP 14 SOUTH,)
22 RANGE 14 EAST), EACH LOCATED)
23 WITHIN THE CITY OF TUCSON, PIMA)
24 COUNTY, ARIZONA.)
25 _____)

15 At: Phoenix, Arizona
16 Date: May 21, 2024
17 Filed: May 30, 2024

18

19 REPORTER'S TRANSCRIPT OF PROCEEDINGS
20 (Pages 1 through 23)

21

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1	Project Map	5
2	Proposed Notice of Hearing Sign	5
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4	Draft Notice of Hearing	5

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 3:01 p.m. on May 21, 2024, with
5 all participants appearing via videoconference.

6

7 BEFORE: Adam Stafford, Chairman

8

9 APPEARANCES:

10 For the Applicant:

11 Meghan H. Grabel, Esq.
12 Elias Ancharski, Esq.
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16 Phoenix, Arizona 85012

17 and

18 Megan Hill
19 Tucson Electric Power Company
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23

24 ALSO PRESENT:

25

26 Clark Bryner, Project Manager
27 Adriana Martinez, Project Coordinator
28 Teresa Bravo, Government Relations
29 Tod Brewer, Assistant to Chairman Stafford

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

2 Now's the time set for the prefiling
3 conference for the TEP Midtown Reliability Project.

4 We'll start with appearances.

5 MS. GRABEL: Thank you, Mr. Chairman.
6 Meghan Grabel from Osborn Maledon on behalf of the
7 applicant Tucson Electric Power. With me from my firm is
8 my colleague Elias Ancharski. With me in-house at TEP is
9 their regulatory attorney Megan Hill. And their project
10 manager is Clark Bryner and Adriana Martinez -- sorry,
11 Adriana. I have to practice that like 20 times before I
12 say it, and I didn't do that this time.

13 CHMN STAFFORD: Okay. So there's going to
14 be a significant amount of public interest in this
15 project, then; correct?

16 MS. GRABEL: Yes, Mr. Chairman, there's
17 quite a bit of public interest in this project. We are
18 already aware of likely three intervenors.

19 And I'll mention that Teresa Bravo from the
20 company has also joined the call.

21 CHMN STAFFORD: Now, you've got a number of
22 prefiling exhibits?

23 MS. GRABEL: We do. I believe that we sent
24 you four prefiling exhibits.

25 The first is the project map which shows

1 the various alternative proposed segments including the
2 preferred route.

3 We have a proposed notice of hearing sign,
4 so that's the template that would be on the signs that
5 are used to advertise the notice of hearing.

6 The third is a map of where we intend to
7 place the notice of hearing signs. There's 20 scattered
8 throughout the project area.

9 And the fourth is a proposed notice of
10 hearing, and attached to that is a map that differs
11 slightly from what's in Exhibit 1 because it's
12 black and white and easier to print out in newspapers.

13 CHMN STAFFORD: Okay. All right.

14 Prefiling Exhibits 1 through 4 are admitted.

15 (Exhibits 1-4 were admitted.)

16 CHMN STAFFORD: Now, you sent the Word copy
17 already.

18 Now, you've be publishing this in the Daily
19 Star?

20 MS. GRABEL: We are. We will publish it in
21 the Daily Star.

22 We also intend to publish in the Arizona
23 Bilingual, which we're not sure is a newspaper of general
24 circulation, but it is well-read by members of, you know,
25 the Spanish-speaking community. And I think that the

1 Committee talked about it when we were in another hearing
2 recently.

3 CHMN STAFFORD: Okay. So what's the
4 anticipated file date, then?

5 MS. GRABEL: This Friday, May 24.

6 CHMN STAFFORD: And the publishing dates
7 would be?

8 MS. GRABEL: We're going to publish
9 sometime in June in the Arizona Bilingual. We'll publish
10 in the Arizona Daily Star on May 30st -- or 31st and
11 June 2nd. So it needs to appear twice by June 7th, so it
12 will.

13 CHMN STAFFORD: You said May 31st and
14 June 2nd or 7th?

15 MS. GRABEL: 2nd. 2.

16 CHMN STAFFORD: Okay. And what are the
17 affected jurisdictions?

18 MS. GRABEL: We believe we have five
19 affected jurisdictions. They are the City of Tucson, the
20 City of South Tucson, Pima County, the Arizona State Land
21 Department, and the Arizona Department of Transportation.

22 We also have the Pascua Yaqui Tribe within
23 the study area, but I don't believe they actually meet
24 the statutory definition of "affected jurisdiction." But
25 I want to note for the record that we're going to treat

1 them, you know, like any very active stakeholder and send
2 them all the notices that we would be sending the
3 affected jurisdictions as well.

4 CHMN STAFFORD: All right. So we're having
5 the hearing in Tucson at the -- what's the hotel?

6 MS. GRABEL: The DoubleTree by Hilton
7 Tucson at Reid Park.

8 CHMN STAFFORD: Okay. Is that the one we
9 were in before? It's a different one; right?

10 MS. GRABEL: Different one.

11 CHMN STAFFORD: Not as close to the
12 airport?

13 MS. GRABEL: Right.

14 CHMN STAFFORD: Excellent. All right.
15 We've got it booked for 10 days?

16 MS. GRABEL: Right. July 8 through
17 the 19th.

18 CHMN STAFFORD: And you think that it'll
19 take the whole 10 days?

20 MS. GRABEL: If the intervenors are as
21 active as we anticipate them to be, then yes, we do.
22 We're planning on it.

23 CHMN STAFFORD: So you said you anticipate
24 three intervenors?

25 MS. GRABEL: Potentially more. So we think

1 that the City of Tucson, if they don't intervene, we're
2 going to ask you to let them know they probably should
3 intervene because one of routes potentially conflicts
4 with one of their zoning ordinances.

5 Banner Hospital's counsel has already
6 reached out to me and indicated that she -- that Banner
7 intends to intervene.

8 Before -- about probably a month ago, Todd
9 Jackson, who's an attorney in Tucson and represented
10 several residents in the first iteration of this project,
11 reached out to me and asked about the hearing, so I
12 anticipate that he may also intervene.

13 And then potentially the University of
14 Arizona.

15 Those are the ones I think we know about.
16 There may be others, but, if so, we didn't -- they're not
17 on our radar.

18 CHMN STAFFORD: Right. I think, were there
19 homeowners associations that intervened last time?

20 MS. GRABEL: Yes.

21 CHMN STAFFORD: Okay.

22 MS. GRABEL: I think it was called the
23 Underground Coalition, I think.

24 (Reporter clarification.)

25 CHMN STAFFORD: Have you got the lodging

1 set up for the out-of-town Committee members?

2 MS. GRABEL: We do, at the same hotel in
3 which the hearing would be. The last day they can book a
4 room for the room block is June 8.

5 CHMN STAFFORD: I've already booked mine,
6 so.

7 MS. GRABEL: All right.

8 CHMN STAFFORD: Prepared. I think we're
9 probably going to do a tour on this one.

10 MS. GRABEL: We figured as much.

11 CHMN STAFFORD: So that'll save you the
12 money of doing a virtual tour.

13 MS. GRABEL: We'll probably still do both
14 because I think there's benefits both driving it and
15 seeing it from a Google perspective.

16 CHMN STAFFORD: Okay. And if you do do the
17 tour, and I assume we will do the tour, we'll do that on
18 that Tuesday the 9th.

19 MS. GRABEL: Okay.

20 CHMN STAFFORD: And, Tod, what's our
21 prehearing conference date?

22 MR. BREWER: We have that scheduled for
23 July 2 at three o'clock, Mr. Chairman.

24 CHMN STAFFORD: Okay. Now, I understand
25 that the TEP and the City of Tucson are in superior court

1 with a disagreement over an undergrounding ordinance. Is
2 that correct?

3 MS. GRABEL: It's a disagreement as to
4 whether or not one of their ordinances requires
5 undergrounding, correct.

6 CHMN STAFFORD: Okay. And what is the
7 status of that?

8 MS. GRABEL: They just had oral arguments
9 in that matter.

10 Megan, do you want to go ahead and address
11 this?

12 MS. HILL: Sure.

13 Mr. Chair, the status of that is that there
14 is an under advisement ruling pending by Judge Bryson on
15 three different things.

16 There are two pending motions for summary
17 judgment on the filed action -- dec actions, basically.

18 And then there is the pending ruling on the
19 statutory special action that we filed as well. The
20 statutory special action has to do with -- largely has to
21 do with whether the ordinance that the City claims
22 requires undergrounding actually applies to this project.

23 And then the dec actions are on the issues
24 of state law preemption and estoppel.

25 So we do anticipate that in the event that

1 the ruling on the special action is in our favor, we
2 anticipate that the City will appeal. And I can't
3 comment at this time on whether or not the company would
4 appeal that issue if the ruling were in the City's favor.

5 CHMN STAFFORD: Okay. So do you anticipate
6 a superior court decision by the time we go to hearing on
7 the application?

8 MS. HILL: I believe the 60th day, which is
9 Judge Bryson's deadline, is either the first or second
10 day of our hearing. And so Judge Bryson does tend to get
11 things out more quickly than maybe some others do. I
12 don't know that he'll wait until the 60th day. But I
13 don't think that we'll receive the ruling much -- too
14 much in advance. Maybe we'll get lucky and maybe we
15 will, but I don't necessarily think we will.

16 CHMN STAFFORD: Maybe you can share with
17 the Committee what the results of that are.

18 MS. HILL: Yes, of course we can,
19 Mr. Chairman. I mean, I think the question is how you
20 would like that shared, if you would like us to file it
21 in the docket and provide copies.

22 CHMN STAFFORD: Or you could just -- yeah,
23 as an exhibit probably.

24 MS. HILL: Okay. I mean, bearing in
25 mind -- and I'll let Ms. Grabel -- you know, obviously

1 what we are doing is -- whether or not the statute
2 actually applies is not really the issue that we're
3 asking the Committee to determine, although I know that
4 the court's ruling is obviously germane to the
5 Committee's understanding of the context. But, you know,
6 we are asking the court to exercise its jurisdiction
7 under 360.06.D in this situation.

8 So that -- that finding that we're asking
9 the Committee to make actually assumes in a lot of ways
10 that the ordinance does apply.

11 CHMN STAFFORD: And the portion of the --
12 it's only a portion of the line that the City would want
13 to underground? It's not the entire route; correct?

14 MS. GRABEL: I think so. We have several
15 segments, Mr. Chairman, and some of the segments don't
16 run through the gateway corridor. That's the ordinance
17 that the City believes requires undergrounding. Some of
18 them avoid that corridor altogether. In fact, I believe
19 our preferred route is outside of the gateway corridor.

20 CHMN STAFFORD: Okay. Yeah, because this
21 has got four routes for one segment and then six routes
22 for another segment, so.

23 MS. GRABEL: We studied this thing hard.

24 MS. HILL: Yeah. It's getting in and out
25 of that substation. So, you know, it, I mean, that

1 becomes the question. So but, yes, there are multiple
2 routes that do not go through the gateway corridor.

3 CHMN STAFFORD: And where is the gateway
4 corridor?

5 MS. GRABEL: We have exhibits -- I don't
6 think that you can see it on the map here. And maybe if
7 we can pull it up, we can, that denote where the gateway
8 corridor is in different colors. I don't know if that's
9 on the exhibits you have in front of you.

10 CHMN STAFFORD: Looking at the routes, but
11 is it along -- it's got the different streets and the
12 different streets named.

13 MS. HILL: Down Route 1 on Campbell going
14 right -- I mean, the primary section that I think is of
15 interest to many of the intervenors is the section that
16 goes from, you know, Broadway up to Grant basically.
17 Right past the University of Arizona, Banner, the Sam
18 Hughes neighborhood, Jefferson Park, Blenman-Elm.

19 CHMN STAFFORD: Is that the -- is that
20 along Route 1 or 6?

21 MS. HILL: 1.

22 MS. GRABEL: 1.

23 CHMN STAFFORD: 1?

24 MS. HILL: Uh-huh.

25 CHMN STAFFORD: And that's the one -- I'm

1 having trouble differentiating Route 1 from 6 because
2 they both look pink.

3 MS. GRABEL: Well, 1 is a salmony kind of
4 color, and it's to the right down Campbell Avenue.
5 Route 6 is more of a pinky color, and it goes from the
6 Kino Substation and then goes west and then up north.

7 CHMN STAFFORD: Okay. So that's the one --
8 the one that starts at 36th and goes west, that's
9 Route 6?

10 MS. GRABEL: Correct.

11 CHMN STAFFORD: Okay. And then Route 1 is
12 the one that goes up? Okay.

13 MS. GRABEL: Right.

14 MS. HILL: It goes up Campbell.

15 CHMN STAFFORD: Okay.

16 MS. HILL: And that gateway corridor is
17 basically from Broadway to Grant.

18 CHMN STAFFORD: On Campbell then?

19 MS. HILL: That is correct.

20 CHMN STAFFORD: Okay. All right. Trying
21 to get the main picture when we're looking at it.

22 All right. You know to provide a draft CEC
23 by the prehearing conference.

24 I expect we'll get a fair amount of public
25 comment at the hearing.

1 MS. GRABEL: That's correct.

2 CHMN STAFFORD: We had -- we had it set for
3 the 5:30 normal time. I think since it's going to go
4 long, we'll probably have to take some additional public
5 comment at some point during the hearing.

6 Do you anticipate many public officials
7 coming in to give public comment?

8 MS. GRABEL: That's a good question. I
9 mean, to the extent the City of Tucson is a party, I'm
10 not sure that it's appropriate for City of Tucson
11 officials to make public comment. And I anticipate they
12 will be a party.

13 CHMN STAFFORD: Okay. I guess, yeah, if
14 they're a party, they're not making public comment. But
15 if they weren't, I guess they could.

16 And then I guess it's conceivable you'd
17 have a section -- a chunk of the City government that
18 would be -- take a different position than certain other
19 members who might want to speak on their own behalf in
20 public comment.

21 MS. GRABEL: It's possible, uh-huh.

22 CHMN STAFFORD: So I think we'll --
23 anything is possible, so.

24 All right. Now, for permit status, is
25 this -- do you need a permit from the City to -- or it is

1 a permitted use, or zoning? Or what's the status of
2 that?

3 MS. GRABEL: The answer I think is, yes, we
4 do need to secure some zoning approvals from the City.
5 And -- but we need the CEC first is what we've understood
6 from the City in past efforts.

7 CHMN STAFFORD: All right. So you need the
8 CEC first, then?

9 MS. GRABEL: That's the position that I
10 believe the zoning administrator took when we applied for
11 a permit the first go-around.

12 CHMN STAFFORD: Okay. All right. So I
13 assume it will be the typical setup for the hearing with
14 the WiFi and at least two-screen presentation, tablets
15 for the members with the relevant exhibits?

16 MS. GRABEL: Yes, Mr. Chairman.

17 CHMN STAFFORD: Now, what about the other
18 parties? Are they going to -- I'm assuming if they're
19 showing up and putting on a case, they'll have their own
20 exhibits. Will they be -- can you work with them to
21 compile their exhibits onto the tablets as well so we
22 don't have a tablet for each or a notebook for everybody
23 else besides the applicant?

24 MS. GRABEL: Yes, Mr. Chairman. We're
25 using Peaks Audio, and I'm sure they've had experience

1 with that before. I think they did SRP. So I'm sure
2 they could accommodate other parties who need to have the
3 documents uploaded.

4 CHMN STAFFORD: Okay. And what's -- the
5 filing fee for this one is a thousand bucks?

6 MS. GRABEL: Yep.

7 CHMN STAFFORD: Okay. And you understand
8 that the Commission is obligated by statute to pay the
9 costs of reporting and transcribing any application
10 hearing as well as the actual necessary expenses incurred
11 by the Committee members in connection with their
12 participation in the meeting from the filing fee and that
13 costs and fees exceeding the amount of the applicant's
14 fee may be, with the applicant's consent, incurred by the
15 Committee and charged to the applicant.

16 Does the applicant consent to say pay the
17 Commission those fees in excess to the filing fee?

18 MS. GRABEL: We do.

19 CHMN STAFFORD: Okay. All right. So
20 transcripts are supposed to be ready in three days. Is
21 that -- if you -- I'm going to ask Jennifer, the court
22 reporter. If you'll be doing the whole thing, will you
23 be able to turn out the transcripts in three days after
24 each day, or do you do three days after the completion of
25 the hearing?

1 THE COURT REPORTER: My understanding is
2 it's three days after the completion of the hearing.

3 CHMN STAFFORD: Okay. Just wanted some
4 clarity. I don't think we're going to need them on a
5 daily basis. I don't think we'll need the transcripts
6 for first week during the second week. But just three
7 days after, okay.

8 And then are there any other objections or
9 concerns about anything that we haven't covered?

10 MS. GRABEL: No, sir.

11 MS. HILL: Mr. Chairman, we actually did
12 have -- I just before this, I got a question from one of
13 our internal witnesses asking if the hearing for some
14 reason didn't complete in 10 days whether you would
15 anticipate adding the days the next week? We do have
16 internally some conflicts with hearing dates the next
17 week, and so we're just trying to get a feel for what
18 that looks like.

19 CHMN STAFFORD: That's what I was
20 forgetting. Yes, on the off chance that we don't
21 complete the hearing after the two weeks, I was going to
22 ask you about what availability is there to come back?
23 We wouldn't have to do it the following week. We could
24 do it later that week. It's going to depend on the
25 availability of the conference room at the hotel.

1 MS. GRABEL: Venue, right.

2 CHMN STAFFORD: Yeah.

3 MS. GRABEL: I will talk to the conference
4 room, and we'll be available with that information I
5 think by the prehearing conference. Oh, that might be
6 too late. Do you want me to be in touch with Tod?

7 CHMN STAFFORD: Yeah, you can let Tod know
8 if there's -- I mean I'm sure we could come up with
9 something else, but it would be awkward. I mean if for
10 some reason we could do it at the Commission hearing room
11 potentially, but I don't know what the availability for
12 that is. But I could find that out and if it was free we
13 could just jump right on it. It wouldn't be like booking
14 the venue.

15 MS. GRABEL: Right.

16 CHMN STAFFORD: So --

17 MS. GRABEL: I guess, personally, my
18 preference is to continue it the following week if the
19 venue is available just because I think it will be fresh
20 in the Committee's mind. And I do have another rate case
21 the week after that. So it would be nice if we could
22 finish it all at once.

23 CHMN STAFFORD: Right. Okay.

24 MS. HILL: I think internally we have two
25 significant witness conflicts beginning on the 24th.

1 MS. GRABEL: Okay.

2 MS. HILL: So we could do the Monday and
3 Tuesday, but we couldn't really then go -- I think the
4 availability becomes the second week of August then after
5 that to continue.

6 And, Meghan, I don't know if you're
7 available then.

8 CHMN STAFFORD: But the 22nd and 23rd, you
9 don't have any problems with?

10 MS. HILL: That's correct.

11 CHMN STAFFORD: Okay. Well, I hope all
12 your witnesses will be done testifying by that point.
13 They should be on to the intervenors' case.

14 MS. HILL: Well, we don't know that the
15 intervenors will put on any witnesses either. They may
16 just cross. It may just be cross-examination.

17 We do anticipate that the tour will take
18 one full day of the hearing, and so that knocks down, of
19 course, the testimony time.

20 CHMN STAFFORD: Well, I don't think we need
21 to make 20 stops on the tour for each sign. But I
22 think -- I thought the tour would take less time, I
23 guess, since it's close proximity to where we'll be. But
24 I guess it's going to depend on traffic and where we're
25 stopping.

1 MS. GRABEL: And it's multiple routes. So
2 we'll be driving, you know, seven miles four times.

3 CHMN STAFFORD: Right. Yeah. Is there a
4 vantage point where we could see all the routes at the
5 same time?

6 MS. GRABEL: Helicopter.

7 CHMN STAFFORD: Maybe do it by helicopter.
8 Maybe that would save time. But I think that's probably
9 going to be prohibitively expensive.

10 MS. HILL: Maybe Banner will let us stand
11 on top of their pediatrics tower there on their
12 helicopter pad. It's going to be pretty hot outside,
13 though. So probably -- you know.

14 CHMN STAFFORD: Yeah, I don't think we'll
15 want to -- we'll have to have some kind of shade put up
16 for the stops. We can't have the court reporter and her
17 machines melting out there in the heat at the tour stops.

18 MS. GRABEL: When we know who the parties
19 are, Mr. Chairman, I can convene the parties. We can try
20 to lay a hearing schedule together that will get us done
21 in time if possible. Hopefully we can avoid the need to
22 schedule later.

23 CHMN STAFFORD: Right. We may -- yeah, I
24 may end up scheduling a procedural conference before the
25 pre -- before the prehearing conference to deal with any

1 kind of witness and discovery disclosure issues to make
2 sure, you know, to avoid duplicative testimony.

3 MS. GRABEL: Uh-huh.

4 CHMN STAFFORD: So all right. I think
5 that's everything. Anything else, Tod?

6 MR. BREWER: I don't think so,
7 Mr. Chairman. Thank you.

8 CHMN STAFFORD: Anything further from the
9 applicant, Ms. Grabel?

10 MS. GRABEL: No, thank you, Mr. Chair.

11 CHMN STAFFORD: Thank you. With that,
12 we'll go off the record.

13 (Proceedings concluded at 3:23 p.m.)

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