

1 BEFORE THE ARIZONA POWER PLANT LS-427

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
TUCSON ELECTRIC POWER COMPANY IN) L-00000C-25-0094-
5 CONFORMANCE WITH THE REQUIREMENT OF) 00246
ARS SECTION 40-360, ET SEQ, FOR A)
6 CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY authorizing THE)
7 NORTHWEST MARANA RELIABILITY)
PROJECT, WHICH INCLUDES THE)
8 CONSTRUCTION OF A NEW 138-kV)
TRANSMISSION LINE AND SWITCHYARD) EVIDENTIARY
9 WITHIN THE TOWN OF MARANA,) HEARING
UNINCORPORATED PIMA COUNTY, AND)
10 UNINCORPORATED PINAL COUNTY,)
ARIZONA.)
11 _____)

12

13 At: Tucson, Arizona

14 Date: June 17, 2025

15 Filed: June 23, 2025

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 (Pages 163 through 349)

19

20

21 GLENNIE REPORTING SERVICES, LLC
Court Reporting, Video & Videoconferencing
22 1555 East Orangewood Avenue, Phoenix, AZ 85020
602.266.6535 admin@glennie-reporting.com

23

24 By: Robin L. B. Osterode, CSR, RPR
Arizona CR No. 50695

25

GLENNIE REPORTING SERVICES, LLC
www.glennie-reporting.com

602.266.6535
Phoenix, AZ

1	VOLUME I	June 16, 2025	Pages 1 to 162
2	VOLUME II	June 17, 2025	Pages 163 to 349
3	VOLUME III	June 18, 2025	Pages 350 to 491

INDEX TO PROCEEDINGS

5	ITEM	PAGE
6	Opening Statement of Ms. Grabel	8
7	Presentation of Virtual Tour	68
8	Public Comment Session	155
9	Closing Statement of Mr. Ancharski	325
10	Deliberations	366
11	Vote CEC-246	487

INDEX TO TOUR

13	STOP NO.	PAGE
14	1	208
15	2	216
16	3	223

INDEX TO EXAMINATIONS

18	WITNESSES	PAGE
19	ADRIANA MARINEZ, CLARK BRYNER - Applicant	
20	Direct Examination by Ms. Grabel	15
21	WITNESS	PAGE
22	JEROME HESSE - Applicant	
23	Direct Examination by Ms. Grabel	191

1 INDEX (Continued):

2 INDEX TO EXHIBITS

3 NO.	DESCRIPTION	IDENTIFIED	ADMITTED
4 TEP-1	Application for Certificate of Environmental 5 Compatibility for TEP (Northwest Marana Reliability 6 Project)	16	312
7 TEP-2	Supplement to Exhibit G-1	16	312
8 TEP-3	Map of Proposed Project	17	312
9 TEP-4	Testimony Summary of Adriana Marinez	18	312
10 TEP-5	Testimony Summary of Clark 11 Bryner	19	312
12 TEP-6	Testimony Summary of Jerome Hesse	192	312
13 TEP-7	Witness Presentation	18	312
14 TEP-8	Virtual Tour	68	312
15 TEP-9	Tour Itinerary/Script/ 16 Protocol	149	312
17 TEP-10	Summary of Public Outreach	9	312
18 TEP-11	Summary of Social Media Campaign	244	312
19 TEP-12	TEP Northwest Marana 20 Reliability Project Ten-Year Plans	301	312
21 TEP-13	Exhibits Regarding Notice 22 Requirements	258	312
23 TEP-14	Receipt of Filing Fee	306	312

24

25

1 INDEX (Continued):

2 INDEX TO EXHIBITS

3	NO.	DESCRIPTION	IDENTIFIED	ADMITTED
4	TEP-15	Proposed Certificate of Environmental Compatibility	54	312
5	TEP-16	Response from SHPO re Class III Survey and CEC Conditions	201	312
6				
7	TEP-17	Proposed CEC Conditions from SHPO	236	312
8				
9	TEP-18	Letter of Support from Terry S. Rozema, Town Manager for Town of Marana	24	312
10				
11	TEP-19	Letter of Support from the Chamber of Southern Arizona	24	312
12				
13	TEP-20	Letter of Support from Pima County Economic Development	24	312
14	TEP-21	Letter of Support from John Kai, Kai Farms	24	312
15				
16	TEP-22	Letter from Arizona Game and Fish	78	312
17	TEP-23	Letter from Arizona Corporation Commission Staff	78	312
18				
19	TEP-24	Project One-Line Diagram	78	312
20	CHM-1	PDF Version of CEC-246	328	FOR REFERENCE
21	CHM-2	Final Form of CEC-246	328	FOR REFERENCE
22				
23				
24				
25				

1 BE IT REMEMBERED that the above-entitled
2 and numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at Tucson, Arizona, commencing at 9:00 a.m. on
5 June 17, 2025.

6

7

8 BEFORE: ADAM STAFFORD, Chairman

9 LEONARD C. DRAGO, Department of Environmental
Quality
10 SAL DiCICCIO, Incorporated Cities and Towns
(Videoconference appearance.)
11 DOUGLAS FANT, General Public
ROMAN FONTES, Counties
12 (Videoconference appearance.)
DAVID FRENCH, Arizona Department of Water Resources
13 R. DAVID KRYDER, Agriculture Interests
MARGARET "TOBY" LITTLE, General Public
14 GABRIELA SAUCEDO MERCER, General Public

15

16 APPEARANCES:

17 For the Applicant:

18 OSBORN MALEDON, P.A.
By: Meghan H. Grabel
19 By: Elias J. Ancharski
2929 North Central Avenue, 20th Floor
20 Phoenix, Arizona 85012

21 - and -

22 MEGAN HILL, TEP
In-house Counsel

23

24

25

1 CHMN STAFFORD: All right. Let's go back
2 on the record, continuation of the hearing on Line Siting
3 Case Number 246.

4 Ms. Grabel.

5 MS. GRABEL: Thank you, Mr. Chairman. I
6 call Mr. Clark Bryner. And still sworn in, Mr. Bryner
7 and Mr. Hesse and Ms. Marinez.

8 Q. Mr. Bryner, when we finished last night we were
9 going to start with the biological resources but do you
10 have any additional information you would like to provide
11 to Member Little with respect to the question she asked
12 about System Impact Studies and the difference between
13 that and what we do internally?

14 A. (MR. BRYNER) Sure.

15 Yeah, I just wanted to elaborate a little bit
16 for Member Little. I felt like my answer was pretty
17 inadequate about the pretty report. So basically your
18 question was about the System Impact Studies and the
19 Transmission Performance Assessment Study that we
20 performed, and what's the difference between the two. We
21 established yesterday that basically we're doing the same
22 studies. And that is correct, we're doing the same
23 studies for both. Both are being done for compliance
24 with the NERC Standard TPL-001-5, but they're driven by
25 two separate things.

1 So the System Impact Study is driven by an
2 interconnection, a specific project, could be an
3 interconnection request by a third party. Could be
4 to -- to Member Fontes's question about generation and
5 interconnection requests like that, and even our own
6 interconnection request, if we wanted to add generation
7 to our own system, we would have to file an
8 interconnection -- interconnection request and perform a
9 System Impact Study.

10 The purpose of that study is to identify if,
11 hey, as a result of this specific project is it causing
12 any issues to our system? And then those issues would
13 have to be mitigated as part of that project. So whether
14 it was a third party, it would be their responsibility to
15 mitigate it. If it was ourselves, it would be our
16 responsibility to mitigate it. Whereas the Transmission
17 System Planning Performance Assessment that we perform
18 annually for compliance with that NERC standard, and
19 that's the study that we provided to Commission Staff,
20 that is done just to demonstrate compliance with that
21 standard.

22 And, sure, if there were things that were out of
23 compliance, then we would have projects. We do not have
24 anything that's out of compliance with that -- with that
25 standard and, in fact, this project is not driven by the

1 results of a System Impact Study, nor that Transmission
2 System Performance Assessment, it's driven by load
3 growth.

4 MEMBER LITTLE: Mr. Chairman, may I ask?

5 CHMN STAFFORD: By all means.

6 MEMBER LITTLE: But the physical computer
7 program studies that are done are similar, voltage, all
8 the same -- the same three studies that are done?

9 MR. BRYNER: Yes, that's correct.

10 MEMBER LITTLE: Okay. And what we see when
11 a study is done, generally speaking, by WestConnect or
12 WECC, it is similar to your transmission study in that it
13 is not specific to the addition of one particular
14 project, it's general for the entire area that's being
15 studied?

16 MR. BRYNER: Correct. Yeah. Those are
17 looking for deficiencies, if you will, in the system.

18 MEMBER LITTLE: Thank you.

19 CHMN STAFFORD: Ms. Grabel.

20 MS. GRABEL: Thank you.

21 Q. Mr. Bryner, would you like to continue with the
22 presentation? I believe it's slide 45.

23 A. (MR. BRYNER) Yes, it should be slide 45. Okay.
24 So I know Ms. Martinez spoke in brief about the biological
25 resources yesterday with the happy, smiley, and meh

1 faces -- or happy, smiley, sad, and meh faces. So I just
2 want to go into a little bit more detail on the
3 biological resources that exist within the project area,
4 as well as what TEP plans to do to reduce any potential
5 negative impacts to these resources.

6 So illustrated on the map on slide 45, are the
7 biotic communities of the area, so there's actually two
8 different biotic communities -- let's see if I can -- all
9 right. It's cooperating today, the pointer is, so in the
10 yellow area that is the lower Colorado River subdivision.
11 So that's an area that's dominated by creosote. And then
12 you have the upper or the Arizona Upland subdivision in
13 this orange-ish color, and that's an area that's
14 dominated more by desert trees, cacti, and shrubs.

15 So within this area -- well, one other thing
16 that I should mention on this, is while there are these
17 two biotic communities, the vast majority you'll see when
18 we go on our field tour today has been developed for
19 either agricultural purposes or various developments. So
20 a lot of that doesn't actually exist today.

21 In addition, there is no critical habitat for
22 any federally listed, threatened, or endangered species
23 in the project area. There are also no important bird
24 areas. There are, however, four wildlife corridors that
25 intersect the project area. Those are shown on this map

1 on slide 45 with black cross-hatching, as well as some
2 areas of stippling, little places where it looks like you
3 took a pencil and kind of went da-da-da.

4 So the cross-hatched area, that is the Coyote
5 Ironwood Tucson linkage, it's a wildlife corridor. And
6 then the -- the -- trying to remember if I said that
7 right. That's the stippled area is that linkage. And
8 then the Santa Cruz River wildlife corridor is the
9 cross- -- or the hatched area.

10 So all our project alternatives would be located
11 within these areas near the Grier Substation, as you can
12 see down here, the Santa Cruz River runs in a
13 northwest/southeasterly direction, and so all of our
14 projects would -- would be in the vicinity of those,
15 however, that said, in that area the only area of ground
16 disturbance we would have would be the placement of poles
17 and, where needed, the addition of new access roads.

18 None of those project activities would result in
19 fragmentation of the habitat or the ability of wildlife
20 to be able to move from here to there, and that's really
21 regardless of the alternative that was selected.

22 MEMBER KRYDER: Mr. Chairman?

23 CHMN STAFFORD: Yes, Member Kryder.

24 MEMBER KRYDER: Quick question for you,
25 Clark. You talked about the access roads, are -- of the

1 alternatives that are presented, are there any that have
2 fewer new access roads or more access roads, looking at
3 the placemat options here, do any of these have fewer
4 disturbances that will have to be built or more? Could
5 you lay that out for me?

6 MR. BRYNER: Understood. Yeah.

7 So the alternative routes that are in more
8 urban areas that are adjacent to paved roadways, we would
9 just put the poles either directly adjacent to the
10 roadway, no access road would be required, or slightly
11 offset. And in that case you might have a very short
12 spur road. So alternative 3, I would -- and this is a
13 bit of a speculation, we haven't calculated access roads,
14 I would say alternative 3 would have the fewest access
15 roads, but that said, alternatives 1 and 2, they -- while
16 they don't follow paved roads, they do follow other
17 linear infrastructure, either an El Paso gas line or an
18 existing -- it's a -- I think it's a 34.5-kV line along
19 the Pima County/Pinal County line and so we would utilize
20 those existing access roads and, again, we would spur off
21 of those.

22 MEMBER KRYDER: So how much difference is
23 there between, say, alternative 1 and 2 and 3? I mean,
24 if you could put them in area apparently, what I just
25 heard was alternative 3 would have the least impact, did

1 I get that right?

2 MR. BRYNER: I would agree with that. And
3 I would say alternatives 1 and 2 would be very, very
4 similar.

5 MEMBER KRYDER: Very, very similar to 3.
6 So, essentially, there's little difference between them?

7 MR. BRYNER: Sorry, very similar to one
8 another.

9 MEMBER KRYDER: Oh, one another.

10 MR. BRYNER: So 1 and 2 I would say would
11 be comparable; alternative 3 would be less. I don't
12 think it's going to be substantially less. Again, we
13 don't have a lot of access roads that we would expect to
14 build with this project.

15 MEMBER KRYDER: Okay. Thank you very much,
16 Mr. Chairman.

17 CHMN STAFFORD: Thank you.

18 Ms. Grabel.

19 MS. GRABEL: Thank you.

20 Q. Please continue, Mr. Bryner.

21 A. (MR. BRYNER) Okay. The one last thing I wanted
22 to talk about on this slide were recovery areas for two
23 species of experimental populations, they are the Sonoran
24 Pronghorn and the Mexican Wolf. So the project area is
25 actually located outside the known ranges of these

1 species, but it is within the area designated as a
2 recovery area. But it's far from any of the areas where
3 these two species, the pronghorn and the wolf, have been
4 reintroduced. And so as a result, none of the
5 alternative routes would result in an impact to those
6 recovery areas.

7 So as part of our review of biological
8 resources, we did gather data from the U.S. Fish and
9 Wildlife Services Information for Planning and
10 Consultation or IPaC tool, as well as the Arizona Game &
11 Fish Department's Heritage Data Management System
12 Environmental Review Tool. As a result of that search we
13 identified 12 species that were listed or proposed for
14 listing under the Federal Endangered Species Act that had
15 the potential to occur within the project area.

16 And we had a qualified wildlife biologist
17 perform a habitat assessment, both in the field, as well
18 as on the desktop, and determined that of those 12
19 protected species only two had the potential to actually
20 occur within the project area. Those were the California
21 Least Tern and the Monarch Butterfly. So the California
22 Least Tern, it's a species of bird, it's listed as
23 endangered under the Endangered Species Act, but it
24 primarily nests in coastal California, but there is one
25 known occurrence where it did nest in Maricopa County.

1 So we're at the very eastern edge of its range. But
2 there is suitable habitat along the Santa Cruz River, and
3 the bird has been spotted in the area most recently as
4 last year. That said, none of the project alternatives
5 would be constructed in habitat that would be considered
6 suitable for nesting. And none of the project
7 alternatives would harm the species habitat.

8 The second species was the Monarch Butterfly,
9 which is listed as threatened under the Endangered
10 Species Act. So migrating Monarch butterflies, they're
11 typically found near sources of water. So in the project
12 study area we do have the Santa Cruz River. We also have
13 irrigated fields. So it is possible that they could be
14 there. They also require milkweed for reproduction, and
15 those also may exist in the project area.

16 So while the project would result in some
17 vegetation removal, and it is possible that we could have
18 some construction vehicles that would strike Monarch
19 butterflies, we do not believe that our project would
20 result in the -- in harm to this species or would affect
21 its continued existence.

22 MEMBER KRYDER: Mr. Chairman?

23 CHMN STAFFORD: Member Kryder.

24 MEMBER KRYDER: Question, the Monarch
25 Butterfly is endangered or I heard last -- the last

1 information I had it was being considered, has that
2 consideration been taken?

3 MR. BRYNER: So it's listed as threatened.

4 MEMBER KRYDER: It is threatened.

5 MR. BRYNER: So it's kind of one level
6 below endangered.

7 MEMBER KRYDER: Okay. But it is listed as
8 threatened?

9 MR. BRYNER: Correct.

10 MEMBER KRYDER: Thank you.

11 Thank you, Mr. Chairman.

12 CHMN STAFFORD: No problem.

13 Mr. Bryner, the Monarchs are migratory,
14 aren't they?

15 MR. BRYNER: Correct.

16 CHMN STAFFORD: What's -- what time of year
17 are they migrating through Arizona?

18 MR. BRYNER: That's a good question.

19 CHMN STAFFORD: Because they're not present
20 here a lot of the time, are they? My recollection of
21 testimony about Monarch butterflies from prior cases.

22 MR. BRYNER: So it looks like they may
23 overwinter here on their way through. So wintertime.

24 CHMN STAFFORD: So we probably won't see
25 any today, then?

1 MR. BRYNER: It doesn't sound like it,
2 unless we've got a confused butterfly.

3 CHMN STAFFORD: Okay. And you said there's
4 potential for some milkweed in the area somewhere along
5 the route?

6 MR. BRYNER: Correct.

7 CHMN STAFFORD: Have any been observed or
8 is it just --

9 MR. BRYNER: We don't have, from our
10 biologist that reviewed, they did not document any -- any
11 milkweed.

12 CHMN STAFFORD: Okay. Member Little.

13 MEMBER LITTLE: Mr. Chairman, thank you.

14 There's a statement in the application that
15 says, "Timing vegetation removal to avoid removal of
16 nectar resources, flowering plants and larval resources,
17 milkweed, as feasible, would prevent mortality for
18 foraging and breeding Monarchs," which seemed like a
19 reasonable mitigation measure to me. But it's not
20 included in the mitigation measures that were proposed on
21 page 94. I'm just wondering if the applicant would
22 object to including that in the mitigation measures?

23 MR. BRYNER: Can you reread that one more
24 time to me?

25 MEMBER LITTLE: Excuse me. "Timing

1 vegetation removal to avoid removal of nectar resources
2 and larval resources, as feasible, would prevent
3 mortality to foraging and breeding Monarchs."

4 MR. BRYNER: We would not object to adding
5 that to our list of -- of resource protection measures.

6 MEMBER LITTLE: Thank you.

7 CHMN STAFFORD: And quick follow-up, when
8 is the Monarch's breeding season?

9 MEMBER KRYDER: Mr. Chairman?

10 CHMN STAFFORD: Yes, Member Kryder.

11 MEMBER KRYDER: They migrate from deeply
12 below the equator to southern Canada. And they pass
13 through and tend toward the cooler climates. And as they
14 pass through, that's when they seek the milkweed for
15 nectar and occasionally, depending on the temperature,
16 the ambient temperature for reproduction, but that's the
17 reason most of the reproduction is done in cooler
18 climates as would be now in Oregon and the north now.

19 MEMBER MERCER: They migrate 3,000 miles --

20 CHMN STAFFORD: Get your mic closer.

21 MEMBER MERCER: They migrate 3,000 miles
22 into Mexico and between November and March.

23 CHMN STAFFORD: Okay.

24 MR. BRYNER: Thank you for the information.
25 Also, I need to correct myself, it's proposed to be

1 listed as threatened. So, Member Kryder, he's following
2 it much more closely.

3 MEMBER KRYDER: Thank you very much.

4 MR. BRYNER: And I think the question was
5 about breeding. We don't have when it breeds in our --
6 in our report right here, so I don't know. We can look
7 that up if it's of interest, but also, just in looking
8 closer to our report here that's in our application, it
9 says that they could occur any time of the year. But
10 it's most likely that they would be present, not so much
11 in the winter, but June to August and November to March,
12 that would be kind of when they're passing through.

13 CHMN STAFFORD: Okay. That's when the
14 migration takes them, as they're going north and as
15 they're coming back south, then?

16 MR. BRYNER: Correct.

17 CHMN STAFFORD: I'm just trying to figure
18 out if there -- if you had any information about whether
19 or not they're breeding as they pass through the state or
20 is that something that occurs further north or further
21 south, depending on the time of year.

22 MR. BRYNER: Yeah, I don't know that. I
23 remember watching a special on Monarch butterflies years
24 ago, and I think they do their breeding in Mexico, but I
25 could be wrong.

1 CHMN STAFFORD: That's what I thought. But
2 I just -- we've talked about the presence of -- because
3 they can pass through here, they migrate through here
4 every year and they forage here, but then the milkweed is
5 required for their breeding purposes, because that's what
6 the larva eat, but if they're not going to breed in this
7 state, then the presence of milkweed is less important
8 than if it's a place where they're actually going to
9 breed. That's why I was trying to get a little more
10 information on that, so --

11 MR. BRYNER: Okay.

12 MEMBER KRYDER: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Kryder.

14 MEMBER KRYDER: Also for nectar, so they --
15 it's a food source, it's a hummingbird feeder.

16 CHMN STAFFORD: Okay. Please continue,
17 Mr. Bryner.

18 MR. BRYNER: All right.

19 MEMBER LITTLE: Mr. Chairman?

20 CHMN STAFFORD: Member Little.

21 MEMBER LITTLE: What's the difference
22 between a wildlife crossing area and a wildlife
23 connectivity corridor? There's a map that shows a
24 crossing area over by where the Owl Head Switchyard is
25 going to be in the application. Sorry, it's not shown

1 there.

2 MR. BRYNER: Yeah, so the wildlife
3 connectivity areas, those are wildlife movement corridors
4 trying to get from one habitat to another, versus the
5 wildlife -- the crossing that's going to be placed where
6 wildlife can cross over a specific otherwise barrier,
7 such as I-10, the Central Arizona Project canal --

8 MEMBER LITTLE: I see.

9 MR. BRYNER: -- things like that.

10 MEMBER LITTLE: Okay. That was just
11 because I was curious.

12 MR. BRYNER: Okay. Well, let's talk a
13 little bit about the resource protection measures that we
14 do propose. So, as I mentioned, going over those
15 federally listed species that we don't believe that will
16 have an impact with this project on either the California
17 Least Tern nor the Monarch Butterfly, but since there is
18 some ground disturbance, there will be impacts to
19 biological resources, and so we want to do what we can to
20 minimize those.

21 And we know that, based on some past
22 hearings, it's been of interest to point these specific
23 resource protection measures out to the committee. And I
24 do want to call them out where they're listed in the
25 application, in Exhibit C and Exhibit D of the

1 application. And we will commit to the additional
2 resource conservation -- or resource conservation measure
3 that Member Little proposed just a few minutes ago. But
4 let me go over these other ones that we have.

5 So just in summary we would follow the
6 guidelines that are under the Avian Power Line
7 Interaction Committee, or APLIC, to design our facilities
8 to minimize electrocution to avian species. We would
9 implement standard construction best management
10 practices, including preparing and implementing storm
11 water pollution prevention plans and spill prevention
12 plans. We would remove construction-related trash from
13 our project sites on a regular basis. We would also
14 establish vehicle washing protocols, so that we can
15 prevent the spread of noxious or invasive weeds. And we
16 would also restore areas of ground disturbance after
17 construction, to the extent that we could.

18 Further, we would conduct preconstruction
19 surveys for migratory bird nests, if we were going to be
20 doing construction activities during their nesting
21 season. And that would also include preconstruction
22 surveys for those -- the California Least Tern. We would
23 conduct preconstruction surveys for burrowing owls. And
24 if they were found to be present, we would implement
25 measures to avoid those burrows.

1 We would provide worker awareness training
2 and we would implement low-level speed limits for
3 construction traffic that would help to avoid any
4 collisions with -- potentially with the Monarch
5 Butterfly. Also, in that worker awareness training we
6 would provide instructions on handling of desert
7 tortoises in the event any Sonoran Desert tortoises were
8 encountered by construction crews.

9 And if trenching is required as part of the
10 project, we would build those trenches. We would design
11 those trenches in a way that would allow the wildlife to
12 escape by sloping the sides, as well as by providing
13 escape ramps. And, in addition, we would inspect those
14 trenches to make sure there's no wildlife in there and
15 remove it if it is found present before we backfill the
16 trench.

17 And, lastly, prior to clearing any land
18 with species that are protected under the Arizona Native
19 Plant Law, we would submit a notice of intent to the
20 Arizona Department of Agriculture. And we believe that
21 by incorporating these resource protection measures that
22 any impacts to biological resources would be minimal.

23 BY MS. GRABEL:

24 Q. And, Mr. Bryner, just so we have all of these
25 mitigation measures in one place, will you please

1 summarize the mitigation measure that you just discussed
2 with Member Little?

3 A. (MR. BRYNER) Boy, that's going back a while. So
4 Member Little mentioned the fact that we did not have --
5 all right, remind me again.

6 MEMBER LITTLE: Okay. It's on page 93 of
7 the application about -- under Monarch Butterfly it says,
8 "Timing vegetation removal to avoid removal of nectar
9 resources and larval resources, as feasible." I think
10 that's probably as much as we need in a mitigation
11 measure, right?

12 MR. BRYNER: Yes, I agree, Member Little,
13 and thank you for reading that.

14 BY MS. GRABEL:

15 Q. Thank you very much.

16 And then also if you would turn, Mr. Bryner, to
17 Exhibit TEP-22 which is a letter that we received from
18 the Arizona Game & Fish Department?

19 A. (MR. BRYNER) Okay.

20 Q. Have you seen this document before?

21 A. (MR. BRYNER) Yes, we received it just yesterday.

22 Q. And why did we receive this letter?

23 A. (MR. BRYNER) It was in response to a general
24 inquiry we put out to our various stakeholders.

25 Q. And does Arizona Game & Fish Department

1 make -- do the -- do -- does the Arizona Game & Fish
2 Department make, yes, any recommendations with respect to
3 this project?

4 A. (MR. BRYNER) They do.

5 Q. And do we agree to follow is the Arizona Game &
6 Fish Department's recommendations?

7 A. (MR. BRYNER) In general, yes. I'd just like to
8 go over a couple of them. So this -- this letter, it
9 actually pulls up the same data that we pulled from their
10 online toolkit to identify species, but then it further
11 references some additional mitigation that they
12 recommend. So I just want to hit on a couple of those
13 things that, similar to the timing for the Monarch
14 Butterfly, we would be happy to incorporate. But there
15 is one that I want to discuss a little bit.

16 So they talk about Sonoran Desert tortoises and
17 doing preconstruction surveys for those. I said before
18 that we would be happy to -- we would provide worker
19 awareness training on the handling of those. We did not
20 plan on doing preconstruction surveys, but that is
21 something that if the Game & Fish Department would like
22 us to do that, we'd be happy to do that.

23 It discusses the Cactus Ferruginous Pygmy Owl,
24 and it recommends preconstruction surveys for the owl.
25 From our biological evaluation that we performed, we did

1 not feel that there was suitable habitat for the Cactus
2 Ferruginous Pygmy Owl within our project area. However,
3 that said, we would like to commit to continue to consult
4 with Game & Fish and if, through those consultations,
5 it's merited to do those preconstruction surveys, we
6 would do that. The reason why I'm hesitant on that is
7 those protocol surveys are very involved and, again, if
8 it's merited, we will do it. If it's not merited, I
9 really don't want to commit to going through it for no
10 reason.

11 They talk about the Yellow-billed Cuckoo and the
12 Southwestern Willow Flycatcher, they don't specifically
13 recommend any requirements for those, but from our
14 assessment both of those species are dependent on
15 riparian habitat, and our project will not disturb any
16 riparian habitat, so we feel like there is nothing that
17 is specifically merited to protect those species.

18 CHMN STAFFORD: Mr. Bryner, and that's
19 because the Santa Cruz River is primarily dry, isn't it?

20 MR. BRYNER: Well, it does have some
21 riparian habitat in this area. It is -- it has --
22 typically has perennial flow in this area from effluent
23 coming off from some of the water treatment plants that
24 are just south of us here. And there is a riparian
25 habitat, but we're not going within that area.

1 CHMN STAFFORD: Okay.

2 MR. BRYNER: Regardless of our alternative.
3 Alternative B gets the closest.

4 CHMN STAFFORD: Okay. Thank you.

5 MR. BRYNER: Let's see, they talk about the
6 burrowing owl, and we're already planning on doing those
7 preconstruction surveys. They talk about conforming with
8 the APLIC guidelines for protecting avian species.
9 Again, we're already doing that. They did have an
10 additional mitigation measure that said that if wildlife
11 were encountered during construction activities and we
12 needed to move them out of harm's way, to not move them
13 further than a quarter mile, that would be fine. We can
14 incorporate that measure as well.

15 They have a measure in here about the
16 trenches, again, we're already incorporating that. And
17 then they have a measure about lighting, and basically
18 keeping lighting to a minimum. The only place on our
19 project where we would have long-term lighting would be
20 in our switchyard and our substation. That lighting
21 is -- we have some very minimal safety lighting, and then
22 we do have lighting that if something occurs during the
23 night and we need to go in there, we can turn it on. We
24 don't keep that on all the time. So I feel like we would
25 have no problem incorporating that measure if you'd like

1 us to.

2 And then they have a measure in there about
3 washing of the vehicles, which, again, we're already
4 doing. And revegetating disturbed areas with native drop
5 tolerance species. So, again, that's a little more
6 detailed than we planned -- or that I stated that we
7 would do, but we have no problem incorporating that one
8 either.

9 So with the exception of the one measure on
10 the Cactus Ferruginous Pygmy Owl, we can incorporate all
11 these measures into what we're already doing, and we'd
12 like to ask for kind of that special exception to consult
13 with them further on the other species.

14 CHMN STAFFORD: Member Little?

15 MEMBER LITTLE: I am wondering how, I'm
16 jumping ahead here a little bit to tomorrow, probably,
17 but I'm wondering how we can -- how we will word the
18 condition that deals with these mitigation measures. And
19 I might propose that the applicant, perhaps, do some
20 thinking about that, so that we can -- because we want
21 the mitigation measures that are listed in the
22 application, as modified by the discussion that we've had
23 in the hearing, so maybe you can come up with some
24 wonderful words.

25 MS. GRABEL: Will do.

1 CHMN STAFFORD: Thank you.

2 Member Fontes.

3 MEMBER FONTES: Thank you, Mr. Chairman.

4 Good morning, everybody.

5 Mr. Bryner, the Ina Road bridge is known to
6 have one of the largest bat colonies, about 10,000 bats.
7 And as I think you've heard me say in other proceedings,
8 WAPA's had a lot of issues with bats at substations and
9 switchyards. Did you -- did your studies encompass that
10 and what are the mitigation measures against evening bats
11 in particular?

12 MR. BRYNER: So our studies did look at
13 bats. We do not have any mitigation measures for bats.
14 There were no known populations of bats that were within
15 the project area that were of concern.

16 MEMBER FONTES: That includes the Ina Road
17 bridge that the community in the City of Marana lives?

18 MR. BRYNER: Yeah, the Ina Road bridge is
19 about 10 miles away from our project area.

20 MEMBER FONTES: Okay. Very good. Thank
21 you.

22 CHMN STAFFORD: Thank you.

23 Mr. Bryner.

24 MR. BRYNER: I believe that concludes my
25 biological resource section.

1 MS. GRABEL: Excellent. In that case, I
2 think we'll move to Mr. Hesse.

3

4 JEROME HESSE,
5 called as a witness on behalf of the Applicant, having
6 been previously affirmed or sworn by the Chairman to
7 speak the whole truth and nothing but the truth, was
8 examined and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MS. GRABEL:

12 Q. Mr. Hesse, because you've not yet appeared
13 before the committee during this hearing, will you please
14 state your name and business address for the record?

15 A. (MR. HESSE) My name is Jerome Hesse, business
16 address, 343 West Franklin Street, Tucson, Arizona.

17 Q. By whom are you employed and in what capacity?

18 A. (MR. HESSE) SWCA Environmental Consultants. I
19 am the cultural resources program director for its
20 Arizona operations.

21 Q. What is your role in this project?

22 A. (MR. HESSE) A subject matter expert regarding
23 the project's potential to affect cultural resources.

24 Q. And we don't have a slide on this, so will you
25 have please give the committee a general overview of your

1 background, experience, and education?

2 A. (MR. HESSE) Sure.

3 I have a B.S. in geology from Tulane University,
4 a M.S. in geology from Northern Arizona University. I've
5 been an environmental consultant for approximately
6 30 years, the last 27 years here in southern Arizona,
7 focusing on cultural resources management. I am listed
8 as a principal investigator and a project director on my
9 employer's Arizona State Museum-issued Arizona
10 Antiquities Act permit.

11 Q. Thank you.

12 And you have before you a book of exhibits. If
13 you could turn to Exhibit TEP-6, which is the testimony
14 summary of Jerome Hesse.

15 Have you seen this document before?

16 A. (MR. HESSE) I have.

17 Q. Was it prepared by you or under your direction
18 and control?

19 A. (MR. HESSE) It was.

20 Q. And does it accurately summarize the testimony
21 that you'll give the committee today?

22 A. (MR. HESSE) It does.

23 Q. Please move -- go ahead with your presentation.

24 A. (MR. HESSE) In consideration of the project's
25 potential to affect cultural resources, TEP sponsored a

1 cultural resources records review. This was done to
2 assist in the development of route alternatives, and to
3 compare how the various route alternatives may affect
4 cultural resources. For this study, the term "cultural
5 resources" refers to such properties as indigenous
6 archaeological sites, nonindigenous historic sites, and
7 historic age buildings, structures, and districts. And
8 when I say "historic age," I mean anything that's
9 50 years or older.

10 Those cultural resources that meet the criteria
11 for inclusion in the Arizona Register of Historic Places
12 are considered important, and may require mitigative work
13 if they cannot be avoided by the project's construction
14 and operation.

15 The records review served two additional
16 purposes, one was to determine where cultural resource
17 surveys have previously taken place, and conversely,
18 where they haven't, and that additional studies may be
19 beneficial; and two, to identify the locations and types
20 of cultural resources that have been identified within
21 the various route alternative corridors.

22 The next slide -- oh, here we go, thanks --
23 slide 49 summarizes the results of the cultural resources
24 records review. The figure on the right is a map that
25 shows the various route alternatives, and in pink those

1 areas that have been previously surveyed to present day
2 standards. I say that because much of the area east of
3 Interstate 10 has been previously surveyed; however,
4 those surveys were conducted in the 1980s, and were not
5 surveyed to present day standards for identifying
6 cultural resources.

7 Archaeological site location information is
8 considered confidential, and therefore, the
9 archaeological sites are not shown on the map on the
10 right. The table on the left includes those cultural
11 resources that are -- have been determined eligible for
12 the Arizona Register or likely to be considered eligible
13 for the Arizona Register that are within the various
14 route alternative corridors.

15 Four of these are historic age linear resources.
16 These include the Southern Pacific Railroad, constructed
17 in the late 1880s, and now owned by Union Pacific. Also,
18 State Route 84, or the former State Route 84, I should
19 say, replaced in function by Interstate 10, but preserved
20 today as the westbound frontage road along Interstate 10.
21 The first pipeline to deliver natural gas to Tucson and
22 Phoenix, those metro areas, 1933, 1934 was when it was
23 constructed, that's the El Paso Natural Gas Line 1007.

24 And then, finally, the Cortaro Farms irrigation
25 canal, one of the primary early irrigation canals in the

1 area that was important in the agricultural development
2 of the Marana area.

3 Also included on this list are five Hohokam
4 archaeological sites. One of these is an artifact
5 scatter, containing ceramic pottery shards and pieces of
6 chipped stone, the debris made from -- from making stone
7 tools. The other four are agricultural sites,
8 specifically upland dry farming agricultural sites. Dry
9 farming sites do not employ the use of irrigation waters.
10 These sites, these dry farming sites, contain such
11 features as rock piles and rock alignments designed to
12 retain soil moisture and promote the growth of plants,
13 such as succulents, agave, plants that would be used as
14 supplemental food sources.

15 These agricultural sites are often very large,
16 they cover large areas, but the features that are
17 contained within are often found in clusters. You've got
18 your rock pile fields, sort of backyard gardens. That's
19 important to note for this project because the project
20 impacts -- the direct impacts to these sites, which may
21 be difficult to avoid just because of their expanse, the
22 impacts would be very small compared to the size of the
23 sites. And with the distribution of these clusters of
24 archaeological features within the sites, slight shifts
25 in the alignment of the transmission line or, more

1 importantly, the strategic placement of pole structures
2 oftentimes can avoid those direct impacts to those
3 archaeological features. Even when those features cannot
4 be avoided, archaeological data recovery excavation has
5 proven an effective mitigation measure.

6 I'd also like to point out that in the
7 development of the route alternatives for this project,
8 TEP purposefully identified where the ancestral village
9 sites are, the habitation sites, and made sure that those
10 were avoided. The results --

11 MEMBER KRYDER: Mr. --

12 MR. HESSE: Which -- oh, go ahead.

13 CHMN STAFFORD: Member Kryder.

14 MEMBER KRYDER: Quick question, Mr. Hesse.
15 Looking at the slide and in the right-hand column of the
16 left portion intersect alternative routes, we have listed
17 there the alternatives 1, 2, and 3, et cetera, et cetera,
18 from an archaeological point of view, would one of the
19 sites be least invasive?

20 MR. HESSE: Based on the existing
21 information that we have, and recall that only those
22 areas depicted in pink have been surveyed to present day
23 standard, so additional survey of the selected route may
24 be needed. But based on the information we have,
25 alternative 3 would have the least known impact to

1 archaeological sites.

2 One thing I should have added, those four
3 properties at the top of the list, the historic age ones,
4 those are all linear resources that would be avoided by
5 the project, you would span over a canal, a pipeline, and
6 so forth.

7 MEMBER KRYDER: Okay. Thank you very much.
8 That's quite helpful.

9 CHMN STAFFORD: Member Fant.

10 MEMBER FANT: Thank you, Mr. Chair.

11 Just one question, Mr. Hesse, do you offer
12 the Tohono O'odham or any native tribes input --
13 opportunity to input on locations?

14 MR. HESSE: Yes. And Ms. Martinez will
15 speak to the outreach with the tribes later in the
16 presentation, but we do share those confidential site
17 locations with the tribes.

18 MEMBER FANT: One more question, do you
19 seek their input on additional sites or offer them the
20 opportunity to?

21 MR. HESSE: In consultation, the standard
22 is to identify the -- or describe the project and ask for
23 their input, because, as archaeologists, we're trained to
24 look for certain types of resources. Their perspective
25 is different than ours, and they may identify resources

1 of concern that, you know, a university-trained
2 archaeologist might not.

3 MEMBER FANT: Thank you, Mr. Hesse.

4 CHMN STAFFORD: Please continue, Mr. Hesse.

5 MS. GRABEL: Actually, Mr. Hesse, I have
6 one quick question to follow up to Mr. Kryder's inquiry.

7 Q. So although alternative route 3 is the least
8 invasive on cultural resources, is it possible to
9 construct alternative routes 1 and 2 without invading the
10 cultural resources that you've identified in your
11 surveys?

12 A. (MR. HESSE) It would be difficult to entirely
13 avoid the archaeological sites, because they're such an
14 expansive area. But it's likely that those features
15 contained within the sites could be avoided, so you would
16 really minimize those impacts to the archaeological sites
17 through the smart placement of the pole structures.

18 Q. We won't be putting a pole in the middle of an
19 artifact, correct?

20 A. (MR. HESSE) Ideally not.

21 Q. Thank you. Please continue.

22 MEMBER FRENCH: Mr. Chairman?

23 CHMN STAFFORD: Yes, Member French.

24 MEMBER FRENCH: In that same column that
25 Member Kryder was questioning, it mentions the

1 switchyard. What mitigation measures do you think will
2 be most likely used for that, being that the switchyard
3 covers a large area?

4 MR. HESSE: We would need to look
5 specifically on the ground at what is present in relation
6 to the switchyard siting area. Recall that the
7 switchyard is smaller in area than the area that was
8 being analyzed for the switchyard. The corridor here for
9 much of the study was 300 to 500 feet. And the area
10 around the switchyard is larger, allowing for shifts in
11 the switchyard, so it could be that the site at the
12 proposed location of the switchyard could be avoided. If
13 it cannot be, then some form of data recovery mitigation
14 would be needed. That might be the excavation of test
15 units to see what archaeology is present on the surface
16 or buried beneath the surface. This is in an upland area
17 so, fortunately, what we see on the surface is a good
18 representation of what is there.

19 CHMN STAFFORD: You're not going to dig up
20 and find a hidden city under there, then?

21 MR. HESSE: Not where the switchyard is.

22 CHMN STAFFORD: And the switchyard, the
23 area we're talking -- the prior testimony I recall is
24 15 acres for the switchyard, but only eight acres would
25 actually be occupied by the switchyard?

1 MS. MARINEZ: Yes, that's correct.

2 CHMN STAFFORD: Okay. Just making sure I
3 got that straight.

4 MEMBER KRYDER: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: Question for Ms. Marinez,
7 does TEP currently own that land, that 50 acres that
8 Chairman spoke about a moment ago or do you have some
9 rights to that on the switchyard? I forgot, and I think
10 you covered it, but I didn't catch it.

11 MS. MARINEZ: We're working with state --
12 this is actually state land and we're working with them
13 to secure a site either north or south of the Adonis
14 Substation. And it's a 15-acre site and then the
15 switchyard, like the Chairman said, would be about eight
16 acres.

17 MEMBER KRYDER: Thank you very much, that's
18 helpful.

19 BY MS. GRABEL:

20 Q. Please continue, Mr. Hesse.

21 A. (MR. HESSE) The results of the cultural
22 resources records review, including the -- including maps
23 showing the confidential site locations, was provided to
24 the State Historic Preservation Office, SHPO, for review
25 and comment. On June 5th the SHPO responded with two

1 requests: One was that for the selected route that any
2 area not previously surveyed to current standards be
3 surveyed for cultural resources; and the other request
4 being that any registered eligible site that cannot be
5 avoided should be subjected to a program of mitigative
6 treatment, such as data recovery.

7 Once a route is selected, TEP will sponsor the
8 additional cultural resources surveys necessary to
9 satisfy that request and continue consultation with the
10 SHPO.

11 CHMN STAFFORD: Does that include survey --
12 Class III surveys on private land?

13 MR. HESSE: It would.

14 CHMN STAFFORD: Okay.

15 BY MS. GRABEL:

16 Q. Mr. Hesse, if you could turn to Exhibit TEP-16
17 which is titled, "Response from SHPO Re Class III Survey
18 and CEC Conditions." It's one of the late-filed ones.
19 It's probably just a loose one.

20 Do you have it?

21 A. (MR. HESSE) I do.

22 Q. Is this the letter that you referred to in your
23 testimony?

24 A. (MR. HESSE) It is.

25 Q. And TEP has agreed to incorporate the response

1 from SHPO into its mitigation measures?

2 A. (MR. HESSE) It has.

3 Q. Thank you. Please continue.

4 A. (MR. HESSE) And that concludes my discussion of
5 cultural resources.

6 Q. All right. Thank you.

7 And with that, we're ready to move on to
8 Ms. Martinez to talk about public outreach, unless you
9 want to break for the tour, as Member Drago is here.
10 Welcome to the hearing.

11 MEMBER DRAGO: Thank you.

12 CHMN STAFFORD: All right. Yes, I think
13 this is a nice stopping point to transition from
14 testimony to the tour. So we have Exhibit 9, I believe
15 is the itinerary with the script, which we'll be
16 following.

17 Is the bus going to be meeting us out at the
18 roundabout or --

19 MS. GRABEL: Yes.

20 CHMN STAFFORD: Okay.

21 MS. GRABEL: I see the thumbs up over
22 there.

23 CHMN STAFFORD: All right. So I would
24 advise members to bring your placemat and your Exhibit 9
25 so you can follow along, and the placemat could probably

1 be used as a fan and a sunscreen at some point.

2 MS. GRABEL: Actually, I'll turn it over to
3 Ms. Martinez for a minute, because we actually do have
4 fans for you.

5 CHMN STAFFORD: Oh.

6 MS. MARINEZ: We do. So -- and I do have a
7 brief safety share, if that's all right, Mr. Chairman --

8 CHMN STAFFORD: Please.

9 MS. MARINEZ: -- because it is going to be
10 very hot outside, so we're expecting 106-degree weather
11 today, so I put together a few tips on staying cool.
12 We've provided sunscreen, fans, and cooling towels. And
13 we have some hats as well. And then I mentioned
14 yesterday that we have two locations where we'll have
15 shade. And then, so I just encourage you all to drink
16 lots of water today, supplement water with electrolytes.
17 We'll have Gatorade on the tour. So rest in the shade,
18 in the air-conditioning, as much as possible, and please
19 report any symptoms early.

20 So I just want to make sure everyone knows
21 what to do in case of an emergency, and let you know the
22 warning signs of heat exhaustion and heat stroke. So for
23 heat exhaustion, you could be feeling faint, dizzy,
24 excessive sweating, cool, pale, clammy skin, rapid weak
25 pulse, irritability, confusion, thirst, or muscle cramps.

1 And the treatment for that is staying cool and drinking
2 electrolytes. Of course, keeping a close eye on that.
3 And the signs for heat stroke are throbbing headache, no
4 sweating, hot, red or dry skin, rapid, strong pulse, loss
5 of consciousness, nausea or vomiting, and convulsions.
6 And for that, of course, we'd call 911.

7 So I just wanted to make sure everyone had
8 an overview of that before we get onto the tour, but
9 we'll do everything we can to keep you all cool.

10 CHMN STAFFORD: Thank you. And how many
11 stops are on the tour? Refresh my memory.

12 MS. MARINEZ: There are three.

13 CHMN STAFFORD: Three, okay. So this
14 should go more smoothly than the last long tour we did in
15 Tucson that had many more than that. I think we
16 abandoned some of the afternoon stops because of the heat
17 on that tour, but --

18 MS. HILL: Well, that, plus we'd already
19 been up and down those same streets several times.

20 CHMN STAFFORD: Yes, indeed. So I just
21 wanted -- this one final admonishment before we go.
22 We're not going to be asked -- we won't be hearing any
23 testimony on the bus, other than what's on the script.
24 You can't ask them questions or get answers until we get
25 to the stop, get in front of the court reporter, she can

1 set up, and she'll take the testimony that's -- all the
2 witnesses are still sworn and take the testimony and get
3 a verbatim transcript of it for the record, because we
4 can't broadcast the tour. So just -- so no -- so just
5 remember no deliberations or testimony on the bus off the
6 script. That's the only thing that they'll share. So
7 there's no follow-up questions until we get to a stop.

8 MEMBER DiCICCIO: Mr. Chairman?

9 CHMN STAFFORD: Yes, Member DiCiccio.

10 MEMBER DiCICCIO: Just a quick question.

11 Yeah, thank you, are we reconvening at 5:30 again or do
12 we have another meeting tomorrow at 9:00, I assume?

13 CHMN STAFFORD: Well, we'll see how it
14 goes. Right now I believe the tour is anticipated to
15 last approximately 90 minutes. And then I believe we're
16 having lunch at the Cracker Barrel, I heard. Okay. And
17 then after that we'll come back to the hearing room to
18 continue the testimony --

19 MEMBER DiCICCIO: Okay.

20 CHMN STAFFORD: -- there's a number of
21 exhibits left to cover. We will not be doing another
22 public comment at 5:30 this evening, no.

23 MEMBER DiCICCIO: Oh, okay. And then how
24 will I know when the next meeting is so I can call in?

25 CHMN STAFFORD: We will -- we can let you

1 know. We can give you a call and let you know that we're
2 about to go back on the record. Member Fontes is also
3 attending remotely today so we'll need to -- once we get
4 back from lunch, we'll, you know, give you guys a call or
5 something, reach out and let you know what time to expect
6 to be back on, so you don't have to sit there and watch a
7 blank screen that says "we'll be right back" --

8 MEMBER DiCICCIO: Exactly.

9 CHMN STAFFORD: -- for an hour and a half
10 or something.

11 MEMBER DiCICCIO: And then when do you
12 expect the vote to occur as well?

13 CHMN STAFFORD: Well, it's going to depend,
14 we have -- after we get back from lunch, the applicant
15 will continue with the rest of its direct case. We won't
16 have any cross because there's no other parties, but we
17 can go through -- I'm sure some of the members will have
18 questions based on the testimony they've heard --

19 MEMBER DiCICCIO: What they saw.

20 CHMN STAFFORD: -- And what's in the
21 application, we may ask some specific questions related
22 to certain aspects of that. And then once that's done, I
23 think we're going to want to have kind of a generic
24 discussion on SHPO conditions before we start moving into
25 the CEC to kind of make sure the members and the

1 applicant you can all be on the same page for that, and
2 then --

3 MEMBER DiCICCIO: Okay.

4 CHMN STAFFORD: -- and if that happens
5 today, then it happens today, otherwise, that would be
6 great, but I'm going to venture to guess that we'll
7 probably be back here in the morning to finalize the vote
8 and be done before lunch. That is my --

9 MEMBER DiCICCIO: Okay. Sounds good.

10 CHMN STAFFORD: -- expectation. It could
11 be today, it's -- but it will likely be tomorrow.

12 MEMBER DiCICCIO: Someone will let me know,
13 then. Okay. Sounds good, Mr. Chairman, thank you.

14 CHMN STAFFORD: All right. Anything
15 further before we recess to get on the bus?

16 MS. GRABEL: No, Mr. Chairman. I think
17 maybe, to Member DiCiccio's questions, we'll probably be
18 back here around 1:30 or 2:00, given the time and the
19 lunch, you know, how long it takes at Cracker Barrel to
20 order and eat.

21 CHMN STAFFORD: Right.

22 MS. GRABEL: That's the general time I
23 anticipate being back.

24 CHMN STAFFORD: Okay. And then we'll let
25 them know, we'll have someone reach out and let them know

1 that it's go time as we get closer to it, so --

2 MS. GRABEL: Sounds good.

3 CHMN STAFFORD: All right. Anything
4 further before we recess?

5 (No response.)

6 CHMN STAFFORD: All right. Let's -- we
7 stand in recess. We will reconvene at stop 1 of the
8 tour.

9 (Recessed at 9:53 a.m.)

10 (Time Noted: 10:35 a.m.

11 Arrival at Stop No. 1.)

12 CHMN STAFFORD: So back on the record.

13 Ms. Grabel?

14 MS. GRABEL: Yes, Ms. Martinez, would you
15 like to begin the narrative?

16 MS. MARINEZ: Can you hear me?

17 MEMBER MERCER: Great.

18 MS. MARINEZ: Okay. So we're at the Grier
19 Substation site now, and I just want to take a moment to
20 let you know the route we just traveled. So we did exit
21 off the freeway from Tangerine Road. And you might have
22 noticed that there was quite a bit of new development
23 there, commercial and residential. And we did pass by
24 the Gladden Farms community. So we're here at the palm
25 tree that we referenced in visual simulation.

1 And, let's see, so there's residences here
2 to the west. This is Grier Road that we're looking at to
3 the south, and alternative B would travel west along
4 Grier Road past those residences and loop around to
5 Marana and Lockett Road, which is in that direction
6 there.

7 This is Marana Road that you see to the
8 north, directly to the north. And then right now next to
9 us is the CMID, the irrigation canal we've discussed in
10 the hearing. And then, of course, the agricultural field
11 here to the east. So the -- okay. So the Saguaro to
12 Marana transmission line -- I had to ask Mr. Bryner here
13 if that was the line, because it wasn't there a couple of
14 weeks ago, but it's there now on Marana Road. So you can
15 see the Saguaro to Marana Transmission Line Project
16 that's under construction now. So straight ahead, those
17 are those taller poles there on Marana Road here north --
18 just to the north.

19 CHMN STAFFORD: And just to refresh my
20 memory, that's going to be a 115- and a 138-kV line?

21 MS. MARINEZ: Yes, so to the east of this
22 canal, or this -- so this is right here, this -- the CMID
23 and the dirt road, this is the corridor for the circuit
24 tie or this is our preferred alternative Grier Substation
25 to circuit tie line. And then the alternative A would

1 also run parallel to this. So the line would actually
2 end -- the joint line would end to the east of that road
3 and then west of that would be just the AEPCO line. This
4 AEPCO circuit.

5 CHMN STAFFORD: Wait, I'm confused.

6 (Discussion off the record.)

7 THE REPORTER: Are we -- is this on the
8 record?

9 CHMN STAFFORD: Yeah, I'm confused if --
10 can you repeat that last part again?

11 MS. MARINEZ: So, okay, so this is Marana
12 Road here to the north. The joint line with AEPCO and --
13 with an AEPCO and TEP circuit would end right about where
14 this dirt road ends at Marana Road. And then to the west
15 of that the line would only be -- that's that orange
16 faded line you see that you've seen in other maps, it's
17 not here. To the west of the ditch would be just the
18 AEPCO line that continues to the west.

19 CHMN STAFFORD: Well, I'm confused, because
20 I thought your line went this way to Luckett Road, and it
21 would head north on Luckett Road.

22 MS. MARINEZ: That's alternative 1.

23 CHMN STAFFORD: 1, right.

24 MS. MARINEZ: But that's not the
25 Saguaro -- perhaps we're talking about two different

1 things, Mr. Chairman, I was just explaining the Saguaro
2 to Marana Transmission Line Project. That line that you
3 see that's been constructed -- so everything to the left
4 of or to the west of the ditch, that's just the Saguaro
5 to Marana transmission line circuit. And so I think
6 we're talking about two different maps, we're talking
7 about the orange line, maybe that's where the confusion
8 is, I'm talking about the map that you don't have that
9 shows the Saguaro to Marana transmission line and our
10 portion of that.

11 So -- so that line would be joint use to
12 the -- to the east, and then just a single-circuit to the
13 west.

14 BY MS. HILL:

15 Q. Adriana, may I just clarify for the Chairman a
16 little bit? Adriana, do you recall your testimony
17 yesterday where you talked about how there would be, what
18 was it a half-mile stretch --

19 A. (MS. MARINEZ) Yes.

20 Q. -- to the west, that would have transmission
21 lines running down both sides of the road?

22 A. (MS. MARINEZ) Yes. So thank you for that. So
23 alternative A would parallel the greater circuit tie here
24 along this dirt road, and then that alternative,
25 alternative A, would turn west and it would be adjacent

1 to or across the street from the Saguaro to Marana
2 transmission line, which you see ahead, which is being
3 constructed. So in that half-mile segment, as Ms. Hill
4 mentioned, headed west there will be two pole lines.

5 CHMN STAFFORD: Okay. That's -- that's
6 what I was missing, okay.

7 BY MS. HILL:

8 Q. And, Ms. Martinez, too, I have a couple of
9 questions since this is the -- since to our -- we're
10 standing under this palm tree and to our direct east
11 directly is the irrigation ditch. And then we've got a
12 cornfield right there.

13 So what is -- tell -- can you show us where the
14 circuit tie would actually go, like, where the poles and
15 where would, then, if alternative A were right next to
16 it, like, what does that look like here?

17 A. (MS. MARINEZ) So I would point you to Key
18 Observation Point 2, as an example. And -- so and we
19 don't know what side of the -- the dirt road or the CMID
20 that the line -- either line would be on, either the
21 circuit tie line or alternative A, but that's a visual
22 key observation point, too, of the two lines.

23 MEMBER KRYDER: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Kryder.

25 MEMBER KRYDER: Just a question,

1 Ms. Martinez, the Grier Substation is more or less on this
2 map you gave us where the bus is sitting or would it be
3 here where G is?

4 MS. MARTINEZ: The Grier Substation site is
5 right where we're standing.

6 MEMBER KRYDER: Right where we're standing.

7 MS. MARTINEZ: This is the parcel -- this is
8 the 20-acre parcel that we own where the Grier Substation
9 will be developed.

10 MEMBER KRYDER: Okay. Thank you. That's
11 helpful.

12 MS. MARTINEZ: So if you look at Key
13 Observation Point 2, that view is from the Marana Road,
14 so from the road about half a mile due north from here,
15 but looking south.

16 MEMBER KRYDER: Okay.

17 MEMBER MERCER: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Mercer.

19 MEMBER MERCER: So these lines over there
20 that are under construction, I see some other existing
21 lines, are those the ones that are going to be removed
22 eventually?

23 MS. MARTINEZ: Is that our distribution?
24 She's wondering if those distribution lines would be
25 undergrounded in --

1 THE REPORTER: Is this on the record?

2 MS. HILL: The witnesses are conferring.

3 (Discussion off the record.)

4 MS. MARINEZ: We'll have to check on that,
5 Member Mercer.

6 MEMBER MERCER: How about these ones to the
7 south.

8 MS. MARINEZ: So for this one for -- if
9 alternative B were selected, then yes, that would apply
10 here, too, to the south.

11 MEMBER MERCER: Okay. South.

12 MS. MARINEZ: So just as a reminder, this
13 substation is a permitted use within the zone. This is
14 neighborhood/commercial, and no additional permits are
15 required.

16 MEMBER KRYDER: Mr. Chairman?

17 CHMN STAFFORD: Yes, Member Kryder.

18 MEMBER KRYDER: Question, so TEP owns the
19 spot where we're standing here; is that correct?

20 MS. MARINEZ: That's correct.

21 MEMBER KRYDER: So it basically goes out
22 here how far? How far are we looking at, over to the
23 housing or not that far?

24 MS. MARINEZ: It's essentially where you
25 see the concrete --

1 MEMBER KRYDER: Right.

2 MS. MARINEZ: -- border --

3 MEMBER KRYDER: Oh, that piece?

4 MS. MARINEZ: -- that's the property here
5 that we own, this square in here.

6 MEMBER KRYDER: Okay.

7 MR. BRYNER: So, I'm sorry, if I can just
8 jump in real fast. So the area with the concrete border,
9 that's part of the 20 acres. The 20 acres is essentially
10 everything that's brown, everything that's not actively
11 under cultivation.

12 MEMBER KRYDER: Right. Oh, so y'all own
13 the entire 20 acres and you can place that within this
14 area anywhere y'all want; is that correct?

15 MR. BRYNER: Correct.

16 MEMBER KRYDER: Okay. So it need not be
17 exactly here where we're standing, it could be anywhere
18 in the brown area; is that correct?

19 MR. BRYNER: Correct.

20 MEMBER KRYDER: Okay. Thank you.

21 CHMN STAFFORD: Any other questions?

22 MS. MARINEZ: I have one more quick point
23 to make, if I may.

24 CHMN STAFFORD: Please, speak into the
25 microphone.

1 MS. MARINEZ: So as we leave, we're going
2 to take alternative B -- the alternative B route. We're
3 going to head west until Grier turns into Lockett Road.
4 And then at Lockett and Marana is where alternatives 1 or
5 2 would continue north.

6 MEMBER KRYDER: Okay. That would be right
7 there.

8 CHMN STAFFORD: All right. Anything
9 further?

10 (No response.)

11 CHMN STAFFORD: All right. Let's go off
12 the record and get back on the bus.

13 (Time Noted: 10:44 a.m.

14 Conclusion of Stop No. 1.)

15 (Time Noted: 11:05 a.m.

16 Arrival at Stop No. 2.)

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

18 Here we are at Stop 2. You've got the
19 microphone. All right.

20 MS. MARINEZ: So we're at the entrance of
21 the Arizona Veterans Memorial Cemetery at Marana.

22 THE REPORTER: I can't hear you.

23 MS. MARINEZ: We're at the entrance of the
24 Arizona Veterans Memorial Cemetery at Marana. And you
25 can see the agricultural fields in this area, and just to

1 kind of orient everyone, so there's THE Pinal Air Park,
2 the County-owned aircraft storage and maintenance and
3 repair facility, and it's about three miles to the
4 northwest. And then there's also the Marana Regional
5 Airport is about six miles southeast of here. And we did
6 look at flight paths for notification requirements and
7 we're well outside the area of notification. And we're
8 confident that there are no marker balls or lighting that
9 would be required.

10 So and we aren't sure exactly what side of
11 the road alternative 1 would be in this location. It
12 might be, like I mentioned yesterday, on the east or west
13 side of the road. But the thought was here in this
14 location was to potentially have the line travel to the
15 or parallel the CMID straight ahead right where I'm
16 pointing, to the -- to the west of the canal in this
17 location.

18 CHMN STAFFORD: I've got a quick question.

19 This line that we're seeing running along
20 Luckett Road on the west side, is that a distribution
21 line? It looks like a distribution line to me. Confirm
22 that it is, and then is it a TEP line or is it owned by,
23 like, Trico or somebody?

24 MS. MARINEZ: It is. This is a TEP line.
25 And this is one that would either be rerouted or placed

1 underground.

2 CHMN STAFFORD: So this is the 14-kV?

3 MS. MARINEZ: Yes.

4 CHMN STAFFORD: Okay. Just making sure I
5 know what I'm talking about.

6 Member Fant.

7 MEMBER FANT: I've got one question. Is
8 CMID generally a friendly?

9 MS. MARINEZ: Yes, we met with them, and
10 they had no concerns. They just asked that we be 25 feet
11 from the canal.

12 So alternative 1 would continue traveling
13 north towards the county line, about -- Clark, would you
14 say about two miles, maybe?

15 MR. BRYNER: I think half a mile to the
16 county line.

17 MS. MARINEZ: Half a mile to the county
18 line, where it would turn to the -- to the east along the
19 county line and then continue east.

20 MEMBER KRYDER: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Kryder.

22 MEMBER KRYDER: Is there a -- where it goes
23 up and takes a right here, is there a road to follow
24 along the county line or is it just following the county
25 line geographically?

1 MR. BRYNER: Member Kryder, I'll address
2 that. So along the county line, there's an existing
3 line, it's a Trico line. It's a distribution line right
4 there, but there is a dirt road that goes along that.
5 It's not a dirt road of sufficient quality for us to take
6 our large bus, but you can take a four-wheel-drive
7 vehicle along it.

8 MEMBER KRYDER: Could it serve as your
9 construction road?

10 MR. BRYNER: Yes. And that's what we
11 envision to do. We would go ahead and grade it, make it
12 a little bit better for our construction, over time it
13 would likely deteriorate.

14 MEMBER KRYDER: So it would normally follow
15 the black pavement that we see in front of us up until it
16 takes a right; is that correct?

17 MR. BRYNER: As Ms. Martinez pointed out,
18 the black pavement actually ends just a couple hundred
19 yards north of us. It would follow the dirt road along
20 the canal north. That then starts to veer to the
21 northwest, and we would continue directly north.

22 MEMBER KRYDER: I got it.

23 MR. BRYNER: At that point we would follow
24 the existing dirt road for a little bit.

25 MEMBER KRYDER: Thank you.

1 MS. MARINEZ: I do have some additional
2 information about the cemetery here. So the Kai family
3 owns property in this general area here where I'm
4 pointing, so directly to the south of us. Both north --
5 or no, excuse me, west and east. And the Kai family
6 actually donated the property for this cemetery. The
7 cemetery was established in 2015, and it was developed by
8 the Town of Marana.

9 And I do have a correction to make from
10 yesterday. So you'll notice we have the sign for the
11 hearing right here in front of the cemetery. We did
12 notice it for the hearing, but I went back to verify my
13 statement yesterday and we did not have this sign
14 location for the open house meeting, so I just wanted to
15 make that correction as well.

16 MEMBER KRYDER: Mr. Chairman?

17 CHMN STAFFORD: Yes, Member Kryder.

18 MEMBER KRYDER: A further question on that.
19 How large a plot is the cemetery plot, back of the
20 envelope? Are we looking at 20 acres or 200 acres?

21 MS. MARINEZ: I read in my notes
22 1,100 acres.

23 MEMBER KRYDER: 1,100, okay.

24 MR. BRYNER: That's definitely wrong.

25 MS. MARINEZ: That's not right. Oh, they

1 own 1,100, the Kai family.

2 MR. BRYNER: Yeah, the Kai family owns
3 1,100 acres. I would guess 20 acres for the cemetery.

4 MEMBER KRYDER: And it's managed by the
5 Town of Marana, it is not a federal facility?

6 MS. MARINEZ: It was developed by the Town.
7 I'm not sure who manages. We could look into that.

8 MR. BRYNER: I know it's owned by the State
9 of Arizona Department of Veterans Services, so I presume
10 they manage it. That's a presumption.

11 MEMBER KRYDER: Thank you.

12 CHMN STAFFORD: Any other questions from
13 members?

14 MEMBER FRENCH: Mr. Chairman?

15 CHMN STAFFORD: Yes, Member French.

16 MEMBER FRENCH: If alternative 2 is
17 selected, what will happen with the distribution lines
18 that are at this location?

19 MS. MARINEZ: They would remain in this
20 location. It's just where we're along the same corridor
21 that we would reroute or place the distribution
22 underground.

23 MEMBER FRENCH: So the distribution lines
24 that run north and south on Lockett Road would be
25 rerouted or undergrounded, but then when it continues on

1 Lockett Road past where alternative 2 turns, it will come
2 back above ground?

3 MR. BRYNER: Exactly.

4 CHMN STAFFORD: But for either alternative
5 1 or 2, the segment of distribution lines between Hardin
6 Road and Marana Road would either be undergrounded or
7 rerouted, correct? When you say "rerouted," what does
8 that mean? Would you locate them on the opposite side of
9 the road or --

10 MR. BRYNER: So it just depends on how the
11 system is configured. It could be that we have another
12 line coming from a different direction, and it's just a
13 short piece that maybe we need to build in order to
14 accommodate any customers that are currently being fed
15 off of this line. It could mean that we rebuild an
16 entire line, you know, on a half-mile road or some other,
17 some other area. Or putting it underground where it
18 stands today.

19 CHMN STAFFORD: Okay. So there's a number
20 of options that you haven't fully fleshed out yet, I
21 guess?

22 MR. BRYNER: Correct. Again, once we know
23 exactly which route we're doing, then we would put in all
24 the efforts, all the engineering, the design work,
25 everything to figure out the details.

1 CHMN STAFFORD: So but for either 1 or 2,
2 there's a good chance you'd be undergrounding this
3 distribution line along Luckett Road fairly quickly?

4 MR. BRYNER: Yes, we'd need to do that in
5 advance of building the transmission line.

6 CHMN STAFFORD: Oh, in advance of the
7 transmission line?

8 MR. BRYNER: Correct.

9 CHMN STAFFORD: All right. Any other
10 questions from members?

11 (No response.)

12 CHMN STAFFORD: All right. Let's go off
13 the record and get back on the bus and head to Stop 3.

14 (Time Noted: 11:05 a.m.

15 Conclusion of Stop No. 2.)

16 (Time Noted: 11:53 a.m.

17 Arrival at Stop No. 3.)

18 CHMN STAFFORD: Let's go on the record. We
19 are now at Stop 3.

20 Can you tell us what we're looking at here.

21 MS. MARINEZ: All right. So to the
22 southeast is the existing Adonis Substation that we've
23 referenced. The Owl Head Ranch Switchyard will be
24 located either south or north of the substation. I want
25 to point your direction over to this existing utility

1 corridor here. You'll notice the tall line closest to
2 us, it has four circuits on it. This is TEP's
3 transmission line here. Then next to it is a
4 distribution line, it's a Trico distribution line. And
5 then to the opposite side you'll see that H-frame
6 structure, that's the Saguaro to Adonis AEPCO line. It's
7 a 115-kV line.

8 Off in the distance are the Tortolita
9 Mountains, and again, as a reminder, the Owl Head
10 Switchyard would be -- we're working with state land to
11 secure a 15-acre site for this, and then the switchyard
12 itself would be on about eight acres.

13 So alternatives 1 and 2 would parallel
14 this -- TEP's existing transmission line with the four
15 circuits. Those are alternatives 1 and 2. And then
16 alternative 3 -- or alternative 3 would come in from the
17 route that we just took from the south. That would be
18 alternative 3.

19 CHMN STAFFORD: And what's this line
20 heading south?

21 MS. MARINEZ: That's the Saguaro to Marana
22 transmission line that's under construction. And you
23 might have noticed when we were driving in, not all of
24 the circuits are up yet, but the ones closest to us are.

25 CHMN STAFFORD: And the new line would run

1 parallel to that for route 3?

2 MS. MARINEZ: For a portion. For a
3 portion.

4 MEMBER LITTLE: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member Little.

6 MEMBER LITTLE: Where does this line cross
7 relative to that neighborhood, what is it, the San Lucas
8 neighborhood? Does it go through the neighborhood, on
9 the north side of it, where does it go?

10 MS. MARINEZ: Are you asking about the
11 Saguaro to Marana transmission line?

12 MEMBER LITTLE: Yes.

13 MS. MARINEZ: It's to the north of the San
14 Lucas neighborhood.

15 MEMBER LITTLE: Okay. Thank you.

16 MS. MARINEZ: And alternative 3 would be to
17 the east of the San Lucas neighborhood.

18 MR. BRYNER: If I could just add, when
19 we're leaving here, we'll drive through the San Lucas
20 neighborhood, and you'll be able to look through the
21 right-side window to the north and you'll see that line
22 on the north side of the neighborhood.

23 CHMN STAFFORD: All right. Anything else
24 from members?

25 (No response.)

1 CHMN STAFFORD: All right. With that, I
2 think we're headed for lunch. Our next stop will be
3 Cracker Barrel; is that right?

4 MS. GRABEL: That is correct.

5 CHMN STAFFORD: Okay. Let's go off the
6 record and take lunch. I think let's plan on coming back
7 around, you want to say sometime between 1:30 and 2:00?
8 What's more realistic, Ms. Grabel?

9 MS. GRABEL: Probably 2:00, because I think
10 they're going to have to take our individual orders.

11 CHMN STAFFORD: Okay. So let's go ahead
12 and break for lunch and come back on the record at 2:00.

13 We stand in recess.

14 (Time Noted: 11:57 a.m.

15 Conclusion of Stop No. 3.)

16 (Tour concluded at 11:57 a.m.)

17 (The hearing resumed at 2:07 p.m.)

18 CHMN STAFFORD: All right. Let's go back
19 on the record.

20 Ms. Grabel, I believe you were wrapping up
21 the cultural resources portion of the testimony?

22 MS. GRABEL: Yes, Mr. Chairman, that is
23 correct. We are going to move on to public outreach, but
24 before we do that, Mr. Bryner was able to get the
25 information that you requested about the cost of

1 undergrounding the distribution lines and the related
2 facilities on alternative route 3.

3 CHMN STAFFORD: Okay.

4 MS. GRABEL: And so we thought this might
5 be a good time to put that into the record.

6 CHMN STAFFORD: Okay. Great. And then I
7 believe Member Fontes has some questions before we move
8 on to the public outreach as well.

9 MS. GRABEL: Okay.

10 CHMN STAFFORD: Mr. Bryner.

11 MR. BRYNER: Okay. Good afternoon. So,
12 yes, so the costs for the 46-kV removal, as well as the
13 removal and rerouting or undergrounding of the
14 distribution for alternative 3. So the cost to remove
15 that 46-kV line -- well, in total, it would be about
16 \$5.1 million, to get that -- all that infrastructure out
17 of the way, cleaning it up for the new transmission line.
18 So that \$5.1 million is broken out as follows: \$230,000
19 to remove the 46-kV line, \$130,000 to remove the
20 distribution line, and then you have an additional
21 \$4.7 million to place that distribution line underground.
22 So now if we were to reroute it, it would be different in
23 cost, likely lower, possibly much lower, but just to put
24 it underground would be 4.7 million, and then we would
25 have an additional 50 -- about \$50,000 just in costs to

1 riser that distribution back up to wherever it would
2 begin. So in total that comes out to be about
3 \$5.1 million. So if you add that on to alternative 3,
4 which I think was about 16 point -- 16.2 million, so now
5 you're in the 21.3 million range, if my math was right.

6 CHMN STAFFORD: Okay. And then for the
7 alternatives 1 and 2, is that section between, I believe
8 it's -- was it Marana and Hardin, you'd also remove the
9 46-kV or is that -- no, that was the distribution line,
10 wasn't it?

11 MR. BRYNER: Correct. That's just
12 distribution that exists right there that we would
13 reroute or underground. So that was a 3.1 -- actually, a
14 3 1/2 mile stretch that I just quoted those numbers for.
15 So, again, a small portion of that was removal costs,
16 most of it was placing the distribution underground. So
17 if you took that same cost and, you know, if you were
18 just trying to get a ballpark figure, it's 1 1/2 miles
19 from Marana Road to Hardin Road. It's an additional mile
20 up to the cemetery where alternative 1 -- where the
21 distribution line that follows alternative 1 would end.
22 So that's about 2 1/2 miles, so you're talking somewhere
23 in the ballpark of about, we'll say around \$2 million to
24 go from Marana to Hardin, and around \$3 million to go all
25 the way up to the cemetery. Those are -- those are not

1 based on the scientific data that this other estimate
2 was. Those are based on an estimate right now.

3 CHMN STAFFORD: Okay. So that pretty much
4 makes those routes comparable in costs when you figure
5 this rough back of the envelope.

6 MR. BRYNER: I would say that puts all the
7 alternatives at roughly around the same -- the same total
8 cost.

9 CHMN STAFFORD: Thank you. That's helpful,
10 but certainly enlightening. Thank you.

11 MR. BRYNER: You're welcome.

12 CHMN STAFFORD: Member Fontes, I believe
13 you had some questions related to the --

14 MEMBER FONTES: I did. I wanted to go back
15 to biological resource, in light of my experience in
16 working on the Southline Project in the same county,
17 there were a number of issues with bats that had to be
18 considered, and while I appreciate that it's a 10-mile
19 line of site difference, a bat foraging and roosting is
20 about 150 miles, while I don't think we need to look at
21 all of those mitigation measures, there's one thing that
22 I would ask that the applicant consider, and that is on
23 the design for the lighting, due to the proximity of the
24 overpass there on the I-10, you're probably going to go
25 for a categorical exemption on the EIS for NEPA. And

1 then the proximity to the CAP, I would like to have you
2 come up with a consideration for configuration during
3 preconstruction or some sort of review for, with a
4 qualified biologist, to look at potential impacts
5 post-completion for the bats.

6 Again, Mr. Bryner, you know I've worked
7 with WAPA and we've had issues, and the Southline
8 actually had a lot of mitigation on that. So trying to
9 come to some sort of reasonable check during design,
10 preconstruction on that with somebody who is a little
11 more qualified. Similar to what we would do, like, on
12 the BLM preconstruction, can you come up with some sort
13 of mitigation on that to address that potential issue?

14 MR. BRYNER: Yeah, I think we can. We'll
15 take a look at what we were required to do on Southline.

16 MEMBER FONTES: Reasonable, affordable, but
17 just checking the box for the issue, given that it's a
18 known item for utilities in that county.

19 MR. BRYNER: Yeah, we'll have some
20 discussions offline. I know we have another request to
21 discuss how we'll just bring in all of these resource
22 protection measures for biology, and so we can --

23 MEMBER FONTES: Same thing with milkweed,
24 you know, not looking to hinder the project in any way
25 but just address those issues that the public has

1 expressed and the other federal agencies have on some of
2 the projects in the same zip code, not even county, zip
3 code, yeah.

4 MR. BRYNER: So we'll look into it and
5 propose something.

6 MEMBER FONTES: Appreciate it.

7 Thank you, Mr. Chairman.

8 CHMN STAFFORD: Thank you, Member Fontes.

9 Ms. Grabel, I believe we're ready to
10 proceed with the public outreach portion of your direct
11 case.

12 MS. GRABEL: Yes, thank you.

13 Q. With that, I'll turn it over to Ms. Marinez and
14 slide 50, I believe, is what we're on.

15 A. (MS. MARINEZ) So we performed extensive public
16 outreach on this project shown here in brief, but we held
17 open house meetings, engaged in neighborhood and tribal
18 outreach and had agency briefings as well, and I'll break
19 these down in the next few slides.

20 So we had an in-person meeting in the fall, in
21 November, and we had 15 attendees at that meeting. And
22 then in earlier this year we had a virtual open house and
23 we had 56 users participate in our online meeting or our
24 virtual open house. And then we also had an in-person
25 meeting in March, March 19th, and we had 20 attendees at

1 that meeting.

2 We also held three agency briefings in
3 conjunction with those open house meetings, so these were
4 done right before the open house meetings, and we invited
5 local, state, and federal agencies to participate, as
6 well as utilities and businesses within the study area.
7 And they were well attended. Over the three meetings, we
8 had over 24 agencies and entities participate in those
9 meetings, some of which are listed here.

10 We also had one-on-one agency briefings, and I
11 talked about some of these conversations earlier, but I
12 do want to provide a recap. And so I'll take one -- take
13 them one by one here. So we met with the Arizona
14 Department of Transportation -- so, as you all know,
15 we'll have to cross I-10 with either route, and so they
16 just advised that we cross perpendicularly, and they
17 shared their guidelines with us which we, of course, will
18 follow.

19 And then we also met with Arizona Electric Power
20 Cooperative, because, as we talked about earlier, we have
21 that joint project -- that joint project with them, the
22 Saguaro to Marana Transmission Line Project, and we
23 basically provided a briefing for them on the project,
24 and they did the same for us and provided us with an
25 update on that project.

1 And then, as you know, the CAP canal also would
2 be affected by the three alternatives -- whoops, I'm
3 pointing the right -- along this blue dashed line here.
4 So they also asked that we cross perpendicularly. And
5 then, as we mentioned yesterday, they also said it would
6 require -- likely require a low-level NEPA analysis, so
7 either a categorical exclusion or Environmental
8 Assessment more than likely.

9 And then we met with the Cortaro Marana
10 Irrigation District, you saw that today on our in-person
11 tour, and again, they had no concerns about the line or
12 they had no preference over any of the routes, they just
13 asked that we be 25 feet from their canal. And then we
14 also met with Kinder Morgan. So Kinder Morgan has a
15 pipeline here, and so we shared the alternative routes
16 with Kinder Morgan. And they did advise us that they
17 have a facility here, and then of course this is their
18 pipeline, so alternative 2 would actually have six points
19 in this area that would require mitigation and studies,
20 whereas the other two alternatives would have two.

21 MEMBER FONTES: Kinder Morgan owns the
22 natural -- the El Paso Natural Gas Pipeline; is that
23 correct?

24 MR. BRYNER: That's correct. They run the
25 El Paso Natural Gas Pipeline, and then they also have a

1 liquid petroleum pipeline that runs parallel to I-10,
2 it's called the Santa Fe Pacific Pipeline.

3 MEMBER FONTES: Thank you. Just wanted to
4 differentiate for my colleagues between the ownership and
5 the name of the natural gas pipeline, because they may
6 not know some of the geographic reference.

7 CHMN STAFFORD: Thank you.

8 MS. MARINEZ: Did I skip -- oh, Mr. Bryner
9 just informed me that I skipped state land
10 unintentionally. So let me jump back up to that one.
11 so -- so as you know, alternatives 1 and 2 would cross a
12 fair share of state land, so we did share with them the
13 San Lucas concerns and request to have a 300-foot setback
14 from their community to the east and they did let us know
15 that they generally -- generally prefer that we follow
16 existing infrastructure and property lines. So the San
17 Lucas community, let me point here, is here, and so this
18 is the area that they asked for that 300-foot setback.

19 MEMBER LITTLE: Mr. Chairman?

20 CHMN STAFFORD: Member Little.

21 MEMBER LITTLE: We drove along that side
22 this morning, how far -- the housing development,
23 those -- the backyards of those people came right up
24 almost to the road that we were driving on. So would the
25 line, in order to have that 300-foot setback, be quite a

1 ways off of the road to the east, then?

2 MR. BRYNER: It's about 300 feet. So,
3 yeah, so we actually paced it out there when we were out
4 in the field to see how far back 300 feet would be. To
5 me it seemed like it was quite a ways back, but at the
6 same time it was the same setback that was actually
7 stipulated for the Saguaro to Marana line with the
8 community there was to be placed 300 feet, now on the
9 north side of the San Lucas community. And we -- Adriana
10 and I looked at that the other day and I'll just say, it
11 didn't feel like it was that far away, 300 feet. So when
12 we were standing out there, it seemed like it was a long
13 ways, when it was built, it didn't seem so far.

14 MEMBER LITTLE: Thank you. That helps me.

15 MS. MARINEZ: Okay. I was just going to
16 mention, Key Observation Point 14 actually shows a visual
17 of that 300-foot setback from the San Lucas community,
18 but I do want to just reiterate that state land did not
19 commit to that setback, and they asked us to generally
20 follow property lines and existing infrastructure.

21 MEMBER LITTLE: Thank you.

22 MS. MARINEZ: Okay. So moving on to the
23 State Historic Preservation Office, I actually have a
24 slide on this next, so I'll elaborate on the special
25 meeting on the next slide. But they were a regular

1 participant in our agency briefings, as well and they
2 provided feedback there as well. And then we also met
3 with Trico to let them know about the project as a
4 courtesy as well.

5 So, Chairman Stafford, as you and members
6 of the committee are aware, there was a special open
7 meeting to address concerns regarding standard conditions
8 that are included in Certificates of Environmental
9 Compatibility. So as a result, we collaborated with the
10 State Historic Preservation Office, SHPO, and our utility
11 counterparts to bring forward the language that is
12 included in our CEC, and has been filed as Exhibit 17.

13 BY MS. GRABEL:

14 Q. Ms. Marinez, before you move on, will you turn
15 to Exhibit TEP-17 now.

16 Are you there?

17 A. (MS. MARINEZ) Yes.

18 Q. And does the language that is contained on
19 Exhibit 17 entitled, "SHPO Proposed Language for
20 Inclusion in Certificates of Environmental Compatibility
21 Revised May 19, 2025," do the conditions there number 7,
22 8, and 11 reflect the language that was negotiated
23 between the state preservation -- the State Historic
24 Preservation Office and various utilities?

25 A. (MS. MARINEZ) It does.

1 Q. And which utilities were kind of at the table,
2 so to speak, with SHPO?

3 A. (MS. MARINEZ) I'll let Mr. Bryner answer that
4 since he was at the meeting.

5 Q. Okay.

6 A. (MR. BRYNER) Yeah, so it was obviously TEP and
7 UniSource, along with Arizona Electric Power Cooperative,
8 so our project and APS, so all of the major transmission
9 providers within the state of Arizona.

10 Q. And you were a part of that meeting?

11 A. (MR. BRYNER) Yes.

12 Q. And does the language that SHPO proposed
13 accurately reflect what all of the parties agreed to?

14 A. (MR. BRYNER) Yes, it does. They agreed to in
15 that meeting -- there was a little bit of further comment
16 after the fact between SHPO and one of the utilities.

17 Q. Thank you.

18 But this reflects what all the utilities agreed
19 to as of May of 2025?

20 A. (MR. BRYNER) Yes, it does.

21 Q. Thank you.

22 Go ahead, Ms. Marinez.

23 A. (MS. MARINEZ) Okay. Using the consultation
24 toolkit provided through the SHPO, we identified nine
25 tribal communities who claim an ancestral affiliation to

1 the project area. An informal consultation letter was
2 mailed and emailed to those communities. We also invited
3 the communities to participate in our agency briefings
4 and offered individual briefings, provided email updates,
5 and made phone calls at various stages of the project.
6 SHPO also recommended that we consult with the four
7 southern tribes and we briefed the four southern tribes
8 at their January 17th meeting. And so -- and based on
9 the feedback from that meeting, they asked us to attend
10 more regularly to provide project updates, which we plan
11 to do.

12 MEMBER LITTLE: Mr. Chairman?

13 CHMN STAFFORD: Member Little.

14 MEMBER LITTLE: Can we go back to the
15 agencies. You mentioned that 26 agencies attended the
16 meetings?

17 MS. MARINEZ: 24, over the course of the
18 three meetings.

19 MEMBER LITTLE: And how many notifications
20 were sent out? The application didn't say how many
21 agencies you notified. And I realize that you amended
22 your notification list between the different meetings,
23 but if you could just give me an idea of 24 out of how
24 many notifications?

25 MS. MARINEZ: We can look into that.

1 MEMBER LITTLE: Thank you.

2 MS. MARINEZ: And circle back.

3 MEMBER DRAGO: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member Drago.

5 MEMBER DRAGO: I have a question on the
6 tribal outreach. Can you explain how you selected the
7 tribes that you selected?

8 MS. MARINEZ: So we used the consultation
9 toolkit on the State Historic Preservation Office web
10 page.

11 MEMBER DRAGO: Very good. Thank you.

12 MS. GRABEL: Before we move on real
13 quickly. Member Little, just to clarify, do you mean how
14 many people did we send the notifications to or what
15 specifically are you looking for?

16 MEMBER LITTLE: How many different
17 agencies?

18 MS. GRABEL: How many different agencies,
19 so not the people at the agencies, but the agencies?

20 MEMBER LITTLE: Right.

21 MS. GRABEL: Got it.

22 MEMBER LITTLE: Thank you.

23 CHMN STAFFORD: Member Little, because they
24 said 24 agencies participated, you wanted to know how
25 many agencies were afforded the opportunity to

1 participate?

2 MEMBER LITTLE: Yes. Yes.

3 MS. MARINEZ: So this is an overview of how
4 we got the word out about the project, and I'll break
5 these down over the next few slides. So prior to each
6 open house, a mailing was sent to property owners,
7 businesses, and residents within the study area and a
8 one-mile buffer surrounding it. We also sent a postcard
9 notification after the filing -- after filing the CEC
10 application to notice the public and interested parties
11 of the application and hearing. The mailers were sent in
12 English with a short Spanish blurb.

13 And then also prior to each public meeting
14 or in-person public meeting we posted temporary signage
15 to advertise those meetings at high traffic areas. We
16 also posted flyers at high-traffic -- foot traffic
17 locations throughout the community. Those were done in
18 English and Spanish as well. And we also posted
19 advertisements in the Arizona Daily Star, the Marana
20 Explorer, and Arizona Bilingual prior to each meeting.

21 CHMN STAFFORD: Quick question, which
22 counties did those publications circulate in?

23 MS. MARINEZ: Pima.

24 I'll check on -- we'll have to check on
25 Arizona Bilingual, it might expand -- we'll check on

1 Arizona Bilingual, but Marana and Arizona Daily Star are
2 Pima County.

3 CHMN STAFFORD: Okay. I'm just curious to
4 know if any publication was done in Pinal County.

5 MS. MARINEZ: We'll look into that.

6 Okay. So we also had social media
7 campaigns, they were geo-targeted Facebook and Instagram
8 ads within the study area, and they were centered along
9 interstate 10 and they expanded out three miles. And
10 this is a summary if you read each row or column, I
11 should say, there's a summary of each outreach effort.

12 So "impressions" are ads displayed on
13 screens. "Reach" are ads seen at least once by a
14 customer. And "click-through rate" is the ratio of those
15 who saw the ad and clicked on it for more information.
16 And so if you add the rows up, there were a total of
17 245,000 ads displayed on screens, over 87,000 customers
18 who saw the ad at least once, known as "reach," and then
19 that resulted in a click-through rate of 1.77 percent.
20 And that's who saw the ad and clicked on it for more
21 information.

22 CHMN STAFFORD: And how does that compare
23 with other social media outreach campaigns? Is that a
24 good ratio, a bad ratio, a meh ratio?

25 MS. MARINEZ: It was pretty on par from

1 when I -- I'll read it to you, I have -- so there's a
2 general traffic campaign benchmarks, it has a
3 click-through rate of 1.51 and ours was 1.77 across the
4 three campaigns. So I think this is just click-through,
5 but engagement benchmarks for government are 1.61 and
6 Instagram 2.01. And ours, again, was 1.77, so I would
7 say they're --

8 CHMN STAFFORD: Meh?

9 MS. MARINEZ: -- pretty in line with that.

10 CHMN STAFFORD: Did you have a question,
11 Member Little? I thought I saw you reaching for your
12 microphone.

13 MEMBER LITTLE: I'll wait until she's done
14 with this.

15 MS. MARINEZ: I was about to move on to the
16 next slide.

17 MEMBER LITTLE: Oh, okay. I apologize
18 for -- I'm a little behind here, but I had a couple of
19 questions about the tribal consultation. In the
20 application, you indicated that the Pascua Yaqui Tribe
21 indicated they would need more information on the
22 preferred alternative or Class III surveys to comment,
23 and the Tohono O'odham Nation requested cultural surveys
24 when complete. And you indicated that, I think, that you
25 would follow through with the tribes.

1 Is that what you meant? Is the applicant
2 committing to doing both of these things and providing
3 that information to those two tribes?

4 MS. MARINEZ: Yes, we are.

5 MEMBER LITTLE: Thank you.

6 MS. MARINEZ: And we provided Class --
7 well, we provided the SHPO letter that we sent to the
8 State Historic Preservation Office with Class I
9 information. We sent that to the Tohono O'odham Nation
10 upon their request and then we planned to send the
11 Class III information to both Tohono O'odham and Pascua
12 Yaqui as well.

13 MEMBER LITTLE: Thank you. I just wanted
14 that on the record.

15 CHMN STAFFORD: Please proceed.

16 MS. MARINEZ: Okay. So we also had a
17 project web page and we had it both in English and
18 Spanish. And the web page is included, interactive maps,
19 outreach materials, project video, comment form, how to,
20 you know, contact information, how to contact us and
21 project updates. And the numbers on the screen that you
22 see, the nearly 3,000 views and 1,800 unique users for
23 English, and then 200 views in Spanish and 28 unique
24 users, those -- I actually have updated numbers, so these
25 were the numbers when we filed and I have updated

1 numbers, which I'll read now.

2 So from October 21st to June 16th in
3 English we had 3,953 views, and we had 2,266 users. And
4 then for the same time period for Spanish we had 304
5 views and 53 users.

6 BY MS. GRABEL:

7 Q. Ms. Martinez, before you move on, will you please
8 take a look at Exhibit TEP-11.

9 Is TEP-11 a summary of the social media campaign
10 metrics that you just discussed?

11 A. (MS. MARINEZ) Yes.

12 Q. And were those documents prepared by you or
13 under your direction and control?

14 A. (MS. MARINEZ) Yes.

15 Q. Thank you. Please proceed.

16 CHMN STAFFORD: I have a quick question
17 about the project web page information. Do you have any
18 information as to location of the unique users that
19 visited the project website?

20 MS. MARINEZ: I can ask for it.

21 CHMN STAFFORD: Okay. I mean, I guess my
22 question is, do you know which counties they were in? If
23 they were all Pima County, were there impressions from
24 Pinal County? Are there people from, I guess Maricopa
25 County people could be interested in it, even though it's

1 not going to impact them directly. I'm just curious to
2 see what the breakdown was by county to see who was
3 paying attention.

4 Is that something you can find out?

5 MS. MARINEZ: We'll ask our -- our web
6 team.

7 CHMN STAFFORD: Okay. Thank you.

8 MEMBER KRYDER: Mr. Chairman?

9 CHMN STAFFORD: Yes, Member Kryder.

10 MEMBER KRYDER: Looking again at the
11 project web page, I'm taken by the fact in the upper
12 right-hand corner there, 3,020 views by 1,806 unique
13 users. Seems reasonable. So 1,800 people looked at this
14 basically twice, back of the envelope, and yet we look
15 down at the Spanish one, we have 209 views by 28 people.
16 That means 28 people looked at it nine times.

17 Comment?

18 MS. MARINEZ: I think the culprit are it's
19 likely me. I was on that web page a lot to check it and
20 update it. So I was probably quite a bit of those views.

21 MEMBER KRYDER: I appreciate your
22 honorability.

23 (Speaking in Spanish.)

24 MS. MARINEZ: (Speaking in Spanish.)

25 Okay. So, let's see, so at each open house

1 we had a sign-in sheet where attendees could opt in to be
2 part of our mailing list, and so as we built that list we
3 were able to send email updates along with our other
4 mailings. And then we also sent -- we also invited
5 agencies to participate in our agency briefings, and
6 there is a title typo on this page, we did not mail them
7 postcards to invite them to the agency briefings, but we
8 did mail them the mailers, either postcard or
9 newsletters, to invite them to the open house meetings
10 and notice them. So a slight correction to this page.

11 CHMN STAFFORD: And you're talking about
12 slide 66 of Exhibit 7?

13 MS. MARINEZ: Yes.

14 CHMN STAFFORD: Thank you.

15 MS. MARINEZ: And I also have a correction
16 on slide 67 as well. Let me just point it out here. So
17 this -- this right here was a carryover from the last
18 slide, so this is not accurate either, it's just a
19 copy/paste error. So let me just read you an update for
20 this as well. So mailers and emails were also sent to
21 local, state, and federal public officials during the
22 three outreach phases. Public officials were also
23 offered individual briefings.

24 BY MS. GRABEL:

25 Q. So, Ms. Marinez, just to clarify for the record,

1 the verbiage on this slide that says, "Postcards and
2 emails were sent to notice the three agency briefings,"
3 that's what should be struck?

4 A. (MS. MARINEZ) Yes.

5 Q. Thank you.

6 MEMBER KRYDER: Mr. Chairman?

7 CHMN STAFFORD: Member Kryder.

8 MEMBER KRYDER: Again, I question elected
9 public officials, okay. Who? What level? Just give me
10 a back of the envelope, did you send it to the
11 congressional delegation or to the local councilmen or
12 counsel people on the Marana City Council?

13 MS. MARINEZ: All of the above, local,
14 state, and federal elected officials with jurisdiction
15 within the study area.

16 MEMBER KRYDER: And who responded? I mean,
17 did you get anything back from the congressional
18 delegation? Does anybody listen -- answer the phone up
19 there?

20 MS. MARINEZ: So for congressional, we
21 didn't get a response. We did get an email, one state
22 representative I know -- so our government affairs rep
23 actually had the contact with them, and so I know there
24 was one kind of general question about just receiving
25 more information from a state representative. And then

1 for the council members, Council Member Ziegler was
2 interested and she attended our first open house meeting,
3 and she received regular updates and -- but none of our
4 offers for individual briefings were taken, but we did
5 have council member -- then Council Member Ziegler, she's
6 now vice mayor, and then another council member attend
7 our first meeting.

8 MEMBER KRYDER: So nothing from DC and a
9 little -- one person from the -- from Maricopa -- City
10 of -- I mean, the nation of Maricopa, and then the rest
11 of it was from the Town Council, City Council -- is
12 Marana, by the way, a city or a town?

13 MS. MARINEZ: It's a town.

14 MEMBER KRYDER: It's a town, okay, thanks.
15 Thank you, Mr. Chairman.

16 MS. GRABEL: And, Ms. Martinez, Member
17 Kryder, just so you know, a full summary of all of the
18 public official outreach is contained in Exhibit J-10 to
19 the CEC application.

20 MEMBER KRYDER: I didn't get that far.

21 MS. GRABEL: Oh, no, that's okay. Just
22 letting you know.

23 CHMN STAFFORD: I believe there's another
24 summary as TEP-10, isn't there?

25 MS. GRABEL: There is another summary --

1 that's much more of a summary, though, J-10 is very -- is
2 robust.

3 MS. MARINEZ: Okay. So I mentioned the San
4 Lucas Board of Directors meeting that we had in March.
5 So I don't think I'll go into any further detail, because
6 I think we covered it already. We also had reached out
7 to the Gladden Farms community and asked that we could
8 come to their neighborhood meeting and provide an update.
9 And we hadn't heard back and we had a representative at
10 the March meeting attend, and so when I asked her she
11 said they don't regularly meet, and that the best way to
12 get the information out to their neighborhood was through
13 newsletter. And so I asked -- I offered to write a
14 newsletter, and so she accepted. And we sent one when we
15 had our route alternatives to notice our third open
16 house. And then we also provided another newsletter when
17 we filed the application.

18 And I do want to mention, they have a very
19 large email distribution list. They have a list of over
20 4,000 residents, even though Gladden Farms is about 1,700
21 homes, they obviously have, you know, emails at
22 multiple -- or households have multiple emails, so -- and
23 she did let me know that they have a very high readership
24 of their newsletter, so we did get the word out that way
25 as well.

1 MEMBER KRYDER: Mr. Chairman?

2 CHMN STAFFORD: Yes, Member Kryder.

3 MEMBER KRYDER: Did I hear correctly there
4 are 1,700, back of the envelope, 1,700 residents' mailing
5 addresses?

6 MS. MARINEZ: Yes.

7 MEMBER KRYDER: Okay. Thank you. And is
8 this the subdivision -- this is not the subdivision that
9 we drove through this morning, Gladden Farms we drove
10 past on the way out; is that correct?

11 MS. MARINEZ: That's San Lucas. On the way
12 in, we drove through Gladden Farms.

13 MEMBER KRYDER: Oh, okay. Thank you.

14 MS. MARINEZ: Uh-huh.

15 So we also had four bilingual team members
16 at each meeting. We had our virtual open house boards
17 were also translated into Spanish, and then we had our
18 mailings and materials made available in English and
19 Spanish and a bilingual comment form. We did not receive
20 any Spanish calls, emails, or comments.

21 So there were multiple ways to comment
22 about the project. Could fill out a comment form, paper
23 or online, and send an email or make a phone call.

24 CHMN STAFFORD: One moment.

25 Member Fontes, you have a question?

1 MEMBER FONTES: Yes, I do, Mr. Chairman.

2 Marana's known for, like, off-road and a
3 lot of recreational and in part of the town they have an
4 annual show there.

5 Ms. Martinez, did you get any comments back
6 from that community, out of curiosity?

7 MS. MARINEZ: Member Fontes from what --

8 MEMBER FONTES: The --

9 (Cross-talk.)

10 CHMN STAFFORD: One at a time.

11 Member Fontes, ask your question and
12 then, Ms. Martinez, you can provide the answer. Wait --
13 and then wait until she answers the question before you
14 ask the next question, please.

15 Go ahead, Member Fontes, ask the question.

16 MEMBER FONTES: Go ahead and answer the
17 question, Ms. Martinez.

18 CHMN STAFFORD: So that was about the
19 off-roading community, the response from them, that was
20 your question?

21 MEMBER FONTES: Correct.

22 CHMN STAFFORD: Okay.

23 MS. MARINEZ: We did not hear from that
24 community on this project.

25 MEMBER LITTLE: Mr. Chairman?

1 CHMN STAFFORD: Member Little.

2 MEMBER LITTLE: I noted a couple of places
3 that it was discussed -- this was the CAP, I guess the
4 comments were either from the agency or from the public
5 with regard to the area around the CAP. They talk about
6 a green-up area on the east side of the CAP, as well as
7 a, they call it something else, a wildlife -- encouraging
8 wildlife or Wildlife Reclamation Area on the east side of
9 the CAP. I haven't heard any discussion about that in
10 our hearing here. Which, if any -- I mean, which of the
11 alternatives would impact that, what they're calling the
12 green-up area on the east side of the CAP?

13 MS. MARINEZ: Could we get the route
14 alternative map up on the screen, please?

15 MEMBER LITTLE: Looks like maybe just the
16 crossings?

17 MS. MARINEZ: It's essentially the yellow
18 area on the route alternatives map, let me see if it's --
19 it's here on the placemat, actually, the yellow line that
20 is next to the CAP canal line.

21 MEMBER LITTLE: Oh, okay. So it's not --
22 it doesn't extend as far as the -- in the area that we're
23 concerned about, it doesn't extend as far as where the
24 lines would go, then. So it would just be the crossing
25 of those areas. Okay, thank you.

1 MS. MARINEZ: Yeah, and just to add, CAP
2 did mention -- so they'll bring Bureau of Reclamation
3 into the conversation once we have an alternative route,
4 and they're going to facilitate those conversations.

5 MEMBER LITTLE: Thank you.

6 MEMBER KRYDER: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Kryder.

8 MEMBER KRYDER: Again, Ms. Martinez, looking
9 at the map there, you said the yellow portion in the
10 upper right-hand corner here was that greenbelt we were
11 talking about.

12 Does CAP own the land or do they have
13 easements?

14 MR. BRYNER: So it's owned by -- or the
15 Bureau of Reclamation would be the federal land steward
16 over that land. So it would be considered federal land.
17 And then CAP is operating within that.

18 MEMBER KRYDER: So CAP's entire section of
19 land is Bureau of Reclamation?

20 MR. BRYNER: I believe so. I'm not
21 100 percent positive, but I believe so.

22 MEMBER KRYDER: I never knew. I never
23 heard the question discussed before. That's very good.
24 Thank you very much.

25 MS. MARINEZ: Okay.

1 BY MS. GRABEL:

2 Q. Please continue, yes, Ms. Martinez.

3 A. (MS. MARINEZ) All right. So this is a breakdown
4 of the comments that we received. Comments were
5 generally favorable of routes or segments in less
6 developed areas, although we did receive some support for
7 alternative 3. And we also received comments about
8 property values, wildlife, and cultural resources. And
9 many comments from agencies.

10 MEMBER KRYDER: Mr. Chairman?

11 CHMN STAFFORD: Yes, Member Kryder.

12 MEMBER KRYDER: Looking back, thinking
13 back, I don't have in front of me the smiley faces, did
14 you get a negative -- I haven't heard any negative
15 comments from anybody about this, is -- am I hearing it
16 correctly or are they under the table somewhere or --

17 MS. MARINEZ: There was -- there was --
18 there were some general comments that just opposed any
19 new transmission lines in the area, so there was that.

20 MEMBER KRYDER: Okay. But that's about it?

21 MS. MARINEZ: That's about it.

22 MEMBER LITTLE: Mr. Chairman?

23 MEMBER KRYDER: Thank you.

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: I read all the comments and

1 it seemed like there were quite a few from the San Lucas
2 neighborhood -- neighborhood area. But they really
3 wanted to be sure that the line, if it gets built, would
4 be a ways away from their neighborhood.

5 MS. MARINEZ: I think that's fair to say,
6 yes. Thank you, Member Little.

7 MEMBER LITTLE: I didn't really notice that
8 many from other residents in any of the neighborhoods
9 that would be affected.

10 MS. MARINEZ: And we did hear from the San
11 Lucas community at their board meeting that they prefer
12 that the line not be adjacent to their community at all,
13 but that if it did, that it would at least be that
14 300 feet.

15 BY MS. GRABEL:

16 Q. And, Ms. Marinez, if a member wanted to read the
17 comments, would it be found in Table J-1 to the CEC
18 application, which is TEP-1?

19 A. (MS. MARINEZ) Yes.

20 MEMBER LITTLE: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Little.

22 MEMBER LITTLE: First, I want to thank the
23 applicant for the tour this morning. As always, it's so
24 helpful to get out there and really look and see on the
25 ground and see what things look like, as opposed to maps

1 and overheads and virtual simulations. I'm just
2 wondering, I noticed that at the corner of -- well, I
3 guess it's where Grier Road kind of curves around into
4 what is that Lockett Road, I think -- I want to call it
5 Locket -- Lockett, there was a residence, it looked like
6 a farm -- farmhouse, right there kind of on the corner
7 and pretty close to the road. Did you get any comments
8 that you could identify that might have come from that
9 resident about, what is that, alternative B?

10 MS. MARINEZ: Member Little, I wonder if
11 you're referring to the veterinarian clinic?

12 MEMBER LITTLE: Could be. There was a
13 building.

14 MS. MARINEZ: And there's a -- I believe
15 it's a home too or it looks like one at least from the
16 road.

17 MEMBER LITTLE: Yeah, yeah.

18 MS. MARINEZ: We did not receive feedback
19 from them.

20 MEMBER LITTLE: Okay. Thank you.

21 MS. MARINEZ: Okay. So moving on to how we
22 provided notice about the hearing. So we ran social
23 media ads from March 7th through March 14th. So this was
24 shortly after we filed for our application. And that ran
25 for a week just to let the public know that we had done

1 that and of the upcoming hearing. And then in addition
2 to that, we also ran social media ads from June 2nd to
3 June 16th, which was two weeks prior to this hearing.
4 And so the numbers you're seeing, the impressions, reach,
5 and click-through numbers that you're seeing on the
6 screen are from the May campaign. And I do have updated
7 numbers for a total of the two, the May and the June
8 campaign.

9 So for impressions, these are ads displayed
10 on screens, we had 94,386 impressions. For reach, so
11 this is the ad seen at least once by a customer, we had
12 59,386. And then the click-through rate was .39 percent.
13 And the click-through rate is the ratio of those who saw
14 the ads and clicked for more information. We also sent
15 mailers and emails providing notice of the hearing,
16 posted flyers at community locations.

17 And that concludes what we did to get the
18 word out about the hearings.

19 BY MS. GRABEL:

20 Q. And before we move on to the siting study,
21 Ms. Martinez, would you please turn to Exhibit TEP-10.
22 That is the summary of the public outreach that was
23 conducted with respect to this project, correct?

24 A. (MS. MARTINEZ) Correct.

25 Q. Was that document prepared by you and your

1 direction and control?

2 A. (MS. MARINEZ) Yes.

3 Q. And does it accurately summarize the public
4 outreach efforts that we made?

5 A. (MS. MARINEZ) Yes.

6 Q. Thank you.

7 Do we have any further questions about the
8 public outreach before we move on to the siting study?

9 CHMN STAFFORD: Are you going to cover
10 Exhibit TEP-13? I think most of those things have
11 already been mentioned in the slide presentation.

12 MS. GRABEL: Oh, those are the legal notice
13 requirements, so I do those in the very mundane thing
14 that takes like 15 minutes.

15 CHMN STAFFORD: Okay. All right.

16 MR. BRYNER: Am I up?

17 BY MS. GRABEL:

18 Q. You're up.

19 A. (MR. BRYNER) Okay. So the siting study. So
20 we've gone over basically everything we need to know
21 about these routes, but we've not covered how we came up
22 with them. So let's talk about that. So TEP has
23 developed a fairly detailed planning and siting process
24 that -- sorry, that includes five different phases. The
25 goal of this siting process is to find the best possible

1 route for a transmission line. In addition to that, we
2 also identify any alternatives that are also good
3 options.

4 So the process is heavily influenced by the
5 public. As Ms. Martinez just testified, we went through
6 extensive efforts to try to engage with the public, get
7 their feedback, hear their concerns, and then we
8 incorporate that into this process at every stage. So
9 during phase I, we acknowledged the concept of -- or the
10 concept that the project needed to achieve.

11 So we've discussed this in a fair bit of detail
12 already, but just to rehash briefly, so we know we needed
13 to connect, we needed to finish the circuit that we'd
14 already partially sited, together with AEPCO, from that
15 circuit tie down to the Grier Substation, and then we
16 needed to identify a path for a second double-circuit
17 line, so that we could create the desired transmission
18 loop.

19 So once we'd identified the points of -- hold
20 on, okay. Okay. So once we'd identified the points of
21 interconnection, we then identified a siting study area,
22 and we base that on high-level opportunities. So the
23 study area, it just helps provide us with some focus, and
24 it puts some parameters on the limits of the area within
25 which alternative routes would be considered.

1 So I think we've discussed this a little bit
2 already, but that study area was bounded on the north by
3 the Pima/Pinal County line, on the east by the
4 transmission line corridor that we saw in the field
5 today, on the south by Tangerine Road, on the west, kind
6 of southwest, by the Santa Cruz River, and on the west by
7 Luckett Road.

8 So once we'd identified the study area, the
9 project team conducted field visits so that we could
10 characterize the study area, get an understanding of both
11 the natural and the built environment within the study
12 area that exists today. We then identified
13 opportunities. So that consisted of looking for areas
14 that appeared to be good candidates for a transmission
15 line. So we looked at things like major roadways,
16 railroads, existing linear infrastructure, such as other
17 electric transmission or sub-transmission lines, major
18 transmission pipelines, also canals, so we look at those
19 areas because they're areas with established linear
20 rights-of-way that have already been disturbed.

21 We also looked at existing or planned industrial
22 land uses, so those are generally areas where sensitivity
23 to the construction and operation of a new transmission
24 line are more minimal. And so all of those, then, became
25 opportunities for siting our transmission line. We also

1 identified constraints. So if an area was identified as
2 a constraint, it didn't mean that we couldn't build a
3 transmission line there, it simply meant that there were
4 some challenges that would need to be overcome. So we
5 divided these constraints into two different categories.
6 The first, which is shown on the screen, are land use
7 constraints, so that included things like higher-density
8 development, as well as airports.

9 And we looked at -- the second level of
10 constraints we looked at were natural resource
11 constraints. So in this case, that largely included the
12 riparian areas that were along the Santa Cruz River in
13 the southwest portion of the study area. So we then
14 evaluated each of the identified opportunities, and we
15 did that through an engineering lens where we simply
16 asked the question of can we construct the line in this
17 location? And if the answer was yes, then that became
18 what we called a preliminary segment or a segment that
19 could be combined with other segments to form an entire
20 route. And then it would be subject to further analysis
21 at the following phases of the siting study.

22 So at this point we identified 159 different
23 preliminary segments. So those segments were really the
24 culmination of phase I of our siting process. And we
25 then shared those with the public, along with those

1 opportunities and the constraints which were the inputs
2 into those preliminary segments, so that we could seek
3 comment from the public, as well as they might have had
4 things that they wanted to add that we had missed.

5 So then moving on to phase II, we gathered data,
6 so that included gathering spacial data, as well as
7 reports, along with information that we received through
8 our interactions with the agencies, stakeholders in the
9 area. And that information was all gathered together for
10 use in the subsequent phases of the siting process.

11 In phase III of the siting study, that was
12 our suitability assessment is what we call it, we created
13 six different criteria models using Geographic
14 Information Systems, or GIS, to represent spatial
15 evaluation criteria. So the models we created were
16 communications, cultural resources, existing land use,
17 planned land use, natural resources, and visual
18 resources.

19 So then the 159 preliminary segments that
20 we identified in phase I were evaluated through each of
21 those models. As a result, 23 segments that had lower
22 suitability scores were removed from further
23 consideration in the siting study. So those eliminated
24 segments are shown on the screen on slide 84 in the gray
25 color, and we carried forward 136 segments for further

1 evaluation in the next phase of the project or of the
2 siting study, and those are shown in green on the map.

3 CHMN STAFFORD: Member French, you have a
4 question?

5 MEMBER FRENCH: Yes.

6 Mr. Bryner, for the alternative route 2
7 alignment, along Wentz Road where it runs north and
8 south, it does not appear that there is a segment for
9 that section on this map.

10 MR. BRYNER: Sure. Wish I would have put
11 street names on here. So alternative 2 along Wentz is
12 right here.

13 MEMBER FRENCH: I believe that's correct.

14 MR. BRYNER: You are correct.

15 So trying to remember what happened right
16 there. So, yeah, to acknowledge your comment, you're
17 absolutely correct, we don't have a -- or we did not have
18 a route there, because there was no, as you guys might
19 have seen, we did pause the bus there on our tour. We
20 looked over there, there was a dirt road, but not a paved
21 road, so it wasn't identified explicitly as a corridor.
22 So we later kind of modified that and said, hey, this is
23 better than going over to the freeway and going up was
24 going right there, so we look at these as a really fat
25 marker at this point.

1 MEMBER FRENCH: Understood. Thank you.

2 MR. BRYNER: So once we had these -- is
3 this fly getting any of you guys or just me?

4 MS. GRABEL: Yes. I'm trying to kill it
5 this whole time, sorry.

6 MS. HILL: Is it just one fly?

7 CHMN STAFFORD: I think so, but it's very
8 active. Seems to be making its way across the entire
9 table here.

10 MEMBER MERCER: I killed a fruit fly, but
11 not big enough.

12 MR. BRYNER: All right. The fly aside.

13 So back to -- back to slide 84, so once
14 we'd identified -- or once we had refined these segments
15 through this first level of screener evaluation, we had
16 those 136 segments, we took those to the public again to
17 share the process of how we developed those and sought
18 their feedback, their comment, their review.

19 MEMBER LITTLE: Mr. Chairman?

20 CHMN STAFFORD: Yes, Member Little.

21 MEMBER LITTLE: Mr. Bryner, when you say
22 "took" them to the public, does that mean that one of the
23 open houses or --

24 MR. BRYNER: Correct. So at this stage of
25 the process we held a virtual open house.

1 MEMBER LITTLE: Okay. Thank you.

2 MR. BRYNER: Yup.

3 CHMN STAFFORD: Quick, I'm sure you
4 mentioned this before, what date range was the open house
5 when you developed the segments, vetted the segments.

6 MR. BRYNER: This one was held -- and,
7 Adriana, correct me if I'm wrong, but from basically the
8 very first of February to mid-February.

9 MS. MARINEZ: January 30th through
10 February 14th.

11 CHMN STAFFORD: Of?

12 MR. BRYNER: 2025. This year.

13 CHMN STAFFORD: All right. Thank you.

14 MR. BRYNER: Okay. So moving on to slide
15 85, so phase IV, at this stage we had a very detailed
16 compatibility analysis. So this analysis looked at nine
17 different siting factors, many of which are considered by
18 the committee, but also some factors that were informed
19 by the public and stakeholder input. And each of those
20 factors were analyzed in detail for each of the route
21 segments that were under consideration. Those were
22 analyzed by subject matter experts in each of those
23 fields. So we had wildlife biologists, archaeologists,
24 an environmental and land use planner, transmission line
25 engineers, and right-of-way specialists that were looking

1 at these factors and evaluating them.

2 And in the end the results of the analysis
3 were reviewed in order to identify the routes that were
4 most compatible with the criteria considered. So, again,
5 we're looking at each criteria individually, but then
6 collectively. And the results of the compatibility
7 analysis were the identification of the single route --
8 whoops -- the single route between the Grier tie or the
9 Grier circuit -- the Grier Substation and the circuit
10 tie, and then our alternative routes A, B, 1, 2, and 3.

11 MEMBER FRENCH: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member French.

13 MEMBER FRENCH: Mr. Bryner, I'm trying to
14 discern the -- where the Veterans Memorial Cemetery fits
15 in in the sensitive category evaluation for visual
16 impacts. I'm looking at page 62 of Exhibit B-1 to the
17 application that talks about existing land use
18 sensitivity categories, and I'm assuming that it falls
19 under the public, quasi-public, but I'd like to get that
20 for sure.

21 MR. BRYNER: Just give me a minute to get
22 there. I was thinking it was a map, not a table. Hold
23 on, I need another minute.

24 MEMBER FRENCH: My apologies. And it's
25 Table 2. I believe it's on the screen now, Mr. Bryner.

1 MR. BRYNER: Sorry, we're going to have to
2 do a little more digging. I see the table you're talking
3 about, and I would presume the same as you, I would
4 classify that under public, quasi-public, but I'd like to
5 confirm.

6 MEMBER FRENCH: Got it.

7 And I have another question as well. On
8 page 68, not far from there, is Figure 11, which is a map
9 that has a layover of the visual resource considerations
10 model for the study area. And it does not appear that
11 the Veterans Memorial Cemetery is highlighted.

12 MR. BRYNER: You're correct.

13 MEMBER FRENCH: So were visual resource
14 impacts considered for that facility, and if so, where?

15 MR. BRYNER: So in this sense I would say
16 they were not considered, because this -- if it's not on
17 this data right here on the map, it was not considered.
18 But these maps that you're seeing in the figures right
19 here, they were used during the phase III suitability
20 assessment, so a little higher level assessment versus
21 the phase IV. That was a more detailed review where a
22 subject matter expert looked at each of those
23 individually and visual resources was one of the factors
24 that was looked at.

25 Give me one second to just look in our

1 Exhibit E, and see if we've got anything on that.

2 MEMBER FRENCH: Okay. Thank you.

3 MEMBER FONTES: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member Fontes.

5 MEMBER FONTES: Member French, if it's
6 useful, I live in the Pinnacle Peak corridor next to the
7 Arizona National Veterans Cemetery, and there's 345-kV
8 lines in the same proposed corridor that is very similar
9 to this. While not ideal, I 100 percent agree, as a
10 veteran, yet there is, it's not uncommon.

11 MEMBER FRENCH: Member Fontes, do you know
12 which one came first, the 345 or the cemetery?

13 MEMBER FONTES: I don't. That's a great
14 question. That predates my residence of this zip code,
15 but yeah, it's not uncommon in California, as well, and
16 throughout the Desert Southwest.

17 MEMBER LITTLE: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: It occurs to me in looking
20 at the map that's on the screen, page 85, from a
21 reliability -- we did not -- we talked a lot about
22 alternative 1, alternative 2, alternative 3, but we
23 haven't talked a lot about the difference between A and
24 B, and the reasons why A is preferred to B. From a
25 reliability perspective, as a utility planner, B would

1 seem to me to be more reliable, as you don't have the two
2 circuits in and out of what's that substation at the
3 bottom, Grier --

4 MR. BRYNER: Grier.

5 MEMBER LITTLE: -- Grier Substation that
6 close together. Could you maybe just discuss a little
7 bit about why the applicant prefers A to B?

8 MR. BRYNER: Yeah, in fact, that was
9 basically my next -- my next slide.

10 MEMBER LITTLE: Well, continue.

11 MR. BRYNER: If you can give me a half a
12 second, though, just to jump back to Member French's
13 question, and then I'll get to yours, Member Little.

14 MEMBER LITTLE: Sure. Sure. Thank you.

15 MR. BRYNER: So I was able to look in
16 Exhibit E, which is visual or scenic, I guess, scenic and
17 cultural resources. Exhibit E to the application. And
18 our KOP, Key Observation Point Number 1, that was right
19 out in front of the cemetery, essentially representing a
20 view from there. So we did analyze the visual impacts
21 associated with a viewer experience from there, and we
22 looked at it as if it was a -- you can call me
23 insensitive, a recreation user.

24 MEMBER FRENCH: Understood. Thank you. I
25 just wanted to make sure that it was considered within

1 the modeling and actually classified as what it should
2 be. And it just seemed like there was a slight disparity
3 between the different phases that you had described, but
4 since it's been considered in that later phase, I think
5 that's appropriate.

6 MR. BRYNER: Thank you.

7 CHMN STAFFORD: And, Member French, if you
8 look at the photos on pages 222 and 223, you could see
9 that in the existing view they've got the distribution
10 line there, but then in the new one that would be gone
11 and instead you see the transmission line.

12 MEMBER FRENCH: Got it.

13 MR. BRYNER: And we can confirm what we
14 used or how we classified it in phase III as well. It's
15 in Exhibit H, and it does state on page 245 of the
16 application that the Arizona Veterans Cemetery was
17 classified as public, quasi-public.

18 MEMBER FRENCH: Thank you, Mr. Bryner.

19 MR. BRYNER: All right. Member Little, I
20 think we can get to your question about why the preferred
21 routes were selected. So I guess, to start off, before
22 we selected a preferred route, so once we got to the
23 alternative routes, we then presented these to the public
24 again. This time we had an in-person open house, because
25 we wanted to consider the public's feedback, in

1 conjunction with the data that we had on the various
2 resources and criteria that we were looking at for
3 evaluation, so that -- that weighed into it. And so, as
4 we know, we only had the single route that was identified
5 between the Grier Substation and the -- and the circuit
6 tie. And that -- again, we've discussed that, but
7 basically there were other routes that we looked at.

8 As you saw, we had a spaghetti bowl full of
9 different route options we could have gone down, but in
10 the end nothing else made sense other than the most
11 direct route for that. Anything else would have been
12 longer, would have had greater impacts to resources,
13 would have cost more. Nothing really justified it, and
14 there was, as you saw from the smiley/sad face chart,
15 there was really nothing that kept that from looking good
16 except for the fact that it was not an existing utility
17 corridor.

18 But I think to really discuss why we
19 selected alternative A and B as our preferred route for
20 the double -- sorry -- what did you say -- sorry, 1A,
21 alternative route 1A -- thanks, what did I call it?

22 MS. MARINEZ: A and B, I think.

23 MR. BRYNER: We wanted to make a very tiny
24 loop.

25 MEMBER KRYDER: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Kryder.

2 MEMBER KRYDER: Before Mr. Bryner goes on,
3 could I pose a question to you? I'm looking at the
4 placemat here, and I was quite taken by the fact that
5 your right-of-way costs are -- looked like about 110
6 percent of your construction cost, is that the norm for
7 building such transmission lines or is Marana an
8 exception?

9 I mean, looking at your first one,
10 alternative 1A is 8.8 million to build the -- for
11 construction, and 9.7, looks like a 120 percent,
12 actually, of your construction cost. Right-of-way costs
13 are that significant in most transmission lines?

14 MR. BRYNER: So I'll say the way we
15 developed our right-of-way costs for this project where
16 we assumed that we would purchase -- that we would
17 purchase easements in all cases. So we don't typically
18 buy the land where we -- where we go, we buy an easement
19 or we get a lease, or whatever it is, for the land we're
20 going over.

21 But a lot of the times we're located within
22 road right-of-way, where we either have a franchise
23 agreement so we can be there by right, or we'll be under
24 there through a right-of-way use permit, something like
25 that. So we're not actually purchasing the land or

1 purchasing an easement.

2 So in that case it brings the costs down
3 substantially, and we very well may do that on this
4 project for quite a bit of it, but for purposes of
5 estimating, we said we're going to be purchasing an
6 easement 100 feet wide for the length of the project, and
7 we, for our negotiating purposes, we start with fair
8 market value.

9 MEMBER KRYDER: Okay. Are -- again, this
10 is maybe off the subject a bit, but are easements a
11 one-time payment or is this an ongoing thing to the
12 current landowner?

13 MR. BRYNER: Again, it depends. We'd sure
14 like them to be a one-time thing, but across state land,
15 so state land does not grant easements, but they'll grant
16 a lease. And that has an expiration date, I think
17 they're usually around 25 years. In 25 years we again
18 pay whatever the rates are. Federal land, they'll grant
19 a special use permit that again has an expiration date,
20 that you renew it, pay again. Private land, though,
21 typically we get a perpetual easement.

22 MEMBER KRYDER: Okay. Thank you very much.
23 That's quite enlightening to me. I have never pursued
24 that with you before, and that's quite interesting.
25 Thank you.

1 MR. BRYNER: Yeah. You're welcome.

2 CHMN STAFFORD: And, Mr. Bryner, for routes
3 1 and 2, about half of the right-of-way would be on
4 private land, as opposed to State Trust Land, right?

5 MR. BRYNER: I would say that's fair.

6 CHMN STAFFORD: Perhaps a little more,
7 depending on the route?

8 MR. BRYNER: Yeah, and of those, you know,
9 along Luckett Road we have the opportunity to be within
10 road right-of-way, other areas I think less so. So I
11 would say the right-of-way costs, that's sort of the high
12 end on the estimate.

13 CHMN STAFFORD: All right. So specifically
14 for the routes where you're going to be replacing --
15 removing or replacing infrastructure with a new line,
16 that's -- there's a high probability that the cost of
17 the -- right-of-way costs will come down from the figures
18 you've got on the placemat, and those -- those figures
19 that are on the placemat, they're originally in the
20 application, correct?

21 MR. BRYNER: Yes, that's correct.

22 CHMN STAFFORD: Okay. So --

23 MR. BRYNER: Oh, sorry, the question was
24 again, would those come down?

25 CHMN STAFFORD: There's a high probability

1 they will come down for the right-of-way costs
2 specifically for routes 1 and 2 along Luckett Road,
3 because there's -- you have an easement or you have a
4 franchise agreement with Marana for the right-of-way
5 where your existing distribution line is, and then you
6 have an existing easement or franchise agreement along
7 Barnett Road, and I believe down into where it dips down,
8 that one's not labeled on the placemat, but that would
9 also, I seem to recall, had the 46-kV, the
10 sub-transmission line running the length of that segment
11 of the route that would be removed and replaced by the
12 new line.

13 MR. BRYNER: Yes, I believe you're talking
14 about Moore Road --

15 CHMN STAFFORD: Yes.

16 MR. BRYNER: -- near Gladden Farms. So,
17 yeah, you're correct, we actually don't have a franchise
18 agreement with the Town of Marana, so any time we're in
19 road right-of-way, we're -- we seek a right-of-way use
20 permit to be there, and there's a fee associated with
21 that, but --

22 CHMN STAFFORD: But the fee is much less
23 than purchasing an easement?

24 MR. BRYNER: Certainly.

25 CHMN STAFFORD: Okay, what -- like, give me

1 a ballpark, is it half the cost of an easement, a tenth
2 of the cost of an easement, a third?

3 MR. BRYNER: I would have to ask, I don't
4 know.

5 CHMN STAFFORD: Okay. I'm interested to
6 find out what the difference in price is. Because I
7 think once -- once y'all get through your direct case I
8 think the committee kind of needs to have a discussion to
9 kick around the different routes and try to see if we can
10 coalesce around one as being superior to the others. I'm
11 just trying to think of the factors we're going to look
12 at. I guess we'll look at the statute and try to see
13 specifically the cost one, if there's going to be,
14 because I thought there might be a cost difference that
15 wasn't reflected in these numbers based on the removal of
16 the sub-transmission or undergrounded distribution. But
17 based on the numbers you provided earlier on the back of
18 the envelope -- very back of the envelope calculation,
19 that seemed to almost come out as a wash. I'm seeing if
20 there's a potential for a different change to the cost
21 structure based on the savings from easement costs, as
22 opposed to right-of-way use permits. I'm just interested
23 to know, ballpark, what the difference is in those costs.

24 MR. BRYNER: And if I could, Chairman
25 Stafford, I have just a couple more pieces of information

1 for y'all to chew on.

2 So there is a different strategy that the
3 company would have to decide which course we'd want to
4 pursue to being in road right-of-way or being in private
5 easement. So when you're in road right-of-way, if that
6 road were to be widened, which is a high possibility in a
7 heavily developing area, then we're obligated to move at
8 our own expense out of the way. Whereas, if we're in
9 private easement, and then if the road were to widen
10 beyond that roadway corridor and into the private area,
11 then it's not our responsibility to pay to move the line,
12 it's now the jurisdiction's. And so that's one thing to
13 chew on.

14 The other thing is on the existing
15 facility, so like in alternative 3, where we have the
16 46-kV line, we do have easement there. That easement is
17 much smaller than the 140 easement that we would seek for
18 the 138-kV line. And so if we expanded that easement
19 there would still be costs, so it's not just a one
20 facility for another. There would be additional
21 right-of-way we would need to seek. Just a couple pieces
22 of information, I wanted to make sure you have.

23 CHMN STAFFORD: Right. Because the 46,
24 what is the easement 50 feet, you need at least 100?

25 MR. BRYNER: I think it's 25, but I will

1 verify.

2 CHMN STAFFORD: Okay. And you need 100 for
3 the 138-kV.

4 MR. BRYNER: So, and again, right-of-ways
5 you can finagle with it a little bit, you know, as to you
6 can -- you can vary the distance between poles, so that
7 you can skinny that right-of-way up or you can maximize
8 the distance between those poles and have it wider. So
9 we like to maximize the distance between poles, and so
10 that's kind of where that sweet spot of where we found
11 that 100-foot-wide right-of-way is what we like to do.

12 CHMN STAFFORD: And it's the sway based on
13 the length of the span, which creates the need for the
14 wider easement, correct?

15 MR. BRYNER: Correct.

16 CHMN STAFFORD: Member Fontes, you have
17 your hand raised?

18 MEMBER FONTES: Yeah. Mr. Bryner, very --
19 very useful and informative on that. The other thing
20 that I would just like to get some additional color on
21 that is how is local and county permitting on the various
22 routes going to impact you guys? Marana, that's the new
23 Queen Creek, it's the -- one of the fastest growing
24 suburbans in the whole country, yet it's got the
25 additional load. But how do we optimize that route

1 selection around this planning, zoning, maybe design
2 review boards, and other things, keeping in mind we want
3 to facilitate growth there, not only on this
4 infrastructure project, but in any future and planned
5 projects, road right-of-ways, infrastructures.

6 What else can you inform us on those
7 various routes with that?

8 MR. BRYNER: So as far as local zoning and
9 permitting goes, we, outside of the Grier Substation,
10 none of these other routes are subject to zoning. We
11 already have the zoning required for the Grier
12 Substation. There are no local ordinances with respect
13 to overhead utility infrastructure in the Town of Marana,
14 so we would need to get a right-of-way use permit from
15 the Town of Marana, which we don't anticipate would be a
16 problem should we decide to go into road right-of-way.
17 If there are any pieces that are in Pima County, we do
18 have a franchise agreement with Pima County.

19 MEMBER FONTES: That includes access roads
20 for maintenance, like grading, drainage, all of those
21 things you're going to need to support this project or is
22 that just on the right-of-way for the build-out.

23 MR. BRYNER: So I was speaking to dedicated
24 road rights-of-way. If there's additional roads that we
25 needed to build, access roads for construction and/or

1 long-term maintenance, those would be --

2 MEMBER FONTES: I'm thinking you have
3 alternatives here, which one is the most favorable to all
4 those scenarios for you, so we can have that as a data
5 point as well?

6 MR. BRYNER: I'll say alternative 1.

7 MEMBER FONTES: Okay. To expand for
8 growth, to do -- to both construction and then future
9 operations and future potential growth?

10 MR. BRYNER: Correct, yeah, and I think
11 it's -- there's a reason the Town of Marana came out in
12 support of our preferred route.

13 MEMBER FONTES: 100 percent agree.

14 Thank you, Mr. Chairman. That's very
15 informative.

16 CHMN STAFFORD: Thank you, Member Fontes.

17 Mr. Bryner.

18 MR. BRYNER: Okay. Member Little, you've
19 been very patient, let's talk a little bit more about the
20 preferred route. So -- so, obviously, for our preferred
21 route, I don't really need to say it, but it is A and 1,
22 so down Lockett Road across the county line and then
23 parallel to the existing utility corridor or transmission
24 line corridor.

25 So this route was selected as our preferred

1 because it scored the highest in overall compatibility.
2 Again, think about the smiley/sad faces. So it scored
3 the highest, I guess you could say it was tied with 1B,
4 but we'll talk about that in just one second. It
5 maximized the use of utility corridors.

6 So, again, along the eastern side of the
7 route, all within an existing utility corridor, along the
8 county line within an existing utility corridor, along
9 Luckett Road, it's not really a utility corridor, but
10 I'll say it's a -- it's a somewhat major road for the
11 area, and then along Marana Road, which is a major
12 arterial road. The one exception to the corridor rule
13 would be where it goes through the agricultural fields,
14 extending from Marana Road down to the Grier Substation,
15 so for that reason it was --

16 CHMN STAFFORD: TEP owns that property,
17 doesn't it?

18 MR. BRYNER: We don't own all of it. We
19 own a large chunk of that one-half mile, but the northern
20 third, about, is privately owned.

21 CHMN STAFFORD: And that's owned by?

22 MR. BRYNER: That is owned by UNM, LLC.

23 CHMN STAFFORD: Okay. And they're
24 connected with what operation in this area?

25 MR. BRYNER: I don't know.

1 CHMN STAFFORD: Not Kia [sic] farms, or
2 what was it, Kai Farms or anything like that?

3 MR. BRYNER: No, they're not connected with
4 either of those. They did attend open house one, two, or
5 three, one of the open houses. They're not big fans of
6 the line going there.

7 So, again, that's part of the reason for
8 having our corridor is we can go on their property, and
9 on the east side of that corridor that we'd be seeking
10 between the Grier Substation and Marana Road, it's owned
11 by Cortaro Farms.

12 CHMN STAFFORD: And they came out in
13 support of this, didn't they?

14 MR. BRYNER: Well, they sold us the land
15 for Grier Substation.

16 CHMN STAFFORD: Okay. So they could sell
17 you a little bit more, give you a little more easement if
18 you've got to the east of the canal to run your line?

19 MR. BRYNER: I'd like to think so.

20 CHMN STAFFORD: Okay. All right. Sorry, I
21 interrupted you, but quick follow-up, on the -- you
22 talked about the difference between operating the road
23 right-of-way and getting an easement along the Lockett
24 Road. I guess the issue is how much wider is that road
25 going to get in the future just to make the decision

1 whether you want to do the easement or the road
2 right-of-way?

3 MR. BRYNER: Do you know?

4 (Discussion off the record.)

5 MR. BRYNER: We'll have to look that up and
6 get back to you.

7 CHMN STAFFORD: Okay. Sorry. Sorry to
8 interrupt. I think Member Little has been very patient
9 to hear why you like A better than B.

10 MEMBER LITTLE: I'm fine with the way
11 things are proceeding.

12 CHMN STAFFORD: All right.

13 MR. BRYNER: Okay. Drum roll. So what it
14 really comes down to is in all of our outreach, as -- I
15 can't remember who asked the question -- but did you hear
16 any negative feedback, primarily the negative feedback
17 that we heard was, you know, "Hey, let's stay away from
18 the residential areas," and so that weighed heavily into
19 why A over B.

20 Along A, I don't know if anyone was
21 counting the homes, but along A on Marana Road, there's
22 one home, and it's set back quite a ways, to the south of
23 Marana Road, so it passes by one home, whereas B passes
24 by quite a number of homes.

25 CHMN STAFFORD: I thought at least half a

1 dozen.

2 MR. BRYNER: Yeah. Yeah. And so that was
3 basically -- and that -- that community right there came
4 out when we were doing the rezoning for the Grier
5 Substation, they came out in force to express
6 their -- they weren't enthusiastic about the substation
7 being located there, and so then to go and route the
8 transmission line around that neighborhood as well, we
9 felt that it would be a better route to go on A.

10 MEMBER LITTLE: Mr. Chairman?

11 CHMN STAFFORD: Yes, Member Little.

12 MEMBER LITTLE: I appreciate that. Thank
13 you. And that makes sense to me also. And I guess, just
14 for the record, I would say that my concern about the
15 reliability of having both the in and out of Grier
16 Substation being in close proximity to one another, those
17 two lines, since you've got a loop system, reliability is
18 not that big a concern in this situation.

19 MR. BRYNER: Thank you.

20 MEMBER KRYDER: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Kryder.

22 MEMBER KRYDER: Mr. Bryner, you -- I heard
23 you, I thought, say a moment ago that you got a feeling
24 from the open houses and such, too, we want to support
25 this, but stay away from the houses. Is that kind of a

1 fair summary statement on 1 and 2 that led you towards
2 those?

3 MR. BRYNER: Yeah, that's fair.

4 MEMBER KRYDER: Okay. And so would the
5 corollary -- or the extension of that be that alternative
6 3 gets kicked off the table almost by that same set of
7 presuppositions?

8 MR. BRYNER: So, again, everybody has a
9 comment, and everybody has a thought, generally those are
10 coming from their perspective.

11 MEMBER KRYDER: Sure.

12 MR. BRYNER: So we did hear some comments,
13 as Ms. Martinez testified, saying they supported
14 alternative route 3, because there's an existing line
15 there, so people are used to it. I don't know if those
16 comments came from within that community or if they came
17 from folks that were affected by alternative routes 1 and
18 2, and wanted to see the line go elsewhere.

19 So there's always somebody that doesn't
20 like the route, and we recognize that's the nature of
21 siting. So we want to find the best route, recognizing
22 that there will still be impacts.

23 MEMBER KRYDER: Many thanks. That's quite
24 informative.

25 CHMN STAFFORD: I had a quick question, I'm

1 sure you told me this before, but I'm trying to keep it
2 straight in my head for what we're being asked to site
3 here. So there's the -- there's the circuit tie, which
4 is a single-circuit 138-kV, it's a half a mile from the
5 Grier Substation to circuit tie that ties into the -- the
6 lines currently under development, correct?

7 MR. BRYNER: Correct.

8 CHMN STAFFORD: Right. And then A or B, is
9 that going to be a single-circuit or a double-circuit
10 section of the line? Because 1 and 2 or 3 are all
11 double-circuit, correct?

12 MR. BRYNER: Correct. So A or B needs to
13 be paired with 1 or 2. And so A or B, both
14 double-circuit, 1 or 2, both double-circuit. 3 is a
15 complete route all on its own, and that's double-circuit.

16 CHMN STAFFORD: Okay. And then -- and it's
17 the circuit tie is not the tie of this line so much as
18 it's connected to the other line that you're developing
19 that's shared with AEPCO?

20 MR. BRYNER: That's correct.

21 CHMN STAFFORD: All right. I'm just -- I'm
22 not an electrical engineer, so the single-line diagram
23 doesn't make as much sense to me as it does to Member
24 Little.

25 MR. BRYNER: I'll call it success. We've

1 made it through and you're understanding what we're
2 asking for.

3 CHMN STAFFORD: Okay. Excellent. Please
4 proceed.

5 Unless other members have a question.
6 (No response.)

7 CHMN STAFFORD: Please proceed, Mr. Bryner.

8 MR. BRYNER: I'm done.

9 MEMBER KRYDER: Me too.

10 CHMN STAFFORD: Well, that is a nice
11 stopping point. We've been going approximately 90
12 minutes. Let's take a 15-minute recess, and then come
13 back and at which point -- how much left do you have to
14 cover for your direct, Ms. Grabel?

15 MS. GRABEL: Very brief. We just go
16 through the legal requirements, which will take all of 10
17 or 15 minutes.

18 CHMN STAFFORD: Okay. Excellent. Thank
19 you.

20 MS. GRABEL: Uh-huh.

21 CHMN STAFFORD: We stand in recess.

22 (Recessed from 3:34 p.m. until 3:51 p.m.)

23 CHMN STAFFORD: All right. Let's go back
24 on the record.

25 Ms. Grabel, I believe you were about to

1 cover the public notice requirements.

2 MS. GRABEL: Yes, we were, Mr. Chairman,
3 and, you know, before I do that, Mr. Bryner was telling
4 me he does have some answers with respect to some of
5 these remaining questions that the committee has asked,
6 do we want to have Mr. Bryner address those before doing
7 the legal requirements?

8 CHMN STAFFORD: Yes, please.

9 MS. GRABEL: Okay.

10 Q. Mr. Bryner, take it away with respect to what we
11 have learned over the break.

12 A. (MR. BRYNER) Okay. I'm going to actually let
13 Ms. Marinez cover the newspapers and where they cover,
14 then I'll chat about the web page.

15 A. (MS. MARINEZ) Yes, we were able to confirm that
16 the Arizona Daily Star does cover into Pinal County. And
17 then I'll just add that anyone within a mile buffer of
18 our study area would have received the notice as well by
19 mailer.

20 CHMN STAFFORD: Okay. Thank you.

21 MR. BRYNER: Okay. So web page, not quite
22 so succinct. So can we tell where people are located
23 that accessed our web page? Yes and no. So it all
24 depends on their IP address. We can gather where their
25 IP address is at, but if they're using a VPN, or a

1 virtual private network, it kind of masks it, puts it in
2 some other place. So, for instance, when we're at TEP
3 working, ours runs through Los Angeles. So it shows up
4 as, hey, we have 841 of those 3,291 views from
5 Los Angeles, pretty positive those are from internal TEP,
6 which means we're looking at it a lot.

7 We did have 710 viewers from Marana -- so
8 take these with a grain of salt, okay, understanding that
9 caveat -- so 710 viewers from Marana; 268 from Phoenix;
10 209 from Tucson; 206 from Las Vegas; 130 from Casas
11 Adobes, which is in the Tucson area; 51 from Ashburn, I
12 don't know where that's at; 45 from San Francisco; 41
13 from Tempe; 29 from Oro Valley; 27 from Chandler; 20 from
14 Avra Valley, which does split between Pima and Pinal
15 County, so those could be some Pinal County folks; 20
16 from Flowing Wells, Tucson area; 19 from Scottsdale; 18
17 from Catalina Foothills; 18 from New York; 17 from
18 Chicago; 17 from San Jose; 17 from Tucson Estates. And I
19 thought we had some that were from the Red Rocks [sic]
20 area. I don't see them in this list, but Red Rocks would
21 be in Pinal County, it's just north of -- I don't which
22 way we're -- just north of where we're at.

23 CHMN STAFFORD: So not the arena in
24 Colorado, then?

25 MR. BRYNER: No, different Red Rocks.

1 MS. MARINEZ: 10 in Red Rock.

2 MR. BRYNER: So 10 -- 10 Red Rock, not Red
3 Rocks, sorry.

4 CHMN STAFFORD: So, I guess, the most
5 important piece of information of it that I was looking
6 for was that the notice of the hearing was published in a
7 paper that circulated in Pinal County, because it's
8 required in the rules that the publication be made in
9 every county where the line could be located. And it
10 appears that it's possible it could actually be located
11 in Pinal County for a portion of route 1, because I
12 believe the corridor is big enough to put it on either
13 side of the Pinal/Pima County line, correct?

14 MS. GRABEL: That is correct.

15 CHMN STAFFORD: Okay. That was the -- I
16 would -- I was hoping we weren't going to hit a snag
17 where we would have been unable to have the corridor
18 extend in Pinal County if there had been no publication
19 of the notice of hearing that had reached it, so I'm glad
20 to see that we did not have that problem, so excellent.

21 Member Fontes, I believe you have a
22 question.

23 MEMBER FONTES: Mr. Chairman, thank you. I
24 appreciate that. While I didn't participate in the
25 drive-along, I did -- I do know the town and I do know

1 it's growing pretty fast in terms of aerospace and
2 defense and healthcare and data centers, in particular.

3 Is there any route that would minimize
4 impact there? And again, Mr. Bryner, what I'm looking
5 for from you and Ms. Martinez as we get into looking at
6 the various alternatives is we want to site that corridor
7 and that right-of-way, so if we have to go from, like, a
8 two-lane to a four-lane in future years and we don't know
9 what that is planning for that as we consider these
10 routes here. So along those lines, could you, both of
11 you, color how maybe industry or commerce commented on
12 this, if they did at all. Some of those IP addresses
13 sound Silicon Valley, and then how we would apply that to
14 the route. Appreciate that.

15 MR. BRYNER: Member Fontes, so let me start
16 off with corridors, and this kind of bleeds into a
17 question about Lockett Road that was asked and the
18 ultimate width of Lockett Road. We couldn't find an
19 ultimate width, but there is a potential out there for a
20 new interchange, the Tortolita Interchange just north of
21 the Veterans -- the Arizona Veterans Cemetery on I-10,
22 and in conjunction with that it's foreseeable that
23 Lockett Road would be widened, because that's where it
24 would -- it would go up past the cemetery and into that,
25 so that's a possible project.

1 With respect to other development that's
2 occurring, I know in our Exhibit H of the application we
3 identify proposed development, which is primarily
4 centered around I-10 down near the Tangerine Interchange,
5 also around the Marana Road Interchange, with residential
6 development on the east side of I-10, as well as
7 residential developments on the west side of I-10, really
8 extending throughout the project corridor.

9 From an economic development standpoint, we
10 did get a letter of support from the Chamber -- from
11 the -- oh, okay, I guess we used to have the Sun
12 Corridor, it's now all combined into one with the
13 Chamber, so they provided a letter of support. And we've
14 not heard any -- any economic development folks state
15 that this project would do anything other than help with
16 economic development in the area.

17 MEMBER FONTES: What I was looking for is
18 the applicability to the various routes by any of the
19 stakeholders. Did any of them have a preference?

20 MS. MARINEZ: I would just mention Kai
21 Farms was supportive and they're along the preferred
22 alternative, and they did support alternative 1A, our
23 preferred route.

24 MR. BRYNER: And that's probably about all
25 we have to say on that.

1 MEMBER LITTLE: Mr. Chairman?

2 MEMBER FONTES: Thank you.

3 CHMN STAFFORD: Yes, Member Little.

4 MEMBER LITTLE: I might add, in response to
5 Mr. -- Member Fontes's question, I did notice that there
6 were some comments from the gas company about concerns
7 with respect to alternative 2 following the route of
8 their gas line that -- not that it couldn't be built, but
9 that it would require some, you know, certain distance
10 from the gas line and -- and other potential issues with
11 that.

12 MR. BRYNER: Go for it.

13 MS. MARINEZ: Yes, that's correct. They
14 said exactly that. And so those were the -- there were
15 actually six points along alternative 2 that would
16 require additional mitigation and studies.

17 CHMN STAFFORD: Is that the extent of your
18 question, Member Little?

19 MEMBER LITTLE: Uh-huh.

20 CHMN STAFFORD: I had a quick follow-up
21 question. I believe, Mr. Bryner, you said they're
22 planning a new interchange that's north of the -- north
23 of the VA cemetery?

24 MR. BRYNER: Correct.

25 CHMN STAFFORD: Because I'm looking at the

1 Exhibit H-2, on page 225 of the application, it shows two
2 proposed new I-10 interchanges, one at the -- what is
3 this? To the south end, can't see the street, as I'm --

4 MR. BRYNER: I think that's on Moore.

5 CHMN STAFFORD: Moore. And then another
6 one north, it looks like it's on North Hardin.

7 MR. BRYNER: I'm looking at the map on
8 Exhibit H-2 as well, and maybe I misspoke, that almost
9 looks to me like it's immediately to the east of the
10 Veterans Cemetery, as opposed to north.

11 CHMN STAFFORD: Okay. That's the
12 interchange you're talking about then?

13 MR. BRYNER: That is.

14 CHMN STAFFORD: Okay. When you said north,
15 I was like, is this outside of the study area and that's
16 why it's not on this map, but it's to the north because
17 there's two, there's one to the north and one to the
18 south and the northern one is -- it looks like it's just
19 south of the cemetery?

20 MR. BRYNER: Yes.

21 CHMN STAFFORD: Okay. All right.

22 MEMBER FANT: Mr. Chair?

23 CHMN STAFFORD: Yes, Member Fant.

24 MEMBER FANT: Thank you, sir.

25 I assume the issue with the pipeline is

1 cathodic -- cathodic protection having a transmission
2 line running along the pipeline?

3 MR. BRYNER: That's correct.

4 MEMBER FANT: All right. Thank you.

5 CHMN STAFFORD: Don't we have a standard
6 condition in the CECs that addresses that issue?

7 MR. BRYNER: We do.

8 CHMN STAFFORD: And so that would remedy
9 whatever the problem was with siting the line on the
10 route to -- parallel to the natural gas pipeline?

11 MR. BRYNER: Correct. That would ensure
12 that we're addressing it properly. It's still -- there
13 would be added expense, and that's something that we
14 acknowledge. We parallel pipelines, as you know, in a
15 lot of instances.

16 CHMN STAFFORD: That's probably why it's a
17 standard condition.

18 MR. BRYNER: I believe so.

19 CHMN STAFFORD: I would venture to guess.
20 But aren't they requiring something more than that, like
21 a greater distance from the line than you would prefer to
22 see?

23 MR. BRYNER: We haven't -- we haven't
24 spoken with them about a specific distance, but if we're
25 within 300 feet of the pipeline, then we would -- some

1 level of study and mitigation would be required.

2 CHMN STAFFORD: Right. And that's what's
3 in the standard condition?

4 MR. BRYNER: Yup.

5 CHMN STAFFORD: Okay. All right. And then
6 is there an additional -- is that additional cost
7 included in your construction or right-of-way costs on
8 the table or the placemat that's also in the -- I
9 should -- I don't know what page it is in the
10 application, but it's not new information in the
11 placemat, it's existing information from the application?

12 MR. BRYNER: No, it's not.

13 CHMN STAFFORD: It's not?

14 MR. BRYNER: No.

15 CHMN STAFFORD: The information in the
16 placemat is new information?

17 MR. BRYNER: Sorry, the placement is the
18 same information that's found in the application. We did
19 not include the cost to do those studies and perform
20 mitigation. We haven't done the study, we don't know
21 what the mitigation is in those costs.

22 CHMN STAFFORD: Okay. Do you have a
23 ballpark figure for that?

24 MR. BRYNER: I don't. I'd have to find out
25 what it's been on other projects.

1 CHMN STAFFORD: Yeah, that would probably
2 be the first place I'd look. The last time we did it,
3 what would be the cost to do the study and the
4 mitigation. So, I mean, I realize it's not going to be
5 the exact number, I'm just looking for ballpark, because
6 I think once the applicant concludes their direct case, I
7 think the next phase would be for the members to kind of
8 have a debate, a discussion about which route we think we
9 should go with to approve. And I think it's going to
10 probably involve additional questions of the witnesses to
11 address specific things about the pros and cons of each
12 alternative.

13 And so that's just kind of where I think
14 this is headed. So if you could have any kind of -- I
15 guess, for purposes of route 2, I guess we're interested,
16 well, I'm interested, I assume the rest of the committee
17 would be too, is what kind of ballpark additional costs
18 are you looking at there? And then does that also
19 present opportunities for delay based on the actions of
20 the pipeline operator?

21 MR. BRYNER: We're building a line adjacent
22 to an El Paso line right now, so I'll talk with that
23 project manager and see what I can find out.

24 CHMN STAFFORD: All right. Excellent.
25 Thank you.

1 Are there any other questions along this
2 line or are we ready to move on to the legal notices, and
3 I guess the Ten-Year Plans too.

4 MS. GRABEL: Yes, we will happily do that.
5 You know, I think I want to do something real quickly,
6 given the nature of where you want to go with this and
7 comparing the various alternatives, and we talked about
8 alternative 2 and the existing gas pipeline.

9 Q. Alternative 2, Mr. Bryner and Ms. Martinez,
10 whoever wants to answer, that also runs through --
11 bisects almost entirely a plan development, is that true,
12 the Tortolita development?

13 A. (MS. MARINEZ) Yes, it does.

14 Q. Okay. And are you familiar with the Saguaro to
15 Marana project, we've talked about it here, case 203?

16 A. (MS. MARINEZ) Yes.

17 Q. Are you aware of whether or not the owner of the
18 Tortolita development was a willing seller of land to
19 develop that -- the Saguaro to Marana line?

20 A. (MS. MARINEZ) It's my understanding they were
21 not?

22 Q. And did that cause legal proceedings that caused
23 delays in the project, are you aware?

24 A. (MS. MARINEZ) Yes.

25 Q. Okay. Thank you.

1 Thought you might want to know.

2 CHMN STAFFORD: Was that -- legal
3 proceeding, was that condemnation or --

4 MS. GRABEL: It was.

5 CHMN STAFFORD: That's kind of worst-case
6 scenario for these types of projects, isn't it?

7 MS. GRABEL: Yes.

8 CHMN STAFFORD: I imagine that -- what was
9 the -- what kind of delay did that add to their timeframe
10 having to go through the condemnation proceedings?

11 MS. GRABEL: Quite a bit. I don't know
12 right off the top of my head, but I do know that they
13 started construction immediately once that condemnation
14 process settled, and we've seen how quickly they've been
15 going.

16 CHMN STAFFORD: Okay.

17 MS. GRABEL: So they really needed to get
18 it done.

19 CHMN STAFFORD: So set them back a year,
20 six months?

21 MS. GRABEL: Yes, definitely multiple
22 months, if not a year.

23 CHMN STAFFORD: Okay, thank you.

24 Ms. Hill, did you have something to add to
25 that.

1 BY MS. HILL:

2 Q. I was just going to ask Mr. Bryner if he had
3 independent knowledge of what Ms. Grabel said and could
4 confirm it?

5 A. (MR. BRYNER) I have independent knowledge of the
6 delay that was caused on the project and its subsequent
7 delays on other projects that we were trying to build.

8 Q. Okay. And could you just give the ballpark to
9 the Chairman and the committee and confirm that
10 Ms. Grabel's statements about timelines were correct?

11 A. (MR. BRYNER) Yeah, so we met with AEPCO to get
12 an update on the Saguaro to Marana project in March of
13 2025, and they shared with us that May 31st was the day
14 they were going to have the line completed and in
15 service, which is what we needed because we're dependent
16 on that project for another project that we're working on
17 building. And, obviously, it's not -- it's past May
18 31st, the line, as you can see, is not fully built, it's
19 not energized.

20 CHMN STAFFORD: So they're -- I guess
21 they're at least a month behind in the construction of
22 it, I guess it's still ongoing though, so --

23 MR. BRYNER: Yeah, I mean, it is amazing
24 how quickly they're constructing, and I'm sure they have
25 a fire underneath them, but yeah, I would say it's at

1 least a month, if not more. I'm amazed at how fast
2 they've built it.

3 CHMN STAFFORD: I'm sure they planned to
4 have it, like, May was, like, their drop-dead date to get
5 it done and they still missed that?

6 MR. BRYNER: Yeah, and it's having
7 substantial impacts on another project.

8 CHMN STAFFORD: Okay. All right. Thank
9 you.

10 MS. GRABEL: Thank you. And now we can
11 proceed with the legal requirements.

12 Q. And I think, Ms. Martinez, you're going to walk
13 through these with me?

14 A. (MS. MARINEZ) Yes.

15 Q. Okay. Thank you.

16 So we'll go to the Ten-Year Plans first. So if
17 you please turn to Exhibit TEP-12, Ms. Martinez, which has
18 subparts A through D.

19 Are you there?

20 A. (MS. MARINEZ) Yes.

21 Q. Are these the excerpts from TEP's Ten-Year Plans
22 for 2022 through 2025 that list this project?

23 A. (MS. MARINEZ) Yes.

24 Q. Did TEP file these Ten-Year Plans, as required
25 by ARS 40-360.02(a)?

1 A. (MS. MARINEZ) Yes.

2 Q. Thank you.

3 Go ahead and turn to slide 90. So this begins
4 the notice exhibits, so if you'll look at TEP-13A, which
5 is the notice of hearing that was filed for this project,
6 dated May 6th, 2025; is that correct?

7 A. (Ms MARINEZ) Yes.

8 Q. And if you look at TEP-13B, is Exhibit 13B the
9 proof of publication of the notice of hearing in the
10 Arizona Daily Star?

11 A. (MS. MARINEZ) Yes.

12 Q. And the Arizona Daily Star is a newspaper of
13 general circulation in the project area; is that correct?

14 A. (MS. MARINEZ) Yes.

15 Q. And Mr. -- the Chairman made a good point, we've
16 confirmed that the Arizona Daily Star does have general
17 circulation in both Pinal County and Pima County,
18 correct?

19 A. (MS. MARINEZ) Correct.

20 Q. And TEP published that notice twice in the
21 Arizona Daily Star, on May 7th and on May 11th, correct?

22 A. (MS. MARINEZ) Correct.

23 Q. And that was within 10 days after the May 2nd,
24 2025 application filing date?

25 A. (MS. MARINEZ) Yes.

1 Q. And if we'll turn to slide 91.

2 Is this the proof of publication that the notice
3 was published in the Marana Explorer on May 7th, 2025?

4 A. (MS. MARINEZ) Yes.

5 Q. And is that notice published as a courtesy, not
6 in compliance with any legal requirement?

7 A. (MS. MARINEZ) Correct.

8 Q. Thank you.

9 And Exhibit TEP-13C is the proof of publication
10 in the Marana Explorer, correct?

11 A. (MS. MARINEZ) Yes.

12 Q. And if you'll turn to slide 92, is this the
13 proof of publication in the Arizona Bilingual?

14 A. (MS. MARINEZ) Yes.

15 Q. And that publication occurred on May 26th, 2025,
16 correct?

17 A. (MS. MARINEZ) Correct.

18 Q. And, again, was this notice published in the
19 Arizona Bilingual as a courtesy and not in compliance
20 with any legal requirements?

21 A. (MS. MARINEZ) Correct.

22 Q. And Exhibit TEP-13D is the proof of publication
23 in the Marana Explorer?

24 A. (MS. MARINEZ) Yes.

25 Q. Thank you.

1 Go ahead and turn to slide 93.

2 Does this slide demonstrate that TEP
3 hand-delivered copies of the CEC application to the
4 locations that we discussed with the Chairman and that
5 were reflected in his May 2nd Procedural Order?

6 A. (MS. MARINEZ) Yes.

7 Q. And this document is found in Exhibit TEP-13E,
8 correct?

9 A. (MS. MARINEZ) Correct.

10 Q. And if you'll turn to slide 94.

11 What does this slide depict?

12 A. (MS. MARINEZ) This is where we placed signage to
13 advertise the hearing notice.

14 Q. And were the signs posted in the general
15 vicinity of where they were identified on the map to the
16 left of the screen on slide 94?

17 A. (MS. MARINEZ) Yes, they were.

18 Q. And do the photographs on the right side of
19 slide 94 confirm that the notice was posted in compliance
20 with the Chairman's Procedural Order?

21 A. (MS. MARINEZ) Yes.

22 Q. Did you take those pictures or were they taken
23 at your direction?

24 A. (MS. MARINEZ) Yes.

25 Q. Were the signs posted at least 20 days before

1 the hearing was set to begin, as required by the
2 Chairman's May 6th Procedural Order?

3 A. (MS. MARINEZ) They were.

4 Q. And the documents that you see on slide 94 are
5 found in Exhibit 13G through I; is that correct?

6 A. (MS. MARINEZ) Correct.

7 Q. And if you'll please turn to slide 95.

8 Does this slide show the documents that prove
9 that TEP delivered copies of the notice of hearing to the
10 affected jurisdictions, as required by the Chairman's May
11 6th Procedural Order?

12 A. (MS. MARINEZ) Yes.

13 Q. And these are found in TEP Exhibit 13F, correct?

14 A. (MS. MARINEZ) Correct.

15 Q. And just to confirm, the affected jurisdictions
16 in this matter were the Town of Marana, Pima County,
17 Pinal County, the Arizona Department of Transportation,
18 and the Arizona State Land Department, correct?

19 A. (MS. MARINEZ) Correct.

20 Q. And I think we have a second page showing the
21 notice to affected jurisdictions, if you go to slide 96.

22 A. (MS. MARINEZ) It's on the screen.

23 Q. Oh, okay. There you go. Thank you.

24 So if you'll please turn to Exhibit -- oh,
25 please turn to slide 97, which is the next slide.

1 What does slide 97 depict?

2 A. (MS. MARINEZ) It's the filing fee receipt.

3 Q. And if you'll look at Exhibit TEP-14, which also
4 shows the receipt of the filing fee that was paid to the
5 Arizona Corporation Commission for this project.

6 Does that document demonstrate payment?

7 A. (MS. MARINEZ) Yes.

8 Q. Thank you.

9 Did TEP also direct communications with the
10 Arizona Corporation Commission business office confirming
11 that TEP would cover the expenses of the CEC hearing?

12 A. (MS. MARINEZ) Yes.

13 Q. That communication occurred on May 8th, 2025,
14 correct?

15 A. (MS. MARINEZ) Correct.

16 Q. Thank you.

17 I think we're ready to -- unless you have any
18 questions about legal requirements?

19 CHMN STAFFORD: Yes, one, for the affected
20 jurisdictions, you said certified mail to all of them,
21 but ultimately you end up having to serve with a process
22 server Marana and Pinal County?

23 MS. GRABEL: That is correct. Thank you
24 very much. We did several.

25 Q. Ms. Marinez, did we send certified -- copies of

1 the notice of hearing by certified mail to those
2 entities?

3 A. (MS. MARINEZ) Yes.

4 Q. What happened to the receipts?

5 A. (MS. MARINEZ) They were returned.

6 Q. Correct. So in order to ensure that they
7 actually received notice, did we hand-deliver copies to
8 them?

9 A. (MS. MARINEZ) Yes.

10 Q. Thank you.

11 And before we conclude, Mr. Bryner has some
12 additional information that are still -- that responds to
13 the Chairman's questions about outstanding right-of-way
14 costs.

15 If you'd like to put that into the record.

16 A. (MR. BRYNER) Yeah, so two things that I want to
17 throw out there, so one was the question about Town of
18 Marana if we were to be located in road right-of-way as
19 opposed to private easement. So to be located in road
20 right-of-way, it's about \$1,600 per request. There are
21 likely to be several requests, but I think it's safe to
22 say much less money to be located in road right-of-way
23 versus private easement.

24 However, in this instance, because of the
25 growing nature of this area, and because of experiences

1 elsewhere in the region with the growth on roads, we
2 would want to seek private easement, as opposed to being
3 located in road right-of-way because that puts us at
4 substantial risk for a lot more money down the road,
5 because we would have to rebuild the line in a different
6 location. So that's question number one. Any -- or
7 response to question number one.

8 And then the other question was with respect to
9 the El Paso Natural Gas Line and costs that would be
10 associated with the studies that would need to be
11 completed, as well as mitigation that would be required.
12 So for that project that we're building right now, it
13 costs about -- about \$35,000 for the study, and it was
14 actually a shorter length, it was about 1,600 feet was
15 the total length where we were paralleling that line, as
16 opposed to alternative route 2 would parallel for about
17 two miles, so around 10,000 feet, and it was \$350,000 in
18 mitigation.

19 CHMN STAFFORD: Okay. For -- what's the
20 proportion of it, then?

21 MR. BRYNER: I would maybe multiply that by
22 five, six, somewhere in there. So you're probably
23 looking at 1.5 to 2 million.

24 CHMN STAFFORD: For the mitigation was the
25 study more expensive because of the length of it or is

1 the study going to be pretty much the same cost?

2 MR. BRYNER: I would guess, if you want me
3 to -- I would guess it's going to be the study is the
4 study.

5 CHMN STAFFORD: Okay.

6 Member Fontes, you have a question?

7 MEMBER FONTES: Mr. Bryner, could you walk
8 us through and apply that line cost analysis to the
9 various routes in terms of total cost impact for the
10 purchase of the private lands, so we are informed on how
11 that plays out for TEP?

12 MR. BRYNER: So it's on the placemat. So,
13 again, the right-of-way costs that we have on the
14 placemat are -- are to purchase the land in fee on
15 private or to secure a lease for lands on across Arizona
16 State Land, or to secure a Special Use Permit for the
17 short piece that we would cross the Bureau of
18 Reclamation.

19 And so those, for alternative 1A, would be
20 \$9.7 million; for 1B, \$9.5 million; for 2A, \$9.1 million;
21 for 2B \$9 million. And I'll note for those 2A and 2B, if
22 you wanted to include the costs of the natural gas
23 pipeline mitigation in those, add a couple million
24 dollars to that, so you're around \$11 million for those
25 in order to secure the rights and the ability to be

1 there. And then alternative route 3 is \$8.4 million.

2 MEMBER FONTES: So which one has the best
3 future options in terms of securing private easements
4 that can be expanded on for growth?

5 MR. BRYNER: So, as we heard from the
6 letter that we received from the Kai family, they're
7 supportive of the project, and as we heard last night in
8 the public comment session from TMR -- TMR properties?

9 MS. MARINEZ: Investors.

10 MR. BRYNER: -- TMR Investors, they were
11 supportive of either option 1 or 2. But as we just
12 learned, there were concerns with Saguaro to Marana,
13 sounds like they were able to secure the right-of-way,
14 but it wasn't super easy. So I -- but either 1 -- either
15 routes 1 or 2 would need to go through that process,
16 crossing TMR Investors' land. Alternative route 1 would
17 be a shorter distance across them. Alternative route 3
18 would not go across TMR Investors, but it would be
19 located on a lot of private land, a lot of different
20 private landowners instead of dealing with, you know, a
21 handful of private landowners, you're crossing now
22 subdivided areas.

23 MEMBER FONTES: Yeah, you'd rather herd a
24 cat than a bunch of mice, I get it.

25 Can you indulge me further and break down

1 the differences on that same analysis for 1A and 1B?

2 MR. BRYNER: Sorry, Member Fontes, I'm not
3 positive I'm understanding the distinction between what
4 you want me to do.

5 MEMBER FONTES: Is there a difference in
6 terms of the same analysis that you just walked me
7 through between alternative 1A and 1B, a material
8 difference?

9 MR. BRYNER: So essentially the difference
10 between A and B, if we went one route or the other?

11 MEMBER FONTES: Yeah.

12 MR. BRYNER: So A -- yeah, so both A and B
13 are 100 percent private that we would -- we would pass
14 by, but A passes by four property owners, whereas B
15 passes by 10 property owners on one side and around 12 on
16 the other side, so it's more property owners on B.

17 MEMBER FONTES: So from a site control
18 perspective, the ease of execution, and then to
19 facilitate growth, alternative 1A seems to be the best
20 fit?

21 MR. BRYNER: From that perspective, yes.

22 MEMBER FONTES: Thank you.

23 CHMN STAFFORD: Are you ready for your
24 conclusion?

25 MS. GRABEL: We are ready for our

1 conclusion.

2 Q. Ms. Marinez.

3 A. (MS. MARINEZ) So, in conclusion, this project
4 will bring greater capacity and reliability to the
5 region. In our presentation we've demonstrated that the
6 project is compatible with the environment and ecology of
7 the state of Arizona. It also creates little to no
8 adverse impacts or environmental factors considered by
9 the committee.

10 MS. GRABEL: Thank you.

11 That concludes our direct case,
12 Mr. Chairman.

13 CHMN STAFFORD: All right. I assume you'd
14 like to have your exhibits admitted?

15 MS. GRABEL: Yes, please.

16 CHMN STAFFORD: All right. Exhibits TEP-1
17 through 24 are admitted.

18 MS. GRABEL: Thank you.

19 (Exhibits TEP-1 through TEP-24 were
20 admitted into evidence.)

21 CHMN STAFFORD: Are there any other
22 questions from members? I had a couple more about the
23 plan development, because I'm looking at the map, Exhibit
24 H-2 to the -- to the application, page 255, compared to
25 the placement -- placemat. It looks like there's more

1 plan development on the placemat than there is on the map
2 in H-2.

3 And while they're looking at that, because
4 you have to cross -- is it Bureau of Reclamation for the
5 CAP canal? Refresh my memory, I think we may have said
6 this doesn't entail a NEPA process for that, it's
7 going -- a categorical exclusion is that what you'd be
8 looking for?

9 MS. GRABEL: Yes, Mr. Chairman, that is
10 what we anticipate.

11 CHMN STAFFORD: But it's not the full NEPA
12 analysis for an Environmental Impact Statement, correct?

13 MS. GRABEL: That's correct. We wouldn't
14 expect it would go to a full EIS. There's a slight
15 possibility it could be one of the lower two levels. We
16 anticipate that it will be the lowest, which I think is
17 the categorical exclusion, although it could require,
18 what's the second level?

19 CHMN STAFFORD: Environmental assessment.

20 MS. GRABEL: Thank you, yes.

21 CHMN STAFFORD: Which would result in a
22 FONSI, if everything goes well, right?

23 MR. BRYNER: That would be our hope.

24 CHMN STAFFORD: Okay. Finding of No
25 Significant Impact.

1 Do you have an answer about my development
2 map question?

3 MR. BRYNER: We don't have a good answer.
4 I can give you an answer, but we don't have a good
5 answer. So, essentially, the Town of Marana maintains a
6 website that shows where proposed developments are going.
7 And so the data that's showing on your placemat is coming
8 from that, and so it shows those developments as such,
9 whereas H-2 is a little bit more specific research on
10 proposed developments and where those are at. And so
11 it's a little bit more refined. I would say the placemat
12 is a little higher level, H-2 is a little bit more
13 reflective of projects that are in more advanced phases
14 of planning.

15 CHMN STAFFORD: Okay. So then does the
16 actual map that's attached to the placemat, does
17 that -- can I find it somewhere in the actual
18 application, or is it is an updated version of what's on
19 page 255?

20 MS. GRABEL: Mr. Chairman, if you look at
21 A-4, that shows plan developments, and it does reflect
22 the more extensive plan development.

23 CHMN STAFFORD: Okay.

24 MS. GRABEL: It's page 35 to the
25 application.

1 CHMN STAFFORD: There we go. So this is
2 more based on what they have on the website, as opposed
3 to the other Exhibit H-2, which is what they have
4 someplace else?

5 MS. GRABEL: Probably filed with the Town
6 of Marana.

7 CHMN STAFFORD: Okay.

8 MS. GRABEL: Some sort of zoning change.

9 CHMN STAFFORD: So the H-2 is more
10 official, this is kind of a more --

11 MS. GRABEL: Conceptual.

12 CHMN STAFFORD: Conceptual, okay.

13 MR. BRYNER: Okay. So what you're seeing
14 in A-4, that's according to the general plan land use,
15 which is more reflective of what's on their web page
16 versus the specific plan developments that are in Exhibit
17 H-2.

18 CHMN STAFFORD: Right. Because H-2 is
19 concrete plans that they've noticed the Town on or the
20 County or --

21 MR. BRYNER: Correct.

22 CHMN STAFFORD: This is what -- this is
23 officially what we want to do with the land, as opposed
24 to the general plan which is this is the big picture idea
25 that we as the Town and the County have for the

1 development of this area? Okay. That makes sense.

2 Thank you. That's actually a good explanation,

3 Mr. Bryner.

4 MR. BRYNER: Well, thank you for helping us
5 get there.

6 CHMN STAFFORD: Okay. And then do we have
7 any kind of estimation for time frame for this
8 development and what kind of amount of new load you
9 expect to see be developed in the area that this line is
10 going to serve? And, again, I guess it's going to be for
11 your customers, as opposed to Trico customers, which are
12 also in a portion of this.

13 MR. BRYNER: So in what Ms. Martinez
14 testified to yesterday with respect to the growth in the
15 area, it was 11 times from when we did that study until
16 on the planning horizon. So that is based on the -- it's
17 not based on the general plan, but it's based on the
18 zoning and zoning maximum build-out, so that already
19 incorporates, hey, if this development happens according
20 to the zoning at that time, and that density and things
21 like that, then we would hit that 11 times figure which I
22 believe was somewhere around 170 MVA; is that right?

23 CHMN STAFFORD: Okay. And the zoning is on
24 page 3, 259 of the application, correct?

25 MR. BRYNER: Zoning, I believe, is in

1 Exhibit H.

2 CHMN STAFFORD: Yes, H-3 I said, on
3 page 259 of the application.

4 MR. BRYNER: Yes, you are correct.

5 CHMN STAFFORD: Okay. And I -- I see that
6 there's two shades of greens on the legend, but I'll be
7 darned if I could tell which one's which on the map. I
8 think that the specific plan is the most of it except for
9 the strip that's down at the bottom which is the
10 designated floodplain or is all of that floodplain?

11 MR. BRYNER: I agree with you that the
12 green around the Santa Cruz River is designated
13 floodplain, the green that's more centered around I-10 is
14 specific plan.

15 CHMN STAFFORD: Okay. All right. And it
16 seems most -- the biggest plan to develop in this area is
17 going to be residential?

18 MR. BRYNER: Correct. There is some
19 commercial and industrial load, but it's primarily
20 residential.

21 CHMN STAFFORD: All right. And then you
22 have -- it looks like the heavy industrial zone up in
23 Pinal County just out -- north of the study area. It's
24 just north of the county line, but just barely within the
25 study area, and I'm assuming the red up in the upper, I

1 guess the northwest corner continues further into Pinal
2 County than just that little sploosh that you have for
3 the study area.

4 MR. BRYNER: I would assume that, but I
5 would also note that that's outside of TEP service
6 territory.

7 CHMN STAFFORD: Right.

8 MEMBER FONTES: Mr. Chairman, are you
9 talking about population, residential, and commercial
10 growth, or are you talking about load growth as well and
11 other economic factors?

12 CHMN STAFFORD: I'm speaking about all of
13 that, because I'm looking at the plan, because I need to
14 have this additional, the upgrade to the system to be
15 able to accommodate growth in this area because their
16 46-kV system isn't going to be able to cut it, correct?

17 MR. BRYNER: Correct. It's already not
18 cutting it.

19 CHMN STAFFORD: Okay.

20 MEMBER FONTES: So I think that's covered
21 in the IRP, is it not, Mr. Bryner, your load growth based
22 on population factors?

23 MR. BRYNER: It's covered in our -- in the
24 Marana area plan that we did as a study for this area.
25 I'm not certain about the IRP.

1 MEMBER FONTES: Thank you.

2 CHMN STAFFORD: All right. I guess where
3 I'm kind of going with this is we had a case not too long
4 ago about development in Laveen and the need to install,
5 I believe it was two double-circuit, was it 230-kV, I
6 think it was 230, because they could only accommodate,
7 and I'm just shooting from the hip with the numbers,
8 don't quote me, but they could only serve I think it was
9 30 megawatts new load in this area and with the upgrade
10 it could serve 6,000 megawatts, or something like that,
11 some drastically huge number difference. And so -- and
12 they had flexibility where to put the line, because they
13 didn't want to put it closer to where they're
14 anticipating adding a high-usage customer that would take
15 delivery off the transmission system, not the
16 distribution system. So I'm just -- I guess I'm looking
17 to see if there's any similar potential here for that
18 that would cause this committee to favor one route over
19 another?

20 MR. BRYNER: Can you give me just one
21 second?

22 MEMBER FONTES: Also, Mr. Chairman, so
23 you've got -- AEPCO is going to service load here as
24 well, are they servicing the same customer base as -- as
25 TEP? Or are they two separate customer bases?

1 CHMN STAFFORD: I believe they had separate
2 service territories.

3 MS. GRABEL: AEPCO serves Trico. And Trico
4 serves its own service territory. TEP serves the
5 remainder of the Marana area.

6 CHMN STAFFORD: Right. Because AEPCO
7 doesn't have retail customers, they have wholesale
8 customers for transmission and their generation services,
9 whereas Trico they buy all the power and it gets moved to
10 them along AEPCO's transmission system to their
11 distribution system for ultimate delivery to their
12 members.

13 MS. GRABEL: That's correct. They're the
14 distribution cooperative.

15 CHMN STAFFORD: Okay. So I guess if you're
16 a distribution cooperative, you really need to work with
17 your transmission and generation cooperative to be able
18 to serve your load, so they'd be able to know what's
19 coming in terms of large industrial customers, like, say,
20 a data set or a manufacturing facility.

21 What I guess I'm trying to get at is, is
22 that in the pipe for you guys or for Trico, because I
23 guess they would benefit indirectly from your improvement
24 because they could wield power through your system
25 potentially.

1 MR. BRYNER: I'm sure all kinds of
2 agreements could be struck, but that's not my area of
3 expertise, but I will say the Town of Marana, as we've
4 mentioned, they're always courting economic development,
5 they're seeking growth opportunities. When we met
6 with -- we met with the Town manager and staff early on
7 in the project, I want to say November of '24,
8 thereabouts, that was one of their primary concerns was
9 what are you doing to ensure we have energy for the
10 future? And so that's why we wanted to make sure that we
11 are thinking ahead and not just meeting the needs that we
12 have today, which is to have just really a single-circuit
13 loop, but have the option to add a second line in the
14 future without having to go through not just this
15 process, but we know it's disruptive to the community as
16 well and so have that planned out in advance.

17 CHMN STAFFORD: You're going to build a
18 double-circuit line, though, you're not putting one on
19 now and one on later, right?

20 MR. BRYNER: We would put the second line
21 on later when it's needed, so we would not build it until
22 it's needed. But we anticipate that would -- I know
23 typically these certificates have a duration of 10 years.
24 We would anticipate that it would be needed within that
25 10-year time horizon.

1 CHMN STAFFORD: Okay. All right. I'll
2 have to go back and look at the draft CEC, because I
3 think this came up before and I think we had specific
4 language to address if they're going to put
5 double-circuit on, double-circuit capable, they could put
6 the second one on. And the other one was where they
7 weren't sure whether they were going to do a single- or
8 double-circuit, but they'd know when they start putting
9 the first poles in because it would be double-circuit
10 capable or it wouldn't be, so -- but we can get to
11 that -- we'll burn that bridge when we get to it.

12 MR. BRYNER: Okay.

13 CHMN STAFFORD: Okay. So I guess, but I'll
14 circle back there, the letter of support in Exhibit
15 TEP-18 from Marana, that's -- they're in support of route
16 1A, correct?

17 MS. MARINEZ: I believe the letter is more
18 general just stating that they're supportive of the
19 project, but they -- when we met with them in November,
20 as Mr. Bryner was mentioning, they did support a route
21 that was away from their town center and along Luckett
22 Road.

23 CHMN STAFFORD: Okay. I think that's all I
24 have as well.

25 MEMBER KRYDER: Mr. Chairman?

1 CHMN STAFFORD: Member Kryder.

2 MEMBER KRYDER: Perhaps this I'm directing
3 to Mr. Bryner, but maybe it's to the wrong person. I
4 read and read and read the Staff letter, and got back to
5 the conclusion and it reads as follows, the last part of
6 that: "Staff believes the proposed project could improve
7 reliability and safety of the grid and delivery of power
8 in Arizona." And the word that bothers me is the word
9 "could," that's about the weakest thing that I could put
10 there. Is it really -- I should be asking this I guess
11 to Staff, not being able to, I'm asking it of you, were
12 you troubled by that? This sounds like, gosh, it could
13 help? But we're going to only spend \$18 million, and
14 maybe it won't. That's what that says to me.

15 MS. GRABEL: I'm guessing Member Little can
16 answer that question.

17 MR. BRYNER: That's exactly who I wanted to
18 refer to.

19 MEMBER LITTLE: Eyes are on me.

20 Member Kryder, that language has always
21 concerned me, even when I wrote it for many of these
22 projects back a few years ago. It is the standard
23 language that is always in the Staff letters. You will
24 never see a Staff letter that says it will improve. My
25 preferred language is that it will not harm, but the

1 Commission Staff has preferred to say that it could.

2 MEMBER KRYDER: And that historically was
3 something that came off --

4 MEMBER LITTLE: And I am not defending it
5 just because it's the way it's always been, but just
6 letting you know that that is the way it's always been.

7 CHMN STAFFORD: And apparently that's as
8 good as it gets.

9 MEMBER LITTLE: Yeah, that's -- I still --
10 I have concern with that with similar language in our
11 Finding of Fact.

12 MEMBER KRYDER: And it's essentially saying
13 I'll hang by my thumbs and it probably, after some time,
14 it won't hurt.

15 MEMBER LITTLE: It's not saying anything as
16 far as I'm concerned.

17 MEMBER KRYDER: Okay. Thank you. Thank
18 you for your straightforwardness to this, Member Little,
19 I really appreciate it. And I'm sorry to bring it up
20 late in the issue, but I thought I had to get it on the
21 table, because it's troubling me each time I read it as
22 well. Thank you very much.

23 Thank you, Mr. Bryner, for passing it back
24 to its source.

25 MR. BRYNER: Always happy to.

1 MEMBER KRYDER: No other question,
2 Mr. Chairman.

3 CHMN STAFFORD: Beg your pardon?

4 MEMBER KRYDER: No other questions.

5 CHMN STAFFORD: All right. Any further
6 questions from members?

7 (No response.)

8 CHMN GRABEL: Ms. Grabel, would you like to
9 give your closing?

10 MS. GRABEL: With your permission,
11 Mr. Chairman, committee members, Mr. Ancharski does a lot
12 of work for these hearings and hardly ever gets to speak
13 on the record, so I'd like him to give a closing if it's
14 all right with you.

15 CHMN STAFFORD: Please.

16 MR. ANCHARSKI: Thank you, Chairman,
17 Committee Members, for the record this is the first time
18 I'm speaking today, my name is Elias Ancharski, on behalf
19 of the applicant. I'd first like to take a second to
20 welcome Member Fant, Member Comstock, and Member
21 DiCiccio. We hope you had a good experience at your
22 first CEC hearing. We appreciate your time,
23 consideration, and most importantly your desire to find
24 the most suitable project that meets the proposed need.
25 Your questions, comments, expertise are greatly

1 appreciated.

2 As a quick refresher the company is asking
3 for approval of three separate components of this
4 project, and we're asking for a short circuit tie that
5 would connect the Grier Substation to the planned and
6 currently in development Saguaro to Marana transmission
7 line. We're asking for a transmission line route that
8 would connect the Grier Substation to the planned Owl
9 Head Ranch Substation or Owl Head Ranch Switchyard, and
10 we're asking for approval of the Owl Head Ranch
11 Switchyard in the siting area that we've discussed and as
12 you'll see in the proposed CEC.

13 While you have heard that the company
14 prefers route 1A, we believe that all routes are
15 acceptable and would -- and would meet the growing needs
16 of the community in which TEP serves. Based on the
17 evidence presented over the past several days, the
18 Northwest Marana Reliability Project will help meet
19 Arizona's need for an adequate, economical, and reliable
20 supply of power, with minimal impacts to the environment
21 and ecology of the state.

22 Again, thank you for your time and we
23 respectfully ask that you approve the requested CEC.
24 Thank you.

25 CHMN STAFFORD: Thank you. All right.

1 Well, it's been a long day, and I don't think it's likely
2 we'll finish voting the CEC through in the next
3 20 minutes. I think what we can do, though, I think is
4 kind of have a discussion amongst the members as kind of
5 an informal polling of what route you think is -- you're
6 inclined to think is the most acceptable based on the
7 evidence we've heard.

8 Member Kryder?

9 All right, Member DiCiccio.

10 MEMBER DiCICCIO: I don't mind going first
11 either. From what I've heard from this testimony, one it
12 just seems like the 1A is the shortest route, it seems
13 like it has the least amount of individuals that would
14 have to sell their property. It just seems less
15 cumbersome and also seems to be also the fastest route.
16 I wouldn't even mind putting a motion out there for it to
17 be discussed, if that's what you would like to have done,
18 it just seems to me to have the least amount of problems.

19 What I've found interesting about these
20 meetings is the amount of work that's required to do
21 these lines. I'm in shock by it. I just can't imagine
22 the amount of years that has gone by just to put these
23 reports together. It takes time. And I'm amazed at it.
24 If there was a way to cut back on some of that
25 bureaucracy, I think we should. But from my end it just

1 seems like it's quite a bit of work to try to get power
2 to our grid, and to get it to the people that need it
3 right away. Especially with the amount of growth, which
4 is good for our economy in the state of Arizona. So I
5 don't mind putting a motion out there, Mr. Chair, but
6 it's up to you.

7 CHMN STAFFORD: I think we're at this
8 point, because we haven't pulled up the CEC, because
9 that's when the rubber meets the road.

10 MEMBER DiCICCIO: Oh.

11 CHMN STAFFORD: And I haven't provided
12 Chairman's 1 and 2, which would be the CEC that we would
13 be starting with and working with to amend to get the
14 final product. I just -- this is kind of --

15 MEMBER DiCICCIO: Got it.

16 CHMN STAFFORD: -- in the final, in the
17 waning minutes of the day, I'm trying to get a pulse from
18 my fellow members of where do we think we're going and so
19 I can prepare myself for how tomorrow will go.

20 MEMBER DiCICCIO: Got it.

21 CHMN STAFFORD: So I'm hearing that your
22 preference is 1A?

23 MEMBER DiCICCIO: Correct.

24 CHMN STAFFORD: Okay. And that was your
25 preference as well, Member Kryder?

1 MEMBER KRYDER: Let me give some background
2 just a little bit. First, I think it should be on the
3 table that the Grier Substation to circuit tie is a done
4 deal, and that would be fully acceptable. And then of
5 the substation to the Owl Head Ranch Switchyard, looking
6 at all of the pieces of information, the cost of the
7 right-of-ways and the mitigation cost along the gas line,
8 the potential of taking down the existing materials, and
9 so on, all pushes me back to the preferred alternative
10 1A. So I would support alternative 1A as my first
11 choice.

12 CHMN STAFFORD: All right. And then,
13 Member Fontes, you have your hand raised.

14 MEMBER FONTES: Mr. Chairman, thank you, I
15 appreciate that. I want to talk about quarter width,
16 because we're going to get into an area here where we're
17 going to have, we've asked for a little bit more quarter
18 than we've approved on similar projects. And I'm
19 supportive of that, but I'd like to get more precise
20 tomorrow when we start getting into the wordsmithing on
21 the final alternative.

22 In the past we'd want to be precise to have
23 minimal impact, commercial, residential traffic, but by
24 the same token we'd want to have that ability for the
25 growth. So I'd ask the TEP team to think about that on

1 how we can fine-tune that a little bit. And then if you
2 put a second circuit on there too, if we need to account
3 for any things on that.

4 (Interruption in the proceedings.)

5 CHMN STAFFORD: What was that? I heard
6 like a --

7 MEMBER FONTES: That was on my end.

8 CHMN STAFFORD: Oh, sorry.

9 MEMBER FONTES: Apologies. Anyway, that's
10 my -- just my input. And then the other environmental
11 mitigations that we brought up, Member Little and myself,
12 for tomorrow when we get to that step. I'm still looking
13 at the routes and the alternatives, but I am definitely
14 leaning towards 1A as Member Kryder and the other new
15 members are looking at.

16 CHMN STAFFORD: Okay.

17 Member Mercer, your thoughts?

18 MEMBER MERCER: So it's my understanding
19 that the preferred route, you have the option of getting
20 the right-of-way or getting an easement?

21 MR. BRYNER: We have the option for any of
22 the alternatives for at least pieces of being in road
23 right-of-way or getting an easement, but our preference
24 is going to be to seek easement. Even though it's more
25 expensive, we believe it's less expensive in the long

1 run.

2 MEMBER MERCER: It looks to me that the
3 preferred route you would be probably more -- you would
4 be able to get easements instead of the right-of-way
5 compared to the other routes, so I -- I'm going
6 toward -- towards the preferred route 1A.

7 CHMN STAFFORD: Member French, did you have
8 thoughts?

9 MEMBER FRENCH: I suppose. My personal
10 preference is route 2A, being that the two major
11 landowners that are impacted between route 1 or route 2
12 are Kai Farms and TMR Investments, and they have, from
13 what I remember, they've both stated that either one of
14 those routes are acceptable. So, to me, avoiding the
15 Veterans Cemetery, just from my personal preference,
16 would be better and use the route 2. But, if for some
17 reason during the studies for the co-location of the line
18 and the gas line make it impracticable, then defaulting
19 to route 1 would be acceptable to me.

20 CHMN STAFFORD: Okay. Member Fant, did you
21 have any thoughts?

22 MEMBER FANT: Just really quickly,
23 Mr. Chair. I'm active in the Pinal Partnership and I'm
24 also a member of the board of directors of the
25 Southeastern Arizona Economic Development Group, so from

1 an economic development perspective, 1A makes the most
2 sense. 3 doesn't make sense because if growth rolls
3 northward, you're going to have to come back and do
4 something in that northern sector anyway, so you should
5 do it now while there's less population there. 2A is not
6 bad, but you have to deal with El Paso Electric -- not El
7 Paso Electric -- El Paso Natural Gas, which they're a
8 little bit contentious.

9 So -- and I'm also aware that the growth
10 rates of the cities just to the north of this area, Eloy,
11 Coolidge, Florence, Casa Grande, are all in double
12 digits, so that stands to reason that Marana is headed
13 for double-digit growth if it isn't already there. I
14 don't know, you may know.

15 So 1A makes sense, I think, from Tucson
16 Electric's perspective. And I also agree with
17 Mr. Fontes, maybe we should make this somewhat wider than
18 a normal right-of-way, so that gives Tucson Electric a
19 little more flexibility over at the Owl Head Ranch
20 station when they have to deal with the ASLD. And also
21 to work with the cemetery. So I think that's a -- that's
22 a relatively good compromise solution, and gives them
23 what they want.

24 CHMN STAFFORD: Okay. And I think in the
25 right-of-way or the corridor that the applicant's

1 proposed where to put the switchyard is a pretty
2 good-sized area, considering it's going to be ultimately,
3 I think, six acres, eight acres in total size in the
4 final switchyard on an approximately 15-acre spot, so --
5 I don't have that pulled up right now, we'll do that
6 tomorrow, but I'm just saying that, you know, I think
7 there's -- we -- I think we want to -- trying to think --
8 do we have a notice problem if we make the corridor
9 bigger than appeared in what the application and the
10 notice for it did? If it's -- I guess it's a matter of
11 degree, I think. If it's in a totally new place that
12 would be different than saying, oh, it's 100 -- the
13 corridor is 100 foot wider. It impacts the same
14 landowner than where it was going to be in the first
15 place.

16 So I don't -- I'm just thinking off the
17 top of my head, but I thought it was a pretty good size.
18 I thought you guys didn't need to propose a corridor
19 wider than you already had; is that correct?

20 MS. GRABEL: I believe that is correct,
21 Mr. Chairman, yes. And there is language in the statute,
22 I'll have to revisit it, about the types of changes that
23 the committee can make without having to do another
24 notice. I'll be prepared tomorrow to address that.

25 CHMN STAFFORD: Yeah, I think it's -- I

1 think it's the route, I don't think it's --

2 MS. GRABEL: I think it's the route too.

3 CHMN STAFFORD: Right. I think a couple
4 hundred feet in corridor width isn't going to do it.

5 MS. GRABEL: That's correct.

6 CHMN STAFFORD: I just wanted to kind of
7 muse about it now so we're not scrambling tomorrow.

8 MS. GRABEL: Uh-huh.

9 CHMN STAFFORD: And then, Member Little?

10 MEMBER KRYDER: Oh, Mr. Chairman,
11 before --

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: -- Member Little. Just to
14 follow up on your comment, and maybe this goes to
15 Mr. Bryner, if we expanded the corridor, does that expand
16 your -- your cost of acquisition when you go to property
17 owner X?

18 MR. BRYNER: So the corridor is just an
19 area to give us some flexibility to secure that
20 right-of-way, so whether it's on the east side of the
21 road, the west side of the road or, you know, work a
22 little bit with the property owner so that we have the
23 least impact. We're not securing right-of-way for that
24 whole 500 feet or that 300 feet or if you widen it to a
25 thousand feet, we're still getting our 100 foot.

1 MEMBER KRYDER: So it's going to cost you
2 the same size nickel, basically?

3 MR. BRYNER: Yes.

4 CHMN STAFFORD: Right. The corridor just
5 provides some flexibility where they ultimately site the
6 line. The right-of-way is going to be the ultimate place
7 where they have exclusive rights to it either by
8 purchasing or by lease or by easement or right-of -- road
9 right-of-way, or whatever the mechanism would be, but
10 it's just -- it's the corridor gives them the flexibility
11 where to put it. It doesn't mean they have to acquire or
12 encumber or do anything to that entire area. It's
13 just --

14 MEMBER KRYDER: Okay.

15 CHMN STAFFORD: -- it's just -- it gives
16 them leeway where to put it as opposed to -- like, for
17 example, if you have multiple routes, like we did in the
18 Midtown, there was multiple routes that we approved so
19 they could put it in one place or a different place, if
20 we only approved one route and they didn't want to put it
21 there, they'd have to apply for a new CEC or modification
22 to the CEC to put it in a different location or if they
23 proposed one route and the committee said, well, that
24 route is bad, it's a no go, so we're going to have to put
25 it someplace else, under the statutes and rules, we'd

1 have to have additional hearings because the people --
2 the notice that went out where the line's going to go, if
3 it's not going to go there and it's going to go someplace
4 completely different they wouldn't have the opportunity
5 to appear and be heard. Because it's -- it's in a new
6 spot, and people who lived where the new line would be in
7 the new location that we, you know, pull out of thin air
8 or something that wasn't in the notice going out, they
9 wouldn't have reason to participate, because they're,
10 like, oh, it's over there it's not my problem, oh, wait,
11 you're putting it in my yard now? Hang on a second. So
12 that's -- that's the purpose of that. And I just want to
13 have a little discussion about that, if we needed to make
14 changes to the corridor, I don't think we'd run into that
15 same problem.

16 MEMBER KRYDER: I appreciate that very
17 much. I simply wanted to make sure that I understood
18 that it would not add to your cost to modify it.

19 CHMN STAFFORD: Right. Right. And I think
20 philosophically I think at some point widening the
21 corridor to some degree would eventually get you to where
22 you probably would have to renotice it. But I think
23 we're not talking about anything along those lines for
24 this case today.

25 All right. And then, Member Little --

1 MEMBER KRYDER: Thank you, Mr. Chairman.

2 CHMN STAFFORD: Thank you, Mr. Kryder.

3 Member Little, you were going to give us
4 your thoughts.

5 MEMBER LITTLE: Yeah, as we were going
6 through the tour as well as the KOPs, my first
7 inclination was that, at least parts -- the parts of
8 alternative 3 where the line would be replacing the 46-kV
9 line that is there seemed to me that it would actually
10 impact those residential areas that the line would be
11 going through less than what's existing there right now,
12 and so my first inclination was, well, you know, there
13 are lots of advantages to 3 and that just because it's
14 adjacent to the residential area, if it's going to make
15 it better to put in the new line and take out the old
16 line, that that might actually be better. But there are
17 other aspects of 3 that concern me, the San Lucas area,
18 particularly.

19 I have expressed my concern about the
20 reliability of putting those two circuits adjacent to one
21 another between the 138-kV to Marana line, whatever it is
22 called that's being built right now and the Grier
23 Substation, but I also can understand the concerns of the
24 residences in that area, particularly considering that
25 the residents themselves have come forward and expressed

1 their concerns.

2 I -- I think 1A is a good -- is the route
3 that I would vote for, considering all the things that
4 we've talked about. And I also would like to say that,
5 you know, I tend to trust what the utility says as far as
6 what they think would be the best route. I know that we
7 need to listen to everything that they -- they present to
8 us and all the -- take into account everybody's expertise
9 on this committee, but the utility's the one that has to
10 build it, maintain it, and operate it. And they've been
11 studying this a long time. And, for those reasons, I
12 think that 1A is probably the best way to go.

13 CHMN STAFFORD: Thank you.

14 Member Drago?

15 MEMBER DRAGO: Yeah, thank you,
16 Mr. Chairman. I had exactly the note that Member Little
17 mentioned, in that I appreciate the work that goes in to
18 understanding the environmental impacts of this project,
19 and in each of these routes I did not see an issue
20 environmentally. And so for that reason, I don't feel
21 like I have enough expertise outside of that to pick a
22 route, but I do respect my committee members' comments
23 that I've heard thus far. So with that I would go with
24 the preferred route.

25 CHMN STAFFORD: Thank you.

1 And I think I mentioned yesterday that
2 maybe route 3 would be off the table, based on what I
3 heard so far due to its implications -- its impacts on
4 the residential areas, but then when we did the tour, I
5 almost kind of walked it back thinking the majority of
6 this line is going to just supplant existing 46-kV lines
7 and it's -- the difference between them is, you know, the
8 height difference is not as great as, say, if you were
9 putting 500-kV lines through there or even 230-kV lines.

10 So but then when we got up to the San Luca
11 area -- San Lucas area, you know, you see the -- you see
12 they have high-voltage lines going to the north of their
13 development and to the east, and to the east it looks
14 like that's -- that's State Trust Land and from what I'm
15 looking at I didn't see development plans for that as
16 yet. So they had a KOP where you had the view of the
17 mountains, it's going to be very different if the line
18 goes there and it seems that their push was to put it
19 further away at least 300 foot east of the road, but then
20 you have the State Land Department saying, well, you need
21 to keep it close to the road to the edge of it, which is
22 going to make it, you know, pretty much impossible to
23 mitigate the effect on that, because they have that
24 eastward-looking scenic view that's unobstructed as of
25 now.

1 So I think, and since we found I think
2 the -- it is the lowest cost, but I think it's going to
3 be -- I think once -- it's one of those situations where
4 once you start doing it you'll have a lot of angry people
5 trying to jump in late and complain about it. So I think
6 I'm back to where I started with and I think I'm inclined
7 to do the 1A, again, the A over B having to deal with
8 multiple property owners, residential, it seems you can
9 do it more cleanly through route A and I think that any
10 reliability issues have been mitigated, I think you still
11 do it that way without having problems. So I think I'm
12 looking -- I think I'm tending towards 1A as well.

13 So I think it's about -- it's exactly 5:00,
14 I think the next steps are going to be I'll prepare the
15 CECs, Chairman's 1 and 2. I have your -- did you send a
16 Word version of the CEC to Tod yet?

17 MS. GRABEL: We did.

18 CHMN STAFFORD: Okay, good. He's probably
19 sent it to me, I just haven't seen it because I haven't
20 checked my email today. So I'll get those prepared. And
21 I think -- I think we've addressed concerns involving the
22 route. There may be some additional questions that come
23 up, but fortunately, we'll have Mr. Bryner and
24 Ms. Martinez -- am I pronouncing that right?

25 MS. MARINEZ: It was close.

1 CHMN STAFFORD: Close. I didn't add a T in
2 there, so -- I can't get that schwa sound, I can't quite
3 get right -- and then Mr. Hesse. So I think the other
4 thing, so I think tomorrow we'll come back, we'll have
5 the draft CECs, we'll be prepared to talk through the
6 language, I'll have some suggestions.

7 I do think we need to have a discussion
8 about the SHPO conditions. I've looked at what you guys
9 came up with and I have some suggestions that I think
10 would be cleaner and more succinct. I think, like for
11 example --

12 MS. HILL: Mr. Chairman, I'm sorry, I know
13 that it's 5:00, and you're suggesting that we adjourn,
14 but if you could give us those suggestions now, so we
15 could evaluate --

16 CHMN STAFFORD: I'm about to. I had to
17 turn my pages to get to it.

18 MS. HILL: All right. Thank you.

19 CHMN STAFFORD: Okay. In the Condition 7
20 where it says, and I'm going to skip out some parts, it
21 says, "The issuances of a certificate by the Commission
22 is subject" -- State action, I think we've gotten -- that
23 was a dispute before whether it was State action or not,
24 I think it clearly is. I mean, you have all this due
25 process that we go through to issue a property right to

1 the applicant, that's -- I don't know -- if that's not
2 state action, I don't know what would be, so I'm glad you
3 put that. But it's the clause that says, "Is subject to
4 review by the Arizona State Historic Preservation
5 Office." The issuance of the certificate is not subject
6 to review by the SHPO.

7 So that's the first one. And then another
8 one would be I think -- let's see here, I had some
9 thoughts for the --

10 MEMBER DRAGO: Mr. Chairman?

11 CHMN STAFFORD: I'll put it in the -- it
12 will be in Chairman's 1, I'll circulate those to Tod to
13 get those sent out, so you'll have them, but I think
14 it's -- I think the thing to consider is that -- I
15 remember we had the debate about whether the State
16 Historic Preservation Act by virtue of the Commission's
17 State action applied the act to the private land, in
18 addition to the public -- listed the state land for the
19 SHPA and then for county, municipal, and state land for
20 the Arizona Antiquities Act.

21 I just would like to direct everyone back
22 to the Line Siting Statutes where one of the factors we
23 are required to consider is the existing scenic areas,
24 historic area -- historic sites and structures, or
25 archaeological sites at or in the vicinity of the

1 proposed site.

2 The statute does not limit that to state
3 land, county land. By its plain language, it applies to
4 all land, it's part of the site. So I think -- and
5 I -- and this is going to be kind of an anti-climactic
6 nonissue, because I think you guys have agreed to and
7 SHPO has recommended you do Class III surveys for any
8 areas of the project, meaning -- I'm assuming we're
9 talking about the final right-of-way, not the corridor?

10 MS. GRABEL: Yes, that's correct.

11 CHMN STAFFORD: Right. And that's what I
12 would think. So I think we're going to get to where we
13 need to be. I think that's the right result, and
14 I -- I've got -- I'll give you some -- I have some
15 specific language for it and I'll do my spiel to make
16 sure we're all on the same page tomorrow, but that's
17 where I'm coming from, so I want to give you guys a
18 heads-up, that's where we're headed.

19 MS. GRABEL: Okay. Thank you,
20 Mr. Chairman.

21 CHMN STAFFORD: Is that -- that's not
22 anything earth-shattering to you, I don't think based on
23 what you proposed. I think, like I said, I the language
24 saying that the certificate is subject to SHPO review is
25 not correct.

1 MS. GRABEL: I'm fine with changing that.
2 Lawyers with were not invited to the meeting with SHPO,
3 so I'm looking to Mr. Bryner and Ms. --

4 CHMN STAFFORD: Okay. Because I think it
5 would be appropriate to make sure it's clear what's going
6 on, and I think that misstates what's actually happening.

7 MS. GRABEL: I'm comfortable with that.
8 Mr. Bryner.

9 MR. BRYNER: I'm comfortable with that. I
10 wouldn't mind chatting with Mr. Hesse about it.

11 CHMN STAFFORD: All right. Well, we'll
12 have plenty of time to do that, because we will be coming
13 back tomorrow morning at 9:00 a.m. I think all we need
14 to do is get the draft CECs, Chairman's 1 and 2
15 distributed. I think get sent out -- I'll have Tod send
16 it out prior to the hearing, get a copy to the court
17 reporter and then to the AV team, so they can load the
18 Word document -- I mean, the PDF document onto the
19 tablets because that's what we'll be looking at to --- in
20 terms of proposing amendments to the language.

21 Anything further?

22 MEMBER FONTES: Mr. Chairman?

23 CHMN STAFFORD: Yes, Member Fontes.

24 MEMBER FONTES: Are you going to provide
25 them guidance on the exhibit for the map in terms of how

1 are you going to represent that, are you going to have
2 all the alternatives on there, just thinking that through
3 a little bit to save some time.

4 CHMN STAFFORD: Yeah, my thought is that we
5 would only have one Exhibit A, which would be the actual
6 approved route and corridor. I think we'd say, in the
7 project description what was proposed, but when we --
8 what the CEC is granted to approve would be specific to
9 the route that is approved, and we wouldn't have -- the
10 Exhibit A would just reflect the approved route, for
11 clarity, so if someone comes along after us and what did
12 they actually do, which one of these routes is the real
13 one, I think it would be better to have the description
14 to say what was proposed and then have the Exhibit A and
15 the approval of what was the actual final result.

16 MEMBER FONTES: And so long as the
17 description and the CEC matches the map, that would be
18 useful for a time saver as well, based on the past.

19 CHMN STAFFORD: Yeah, I will double-check
20 that between now and when we -- I did look at it and it's
21 my recollection that the applicant accurately reflects
22 that in their draft CEC.

23 MS. GRABEL: We think we did. Let's we
24 hope we did.

25 MEMBER FONTES: Just to double-check just

1 saving time. Thank you.

2 CHMN STAFFORD: All right. Thank you.

3 MS. GRABEL: Mr. Chairman, would you like
4 us, then, to go ahead and start drafting a map that only
5 shows the preferred route for an Exhibit A?

6 CHMN STAFFORD: I thought you did already.
7 I think there's multiple Exhibit As for each proposal, I
8 thought, there's like six of them on there, I think.

9 MS. GRABEL: Okay. So we'll just delete
10 the other ones.

11 CHMN STAFFORD: Maybe not six, but there's
12 a bunch that covers the bases. So it's just a question
13 of picking the one that the ultimate route that we
14 approve, which at this point I'm saying it looks like
15 it's leaning heavily on 1A, so I think that's what will
16 end up being approved, but that's what -- so we wouldn't
17 want to have more than one Exhibit A is my thought.

18 MS. GRABEL: Understood. And then Exhibit
19 B will show all the potential alternatives?

20 CHMN STAFFORD: I don't think we even have
21 an Exhibit B. I think we just have a project description
22 that says here's what they came up with, here's what we
23 approved. This will be Exhibit A. If someone wants to
24 get more information about the stuff, they can look at
25 the --

1 MS. GRABEL: Docket.

2 CHMN STAFFORD: -- the application, yeah,
3 or the slide presentation. I think it's -- I think they
4 have more than that in there, especially if we're only
5 approving one route. I think it would probably create
6 more confusion to have a map of more than what the actual
7 CEC grants.

8 Does that -- does anyone have a different
9 opinion than that?

10 MEMBER FONTES: That's exactly where I was
11 going with the comments, Mr. Chairman, simple and well
12 labeled.

13 CHMN STAFFORD: Okay. Excellent. All
14 right. Anything further?

15 MEMBER DiCICCIO: What time tomorrow,
16 Mr. Chair? Oh, Mr. Chair, what time tomorrow?

17 CHMN STAFFORD: Yes, Member DiCiccio, it
18 will be 9:00 a.m.

19 MEMBER DiCICCIO: Okay. I can make that.

20 CHMN STAFFORD: All right. It may be
21 9:00-ish, depending on our technical issues and getting
22 things distributed and loaded and emails. Where we've
23 had problems with emails not going through and having to
24 scramble for stuff. But ideally everything will fall
25 into place and we'll convene at 9:00 a.m. You should get

1 the copies of the draft CECs emailed to you by Tod by
2 that time prior to the start of the meeting. That is the
3 plan, so I think I anticipate that's how things will go.

4 MEMBER DiCICCIO: Well, thank you very
5 much, Mr. Chair.

6 CHMN STAFFORD: Thank you.

7 Anything further?

8 (No response.)

9 MEMBER FONTES: Congratulations to
10 Mr. Ancharski for his -- breaking in his legal briefcase
11 in his first hearing today. Well done.

12 MR. ANCHARSKI: Thank you.

13 CHMN STAFFORD: Well done, Mr. Ancharski.

14 With that we stand in recess until

15 9:00 a.m.

16 (The hearing recessed at 5:09 p.m.)

17

18

19

20

21

22

23

24

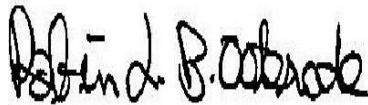
25

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)
3

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

7 I CERTIFY that I am in no way related to any of
8 the parties hereto nor am I in any way interested in the
outcome hereof.

9 I CERTIFY that I have complied with the ethical
10 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
11 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
22nd day of June, 2025.

12
13 

14 _____
15 ROBIN L. B. OSTERODE, RPR
16 CA CSR No. 7750
AZ CR No. 50695

17 * * * * *

18 I CERTIFY that Glennie Reporting Services, LLC,
19 has complied with the ethical obligations set forth in
ACJA 7-206(J)(1)(g)(1) through (6).

20
21
22 

23 _____
24 GLENNIE REPORTING SERVICES, LLC
25 Registered Reporting Firm
Arizona RRF No. R1035