

1 BEFORE THE ARIZONA POWER PLANT

LS-428

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 18, 2025

15 Filed: June 23, 2025

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 (Pages 350 through 491)

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 18, 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.

3 This is the continuation of the hearing for
4 Line Siting Case 246. We have Chairman's 1 and 2 of the
5 draft proposed CEC, if we could get -- I guess 2 is the
6 Word document we'll be working on if we could put that on
7 the screens in front of the members and the 1 is the PDF
8 that we'll have to refer to for many, because that will
9 remain constant. Members have those on the tablets in
10 front of them, so you should put the -- I guess we'll put
11 the Word version on the left screen so Eli, who will be
12 playing our scrivener today, can see it better and then
13 on the right.

14 Before we get started, I want to kind of go
15 through my thought process on this whole SHPO condition
16 that's kind of controversial that's kind of bubbled up
17 over the last few cases. I think at issue was the ARS
18 41-863 that requires each state agency to initiate
19 measures to assure that if as a result of State action,
20 historic property is to be substantially altered or
21 demolished, timely steps are taken to make appropriate
22 documentary recordation in accordance with standards,
23 which the State Historic Preservation officer
24 establishes.

25 So I guess the issue that was raised in a

1 prior hearing was that the Commission, by issuing the
2 certificate, was State action, and that created the
3 obligation to consult with SHPO and get concurrence for
4 private land as if it were state-owned land, subject to
5 the State Historic Preservation Act or SHPA.

6 Just looking at it, I think it's pretty
7 clear that the Commission is a state agency. I don't
8 think there's any debate about that. I'm looking at
9 Ms. Grabel, and she's nodding her head yes, she agrees
10 with that. And I think it's pretty clear that the
11 issuance of a certificate by the Commission is State
12 action. I mean, I touched on this briefly yesterday, but
13 there's -- typically you think of State action as
14 something the State does that implicates a property right
15 of someone that entitles them to due process. Well, I
16 mean, we've got lots of due process in this whole way to
17 get a certificate. I mean, there's the hearing before
18 the committee, certain parties participate by right,
19 others by leave of the committee. The parties to the
20 proceeding before the committee can request review of
21 that decision by the Commission. And the Commission can
22 confirm, deny, or modify the certificate from the
23 committee or grant the certificate if it's denied by the
24 committee.

25 And the certificate, if granted, conveys a

1 property right to the applicant. If you look at ARS
2 40-360.07(a), it states that no utility may construct a
3 plant or transmission line within the state until it has
4 received a certificate of environmental compatibility
5 from the committee with respect to the proposed site
6 affirmed and approved by order of the Commission.

7 And then the Commission's decision is
8 subject to judicial review. I think that's clearly State
9 action on a number of levels. At the prior hearing I
10 think the issue was brought up that how ADEQ treats it
11 differently, that they don't treat the issuance of a
12 license or certificate or permit as State action, and
13 kind of questioned why it would be State action for the
14 Commission, but not for the Department of Environmental
15 Quality.

16 I'll look to Member Drago, who is the
17 designee from DEQ, I think what was the -- your agency's
18 position on that?

19 MEMBER DRAGO: Yeah, thank you, Chairman.

20 When you look at ADEQ's authority is we
21 essentially permit for air quality, water, wastewater,
22 groundwater, waste, and when we do the permitting, we
23 have authority to impose conditions in a permit under
24 statute. And the only thing that we cannot do is we
25 cannot impose a requirement to the permittee to engage

1 with SHPO on consultation. There's no authority
2 whatsoever there that lets us do that.

3 So the most we could potentially do is
4 provide guidance to a permittee, if we're aware that the
5 permit being granted would disturb greater than 2 feet by
6 2 feet, some of the conditions of the SHPO. But to the
7 degree of considering State action as our permitting
8 program, we don't impose that requirement on a permittee
9 to consult with SHPO.

10 CHMN STAFFORD: So ADEQ does seek the
11 issuance of permit State action, but you don't have the
12 statutory authority under your permitting statutes to
13 impose additional requirements that aren't already in the
14 statute?

15 MEMBER DRAGO: Correct.

16 CHMN STAFFORD: Well, however, unlike DEQ's
17 statutes, the Line Siting Statutes specifically require
18 the committee and the Commission to consider, and I'm
19 quoting from ARS 40-360.06(a), "existing scenic areas,
20 historic sites and structures, or archaeological sites at
21 or in the vicinity of the proposed site." They have to
22 consider that in making their decision to grant or deny a
23 certificate.

24 How can the committee consider the impact
25 of proposed facilities on historic sites or structures or

1 archaeological sites if the committee doesn't know
2 whether they exist or not? If they do exist and they
3 will be substantially altered and demolished, then under
4 the ARS 41-863, timely steps need to be taken to make
5 appropriate documentary recordation, in accordance with
6 SHPO standards.

7 And I think, additionally, the siting
8 statutes provide the committee and the Commission the
9 ability to impose reasonable conditions. So it gives
10 quite a bit of latitude to the committee and Commission
11 of what -- how -- what to do. So it's not -- they're not
12 as constrained by, well, here's what you have to do to
13 issue a permit, you can't add anything additional to it.

14 I think the requirements of 860 -- 41-863,
15 combined with 40-360.06(a), I think they impose a duty on
16 the committee and the Commission to consider the impacts
17 of the certificate on historic sites and structures or
18 archaeological sites at or in the vicinity of the
19 proposed site, and it doesn't -- that statute, the Line
20 Siting Statute, doesn't specify whether that applies to
21 state, county, municipal, or private land; it applies to
22 everything.

23 So that's -- that's my take on this, and
24 that's the perspective that I have for this one. So I
25 think that's reflected in the proposed conditions that I

1 put to the CEC, the applicant, you've got those, the
2 members have them. One of the things, I mentioned this
3 yesterday, was that looking at the language that you guys
4 have worked out with SHPO was that phrase that issuance
5 of certificate is subject to review by the Arizona State
6 Historic Preservation Office. I don't think that's an
7 accurate statement at all.

8 I think that, you know, the Commission,
9 even without the SHPA, I think has an obligation to
10 consider historic sites. I think the SHPA provides some
11 guidance and it allows the -- provides an agency, SHPO,
12 that's equipped to handle it, because I don't think
13 Commission Staff is prepared to evaluate any of that.
14 They don't have the tools. I think it's -- but the SHPO
15 certainly doesn't review the certificate. I think their
16 role is to play -- is to, you know, provide input and be
17 consulted to the applicant, and I think the Commission
18 complies with the 41-863 by adding the condition.

19 Similar to how, in the NEPA process -- or
20 the National Historic Preservation Act, if they haven't
21 done -- if the applicant hasn't done the survey and says,
22 okay, we have -- there's no sites in the area, if there
23 is, here's how we mitigate it, if it's going in phases
24 and they haven't done that yet they comply with the
25 national act by having a plan of action of how they're

1 going to handle things going forward. So, again, we are
2 not -- this is not a NEPA process. This is not -- not by
3 any stretch of the imagination, but it certainly -- it's
4 similar to the fact that it's an environmental and
5 historical property, archaeological, we have to consider
6 those things on our own statutes. And I think this is
7 the best way to approach it.

8 Has the applicant had a chance to review
9 the Conditions 7, 8, and 9, and do you have any thoughts
10 about that before we start -- have anything you wanted to
11 add or share with the committee before we start going
12 through the certificate?

13 MS. GRABEL: Thank you, Mr. Chairman, yes.
14 So we have reviewed the revisions you made to the SHPO
15 conditions. We, as a general matter, we don't object to
16 any of them. We would say, however, that to the extent
17 it imposes requirements for us to mitigate environmental
18 impacts on private land, we would need to do so with the
19 consent of the landowner, otherwise, that opens us up to
20 potential liability under, you know, you can't intrude on
21 their private property without their consent.

22 So I think I'd like to have some sort of
23 language that just caveats that says we will conduct
24 Class III surveys with the consent of the landowner or
25 something to that effect.

1 CHMN STAFFORD: Right. Because you have to
2 get an easement --

3 MS. GRABEL: Correct.

4 CHMN STAFFORD: -- which would allow you to
5 do the survey, correct?

6 MS. GRABEL: Correct.

7 CHMN STAFFORD: And you'd have to have that
8 to build the line anyway?

9 MS. GRABEL: Yes.

10 CHMN STAFFORD: Okay. All right. So when
11 we get to, would it be 7 that you want to add that
12 additional language to?

13 MS. GRABEL: I believe it's 7 and 8. It's
14 the one where you're talking about Class III surveys and
15 the other where you're addressing private property
16 specifically. And I think if we put that caveat in both,
17 that will satisfy our concerns.

18 CHMN STAFFORD: Okay. Yeah, because you
19 have to have that permission to build anyway --

20 MS. GRABEL: Right.

21 CHMN STAFFORD: -- so it's -- you just have
22 to make sure it happens. And I did change the word from
23 "required by 41-844," and I don't know, I added a
24 statement about how the statute by its -- I changed it to
25 describe what's required, because literally the statute

1 doesn't require that on private land, but I'm saying that
2 the purpose of this condition is to make it so because of
3 the State action, so --

4 MS. GRABEL: And we're comfortable with
5 that.

6 CHMN STAFFORD: Okay. So I hemmed and
7 hawed whether to actually put that in there, but I think
8 it's kind of overkill, potentially, but I think it --
9 given -- I know how things happen over time and people
10 forget. I think it's probably better to leave it in as
11 opposed to making someone later on go read the transcript
12 to determine what the intent of the committee was --

13 MS. GRABEL: Certainly.

14 CHMN STAFFORD: -- for the certificate.

15 MEMBER FANT: Mr. Chair?

16 CHMN STAFFORD: Yes, Member Fant.

17 MEMBER FANT: I would like to recommend one
18 change to Condition 7, if it's appropriate at this time.

19 CHMN STAFFORD: Not yet. We will do that
20 when we get to -- well, how we'll do it is we'll -- what
21 we do is we go through, first, everyone will consider the
22 introduction, and then we'll vote on that. And then
23 we'll move on to the project description, and then
24 take -- vote on each Condition one by one. The Finding
25 of Fact and Conclusion of Law and then the Exhibit A that

1 will be attached and then we'll -- as we -- after each
2 Condition's moved, then we can adopt amendments to it.

3 One other thing I wanted to ask about from
4 the applicant was I made some revisions to the project
5 description. I was trying to make it more clear, because
6 I remember starting out this hearing, I was -- there's
7 some -- there's different pieces to it and when you laid
8 it out when you described it, it seemed to make more
9 sense to me than how it was -- made it onto the page, so
10 I kind of broke it out, because the three components that
11 we're looking at there's the half-mile circuit tie that
12 joins the new substation to the existing double-circuit
13 line, the 115- and 138-kV line, and there's the line from
14 the new substation to the new switchyard, and then
15 there's the new switchyard.

16 So I'd ask the applicant, does -- did my
17 attempt to clarify the description, was that helpful or
18 not?

19 MS. GRABEL: We're comfortable with your
20 clarification. I think it makes sense.

21 CHMN STAFFORD: Okay. All right.

22 MEMBER FONTES: Mr. Chairman?

23 CHMN STAFFORD: Yes, Member Fontes.

24 MEMBER FONTES: I have some further
25 clarifications just to be more precise on a few areas,

1 but not material. I'll bring them up at the appropriate
2 time.

3 CHMN STAFFORD: Okay. Yeah, that was one
4 of the things I suggested too about when we talk about,
5 because there's the project corridor, which is the entire
6 line that it encompasses the circuit tie, the
7 transmission line, and the siting area for the
8 switchyard, and then you have the -- there's the
9 right-of-way for the circuit tie and the right-of-way for
10 the transmission line. Then there's the circuit tie --
11 and then there's the switchyard siting area. And so
12 depending on where you put the switchyard is going to
13 depend on how long the line is. So I think those are all
14 inter-related, so I think the term "project corridor"
15 encompasses all three of those things.

16 Is that clear enough for the applicant?
17 Does that -- you don't need to wordsmith that at all, you
18 think?

19 MS. GRABEL: Mr. Bryner?

20 CHMN STAFFORD: I'm looking at you,
21 Mr. Bryner.

22 MR. BRYNER: I think we are very
23 comfortable with the language that we have proposed in
24 there with respect to the corridor, the widths, the
25 description, all of that. I know you had it in your

1 proposed changes a little bit of -- you wanted more
2 specifics on the switchyard siting area, and again, we
3 have some ideas on how we might be able to add that
4 specificity, so when we get that in there we can talk
5 about that.

6 CHMN STAFFORD: Okay. My thought would be
7 just to put the name of the line it.

8 MR. BRYNER: That's what we were thinking
9 as well.

10 CHMN STAFFORD: Great. Excellent. Great
11 minds think alike. Thank you, Mr. Bryner.

12 All right. Members, if you can please
13 review the introduction. And it's largely unchanged, I
14 did -- it seems like we always have DEQ and DWR. We
15 never abbreviate them like we do the Commission in this
16 section, so I thought maybe we should do that and have it
17 conform, so we don't have to spell out DWR and ADEQ every
18 time, because it's mentioned later on, so -- and, of
19 course, we'll have to fill in the vote count after the
20 actual vote.

21 MEMBER KRYDER: Mr. Chairman?

22 CHMN STAFFORD: Member Kryder.

23 MEMBER KRYDER: I propose approval of the
24 introduction.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

3 CHMN STAFFORD: All in favor say aye.

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

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

9 Moving on to the project description.

10 MEMBER KRYDER: Mr. Chairman?

11 CHMN STAFFORD: Member Kryder.

12 MEMBER KRYDER: As I read through this and
13 just having listened to the discussion that was going on,
14 is the applicant comfortable with the proposal as it is
15 now written in front of us?

16 MS. GRABEL: Thank you, Member Kryder, we
17 are. I do think it clarifies the description of the
18 project.

19 MEMBER KRYDER: Great. That was my
20 question.

21 Therefore, Mr. Chairman, I move approval of
22 the project description.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: And now it's time for
25 further discussion.

1 I want -- to the applicant, Mr. Bryner, one
2 of the ambiguities for me looking at it was the term --
3 I'm using the term "circuit tie" to apply to the .5-mile
4 segment from the substation to the existing line. It
5 almost -- the way it was previously drafted, it almost
6 seemed to me like the circuit tie was the preexisting
7 line.

8 MR. BRYNER: I like how you've reworded it.
9 I think it's cleaner. I think we were a little too close
10 to it, and this makes more sense.

11 CHMN STAFFORD: Okay. Thank you.

12 MEMBER LITTLE: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Little.

14 MEMBER LITTLE: Do we want to -- a couple
15 of things that I noticed, it said approximately 15 acres
16 here, later it says eight acres.

17 CHMN STAFFORD: Right. My recollection of
18 the testimony is that the plot of land that they're going
19 to buy is going to be 15 acres, but the actual switchyard
20 only occupied approximately eight acres of that 15.

21 MEMBER LITTLE: Okay. And do we want to
22 put seven to nine miles or since we're approving a
23 specific route we know how long that route is?

24 CHMN STAFFORD: Well, not entirely, because
25 we won't know the length of the line until we determine

1 the location of the switchyard. There's about
2 4,000-feet-long corridor, 1,000 feet wide where they can
3 put that switchyard.

4 MEMBER LITTLE: Okay.

5 CHMN STAFFORD: It can vary by almost a
6 mile.

7 MEMBER LITTLE: Makes sense. Thank you.

8 CHMN STAFFORD: I guess a 1,280 feet short
9 of a mile.

10 And let's see -- and I seem to recall the
11 applicant said that they're going to -- it's going to be
12 a double-circuit line, but they're only going to
13 initially construct the first circuit, double-circuit
14 capable poles.

15 MS. GRABEL: That is correct, Mr. Chairman,
16 but we anticipate building the second circuit within the
17 term of the CEC.

18 CHMN STAFFORD: Okay. Within the ten
19 years?

20 MS. GRABEL: Correct.

21 CHMN STAFFORD: Okay.

22 MEMBER LITTLE: Mr. Chairman?

23 CHMN STAFFORD: Member Little.

24 MEMBER LITTLE: What did we determine we
25 were going to put in place of "need more specificity"?

1 CHMN STAFFORD: I believe Mr. Bryner is
2 looking at that. I think it would suffice just to state
3 the actual name of those existing lines.

4 MS. GRABEL: So our suggestion,
5 Mr. Chairman, is probably just to refer to that as the
6 "quad circuit," that's how TEP refers to the transmission
7 line that we saw that had the two circuits, one on top,
8 one on bottom, with the six conductors; is that enough
9 specificity for you?

10 CHMN STAFFORD: Okay. That's how it's
11 described in your --

12 MR. BRYNER: And if I could just add, the
13 reason why we don't want to give just a circuit name or
14 even a line number is once we bifurcate those circuits
15 with the Owl Head Ranch Switchyard, those line numbers,
16 those circuit names will no longer exist, they'll be
17 different. Whereas the quad circuit, quote-unquote, that
18 will stay as-is. It's a fairly unique structure, very
19 unique to our area, certainly. I think that adequately
20 describes it geographically so somebody is not confused
21 about a different transmission line.

22 MEMBER FONTES: Mr. Chairman?

23 CHMN STAFFORD: Yes, Member Fontes.

24 MEMBER FONTES: Can I offer to the
25 applicant, can we just say "as referenced in the map" and

1 put some sort of geographic reference in the map for
2 simplicity to give you maximum flexibility? I know you
3 don't have a final design. You haven't acquired the
4 title and the right, but would that be easiest? "As
5 referenced," "as map referenced, see Exhibit A"?

6 MEMBER LITTLE: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Little.

8 MEMBER LITTLE: I might suggest, in
9 addition to what Member Fontes has suggested, that we go
10 ahead and put the quad circuits in the description here,
11 and then comma, "as shown in exhibit" blah, blah, and
12 then name it on the exhibit.

13 CHMN STAFFORD: I think that's an excellent
14 suggestion, Member Little.

15 MEMBER FONTES: That way if you update
16 after design and there's material updates to right-of-way
17 or any references, you can just update the Exhibit A.

18 MS. GRABEL: That works for the applicant.

19 CHMN STAFFORD: Okay. So we're looking at
20 the PDF page 3, line 12, where it says, "need more
21 specificity," you want to put an appositive phrase there
22 where that says "TEP's quad circuit," or something to
23 that effect?

24 MS. GRABEL: "The existing TEP quad
25 circuit."

1 CHMN STAFFORD: And take out the
2 "transmission lines"?

3 MS. GRABEL: Yup. So we have that change
4 on the document to the left. It says, "Extends 1,000
5 feet southwest of the existing TEP quad circuit, as shown
6 on Exhibit A, and 2,000 feet northwest," et cetera.

7 MEMBER FONTES: Mr. Chairman, can we make
8 sure that we reference the quad circuit on the map too?

9 CHMN STAFFORD: We will.

10 MEMBER FONTES: In case the public reads
11 this in the future.

12 CHMN STAFFORD: When we get to Exhibit A we
13 will make that amendment on Exhibit A.

14 MEMBER FONTES: In the legend, that's fine.

15 Are we open for additional comments at this
16 point, Mr. Chairman?

17 CHMN STAFFORD: Well, I think we have a
18 proposed amendment. I can't see it now. Okay, if I can
19 get a member to offer this amendment to page 3, line --

20 MEMBER FONTES: I so move.

21 CHMN STAFFORD: -- 12 -- hang on, let me
22 read it into the record, starting -- well, actually,
23 starting on line 11 of Chair 1, "The siting area for the
24 Owl Head Ranch Switchyard extends 1,000 feet southwest of
25 the existing TEP quad circuit, as shown on Exhibit A, and

1 2,000 feet northwest and 2,000 feet southeast of Owl Head
2 Ranch Road."

3 MEMBER LITTLE: Second.

4 CHMN STAFFORD: Who moved it?

5 MEMBER LITTLE: Member Fontes.

6 MEMBER FONTES: I so moved.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, the amendment
14 is adopted.

15 MEMBER KRYDER: Mr. Chairman?

16 CHMN STAFFORD: Yes, Member Kryder.

17 MEMBER KRYDER: I move approval of the
18 project description as now amended.

19 MEMBER MERCER: Second.

20 CHMN STAFFORD: Further discussion?

21 MEMBER FONTES: Yes, Mr. Chairman.

22 CHMN STAFFORD: Yes, Member Fontes.

23 MEMBER FONTES: If we could scroll to the
24 top of the page 3 on the project description, the next
25 page over.

1 CHMN STAFFORD: You mean page 4?

2 MEMBER FONTES: Page 4, excuse me.

3 MEMBER KRYDER: Which line, please?

4 CHMN STAFFORD: Remember you're talking
5 about --

6 MEMBER FONTES: Look at line 1, "TEP's
7 preferred route."

8 CHMN STAFFORD: Okay. That's not page 4.

9 MEMBER FONTES: Yeah, I got a different
10 version here. "TEP's preferred route," that's kind of
11 wordy, can we just say, "TEP preferred route combines
12 alternative route 1 and A," for simplicity?

13 CHMN STAFFORD: Okay. Let's look at
14 Chairman's 1, should be the PDF that Tod sent you this
15 morning. If you could say the page number, because that
16 one's not going to change, that's going to remain
17 constant, so when we make changes we start at that point.
18 And then the Exhibit 2 is the Word one that's morphing as
19 we speak at the hands of Mr. Ancharski, with our
20 direction, of course.

21 MEMBER FONTES: For future reference, I
22 will. We're on that sentence now for this one, I'm just
23 suggesting that we simplify that just to say that the
24 preferred route combines alternative routes 1 and A
25 instead of the whole --

1 CHMN STAFFORD: Okay. Which page are you
2 on?

3 MEMBER FONTES: You're right there on the
4 sentence, he's got it. Delete from "to" to "of," in
5 other words, that whole row 2, and replace it with
6 "combines."

7 CHMN STAFFORD: Hang on.

8 MEMBER FONTES: The other item is in that
9 same area, is --

10 CHMN STAFFORD: Hang on. I'm still
11 struggling to find where we're at here. So I'm looking
12 at Chair's 1, we're on page 3.

13 MEMBER FONTES: Elias has it correctly,
14 yeah, as I see it on the screen.

15 CHMN STAFFORD: All right. Can you make it
16 bigger so I can read it, please?

17 MS. GRABEL: There we go.

18 MEMBER FONTES: Got to get your readers,
19 Mr. Chair.

20 CHMN STAFFORD: No, when you're speaking
21 your face takes up half of the screen, and the thing gets
22 tiny, and it's -- I don't need readers it just gets too
23 small for anybody to see it when it's shared, it's
24 something else.

25 MEMBER FONTES: Is that helpful?

1 CHMN STAFFORD: Yeah, hang on. Let me see
2 it here.

3 Okay. So you've stricken, oh, to
4 connect -- oh, about the Grier Substation. I think if
5 you strike that we should probably add "for the
6 transmission line," because there's three components,
7 there's the circuit tie, the transmission line, and the
8 switchyard. So I think it should say -- because
9 that -- A1 is the transmission line.

10 MEMBER LITTLE: Agreed.

11 MS. GRABEL: Perhaps "a double-circuit
12 transmission line," because technically there's two.

13 CHMN STAFFORD: Right, yeah, "for the
14 double-circuit transmission line."

15 MEMBER FONTES: I have a second item in
16 that same paragraph.

17 CHMN STAFFORD: Let's hear it.

18 MEMBER FONTES: Are you ready?

19 CHMN STAFFORD: Yes.

20 MEMBER FONTES: Clarification, because the
21 CEC's going to be used by TEP for various purposes, I
22 think there's value added if we clarify for them what is
23 the status of the construction of the 115/138-kV line, so
24 we might benefit from sustaining under construction at
25 this point and adding that.

1 CHMN STAFFORD: We could. I added the
2 reference to the decision numbers.

3 MEMBER FONTES: I would defer to the
4 applicant if there's value added on that or --

5 MS. GRABEL: Well, my concern with that,
6 Member Fontes, is that by the time the Commission votes
7 on this it's likely that that line will already be
8 constructed and in service --

9 MEMBER FONTES: I thought so, but for
10 certain accountants who look at AFUBC at TEP, you know,
11 that might be beneficial, so just offering that as an
12 observation, having been in your shoes on different
13 projects and different jurisdictions.

14 CHMN STAFFORD: All right. And I did add a
15 footnote that incorporates the decision numbers and the
16 docket number for that AEPCO TEP line, so if anyone looks
17 at this and wonders what the heck we're talking about,
18 it's readily apparent.

19 MEMBER FONTES: Yes, sir, just thinking
20 through from a FERC accounting regulatory thing for our
21 in-state utility partner here. Up to you.

22 MS. GRABEL: We appreciate that. I'm not a
23 FERC lawyer, so I don't know, so I'll defer to my client.

24 MS. HILL: Mr. Chairman, can we have a
25 moment to confer?

1 (Cross-talk.)

2 CHMN STAFFORD: One at a time, please. One
3 at a time.

4 Ms. Hill.

5 MEMBER FONTES: What typically happens when
6 you have a CEC is you can start acquiring the capitalized
7 costs for development, so just being courteous to you
8 guys if that's a factor here or not.

9 CHMN STAFFORD: I'm suspicious that it's
10 not because it's already getting built so I think all
11 their ducks are in a row, so to speak, so it's just a
12 question of getting it done.

13 MEMBER FONTES: I don't presume to know the
14 accounting system at TEP, but I know the FERC accounting
15 rules, so just trying to be thoughtful.

16 CHMN STAFFORD: Thank you.

17 I believe, Ms. Hill, you asked for a minute
18 to consult with your attorneys [sic].

19 MS. HILL: Please.

20 CHMN STAFFORD: Okay. Thank you.

21 Or their client.

22 MEMBER FONTES: For my fellow members, this
23 would not be an issue for an independent developer, it's
24 only an issue for a utility -- an existing utility
25 because an independent developer has a separate set of

1 accounting rules.

2 That's all I had as well, Mr. Chairman.

3 CHMN STAFFORD: Thank you, Member Fontes.

4 MS. GRABEL: Thank you, Chairman Stafford,
5 for accommodating us. I think the order in which this is
6 written makes it a little inaccurate right now as to the
7 project description because alternative route A is
8 actually a single-circuit, that's taking -- no, do I have
9 that wrong?

10 All right. Let's let Mr. Bryner address
11 this.

12 CHMN STAFFORD: Okay. My understanding is
13 the circuit tie is a single-circuit, and then A and 1 are
14 double-circuit.

15 MR. BRYNER: Yeah, you're correct, Chairman
16 Stafford. So I think the concern is more the fact that
17 we're talking about -- well, I think it might be helpful
18 if we added some language when we're talking about the
19 circuit tie to share geographically that it shares
20 a -- the same corridor as alternative route A. I think
21 that might -- and then also add in single-circuit on
22 that. I think maybe if we add those two things, that
23 would address our concern.

24 CHMN STAFFORD: Okay. So, let's see, well,
25 I don't think we need to add all of that in the same

1 location. So right now we're looking at -- for the
2 change to page 3, lines -- starting lines 2, to strike
3 that language out, and then I think that we have the,
4 lower down under the route and corridor section, I think
5 that would be probably at the end of that paragraph that
6 begins "the circuit tie preferred route" and then ends
7 with -- ends with "West Marana Road" you could add an
8 additional sentence that says, "The circuit tie will
9 share this corridor with" or is it -- it will be separate
10 right-of-way, same corridor, what's -- whatever the facts
11 are going to be in -- as segment A?

12 MR. BRYNER: Correct. So I would call it a
13 corridor right-of-way. We'll probably have two separate
14 rights-of-way, but I don't want to -- I don't want to
15 commit to that.

16 CHMN STAFFORD: I think if we just say
17 "will share the same corridor as segment A."

18 MR. BRYNER: "As a portion of segment A."

19 CHMN STAFFORD: Right. Okay. "A portion
20 of."

21 MR. BRYNER: And since we added the
22 double-circuit transmission line for the preferred route,
23 maybe we ought to add in here, and I'm thinking
24 probably -- oh, do we have it up? Scratch that.

25 CHMN STAFFORD: Okay. All right. So let's

1 refresh here, so the amendment we're considering is to
2 change the language on page 3, starting at line 2,
3 after -- actually, starting on line 1 after "preferred
4 route," strike "to connect the Grier Substation to the
5 Owl Head Ranch Switchyard" and replace with -- so the new
6 sentence would read, "TEP's preferred route for the
7 double-circuit transmission line combines alternative
8 routes 1 and A." And then also we would add to page 3 --

9 MEMBER KRYDER: Mr. Chairman?

10 CHMN STAFFORD: Hang on a second.

11 It would be -- we're adding that same
12 paragraph, then. So on line 6 of page 3 we would add
13 "the circuit tie preferred route will share the same
14 corridor with a portion of alternative A." I'm looking
15 around, is that -- is that the motion?

16 MS. GRABEL: That seems to reflect it.

17 CHMN STAFFORD: All right. Member Fontes,
18 that is your motion? It's been seconded, I believe
19 Member Little was the second.

20 MEMBER LITTLE: No. I seconded the last
21 one, not this one.

22 CHMN STAFFORD: Okay. Well, Let's --

23 MEMBER FONTES: So move.

24 CHMN STAFFORD: And the second, Member
25 Mercer?

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: All right. Further
3 discussion?

4 MEMBER LITTLE: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member Little.

6 MEMBER LITTLE: I think it was more clear
7 and cleaner the way it was originally written. This has
8 gotten very convoluted, and the way it was originally
9 written it said from Owl to Grier 1A, between Grier and
10 the existing line the circuit tie, period. That's just
11 my opinion.

12 MEMBER DiCICCIO: I -- I agree.

13 MEMBER FONTES: I think that Owl and Grier
14 are referenced in the sentence before the TEP's preferred
15 route is the way I read it.

16 CHMN STAFFORD: Let me see here. So,
17 Member Little, you think by trying to make it more
18 specific, we may have actually made it more confusing?

19 MEMBER LITTLE: Yes.

20 MEMBER DiCICCIO: Mr. Chair, I agree with
21 that. This is Sal. I thought it was pretty simple
22 before.

23 MEMBER MERCER: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Mercer.

25 MEMBER MERCER: What does the applicant

1 want?

2 CHMN STAFFORD: Yes, that's an excellent
3 suggestion. Let's hear from Ms. Grabel.

4 MS. GRABEL: We'll take either one.

5 MEMBER MERCER: You want it simple or
6 confusing?

7 MS. GRABEL: I mean, I think -- I think as
8 originally -- go ahead, Adriana.

9 MS. MARINEZ: I have a preference for the
10 original way it was written.

11 CHMN STAFFORD: Okay. I think that, even
12 though it is wordy, you know, the way to connect the
13 Grier Substation to the Owl Head Ranch Switchyard is
14 indisputably clear what it is. All right. Well, we have
15 a motion, I guess, we have two options before us, we can
16 call the question and vote on the motion, or if
17 Mr. Fontes said -- Member Fontes has changed his mind, he
18 can withdraw his motion. I guess those are the options
19 before us at this time.

20 MEMBER FONTES: I'll go with the applicant
21 and withdraw. Let's go -- go ahead, Mr. Chairman, to the
22 next item.

23 CHMN STAFFORD: Okay. So so far we've made
24 the one change for the specificity, the other -- we
25 didn't make the other one, I guess let's allow

1 Mr. Ancharski to revert the changes to the project
2 description we were discussing, take them out, put it
3 back to the way it was.

4 Have the members read the rest of the
5 description? And we got as far as the paragraph before
6 "route" and "corridor."

7 Okay. Can you scroll the Chairman's 2 down
8 the screen? Okay. If you can scroll down to page 5.

9 MEMBER FRENCH: Mr. Chairman?

10 CHMN STAFFORD: Yes, Member French.

11 MEMBER FRENCH: On page 4, line 21 in the
12 description of alternative route 2, it mentions the
13 existing El Paso Natural Gas Pipeline.

14 CHMN STAFFORD: Yes.

15 MEMBER FRENCH: Considering the ownership
16 change recently, does that need to be described
17 differently or does that capture it?

18 CHMN STAFFORD: I'm looking at the
19 applicant. How is it described throughout the
20 application, is it -- is that reflected?

21 MS. GRABEL: I don't believe there was an
22 ownership change. I believe El Paso Natural Gas is the
23 pipeline that -- it's owned by Kinder Morgan, and that's
24 how it's reflected in the application, so I think it's
25 correct.

1 MEMBER FRENCH: Okay. Understood. Thank
2 you.

3 CHMN STAFFORD: And then I believe the rest
4 of the description proposed by the applicant is untouched
5 until we get to page 5, the last paragraph.

6 MEMBER LITTLE: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Little.

8 MEMBER LITTLE: Is this -- I'm looking at
9 Chairman's 1, is that what I should be looking at?

10 CHMN STAFFORD: On the tablet that's the
11 PDF document, right?

12 MEMBER LITTLE: Yes.

13 CHMN STAFFORD: Okay. Yes.

14 MEMBER LITTLE: On line 24 of page 5, I
15 think that's kind of duplicative. It says, "The Grier
16 Substation to Owl Head Ranch Switchyard, the siting area
17 for the Owl Head." Why do we need to say it's going to
18 the switchyard, and it's going to the siting area of the
19 switchyard?

20 CHMN STAFFORD: Because the siting area is
21 4,000 feet long.

22 MEMBER LITTLE: So why don't we just say
23 it's going to the siting area? I mean, it just seems --

24 CHMN STAFFORD: Yeah, I think we can strike
25 it here. I mean, it could read, "The committee approves

1 the preferred route for of the transmission line," that's
2 one of the three things.

3 MEMBER LITTLE: Right.

4 CHMN STAFFORD: You know, the appositive
5 phrase "a combination of routes 1 and A," strike the "to
6 connect the Grier Substation to Owl Head Ranch
7 Switchyard," and then just leave "the siting area for the
8 Owl Head Ranch Switchyard," and then "TEP's preferred
9 route for the circuit tie."

10 MEMBER LITTLE: I disagree. We're not just
11 going to the siting area, we're going to the switchyard.

12 CHMN STAFFORD: The siting area is where
13 the switchyard will be. The project -- the project
14 corridor consists of three things, there's the corridor
15 that will locate the double-circuit transmission line,
16 the corridor where the circuit tie will be located, and
17 then the siting area, which is where the switchyard will
18 be located. And there's overlap between --

19 MEMBER LITTLE: Oh, okay. So -- so we're
20 just -- okay.

21 MS. GRABEL: I think the confusion might be
22 confused by the comma after A, because I think what we're
23 doing is you're approving, one, accomodation of routes 1
24 and A to connect the Grier Substation to Owl Head Ranch
25 Switchyard, two, the siting area, three, TEP's preferred

1 route, et cetera. So if we just strike that comma after
2 A, maybe it's a little more clear.

3 CHMN STAFFORD: I think we can strike the
4 whole, "to connect the Grier Substation to the Owl Head
5 Ranch Switchyard," in this section, because we're talking
6 about three things, the project corridor consists of the
7 corridor for the transmission line. We've already said
8 where that's going from the substation to the switchyard.
9 And then there's the -- it also includes the siting area
10 for the switchyard, which overlaps the corridor for the
11 line, because the -- how long the line ends up being is
12 going to depend on the placement of the switchyard --
13 where the switchyard is placed, and then you have the
14 circuit tie which is that --

15 MEMBER LITTLE: Oh, I see. Okay. So all
16 right, I agree with -- with Ms. Grabel. If we
17 could -- if we delete the comma after A.

18 MEMBER KRYDER: In line which?

19 MEMBER MERCER: 24.

20 MEMBER KRYDER: I want to hear it from her.

21 CHMN STAFFORD: Page 5. It's page 5,
22 line 24, from the --

23 MEMBER KRYDER: Okay. It's always helpful
24 if we're doing things like that to inform us what line
25 you're working in.

1 CHMN STAFFORD: I think she did initially,
2 but it was a while ago. But, yeah, you have to go off
3 the one on your document on your tablet because that
4 one -- the one on the screen, if you're looking at those
5 lines, they're changing as you make edits.

6 MEMBER KRYDER: Sure.

7 MEMBER LITTLE: Without that comma, it
8 makes sense to me.

9 MS. GRABEL: We could also add numbers as
10 you did above, Mr. Chairman, so we say, "The committee
11 approves, 1, the preferred route of the transmission
12 line; 2, the siting area; and 3, TEP's preferred route."

13 MEMBER LITTLE: Good idea.

14 MS. GRABEL: It was Mr. Ancharski's idea.

15 CHMN STAFFORD: Thank you. That's an
16 excellent suggestion, Mr. Ancharski.

17 Let me -- one caveat here. My only quibble
18 would be, and I guess we could address this as a
19 scrivener's error is that the 1, 2, 3 in this paragraph
20 line up with the 1, 2, 3 in the first paragraph of the
21 project description. So I believe it was circuit tie
22 first, switchyard second, and then transmission line
23 third. I think just for consistency's sake, you know, 1
24 means 1 throughout 2 means 2, I think that would just be
25 preferable.

1 MS. GRABEL: I concur.

2 MEMBER KRYDER: Good point.

3 MS. GRABEL: Do you want Mr. Ancharski to
4 do that now or will you do that as you're making your
5 edits?

6 CHMN STAFFORD: I think we should probably
7 just do it now. It will make it cleaner, I think, and
8 less work for me later on.

9 I think you've got it, Mr. Ancharski.

10 All right. So let's clarify, I'm going to
11 read what it says here, and this will be -- and you can
12 let me know that this is your motion, Member Little, that
13 the final paragraph, starting on page 5, line 23, of
14 Chair 1 be amended to read: "The committee approves, 1,
15 TEP's preferred route for the circuit tie; 2, the siting
16 area for the Owl Head Ranch Switchyard; and 3, the
17 preferred route for the transmission line, a combination
18 of routes 1 and A, to connect the Grier Substation to Owl
19 Head Ranch switchyard."

20 And then the rest of the paragraph will
21 read -- oh, yeah, not period after switchyard, it would
22 be comma, "subject to the Finding of Fact and Conclusion
23 of Law contained herein."

24 Is that indeed your motion, Member Little?

25 MEMBER LITTLE: Yes.

1 MEMBER KRYDER: Second.

2 CHMN STAFFORD: Further discussion?

3 MEMBER LITTLE: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member Little.

5 MEMBER LITTLE: If I can go back just a
6 little bit. I'm not sure that we even need the words "to
7 connect the Grier Substation." I'm lost here on the
8 screen again. We're approving the preferred route for
9 the circuit tie. We're not saying it goes from A to B.
10 And then the siting area for the Owl Ranch switchyard.
11 And the preferred route for the transmission line, which
12 is combination of routes 1 and A. I think we're fine
13 without the rest of those words.

14 CHMN STAFFORD: Yes, I agree. So are you
15 amending your motion?

16 MEMBER LITTLE: Yes.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Okay. The amended motion
19 would change the last paragraph -- I guess the first
20 sentence of the last paragraph of the project
21 description, starting on page 5, line 23, to read, "The
22 committee approves 1, TEP's preferred route for the
23 circuit tie; 2, the siting area for the Owl Head Ranch
24 Switchyard; and 3, the preferred route for the
25 transmission line, a combination of routes 1 and A,

1 subject to the Findings of Fact and Conclusions of Law
2 contained herein."

3 Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, the amendment
10 passes.

11 All right. I think if we can get the
12 project description moved, as amended.

13 MEMBER KRYDER: Mr. Chairman?

14 CHMN STAFFORD: Member Kryder.

15 MEMBER KRYDER: I move approval of the
16 project description as now amended.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say aye.

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, the project
25 description, as amended, is adopted.

1 Moving on to conditions.

2 MEMBER KRYDER: Mr. Chairman?

3 CHMN STAFFORD: Member Kryder.

4 MEMBER KRYDER: I move approval of
5 Condition Number 1.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 1
14 is adopted.

15 Number 2.

16 MEMBER LITTLE: Mr. Chairman, I move
17 Condition 2.

18 MEMBER KRYDER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say aye.

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 2

1 is adopted.

2 Number 3.

3 MEMBER FRENCH: Move Condition 3.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 MEMBER KRYDER: Let me finish reading,
7 please.

8 CHMN STAFFORD: Certainly.

9 MEMBER KRYDER: I'm okay.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

12 CHMN STAFFORD: All in favor say aye.

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 3
17 is adopted.

18 Number 4.

19 MEMBER MERCER: Mr. Chairman, I move
20 Condition 4.

21 MEMBER LITTLE: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

24 CHMN STAFFORD: All in favor say aye.

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

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

5 Number 5.

6 MEMBER LITTLE: Mr. Chairman, to begin the
7 discussion, I move Condition 5.

8 MEMBER FONTES: Second.

9 CHMN STAFFORD: All right. Number 5 for
10 discussion. I believe the applicant may have some
11 language to suggest additional clarity than what is
12 contained here as -- as pages 94, 95, and 156 of the
13 application, I believe there's --

14 MS. GRABEL: We do --

15 CHMN STAFFORD: -- a few other --

16 MS. GRABEL: -- we have -- sorry.

17 CHMN STAFFORD: -- conditions.

18 All right. Ms. Grabel.

19 MS. GRABEL: Sorry, Mr. Chairman. Yes, we
20 did add language in order to address Member Little's
21 request of yesterday. This is the additional language
22 that we have come up with: "The applicant shall, to the
23 extent feasible, follow AGFD's recommendations found in
24 the letter from AGFD, dated June 13th, 2025, marked as
25 Exhibit TEP-22, except the applicant will consult with

1 AGFD to determine the most appropriate course of action
2 to evaluate and mitigate, if necessary, the effects of
3 the project on the cactus ferruginous pygmy owl."

4 We think that reflects the conversation
5 that was had yesterday.

6 MEMBER LITTLE: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Little.

8 MEMBER LITTLE: That reflects one of the,
9 as I recall it, three things that we discussed. The
10 second was the commitment to time the vegetation
11 removal -- to avoid removal of nectar resources, which is
12 on page 93.

13 MS. GRABEL: And I neglected to say that.
14 We did modify the 94 to 95 to include page 93.

15 MEMBER LITTLE: Oh, okay.

16 CHMN STAFFORD: Yeah, you can't see the
17 strike-through in the four, because it's right at the
18 cross --

19 MEMBER LITTLE: All right. That takes care
20 of that one.

21 And what did we decide about bats?

22 MS. GRABEL: I will let Mr. Bryner address
23 the bat question.

24 MR. BRYNER: Yeah, so the bats. So we
25 appreciate you bringing up the bats, Member Fontes and

1 Member Little, and the fact that you want to make sure
2 that we are minimizing any impact to that species. We
3 did look into it in detail. We looked into the
4 conditions that were imposed on the Southline
5 Transmission Project, which, as some of you may know,
6 some of you may not know, the portion of the Southline
7 Project that runs through this area, the rights to that
8 were purchased by TEP, and that's being constructed in
9 partnership with WAPA right now. So we looked at those
10 conditions, and many of those conditions with respect to
11 bats, they did have conditions for the Ina Road bridge,
12 which is located less than a half a mile from that
13 project.

14 For our project we're located, as I
15 mentioned yesterday, it was about ten miles for
16 alternative route 3, which we're not really discussing
17 right now, it's 9.8 miles for alternative 1A, the closest
18 point is over 13 miles away. So it's really a different
19 situation for that particular colony of bats. The bats
20 that live underneath that bridge are Mexican free-tailed
21 bats, which are one of the most common bat species in the
22 Southwest, so we do not feel that this project is going
23 to impact that particular colony of bats. There were
24 other conditions included in that CEC that were specific
25 to protection of the lesser long-nose bat, which is a

1 species that's protected under the Federal Endangered
2 Species Act as endangered. Lesser long-nose bat are not
3 known to exist in this area, so those conditions do not
4 apply to this project. We feel that there's no need to
5 add additional conditions specific to the bat for this
6 project, because they would not result in any additional
7 benefits to those species. The one condition that we
8 would be happy to adopt is the more generic condition
9 included in the Department of Game & Fish, their letter,
10 with respect to general nocturnal species, by limiting
11 lighting.

12 CHMN STAFFORD: And that's included on
13 page 93?

14 MR. BRYNER: It's not included on page 93,
15 but it is included in TEP-22.

16 CHMN STAFFORD: Okay. All right. Is that
17 your motion, Member Little, to adopt the changes shown on
18 the screen, which I will read into the record?

19 MEMBER LITTLE: Yes.

20 MEMBER KRYDER: Second.

21 CHMN STAFFORD: All right. So, to clarify,
22 Member Little's motion is to amend Condition 5 to
23 read -- well, after the first sentence I guess we're
24 going to change the second -- we're going to add a second
25 sentence after -- to page 7, starting on line 23, strike

1 the remainder of -- oh, wait, no, just leave it. Let me
2 restate that. So insert a new sentence page 7, line 23,
3 starting -- that will read, "The applicant shall, to the
4 extent feasible, follow Arizona Game & Fish
5 Department's," abbreviated to AGFD, "recommendations
6 found in the letter from AGFD, dated June 13th, 2025,
7 marked as Exhibit TEP-22, except the applicant will
8 consult with AGFD to determine the most appropriate
9 course of action to evaluate and mitigate, if necessary,
10 the effects of the project on the cactus ferruginous
11 pygmy owl." And then the following sentence, where it
12 references on line 24, pages 94 to 95, that would be --
13 the "94" would be changed to "93."

14 Do you concur, Member Little, that that is
15 the motion?

16 MEMBER LITTLE: I concur. Thank you.

17 CHMN STAFFORD: All right. It has been
18 moved and seconded.

19 Further discussion?

20 MEMBER FONTES: Mr. Chairman?

21 CHMN STAFFORD: Member Fontes.

22 MEMBER FONTES: I really appreciate the
23 applicant following up on that, in light of that project,
24 but I do have a question, what does "to the extent
25 feasible" mean?

1 MR. BRYNER: So I'll address the specific
2 example in the letter from Game & Fish. They had one --

3 MEMBER FONTES: Is it binding?

4 MR. BRYNER: So I'll let the attorneys
5 address the "is it binding" issue. But in the Game &
6 Fish Department letter they had one condition that
7 said -- hold on, let me look at it real fast.

8 Sorry. So it had a requested protection
9 measure in there that said, "If other wildlife were
10 encountered during construction activities, the
11 department recommends moving them out of harm's way no
12 more than .25 miles outside the project boundary within
13 similar habitat." It's just a bit vague. Basically if
14 any wildlife comes within, you know, while we're working
15 out there, a bird flies over, we've got to capture it.
16 If there's a snake running across the ground, we've got
17 to capture it and move it. It seems like, you know,
18 there's going to be some reasonable approach there. So
19 "to the extent feasible," if there's an animal that's in
20 harm's way and it's not moving of its own volition and
21 we're going to -- if it doesn't move we're going to kill
22 it, then yeah, we'd be happy to move that.

23 But I think there's circumstances when
24 that's not going to be the right move. So that's kind of
25 why we put "the extent feasible."

1 MEMBER FONTES: Does the AGFD's letter use
2 that same language?

3 MR. BRYNER: The language that I read was
4 from their letter.

5 MEMBER FONTES: And I didn't hear "to the
6 extent feasible," did they use those words?

7 MR. BRYNER: Sorry, no, that language was
8 ours.

9 CHMN STAFFORD: I think that language has
10 been included in most of these Condition 5s in the past
11 in describing what the actions they'll take for wildlife
12 in response to Game & Fish's recommendations. I believe
13 that was originally your suggestion at one point, Member
14 Little.

15 MEMBER LITTLE: Yeah, I think that language
16 was negotiated. And I think that, you know, I'm not a
17 lawyer either, but I would say that it probably could be
18 challenged in court and somebody could determine whether
19 the actions were, you know, whether -- which side of the
20 line they fell on. But I think that there are enough
21 unknowns at this point in the construction of the line
22 that, to my mind, it -- they -- it seems reasonable, it
23 protects both sides.

24 The Game & Fish letter recommends -- makes
25 recommendations. It doesn't say that you shall do these

1 things, and so what -- and also, again, in my mind what
2 the applicant or what we're asking the applicant to do is
3 to follow those recommendations as seems reasonable.

4 CHMN STAFFORD: So you're comfortable with
5 the language as has been proposed, Member Little?

6 MEMBER LITTLE: I am, yes.

7 CHMN STAFFORD: We have a motion that's
8 been moved and seconded. Is there any further discussion
9 from members?

10 (No response.)

11 CHMN STAFFORD: All in favor say aye.

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, the amendment
16 is adopted.

17 Can I get a motion to adopt Condition 5, as
18 amended.

19 MEMBER MERCER: So moved.

20 MEMBER LITTLE: Second.

21 CHMN STAFFORD: Further discussion?

22 (No response.)

23 CHMN STAFFORD: All in favor say aye.

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 5,
3 as amended, is adopted.

4 Number 6.

5 MEMBER LITTLE: Mr. Chairman, I move
6 Condition 6.

7 MEMBER KRYDER: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

10 CHMN STAFFORD: All in favor say aye.

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, Condition 6
15 is adopted.

16 Number 7.

17 This is the new language that I proposed
18 combining what -- incorporating some of what was there
19 that SHPO and the applicant discussed previously. And I
20 removed the statement that says that the certificate is
21 subject to review by the SHPO, because I don't think
22 that's accurate, but I do think that the issuance of the
23 certificate is clearly State action that's contemplated
24 by the State Historic Preservation Act.

25 MEMBER KRYDER: Mr. Chairman?

1 CHMN STAFFORD: Member Kryder.

2 MEMBER KRYDER: I move approval of
3 Condition 7, as printed and shown.

4 MS. GRABEL: Well, Mr. Chairman, we do need
5 to insert the language about consent, if that's all
6 right.

7 CHMN STAFFORD: In a minute. We're waiting
8 for a second.

9 MS. GRABEL: Oh, sorry.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further discussion?

12 MEMBER FANT: Yeah, Mr. -- oh.

13 CHMN STAFFORD: All right. Member Fant.

14 MEMBER FANT: I defer to --

15 CHMN STAFFORD: Oh, yes. Yes. Ms. Grabel,
16 further discussion.

17 MS. GRABEL: I think on Condition Number 7,
18 just to make it clear that we cannot conduct a Class III
19 cultural inventory of the portion of the final ROW on
20 private lands or really any lands without the landowner
21 consent, we could just add, at the end of line 19 after
22 the word, "standards," "with the consent of the
23 landowner."

24 CHMN STAFFORD: Okay. And you're going off
25 of line 19 of the document on the screen, not the --

1 MS. GRABEL: That's correct.

2 CHMN STAFFORD: Yeah, that's going to make
3 it difficult for -- if you could use the other -- the PDF
4 version.

5 MS. GRABEL: Yes, it's line 11 on the PDF
6 version.

7 MEMBER LITTLE: Mr. Chairman?

8 CHMN STAFFORD: Member Little.

9 MEMBER LITTLE: I can understand the reason
10 for including this. On the other hand, why even put
11 "private lands" in there?

12 CHMN STAFFORD: Well, I think that
13 the -- so the SHPA imposes the obligation on the state
14 land and the state -- was it the Arizona Antiquities Act
15 who imposes the obligate on state, county, and municipal
16 land. But I think that the Commission, the Line Siting
17 Statute it says that we shall consider existing
18 historical places, archaeological sites, it doesn't
19 specify, it doesn't limit it --

20 MEMBER LITTLE: I am in total agreement
21 that it should be done on private lands also. If you're
22 going to build a line on that line -- on that land, then
23 you should check -- you have the right to check and see
24 if they exist on that portion of the line. I guess I
25 don't -- I don't understand why we even need that caveat,

1 if you will. If you've got the right-of-way, it's yours
2 to do with as you want, right?

3 MEMBER KRYDER: No.

4 MS. GRABEL: So you're suggesting that when
5 we're obtaining the easement from the private landowner
6 we include in it both the construction of the
7 transmission line and the Class III survey?

8 MEMBER LITTLE: Yeah, I would like to see
9 that, if -- I don't know if that's possible. I don't
10 know if that's something we can address. It just seems
11 to me that if we put this in there -- here, then the
12 landowner can say, yeah, you can put the transmission
13 line there, but you can't check. You can't do a Class
14 III survey.

15 CHMN STAFFORD: The landowner couldn't
16 dictate how you -- additional constraints on how you
17 could build the line, could he? I mean, if you get the
18 right-of-way you're going to put the poles where you want
19 to put the poles. The landowner can't say -- well, you
20 can't, like, make you do a longer span than you would
21 otherwise do, right?

22 MR. BRYNER: So, I mean, we're going to be
23 able to do what's within, you know, engineering
24 capabilities, but I think there's a general condition, if
25 not a general condition, it's in many CECs, that says we

1 will work with landowners on the placement of poles. You
2 know, again, we're trying to be as unobtrusive as
3 possible on their land, because we just obtained the
4 easement. They still have the underlying land and, in
5 many cases, they want to use it for what they want to use
6 it for, and that's fine as long as it's compatible with
7 the operation of a transmission line above it.

8 I think our concern here is with respect to
9 cultural resources, we're not averse to doing the survey.
10 What we want to make sure is that we're not further
11 impacting them as a private landowner by doing that
12 survey and maybe they don't want to know what's there. I
13 mean, obviously, if there's human remains or something
14 that are found, that's going to have to be addressed, but
15 if there's a cultural resource site of some different
16 capacity and that somehow encumbers their land, we -- I
17 guess we want some sort of protections for ourselves and
18 them.

19 CHMN STAFFORD: I'm -- I'm curious to how
20 it would encumber the land because your obligation is
21 just to report it, and then if SHPO wouldn't have
22 authority over that by itself to enforce anything, and
23 the requirement for you is to make timely recordation,
24 and then under the Antiquities Act under 844, if you
25 can't get them to do what they need to do before you've

1 got to build, you just got to make sure it's recorded and
2 moved, it doesn't -- you don't have to stop, build a
3 shrine, and not, you know, move the pole, I guess if it's
4 got to go someplace the way I read the statute is they're
5 supposed to do a review and if you had to get the project
6 done, and I'll pull the statute --

7 MR. BRYNER: So --

8 CHMN STAFFORD: It says there, "If
9 necessary to remove the object before completion of the
10 proceedings prescribed in this section to permit the
11 continuation of work on a construction project or similar
12 project, that directors shall require that the move be
13 accomplished in the manner that will least disturb and
14 best preserve the project."

15 That' doesn't -- you don't have to stop the
16 project. I think that if it's for -- so if you're
17 looking -- you have a 100-foot right-of-way that crosses
18 state and private land, say it's all private land, you're
19 going to walk the entire right-of-way to see where you're
20 going to place things, you're going to have to access the
21 entire right-of-way to get -- to place the poles. If you
22 find something, you report it, but I think if
23 you're -- but the obligation occurs to you if the object
24 is going to be if it's -- I'm in the wrong spot -- if
25 it's going to be substantially altered or demolished, its

1 mere existence doesn't do anything else. It's only if by
2 your action of the CEC if that historical thing is going
3 to be substantially altered or demolished. If you're
4 passing over it, I don't think there's anything else you
5 need to do other than alert the museum, and then it's up
6 to them to say -- to try to consult with the landowner
7 once you discover it, if you're not -- if you -- the
8 certificate holder is not going to substantially alter or
9 demolish it.

10 MS. GRABEL: Mr. Bryner, do you want to
11 respond?

12 MR. BRYNER: Yeah, I've got several
13 thoughts, I guess, going through my head. So our number
14 one goal any time we know about cultural resources is
15 we're going to avoid it. You know, we're going to put
16 our poles one side or the other, shift them, so that we
17 can avoid that site and make sure that we're not
18 destroying it, because we don't want to destroy it.

19 Also, it's an added expense to have to go
20 through data recovery efforts, mitigation, different
21 things like that, so for all those reasons we want to
22 avoid those sites. But let's say we couldn't avoid a
23 site and now that's stipulated, we need to contact the
24 state you museum, we need to go through do some data
25 recovery, some other things like that, and maybe that

1 data recovery involves excavation, and that excavation
2 turns into something that's much more prolonged, and
3 let's say it's dug up for three years on that private
4 land, now they've been, you know, kind of, that private
5 property owner has been impacted much more severely than
6 us being there for a couple of days to construct a pole
7 on their land. Now we're there for a prolonged period of
8 time.

9 MEMBER LITTLE: Mr. Chairman?

10 CHMN STAFFORD: Yes, Member Little.

11 MEMBER LITTLE: I fully see what everybody
12 is saying here. You know, I live in a rural area of
13 Northern Arizona and I can very well see landowners
14 saying, yeah, you can put your transmission line there if
15 you pay me for it. But I don't want anybody else on this
16 land, it's mine. And if you find anything, I'm going to
17 do with it what I want and --

18 CHMN STAFFORD: I don't think that's
19 acceptable under the line siting or the SHPA, actually.

20 MEMBER LITTLE: Well, that's exactly what
21 you're going to run into, I can tell you that. I'm just
22 wondering if Mr. Hesse has anything to add to this? He's
23 the expert in this field.

24 MR. HESSE: Being on private land, those
25 resources, beyond what is required by the Line Siting

1 Committee and the SHPA, have no protection, additional
2 protections. There's no state museum involvement because
3 the Arizona Antiquities Act only applies to state,
4 county, and city owned lands.

5 So some discussions can be had with the
6 landowner regarding how best to handle the situation.
7 There can be cases where those artifacts that are
8 recovered are returned to the landowner. They would need
9 to provide a deed of gift anyway before the state museum
10 would accept them. So I think it's a -- that's a good
11 faith effort in working with the landowner to come up
12 with a reasonable solution.

13 MS. GRABEL: And if I could add to that.
14 The law protecting private property in Arizona -- so
15 we're at a weird intersection of what you're required to
16 do in the Line Siting Statute and the law protecting
17 private property. And in Arizona that's -- we have the
18 whole Private Property Protection Act within the
19 condemnation realm, and something like this, if taken to
20 an extreme like the circumstance Mr. Bryner was
21 describing, could give rise to a claim for inverse
22 condemnation or regulatory taking, which would, of
23 course, increase the cost of the project a lot.

24 And I don't think we're asking for -- we're
25 looking for an out in case the extreme circumstance

1 arises. Hopefully it will be exactly as you anticipate,
2 Mr. Chairman, but I think having some language that gives
3 us comfort to avoid that kind of legal action against an
4 offended landowner is probably appropriate.

5 MEMBER LITTLE: Let me ask you this --

6 MEMBER FONTES: Mr. Chairman?

7 CHMN STAFFORD: Wait, one second. Member
8 Fontes has had his hand up for a second.

9 MEMBER LITTLE: Okay.

10 CHMN STAFFORD: Member Fontes.

11 MEMBER FONTES: I'd actually like to ask
12 Mr. Hesse and Mr. Bryner a question on whether they've
13 actually consulted with -- if there's a NEPA nexus,
14 because my recollection on projects that cross CAP and
15 Reclamation land, it's the whole line that's subject to a
16 Class III survey under NEPA, not just the segment that
17 they cross and it does include private.

18 So I'm trying to find a middle ground here
19 that if you're subject to NEPA and you're determined to
20 have to do it is that useful here, Mr. Hesse? And what
21 is the view from Reclamation on any initial consultations
22 you've done?

23 MR. HESSE: I'm hesitant to say what
24 Reclamation might require. Oftentimes their analysis
25 area will be more limited in scope and not include the

1 entire project. But other times, depending on the action
2 and what their internal requirements are, they might look
3 at a larger area, such as the entire line.

4 MEMBER FONTES: Helpful --

5 MR. HESSE: I'm not a NEPA expert, and
6 sometimes it depends on if there are such things as other
7 alternatives in which the project could be constructed
8 that does not affect federal lands.

9 MR. BRYNER: And I'll --

10 MEMBER FONTES: So you may have a federal
11 requirement on this, you may not, is what the take-away
12 is. I was just trying to be helpful for the applicant,
13 and for you, Mr. Chairman, on this.

14 CHMN STAFFORD: Yeah, I recall Mr. Bryner
15 testified about what they had hoped -- that there will be
16 some sort of NEPA nexus, but they are hoping it will be a
17 qualified exemption or --

18 MEMBER FONTES: Either way --

19 CHMN STAFFORD: -- or at the very least --
20 or at the very least an Environmental Assessment that
21 would result in a finding of no significant impact. That
22 process has yet to commence is my recollection of the
23 testimony, correct, Mr. Bryner?

24 MR. BRYNER: Correct. And the scope of
25 review for a federal land-managing agency is not going to

1 extend beyond the land where their action is to either
2 issue a special use permit for that crossing of their
3 land or to deny a special use permit for that crossing.

4 CHMN STAFFORD: Okay. So then the standard
5 of review is going to be different for, say, as in this
6 case, the crossing of the CAP canal, as opposed to, say,
7 connecting to a WAPA substation?

8 MR. BRYNER: Sure. Yeah. It's a different
9 decision they're making, because their decision is
10 over -- over the land, and that, as opposed to, well,
11 that's an electrical connection for a federal facility.

12 CHMN STAFFORD: But my understanding, I'm
13 looking -- I'll look to Member Fontes after I say what it
14 is -- is that if the WAPA -- the NEPA review for WAPA, if
15 you're going to connect to a WAPA substation, they look
16 at the entire line?

17 MR. BRYNER: And I would say, based on my
18 experience, that's incorrect, but I'll defer to Member
19 Fontes and his experience.

20 MEMBER FONTES: I would say it depends. I
21 would agree with Mr. Hesse, it's going to be looked at on
22 a case-by-case basis.

23 CHMN STAFFORD: So then -- so then at
24 times --

25 MEMBER FONTES: There could be several

1 nexuses because there could be other factors,
2 operational, O&M, shared service roads, all of those
3 things, so I just -- it's hard to say.

4 CHMN STAFFORD: But they could potentially
5 look at the entire line, they wouldn't necessarily every
6 time.

7 MR. BRYNER: So they would likely look at
8 it --

9 (Cross-talk.)

10 CHMN STAFFORD: One at a time.

11 Member Fontes.

12 MEMBER FONTES: On this question, I agree
13 with Mr. Bryner.

14 CHMN STAFFORD: Mr. Bryner.

15 MR. BRYNER: I was going to say they would
16 likely look at it as a cumulative effect, so they're
17 looking at a sort of hey, this is also something that is
18 reasonably foreseeable that is going to be happening in
19 conjunction with that, but that's seen differently as
20 direct effects as a result of their agency action.

21 CHMN STAFFORD: Member Fant.

22 MEMBER FANT: Yes, Mr. Chair. The
23 transmission company building the transmission line would
24 be an invitee upon private property, so they'd be bound
25 by the terms of whatever the easement is with the private

1 landowner, so --

2 CHMN STAFFORD: Unless, of course, they
3 purchase the land, then they would -- that would solve
4 that problem. But I'm certain that that's not the option
5 that the public service corporations would like to employ
6 in all these cases. But I'm going to assume that an
7 easement costs less than purchasing the property outright
8 to own in fee simple, typically.

9 MR. BRYNER: I would say -- so, typically,
10 we pay fair market value for those easements. So it's
11 essentially the same thing as buying it. But it is
12 easier to negotiate an easement than it is a land
13 purchase.

14 MEMBER LITTLE: Mr. Chairman?

15 CHMN STAFFORD: And then -- Member Little.

16 MEMBER LITTLE: Ms. Hill had a comment and
17 then I have a question.

18 CHMN STAFFORD: Thank you.

19 Ms. Hill.

20 MS. HILL: So there are also additional
21 costs to ratepayers that are associated with purchase in
22 fee simple. We have additional costs of maintenance for
23 the land, we have property taxes, we have some other
24 things that we have to do if we own in fee simple. It is
25 not actually our practice to regularly purchase the land

1 for transmission lines. We do typically prefer easements
2 for a number of reasons that includes some additional
3 costs to the ratepayers.

4 CHMN STAFFORD: Okay. And then I guess in
5 line with that, I guess I have a quick follow-up question
6 before Member Little asks her question, is that in these
7 negotiations for easement, have you -- what is the
8 practice of asking for a Class III cultural resources
9 survey? And does that make the price go up? Can you
10 say, look, we're going to do this or, you know, we can
11 buy it or there's -- do people -- are they largely
12 indifferent to it? Because I guess it would depend on
13 what kind of property it was.

14 MR. BRYNER: So based on my experience I'm
15 not aware of us adding a Class III as a stipulation into
16 our easement language. It's not to say it hasn't
17 happened or it couldn't be done. I would say it's one
18 extra variable that now you're putting into the equation
19 for that negotiation that could say, hey, you're asking
20 for this as well, so I want more money now, or you're
21 asking for this as well, and so now I'm no longer willing
22 to work with you on this. And if you need that right,
23 you're going to have to take me to court.

24 So, again, these are one-off situations
25 that probably not going to happen, but it is one more

1 variable that would have to be taken into consideration.

2 CHMN STAFFORD: Okay. And so you're
3 looking at this with consent of landowner language as
4 kind of like your pressure-release valve when you get up
5 against the -- I think if -- so if you initially, hey,
6 we're going to get this easement, you know, we've got to
7 do a Class III resources study for where we're going to
8 put the final right-of-way, and if we find -- I guess if
9 you find something where you can't not put a pole, then
10 it raises a problem, otherwise, you can just alert,
11 because it wouldn't increase the jurisdiction of the
12 SHPO. They still wouldn't have any authority even if you
13 found something there. The only -- the only obligation
14 that it would trigger is if you were able to avoid it and
15 you had to -- your action was going to significantly
16 alter or destroy it, then you'd have to coordinate
17 recordation, but I guess this is the pressure-release
18 valve in case a landowner says, no, you can't look for
19 anything on my land.

20 MS. GRABEL: That's right.

21 CHMN STAFFORD: They couldn't actually stop
22 you from -- once you're placing the pole if you found
23 something, you'd still have to report it to the state
24 museum.

25 MS. GRABEL: So, Mr. Chairman, I think the

1 concern is simply the "shall complete a Class III
2 cultural inventory in the inclusion of private lands,"
3 because if we don't have the consent of the landowner
4 without this language we either have to go to the
5 Commission and ask for a 40-252 to change this language
6 to add "with the consent of the landowner" or we have sue
7 the property owner for giving us the consent to get a
8 Class III survey. So this just allows us to avoid
9 additional proceedings that we probably wouldn't need to
10 have without this language.

11 CHMN STAFFORD: All right. Member Little.

12 MEMBER LITTLE: Along those lines, if this
13 language is in there and you go out there and you get a,
14 you know, an easement, physically, what does this mean?
15 It means, what, a couple of archaeologists would be just
16 walking the right-of-way to see what they see, correct?

17 MR. HESSE: That's correct.

18 MEMBER LITTLE: So I'm wondering if it is
19 your thought, I realize that you can't give a commitment
20 to me, but is it your thought that you would just do this
21 and not inform the landowner? I mean, you're going to
22 have to walk the property anyway. You're going to have
23 to put in a road. You're going to have to do all these
24 things on that easement, is this just another thing
25 you're going to do as a part of what you normally do or

1 are you going to when you negotiate the easement say, you
2 know, we've got to do a Class III survey here, guys.

3 MR. BRYNER: I don't think, you know, we're
4 going to blow it out of proportion, we have to do land
5 surveys. We have preconstruction surveys for biological
6 resources. We have other things built in there that
7 we're going to do, and I think our easement language
8 covers that. And I think it would cover doing the
9 Class III. What we're concerned about is just the
10 results of that and what that might mean if -- to that
11 landowner if we were to find something that would be
12 beyond --

13 MEMBER LITTLE: If you didn't tell them you
14 were going to do that and they took you to court, would
15 this language protect you? Because you wouldn't have
16 written consent, you wouldn't have verbal consent to
17 actually do that.

18 CHMN STAFFORD: Yeah, I'm curious to see
19 what's -- what's the language you're talking about,
20 because you have to do the preconstruction surveys. They
21 can't -- they're not going to issue an easement that
22 allows you to build the line but not conduct
23 preconstruction surveys.

24 MR. BRYNER: If we're going to take a
25 break, I can see if I can grab our standard easement

1 language and see where that's at. Because I do think
2 that it would allow us to do the surveys, but again, the
3 concern is it's a little bit different result of the
4 cultural survey versus the other surveys we're doing.

5 MEMBER LITTLE: Well, it doesn't -- I'm
6 sorry -- it doesn't sound like it really does. I mean,
7 it doesn't -- it doesn't obligate -- I mean, it
8 doesn't -- if you find something, whether it's an owl or
9 a pot shard, it's not going to mean that the landowner is
10 all of a sudden going to be swarmed with professionals on
11 their land telling them what they can and can't do with
12 the land. They still have all the protections that they
13 normally would have as a landowner.

14 MS. GRABEL: Can we take a break so we can
15 think about this issue more? I think I'd like to look at
16 the easement language that we have and talk with my team
17 a bit.

18 CHMN STAFFORD: Yeah, I think that's an
19 excellent suggestion, seeing that we've been going for a
20 little over 90 minutes. Member Fontes, I see you do have
21 your hand raised. We will be first to call on when we
22 get back from the break.

23 Let's take a 15-minute recess.

24 (Recessed from 10:37 a.m. until 10:53 a.m.)

25 CHMN STAFFORD: Let's go back on the

1 record.

2 Ms. Grabel and Mr. Bryner, I believe you
3 were going to take a look at the easement language you
4 typically use.

5 MS. GRABEL: Thank you, Mr. Chairman. We
6 did look at the easement language we typically use and
7 right now there's really nothing broad enough that would
8 encompass a Class III survey. In thinking about this, I
9 mean, there's a reason that the state law is what it is,
10 that it exempts private property from this type of
11 survey. And I think what the committee is trying to do
12 is impose those requirements on private land. And all
13 we're looking for in this language is to accommodate the
14 circumstance that a landowner simply won't give us the
15 consent needed.

16 We think that that's required in order to
17 kind of give us the out that the policy was intended to
18 address in the first place. I understand your point,
19 Mr. Chairman, that all we're required to do is report and
20 record anything that we find, but the next step in that
21 process would be the SHPO coming to the utility and
22 saying, well, here are our recommendations for
23 mitigation.

24 So then the question is, what next, do we
25 just say, okay, we did what we're supposed to do or are

1 we supposed to further what the policy is intended to
2 address, and try to take those mitigating factors, which
3 we couldn't do without the consent of the landowner.

4 And so we're kind of left there. We think
5 that if we don't do that, we're subject to potential
6 liability under regulatory takings, as I demonstrated
7 before, or having to come back to the Commission and ask
8 them for some sort of relief to do what we think that
9 you're intending to do with this provision.

10 CHMN STAFFORD: Okay. I think -- so how --
11 how does it interplay with 41-863 that this is a result
12 of State action which the certificate is -- it's
13 "historic properties be substantially altered and
14 demolished," you have to take timely steps to record it.
15 If it's not -- if it exists, but it's not going to be
16 substantially demolished, then there's no further
17 obligation of the applicant.

18 MS. GRABEL: I understand that,
19 Mr. Chairman. I think the concern is look at the
20 development in this area, look at TMR for example,
21 they're planning these huge subdivisions. I can see a
22 big developer not wanting us to do something that would
23 have some sort of archaeological finding that might
24 prevent additional development on the property. And it's
25 that kind of circumstance that we're concerned about.

1 CHMN STAFFORD: How would it prevent
2 additional development?

3 MS. GRABEL: Well, if we find something, we
4 record it, and then the State comes in and says we found
5 this. I don't know. This is not my expertise. I guess
6 I could ask Mr. Hesse to elaborate on that, but the
7 concern is if the landowner is informed that there's
8 something on the property that we have discovered and we
9 have the obligation to tell them we've discovered, they
10 might not want us to take the effort to discover it in
11 the first place.

12 CHMN STAFFORD: Right. But if you don't --
13 if you're not going to put a structure that's going to
14 substantially alter or demolish the site, there's nothing
15 further to do, the way I'm looking at the statute. The
16 obligation is triggered as a result of the certificate,
17 if you're going to substantially alter or demolish a
18 site. If you find one and you don't impact it, then
19 there's no obligation to the landowner to do anything
20 about it, because it's still private property. SHPO
21 doesn't have authority over private property, correct?

22 MS. GRABEL: No, SHPO does not have
23 authority over private property.

24 CHMN STAFFORD: The only nexus is that --
25 is the State action and the State action only applies --

1 it only incurs obligations if the site is to be
2 substantially altered or demolished, not just its mere
3 existence.

4 MS. GRABEL: I guess I'm struggling to see
5 what is the concern with the language that we're asking
6 to insert. If it's just intending to give us comfort in
7 case of the worst-case scenario, what harm is there in
8 that?

9 MEMBER LITTLE: Mr. Chairman?

10 CHMN STAFFORD: Member Little.

11 MEMBER LITTLE: I just see it as a red flag
12 that the landowner will say, I have a right to tell you
13 you can't do that. Whereas the landowner doesn't have
14 similar language in plant survey or looking for owls or
15 burrowing owls, you do those surveys, we tell you you
16 have to, you agree to it.

17 CHMN STAFFORD: That's on private land,
18 yeah.

19 MEMBER LITTLE: It's on all on private
20 land. And it, to me, that language is not in the other
21 languages that discuss other surveys to check and make
22 sure that we're protecting other natural resources.

23 MS. GRABEL: I think Mr. Bryner has a
24 response to that.

25 MEMBER LITTLE: Okay.

1 CHMN STAFFORD: And if you could -- if you
2 could share what the easement language says for your
3 access to do preconstruction surveys, I'd be interested
4 to hear that.

5 MR. BRYNER: Yeah, so first of all to
6 address the difference, I guess, between the biological
7 preconstruction surveys and the land surveys and the
8 cultural resource surveys, the reason why we're concerned
9 here is a biological preconstruction survey, whether it's
10 for nesting for migratory birds, or something like that,
11 that's really a matter of, okay, we find something, we
12 wait for the hatchlings to fledge, and then we can go in
13 there and do what we need to do. So it's really a matter
14 of timing. It doesn't affect the landowner in any
15 negative way over any period of time.

16 Land surveys we're just marking the
17 boundaries of the right-of-way, essentially, and figuring
18 out where our facilities are going to be located there.
19 So, again, there's no impact on the land. Whereas, with
20 the cultural resource, if you find something and then if
21 there's a recommendation to do something about the
22 finding, because we cannot avoid it, again, these are
23 worst-case on worst-case, now you've -- you have done
24 something to that landowner that's beyond simply putting
25 a transmission line there. And so that's where we see it

1 as two different things. And, again, I -- I hope this
2 doesn't come up as a concern, we just want to have that
3 out in the event there's a particular landowner that has
4 a particular concern about this, that would not allow us,
5 then, to build the transmission line.

6 MEMBER LITTLE: Let me ask one other legal
7 question, and that is, does this language obligate the
8 applicant to get the consent of the landowner?

9 MS. GRABEL: I would say the answer is yes.
10 So whatever the easement is that we negotiate has to be
11 broad enough to incorporate a Class III cultural
12 inventory.

13 CHMN STAFFORD: Member Drago.

14 MEMBER DRAGO: Couple comments. Class III
15 would -- requirement would suggest that the Class I
16 desktop study research suggests that there's never been
17 any assessment in that area. And this just leads us
18 straight into the Class III. And that's usually not how
19 it works. So when I look at the sentence, trying to find
20 it here, 16, line 16, "Construction shall not commence
21 until SHPO has had an opportunity to review and comment
22 in accordance with the State Act."

23 Are you saying there that they're
24 commenting and helping you understand if that area has
25 been assessed already or not? And then if it has not

1 been assessed, you proceed to Class III? And I know
2 we're getting a little too detailed here, but however, I
3 think just some clarity there would help.

4 And my second comment, and it might be a
5 matter of semantics, but -- well, not quite semantics,
6 instead of "consent," can you consider "in cooperation
7 with the landowner"? Just a thought.

8 CHMN STAFFORD: And, Member Drago, in
9 the -- it says Class III inventory for the portions that
10 have not previously surveyed to modern standards.

11 MEMBER DRAGO: Okay. Thank you.

12 CHMN STAFFORD: If it had a Class I to
13 modern standards, you know, if the Class I views that it
14 has surveyed to modern standards, then they wouldn't have
15 to do an additional Class III survey.

16 MEMBER DRAGO: I stand corrected,
17 Mr. Chairman. Thank you.

18 CHMN STAFFORD: Member Fontes, you had your
19 hand up.

20 MEMBER FONTES: Yeah, just an observation,
21 A-E, AEPCO, used the Department of Agriculture utility
22 service financing for the Grier Substation in that
23 circuit there, and they were subject to NEPA as a part of
24 that. So some of this already might have been done and
25 covered. And, again, I offer that as help and assistance

1 to assuage Mr. Bryner and the TEP team that they may be
2 covered on their concern here already due to the federal
3 nexus that AEPCO on their -- that it's linked to federal
4 financing and funding that they've used.

5 MR. BRYNER: I appreciate your concern.
6 I'll just say the AEPCO line, again, yeah, they get their
7 funding from RUS, which does provide a federal nexus for
8 the entirety of their project. Their project is
9 independent from this project. Their project is not
10 connected to the Grier Substation nor the Owl Head Ranch
11 Switchyard, and with the exception of a common corridor
12 along Marana Road for roughly a half a mile, it's in
13 completely different areas.

14 So I think, again, it's not that we're
15 worried about finding something or we're worried about
16 addressing that, it's really just whose land that might
17 be on and if we're encumbering them in a way that's not
18 legal for us to do that.

19 CHMN STAFFORD: And, Mr. Bryner, did you
20 have -- what's the language in the easement that for the
21 survey -- for your access to survey the land prior to
22 construction?

23 MR. BRYNER: There -- there's really not
24 explicit language at all in there about -- even about
25 land surveys in there. So it's not included in our

1 standard language right now.

2 CHMN STAFFORD: Is it vague enough to cover
3 that? I mean, if it's like, hey, we have to, you give us
4 access to the land to do whatever we legally need to do,
5 that would cover it.

6 MS. HILL: Mr. Chairman?

7 CHMN STAFFORD: Yes, Ms. Hill.

8 MS. HILL: Thank you.

9 So a couple of things about the,
10 quote-unquote, standard easement language, so number one,
11 every project is different and so I sort of hesitate to
12 talk about standard easement language and talk about what
13 the liability coverage may be in that, just from a legal
14 standpoint, because that may be negotiated differently,
15 of course -- of course it would.

16 And so in that sense, and I think we as the
17 utility have to react to changing legal standards,
18 changing landowner expectations, changing whatever, you
19 know, a case might come out next week that talks about
20 some standard easement language somewhere and then we
21 change it. So I really hesitate to commit us to
22 something based upon what is being represented in this
23 proceeding as standard easement language, knowing that
24 these things can be flexible. So that's my first comment
25 on that.

1 And my -- my second comment, though, I want
2 to go back to what Member Little asked about whether this
3 would obligate us to get the consent of the landowner in
4 our easement. What I -- I want to just tie that to what
5 I just said about every single project is different,
6 every easement is different, every negotiation is
7 different. And so what -- what this says is -- what
8 we're trying to do is exactly what Ms. Grabel said, which
9 is that we want to get these projects built and we want
10 to get these projects built as a good community partner
11 which includes respecting the private property rights of
12 the landowners. And so we have to -- we live in these
13 communities, we have to work with them very closely. And
14 part of that, us being that good partner, is being fully
15 transparent with them about what we want to do with their
16 land. And what we're raising is a concern about an
17 unknown that could tie up the land for a significantly
18 extended amount of time, potentially.

19 And so -- and I appreciate what you're
20 saying, Mr. Chair, about the, well, you know, if you're
21 not going to destroy it, you don't have to do anything to
22 it, but I also think that -- and while this is not my
23 specific area of expertise, I also think that I'm not
24 completely comfortable accepting that liability shield
25 without some established law that says that when we know

1 what we we're probably going to encounter with some
2 private landowners.

3 And so we are just trying to strike that
4 balance between protecting the private property rights,
5 being fully transparent with our community partners and
6 our private landowner partners that we work with in
7 getting these projects built. And so that -- but we are
8 happy to do anything that we can do with the respecting
9 the private property rights to mitigate, to report, to
10 survey. We are happy to do that. That is not our
11 concern. We were -- if the landowner says it's okay,
12 we're willing to do it.

13 MEMBER LITTLE: Mr. Chairman?

14 CHMN STAFFORD: Yes, the -- I guess the
15 issue, then, is that if between the SHPA statute and the
16 Line Siting statutes, if -- I think that regardless of
17 what the landowner wants, if you are going to, through
18 the installation of the line, substantially alter or
19 demolish historic property, you're obligated to do
20 documentary recordation, is that -- is that something you
21 would dispute?

22 MEMBER FANT: Mr. Chair, I might add in
23 here that Mr. Hesse pointed out that SHPA only applies to
24 public properties not to private properties. That's what
25 the Arizona legislature did when they created the SHPO

1 statute.

2 CHMN STAFFORD: Except for in 863, which is
3 part of the SHPA, it says that, "Each state agency shall
4 initiate measures to assure that if as a result of State
5 action," which the issuance of a certificate is State
6 action, "historic property to be substantially altered or
7 demolished, timely steps are taken to make appropriate
8 documentary recordation in accordance with standards
9 which the State Historic Preservation officer
10 establishes," and we've taken out some language in
11 previous -- from SHPO that said about the Commission is
12 the agency responsible.

13 I don't think -- I mean, it's triggered
14 because they're the agency, and this is their State
15 action. I think that they don't have a duty to monitor
16 what's going on. I think their duty is to say -- to put
17 a condition -- I guess, ideally, if you came in here,
18 hey, we want to put a line here, we've surveyed this,
19 there's no cultural resources, the impact is going to be
20 zero, we know there's none there, then this is all moot.

21 The issue is, like, if something is
22 discovered that you're going to substantially alter or
23 demolish, that triggers the obligation for recordation
24 under the Act, even though it's private property, because
25 of the State action of the certificate.

1 If it's not going to be -- if you survey
2 the private property and it's -- you find something
3 that's there, there's no obligation to record if you are
4 not going to substantially alter or demolish. It's a
5 more limited scope, so the SHPO applies to private land
6 in a much smaller -- a smaller scope than it would be if
7 the entire project was on state land.

8 Does that -- does that make sense? Do you
9 understand what I'm saying there? Because it's the
10 41-863 that is the nexus between private land and the
11 State action that triggers the obligation.

12 MS. GRABEL: So, Chairman Stafford, we
13 understand what you're saying. I'm not an expert in that
14 area of law, but what you're saying makes sense to me
15 when I'm reading Condition Number 7, I would -- I think
16 the company would be comfortable with Member Drago's
17 language that says, "in cooperation with the landowner,"
18 because I don't think we would come in and do something
19 without working with the landowner on this area. And if
20 it comes to the point where the landowner and the utility
21 don't agree, we might get to the point where we have to
22 come in for 40-252 or take condemnation proceedings, but
23 we would at least be comfortable with some level of
24 understanding that we don't have control over private
25 property. We need to be working with the landowner.

1 CHMN STAFFORD: Right. Right. But I think
2 between -- between 863 and the -- and our obligation to
3 consider existing, you know, historic properties, that
4 landowners need to be aware that, hey, if this line is
5 going to be sited here and it's -- they put it on -- if
6 it remains that's a different issue that's -- that's
7 private land automatically, there's a separate statute
8 for that, but it's, again, it's not -- they wouldn't
9 have -- the private landowner wouldn't have the
10 obligation to do anything, it would be your obligation to
11 record if you -- only if you are going to be doing the
12 substantially altering and demolish. I think that "in
13 cooperation with the landowner" would give you some
14 wiggle room on that.

15 MS. GRABEL: It would give us greater
16 comfort with respect to the language of this condition
17 now. We may still get to a point where, as I said, we
18 have to take additional action, but we can, I guess,
19 cross that bridge when we get there.

20 CHMN STAFFORD: Well, I think I guess to
21 proactively avoid that is if you have the vague enough
22 language in your easement that allows you that, you know,
23 hey, if we -- if we're installing this, if we come across
24 something and if we can't avoid it, then we have to
25 record. I mean that's -- I think that's what's required

1 by the statute under 41-863. If not -- it's not, well,
2 we're going to survey the entire right-of-way, we're
3 going to record a bunch of stuff that's there that we're
4 not going to touch, I think it's different. If it's
5 state land, then it's a different standard. But if it's
6 for private land, it's only if it's going to result in a
7 substantially altered and demolished.

8 Is that -- do you understand where I'm
9 coming from on this?

10 MS. GRABEL: I understand where you're
11 coming from, yes. I mean, I think it's going to be left
12 to TEP's transactional team to figure out what language
13 needs to be in their easement to comply with this
14 condition, yes.

15 CHMN STAFFORD: Okay. With that, I
16 think --

17 MEMBER LITTLE: Mr. Chairman?

18 CHMN STAFFORD: -- I like the suggestion
19 that it should be "in cooperation with the landowner."

20 MEMBER LITTLE: Mr. Chairman, I feel much
21 more comfortable with that. I, you know, I understand
22 everybody's position here and what everybody's saying,
23 and I certainly want to see the applicant protected also.
24 I just would prefer that there not be a red flag there.
25 For one thing, we put language in these CECs and they get

1 cast in stone. And, in addition, if we change it, the
2 applicant wants to know, well, you can't change it
3 because that's a red flag.

4 So we kind of -- you know, I personally
5 think very carefully about the changing the language in a
6 CEC because of its -- it tends to stick around forever
7 and we have to defend every little change that we make
8 regardless of what the circumstances are. I think
9 "cooperation" is a good word. It reflects to me what
10 Ms. Hill was saying, as far as working with the
11 landowner, not at odds with them.

12 CHMN STAFFORD: I'm inclined to agree with
13 that. I mean, this is an area of the CECs that's been
14 evolving over time. I've researched -- we've had -- the
15 language for this condition has changed a lot over the
16 last, let's see, decade or so. It's kind of evolved and
17 changed. I think it's just, you know, each committee
18 tries to look at the facts and the law and try to get it
19 right and impose reasonable conditions that support the
20 goals of, you know, both the State Act and the Line
21 Siting Statutes, because, I mean, the thing is that we
22 can't -- these projects need to get built. They're
23 necessary. And that's why they have the fast track time
24 frame to get the hearings on these, to get a decision, so
25 they can't be -- and that's why I thought it was

1 important we take out the language that "the certificate
2 subject to review by the SHPO," because that's not the
3 case, they're not -- they're not the --

4 MS. GRABEL: Final arbiter.

5 CHMN STAFFORD: Right. Exactly. They
6 don't decide when and if the project gets built. So I
7 wanted to make that clear by taking that out of there.
8 So with that, do you want to -- did you offer a motion to
9 add the "in cooperation," no, I think that was just the
10 applicant's suggestion.

11 MS. GRABEL: Correct.

12 CHMN STAFFORD: So if we were add a motion
13 to say to add to page, let's see, I'm looking at the PDF
14 document, page 8, line 11, to add after "survey to modern
15 standards," "in cooperation with the landowner."

16 MEMBER KRYDER: Would that be comma "in
17 cooperation with the landowner"?

18 CHMN STAFFORD: I don't think you need the
19 comma.

20 MEMBER FANT: Mr. Chair, I have an
21 additional suggested amendment for Section 7.

22 CHMN STAFFORD: Thank you, Mr. -- Member
23 Fant.

24 MEMBER FANT: Looking at lines 8 and 9,
25 those function in my mind as the absolute ability of SHPO

1 to block development of the transmission line. It says,
2 "Construction shall not commence until SHPO has had an
3 opportunity to review and comment in accordance with the
4 State Act." What I would suggest is adding an additional
5 sentence after that to the effect, "SHPO shall commence
6 and complete said review within 90 days of submittal of
7 the application by the applicant."

8 CHMN STAFFORD: I think that would give
9 them longer than they have under the statute. My
10 understanding is from 41-864, they have to -- they have
11 to render their recomm- -- their comment within 30
12 business days for state projects, 30 calendar days for
13 federal projects.

14 MEMBER FANT: And that's -- that's an
15 acceptable revision to the language I suggest.

16 CHMN STAFFORD: Okay. But, again -- okay,
17 that's -- I like where you're going, but the problem is
18 that the committee doesn't have authority over SHPO. We
19 only have authority over the applicant.

20 MEMBER KRYDER: Right.

21 CHMN STAFFORD: So --

22 MEMBER KRYDER: Mr. Chairman?

23 CHMN STAFFORD: Yes, Member Kryder.

24 MEMBER KRYDER: Also, just for ease of
25 understanding this, since we've got, it seems, agreement

1 on the section "in cooperation with the landowner," could
2 we finalize that amendment, and if there are others,
3 then, deal with them separately? It seems a lot clearer,
4 more clear for me.

5 CHMN STAFFORD: Excellent suggestion --

6 MEMBER KRYDER: Thank you.

7 CHMN STAFFORD: -- Member Kryder.

8 I believe that -- was that motion made,
9 Member Little, did you make that?

10 MEMBER LITTLE: I'm sorry, what?

11 CHMN STAFFORD: To add the "in cooperation
12 with landowner"?

13 MEMBER LITTLE: I believe that was
14 Member --

15 MEMBER DRAGO: Yeah.

16 CHMN STAFFORD: And Len seconded that,
17 Member Drago?

18 MEMBER DRAGO: I made the motion.

19 MEMBER LITTLE: And I second.

20 CHMN STAFFORD: All right.

21 MS. GRABEL: Mr. Chairman, may I suggest
22 that it be moved, because I think right now as it reads
23 it's modifying the surveying to modern standards, as
24 opposed to completing the Class III survey. Can we say,
25 "The applicant shall, in corporation with the landowner,

1 complete a Class III cultural inventory"?

2 CHMN STAFFORD: Would you like to amend
3 your amendment?

4 MEMBER DRAGO: Yes.

5 CHMN STAFFORD: Excellent suggestion,
6 Ms. Grabel.

7 MEMBER LITTLE: I second my second. I
8 amend my second.

9 CHMN STAFFORD: Okay. The amendment is to
10 change the sentence in Condition 7 to read, "The
11 applicant shall, in cooperation with the landowner,
12 complete a Class III cultural inventory of the portions
13 of the final right-of-ways that have not been previously
14 surveyed to modern standards."

15 The motion has been moved and seconded.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

18 MEMBER MERCER: Mr. Chairman?

19 CHMN STAFFORD: Member Mercer.

20 MEMBER MERCER: I just want to have
21 something clear in my mind. So let's say that the
22 landowner goes out and digs something and he finds
23 something, is he required to tell anybody?

24 CHMN STAFFORD: No.

25 MEMBER MERCER: Okay. Just wanted to --

1 CHMN STAFFORD: Not unless it's a human
2 body or objects found in proximity to the human body,
3 because that's what the difference in the statutes are,
4 the reason -- the only reason this is here is because in
5 the 863 the State action implication.

6 MEMBER MERCER: Okay. Okay. Thank you.
7 I'm understanding better now.

8 CHMN STAFFORD: Thank you.

9 Further discussion?

10 (No response.)

11 CHMN STAFFORD: All in favor say aye.

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, the amendment
16 passes.

17 All right. I think, Member Fant, I think
18 to address your concerns, while we can't require that
19 SHPO do anything because we have no authority over them,
20 we could certainly add something that says if SHPO fails
21 to act within a specified time frame, the applicant can
22 do what it needs to do, it doesn't have to wait.

23 MEMBER FANT: That would be fine, sir.

24 MS. GRABEL: We're comfortable with that,
25 Mr. Chairman.

1 MEMBER FRENCH: Mr. Chairman?

2 CHMN STAFFORD: Yes, Member French.

3 MEMBER FRENCH: Does -- could that possibly
4 impact other statutes regarding the licensing time frame
5 that surround this issue with SHPO? I don't want to
6 accidentally step on other State statutes.

7 CHMN STAFFORD: With SHPO.

8 MEMBER FRENCH: And not being the expert.

9 CHMN STAFFORD: I don't think any of us are
10 really experts, but we just -- we all try our best.

11 MEMBER KRYDER: Join the club.

12 CHMN STAFFORD: Okay. I think this -- if
13 you look at ARS 41-864, the statute says, "The State
14 Historic Preservation officer has 30 working days in
15 which to view and comment on any plans of a state agency
16 which involves property, which is included on or may
17 qualify for the Arizona Register of Historic Places,
18 including any construction project," et cetera, et
19 cetera, "to ensure that the prehistorical, historical,
20 architectural, or culturally significant values will be
21 preserved or enhanced." So that sets the time frame for
22 them to act. So --

23 MEMBER FANT: Mr. Chair, I'll withdraw my
24 amendment with that language, since that language is
25 present. If we were to consider an amendment, we might

1 change line 8 to say, "Construction shall not commence
2 until SHPO's has had an opportunity to review, comment,
3 and complete its review," -- "comment and complete its
4 review in accordance with the State Act."

5 CHMN STAFFORD: I think that was the point
6 of putting "opportunity" in there, because if they don't
7 seize the opportunity and they miss their opportunity,
8 then the ship has sailed. That's the way I thought that
9 was supposed to be.

10 MEMBER FANT: Okay. All right. I'll
11 withdraw my comment.

12 CHMN STAFFORD: Okay. So I think --
13 because I think SHPO's obligated under the statute to
14 act. And we provide them that they have to give them the
15 opportunity to do it. If they blow their deadline, then
16 they've blown their deadline. And if you have to
17 proceed, then you've got to do what you have to do
18 because you have an obligation to serve your customers.
19 It's similar to how, you know, if the -- in the Line
20 Siting Statutes if, and I think the intent of that would
21 apply to the SHPO as well, is that if the Commission or
22 the committee fails to render their decision in a timely
23 manner, the applicant is free to build in the spot it
24 thinks has the least impact on the environment what it
25 needs to build to satisfy its obligation to its

1 customers.

2 So I think that would apply to -- if SHPO
3 is given the opportunity to comment, and they have the
4 statutory time frame in which to do so, I think this is
5 the same as if the committee or Commission fails to act
6 in the time frame provided so must SHPO or you are
7 authorized to build. So with that being said, do we
8 think -- I'm looking over at the applicant, Ms. Grabel,
9 is there any additional language we think we need to put
10 into Condition 7 or have we thoroughly flogged this dead
11 horse?

12 MS. GRABEL: I think -- I think we're okay
13 with the language as-is. I don't believe we need
14 additional language.

15 CHMN STAFFORD: Okay. And so I think with
16 the "in cooperation with the landowner" that's -- I guess
17 that's an encouragement to you to make in your easement
18 agreements to encompass the review of, hey, we need to
19 look for these things too. And I guess we'll get into it
20 more in the next section about that. And, again, I keep
21 saying it's not -- it's not the same as if on State land,
22 you've got to walk it, if you find it you've got to
23 report it and do stuff, it's only by the result of the
24 State action it's going to be substantially altered or
25 demolished.

1 So I think it's up to the applicant whether
2 they can if they absolutely, positively have to put a
3 structure that's going to demolish this site, then we've
4 got to do something, otherwise we avoid it, then that's
5 not triggered the same for private land. It's a
6 different, oddly a different standard than it would be
7 without the State action, but still not the same as the
8 obligations on state land.

9 MS. GRABEL: We'll span it if we can, I
10 guess is the point.

11 CHMN STAFFORD: Right. Okay. So, let's
12 see, Condition 7 has been amended. Can I get a motion to
13 adopt Condition 7, as amended.

14 MEMBER KRYDER: Mr. Chairman?

15 CHMN STAFFORD: Member Kryder.

16 MEMBER KRYDER: I move Condition 7 be
17 approved as amended.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say aye.

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 MEMBER FANT: Nay.

25 CHMN STAFFORD: One opposed, but the ayes

1 have it. Condition 7 as adopted is amended [sic].

2 Condition 8.

3 MEMBER LITTLE: Mr. Chairman?

4 CHMN STAFFORD: Yes.

5 MEMBER LITTLE: First of all, I move
6 Condition 8, for discussion purposes.

7 MEMBER FONTES: Second.

8 CHMN STAFFORD: Excellent. Please discuss.

9 MEMBER LITTLE: Ms. Grabel, didn't you want
10 to include something in Condition 8 also?

11 MS. GRABEL: Yes, I certainly do. This one
12 I think we need to have "with the consent of the
13 landowner" at the end of "on private land." And here
14 it's because it's not just a matter of reporting or
15 recording if we can't avoid it, it's requiring us to make
16 all reasonable steps to secure and maintain the
17 preservation of the discovery, which could require
18 additional excavation on the land, and we certainly can't
19 do that without the landowner's consent.

20 MEMBER KRYDER: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Kryder.

22 MEMBER KRYDER: Was this section now shown
23 here on line 11 "with the consent of the landowner"
24 included in the current consideration?

25 CHMN STAFFORD: What's on the screen, no,

1 that's the proposed language from the applicant. That's
2 not what's -- if you looked at the tablet --

3 MEMBER KRYDER: Okay.

4 CHMN STAFFORD: -- it's different.

5 MEMBER KRYDER: So where are we? Would you
6 review where we are for this old man?

7 CHMN STAFFORD: Yeah, we're discussing.

8 This is -- we haven't gotten a motion to amend, we're
9 just talking about potential changes to Condition 8.

10 MEMBER KRYDER: Okay. Thank you.

11 MEMBER FRENCH: Mr. Chairman?

12 CHMN STAFFORD: Member French.

13 MEMBER FRENCH: Being that there's a small
14 federal nexus for the crossing for the CAP canal, does
15 that need to be addressed here or is that addressed in
16 their possible categoric exclusion filings?

17 CHMN STAFFORD: I'm going to look to Member
18 Fontes, because he's had more --

19 MEMBER FONTES: I'm not a lawyer,
20 Mr. Chairman. That's going to be a federal lawyer to
21 opine on. And, again, as Mr. Bryner and I, I think,
22 agreed it could be anything that they want, especially if
23 they look at the federal financing nexus on the AEPCO.
24 And even if there's contributed funds from AEPCO over to
25 any part of this line, it may trigger some things, I just

1 don't know.

2 MEMBER FRENCH: So to kind of rephrase my
3 question, this condition requires that the applicant
4 report to the director of the Arizona State Museum and,
5 in consultation with the director, take reasonable steps,
6 if, hypothetically, the applicant receives a categorical
7 exclusion from the federal portion, if something is
8 discovered on the federal land, are they required to
9 report this to the State or how does that work?

10 CHMN STAFFORD: I think if it's a federal
11 project and they find it on federal, and they report it
12 to the federal agency who would work in conjunction with
13 the state agency, they would consult with them on it,
14 because that's how it works for National Historic
15 Preservation Act things with the -- they coordinate with
16 the SHPO on impacts to the state to comply with the
17 federal act. I'm looking at the applicant's lawyers, is
18 that -- is that correct? Is that your understanding of
19 how it works?

20 MS. GRABEL: That sounds right to me, but
21 Mr. Hesse is the expert in this area, so I'll let him
22 address it.

23 MR. HESSE: For archaeological discoveries,
24 on federally owned lands, the Archaeological Resources
25 Protection Act applies. This is language from the

1 Arizona Antiquities Act, ARS 41-841 through 844, which
2 applies to discoveries on state, county, and city owned
3 lands. This does not apply to private lands or federal
4 lands.

5 So ARPA, the Archaeological Resources
6 Protection Act, is the federal law. The Arizona
7 Antiquities Act is the state-level equivalent.

8 CHMN STAFFORD: Right. And I think the
9 prior conditions we had from SHPO was their search was
10 that -- is it that the 863, so the archaeological finds
11 are also historic properties and it would be also applied
12 to -- should also apply to private land. I believe that
13 was SHPO was asserting in its previous conditions.

14 MR. HESSE: Correct. That's the State
15 Historic Preservation Act, 861 through 864.

16 CHMN STAFFORD: Right. And the State
17 Historic Preservation Act is 841 through 846.

18 MR. HESSE: That's the Arizona Antiquities
19 Act.

20 CHMN STAFFORD: Right. That's what I'm
21 saying, the state Antiquities Act --

22 MR. HESSE: 84 --

23 CHMN STAFFORD: Yeah, I've got it written
24 down, it's 861 through 864 is the Historic Preservation
25 Act, and then the Arizona Antiquities Act is 841 to 846.

1 MR. HESSE: Correct.

2 CHMN STAFFORD: Okay. And I think what
3 SHPO was saying was that by virtue of the Historic Places
4 Act, the Arizona Antiquities Act also applied. And I
5 think in the previous condition they had for 8, and I
6 went back, and we've had a number of different iterations
7 of this going through CECs, some have said private,
8 state, county, and municipal land, others have excluded
9 the private, others have excluded reference to any -- the
10 type of land it is. What's discovered during the
11 construction or operation of the project, we've -- it's
12 changed -- it's evolved a lot over the last decade or so.

13 So I'm just -- and, again, I think the
14 issue is that with -- I think there's some obligation to,
15 for private land, based on the fact that the committee
16 has to consider existing archaeological sites, it doesn't
17 say documented or known or recorded, it says "existing."
18 So, again -- but, again, I think the statute by its terms
19 doesn't apply to private land. I think the assertion
20 from SHPO was that because of the State action in the
21 National Historic Preservation Act that leads to the
22 application of the Antiquities Act for private land as
23 well.

24 But then if that's the case it would also
25 be contingent on -- it would have to be substantial

1 alteration or destruction of the site, not just its mere
2 discovery like it is for state, county, and municipal
3 lands.

4 So I think for this one we'd have to -- we
5 would need to add language that says that if, you know,
6 the site is to be substantially altered and demolished as
7 a result, then they would take documentary -- they would
8 have to follow the steps in 844 for private land.

9 MS. GRABEL: I think you've lost me,
10 Mr. Chairman. So you're suggesting that if we discover
11 anything, we have no obligation unless we're going to
12 destroy it?

13 CHMN STAFFORD: Or substantially alter it,
14 right.

15 MS. GRABEL: Or substantially alter it.
16 Even then, wouldn't we need the consent of the landowner
17 to do so?

18 CHMN STAFFORD: Certainly his cooperation.
19 See, this one -- this one's a little different, though.
20 I mean, this one -- no, I think SHPO was saying that this
21 applied -- that the Antiquities Act would apply to
22 private land. I'm not convinced that's the case, that's
23 a different thing than the State Historic Preservation
24 Act, which has specific language for it.

25 The Antiquities Act has its own language

1 which is different, and so -- which is, for example, in
2 Condition 9, it used to be 11, but I thought it was wiser
3 to put all three in one place. So I think for this one,
4 that's why I want a discussion, because SHPO's position
5 is this should apply to private land, but the statute
6 specifically does not. So I think -- but I do think that
7 the committee and the Commission have the authority to
8 make -- if it's a reasonable condition to impose those
9 requirements of the statute on the applicant. And I
10 think that -- I think we need to have the discussion that
11 is that reasonable? Because certainly we don't want to
12 start throwing up insurmountable barriers for these
13 projects. We're -- our statute requires to consider
14 them, not make their existence an impediment or bar to
15 the project.

16 MS. GRABEL: I would agree with that. I
17 believe -- I want Mr. Bryner to address this. So it's
18 his understanding that SHPO did not believe that this
19 portion of the law should apply to private land.

20 Do you want to speak to that, Mr. Bryner?

21 MR. BRYNER: I definitely don't want to
22 speak for SHPO, but in our conversations that we had, I
23 guess, in coming up with this language, that was never a
24 concern that was raised by SHPO was to try to apply the
25 Antiquities Act to private land. It's possible that it

1 was a concern, but they did not raise it in that meeting,
2 and I can reference our TEP-17, which was the outcome of
3 that meeting and the language that was, while the
4 utilities we shared our concerns and thoughts, SHPO took
5 those and proposed their language, and they did not
6 include private land in this condition.

7 CHMN STAFFORD: All right. Because,
8 like -- because this changed throughout, looking at some
9 of the previous CECs. Yeah, I think because previously I
10 had 7 and 8 merged into one condition, as opposed to two
11 separate conditions. I'm looking back at a previous case
12 where it just said "if any archaeological,
13 paleontological, or historical sites, or any significant
14 cultural objects are discovered during the construction
15 or operation of the project," it's applying to the --
16 whatever the land is.

17 But then it does say "as required by 844,"
18 but again, as I said, by the plain language of the
19 statute, it doesn't apply to private land. So I think
20 that there's a difference between that the State Historic
21 Preservation Act and the Arizona Antiquities Act. And
22 that the Antiquities Act is intentionally not applied to
23 private land because they explain the scope beyond just
24 the state, county, municipal, just private land is
25 specifically excluded except for the finding of bodies,

1 which is the next condition, which is I think completely
2 noncontroversial, because that just states what the law
3 is. I think the only point of putting it in the CEC is
4 because it's one of the factors required to consider the
5 Condition service, Finding of Facts and Conclusion of Law
6 to resolve issues with the proving of the site.

7 So I think for this condition, we can
8 strike it back to where it was to where it just -- it
9 restates what actually 844 requires.

10 MS. GRABEL: That's my strong preference.
11 I think the law is what it is for a reason. I think
12 private property is protected for a reason. And I think
13 that that is the right result here.

14 CHMN STAFFORD: Right. Because there's no
15 analog of 863 in the State Historic Preservation Act that
16 occurs in the Antiquities Act.

17 MS. GRABEL: Agreed.

18 CHMN STAFFORD: Okay. With that, let's get
19 a motion to restore Condition 8 to its previous state
20 with the removal of the reference to private property,
21 change the word "describe" back to "required" by 41-844
22 and strike the remaining sentence.

23 MEMBER LITTLE: So move.

24 MEMBER FRENCH: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

2 CHMN STAFFORD: All in favor say aye.

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, the amendment
7 is adopted. Can I get a motion to adopt Condition 8, as
8 amended?

9 MEMBER MERCER: So moved.

10 MEMBER LITTLE: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

13 CHMN STAFFORD: All in favor say aye.

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 8
18 as adopted is amended.

19 Condition 9.

20 MEMBER MERCER: Mr. Chairman, I move
21 Condition 9.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

25 CHMN STAFFORD: All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 9
5 is adopted.

6 Number 10.

7 MEMBER KRYDER: Mr. Chairman, I move
8 approval of Condition 10.

9 MEMBER MERCER: Second.

10 CHMN STAFFORD: Further discussion?

11 MEMBER LITTLE: Mr. Chairman?

12 CHMN STAFFORD: Member Little.

13 MEMBER LITTLE: I would just like to point
14 out that this condition applies to construction of the
15 whole line, private, state, federal, whatever, and it
16 doesn't say, "with the consent of the landowner."

17 CHMN STAFFORD: Right. I think that's
18 because the Native Plant Law is broader in scope than the
19 State Historic Preservation Act or Antiquities Act.

20 MEMBER LITTLE: That makes sense. Thank
21 you.

22 CHMN STAFFORD: Is that -- I'm looking to
23 the applicant, is that your understanding of how the
24 statute works as well?

25 MS. GRABEL: That is the difference, yes,

1 Mr. Chairman.

2 CHMN STAFFORD: Condition 10 has been moved
3 and seconded.

4 All in favor say aye.

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

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

10 Condition 11.

11 MEMBER LITTLE: Mr. Chairman, I move
12 Condition 11.

13 MEMBER MERCER: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

16 CHMN STAFFORD: All in favor say aye.

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 11
21 is adopted.

22 Number 12.

23 MEMBER MERCER: Mr. Chairman, I move
24 Condition 12.

25 MEMBER KRYDER: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

3 CHMN STAFFORD: All in favor say aye.

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 12
8 is adopted.

9 Number 13.

10 MEMBER LITTLE: Mr. Chairman, I move
11 Condition 13.

12 MEMBER FRENCH: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER FONTES: Mr. Chairman?

15 CHMN STAFFORD: Yes, Member Fontes.

16 MEMBER FONTES: Do we need to notify CAP or
17 Bureau of Reclamation on there?

18 CHMN STAFFORD: No, I think our primary
19 concern with notifications is state agencies. I think
20 notification of the federal agencies is required under
21 federal law, which I think Condition 3 maintains they
22 have to comply with. Plus, if they require any federal
23 approvals they sure are not going to be able to get them
24 without letting them know what's going on.

25 MEMBER FONTES: I just wanted to note it.

1 I couldn't recall what we did last time on CAP.

2 CHMN STAFFORD: Condition 13 has been moved
3 and seconded.

4 Further discussion?

5 (No response.)

6 CHMN STAFFORD: All in favor say aye.

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Condition 13
11 is adopted.

12 Number 14.

13 MEMBER KRYDER: Mr. Chairman, I move
14 approval of Condition 14.

15 MEMBER MERCER: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

18 CHMN STAFFORD: All in favor say aye.

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 14
23 is adopted.

24 Number 15.

25 MEMBER KRYDER: Mr. Chairman, I move

1 approval of Condition 15.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 15
10 is adopted.

11 Number 16.

12 MEMBER LITTLE: Mr. Chairman, I move
13 Condition 16.

14 MEMBER KRYDER: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

17 CHMN STAFFORD: All in favor say aye.

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 16
22 is adopted.

23 MEMBER LITTLE: Mr. Chairman, I --

24 CHMN STAFFORD: Number 17.

25 MEMBER LITTLE: Mr. Chairman, I move

1 Condition 17.

2 MEMBER KRYDER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 17
10 is adopted.

11 Number 18. I know this is a standard
12 condition, but it would have been more relevant had we
13 opted to go with alternate 2, but I think, for the sake
14 of consistency, we can still leave it in there.

15 MEMBER MERCER: Mr. Chairman, I move
16 Condition 18.

17 MEMBER LITTLE: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say aye.

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, Condition 18
25 is adopted.

1 Number 19.

2 MEMBER LITTLE: Mr. Chairman, I move
3 Condition 19.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 I'm looking to the applicant to make sure
7 this is clear and it doesn't obfuscate anything about the
8 corridor, and that it's factually accurate. 125 feet is
9 the right number?

10 MR. BRYNER: Yeah, the way it reads is
11 fine. I just want to make sure that we clarify that in
12 the -- in the location where the circuit tie and route A
13 are in the same location that let's say we secured a
14 right-of-way that was one document, it's probably going
15 to be wider than 100 feet, because it's going to
16 encompass two separate lines. So, individually,
17 100 feet. Collectively, we would have overlapping
18 rights-of-way would probably be about 150 feet wide, but
19 I just want to make sure that we're clear on that and
20 we're not going to be limited there.

21 CHMN STAFFORD: All right.

22 MEMBER FANT: Mr. Chair, may I suggest that
23 you have in 19, line 11 say, "Does not authorize a
24 right-of-way greater than 100 feet wide per transmission
25 line" for the circuit tie or transmission line.

1 CHMN STAFFORD: For what -- what was the
2 word?

3 MEMBER FANT: "Per" transmission line.

4 CHMN STAFFORD: "Per," okay.

5 MEMBER FANT: And perhaps change the last
6 word, "or other," maybe you could say "per transmission
7 line for the circuit tie" -- well, you don't even need to
8 say that. You can say "doesn't authorize a right-of-way
9 greater than 100 feet wide per transmission line for the
10 project."

11 MEMBER LITTLE: Mr. Chairman, doesn't the
12 word "or" mean you've got 100 feet for each one?

13 CHMN STAFFORD: Yeah, I think so. But I
14 think Mr. Bryner's point was that it would be -- they
15 would share a right-of-way or would they have overlapping
16 right-of-ways, I'm confused?

17 MR. BRYNER: Likely overlapping and I
18 didn't necessarily have a problem with the language. I
19 just wanted to put it on the record that, hey, we're
20 going to have two parallel lines, and they're not going
21 to fit within 100 feet.

22 CHMN STAFFORD: Or we can say, "greater
23 than 100 feet wide for the" -- I'm just trying to think,
24 what was the word we put in there, "per"?

25 MEMBER LITTLE: Why don't we say eliminate

1 "for the circuit tie or transmission line" -- well, I
2 guess that wouldn't work. Never mind.

3 CHMN STAFFORD: Yeah, because we have --

4 MEMBER KRYDER: If the applicant is
5 approving of it before the proposed change, let's simply
6 go back to before the proposed change.

7 CHMN STAFFORD: Well, the reason why it
8 changed was because the siting area's significantly --
9 that part of the corridor is significantly wider than 100
10 feet. It's 1,000 feet wide and 2,000 -- and 4,000 feet
11 long, and that's part of the project corridor. And it's
12 going to be wider than 100 feet at one end, isn't it?
13 And it's going to be eight acres.

14 MS. GRABEL: I agree with that,
15 Mr. Chairman. Why don't we just say, "The designation of
16 the corridor is shown in Exhibit A," and then delete the
17 rest and then just say, "The maximum height of the
18 structure shall not exceed 125 feet."

19 CHMN STAFFORD: All right. Typically we
20 say what the right-of-way is going to be per the lines
21 separate from the switchyard.

22 MR. BRYNER: And I would just chime in
23 that -- so we're talking about two different things. The
24 corridor width, which is the 300 feet, 500 feet or the
25 switchyard siting area, and then we're talking about the

1 right-of-way.

2 CHMN STAFFORD: Right. Because the
3 right-of-way only applies to lines, you're not going to
4 have a right-of-way for the switchyard, you're going to
5 own the land and put it on it, right?

6 MR. BRYNER: Correct. So I see this
7 condition as just pertaining to the transmission line
8 right-of-way, nothing to do with the switchyard siting
9 area nor the ultimate switchyard location.

10 MEMBER LITTLE: That's true.

11 MS. GRABEL: I agree with that. Okay.

12 MR. BRYNER: That said, again, all of my
13 previous comments, I would be fine with the language as
14 written to begin with.

15 MEMBER LITTLE: Mr. Chairman, I think the
16 language is fine. It says you've got 100 feet -- no more
17 than 100 feet for the circuit tie or the transmission
18 line. So you've got 100 for each, and if you don't want
19 100, it doesn't say you have to have 100 for each.

20 CHMN STAFFORD: Right. So if they were
21 side by side, the maximum width of the right-of-ways,
22 plural, would be 200 feet, but they could get closer than
23 that.

24 MEMBER LITTLE: Right.

25 MEMBER FONTES: This addresses the issue

1 that they're going to have some distance of separation to
2 accommodate for NESC and NERC standards for blowout
3 ranges. So there's probably at least 25 feet between the
4 two rights-of-way that they need for that, as well as
5 maintenance.

6 CHMN STAFFORD: I think we -- how about we
7 just put it to where changes "does not authorize a
8 right-of-way," does not authorize right-of-ways, plural.
9 So that shows that both the circuit tie and the
10 transmission line can have 100 feet wide on their own.

11 MS. GRABEL: Yup.

12 CHMN STAFFORD: And they can be -- and if
13 they overlap, that's up to the applicant on how they want
14 to handle that, otherwise, they can be 100 feet apart.

15 MS. GRABEL: I think that works.

16 MEMBER KRYDER: Mr. Chairman?

17 CHMN STAFFORD: Member Kryder.

18 MEMBER KRYDER: Would the language be
19 "rights-of-way" rather than "right-of-ways"?

20 CHMN STAFFORD: Yes, but it's "ROWS,"
21 because it's a -- you wouldn't have "Rs OW," that would
22 look weird, I think.

23 MEMBER KRYDER: Very weird, yes.

24 CHMN STAFFORD: Yeah, I think even if it
25 says ROWs, I think you would read it as rights-of-way,

1 but yeah.

2 MEMBER KRYDER: Since it is not the ROW as
3 defined above, would it not be more appropriate to spell
4 it out "rights-of-way"?

5 CHMN STAFFORD: No, because we referred
6 it -- it's -- previously in the docket it says -- I think
7 it says rights-of-way, ROWs, in the docket previously.

8 All right. So can I get an amendment to
9 amend -- a motion to amend Condition 19 to read, "The
10 designation of the corridor in this certificate, as shown
11 in Exhibit A, does not authorize ROWs greater than
12 100 feet wide for the circuit tie or the transmission
13 line, nor does it grant the applicant exclusive rights
14 within the corridor outside of the final designated
15 transmission ROW."

16 MR. ANCHARSKI: Mr. Chairman, before -- and
17 to be consistent should that second "ROW" be "ROWS"?

18 CHMN STAFFORD: Yes.

19 MEMBER FONTES: So moved.

20 MEMBER MERCER: Second.

21 CHMN STAFFORD: Further discussion?

22 (No response.)

23 CHMN STAFFORD: All in favor say aye.

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, the amendment
3 is adopted. Can I get a motion to adopt Condition 19, as
4 amended?

5 MEMBER MERCER: So moved.

6 MEMBER LITTLE: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 19,
14 as amended, is adopted.

15 Number 20.

16 MEMBER LITTLE: Mr. Chairman, I move
17 Condition 20.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion? I'm
20 looking to the applicant, December 1st, 2026, is the
21 correct date for the initial filing of the compliance
22 letter? I know some of you all at utilities like to have
23 all of your filings due on the same day, as opposed to
24 staggered, based on when the Commission actually approves
25 it.

1 MS. GRABEL: So in consultation with our
2 compliance person, we'd prefer June, because we like to
3 stagger ours. Is June okay?

4 CHMN STAFFORD: Okay, yes. Staggered.
5 Very good. So it would be June 1st, 2026?

6 MS. GRABEL: Yes, thank you.

7 CHMN STAFFORD: All right. Can I get a
8 motion to do so?

9 MEMBER LITTLE: So move.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

13 CHMN STAFFORD: All in favor say aye.

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, the amendment
18 carries.

19 Can I get a motion to adopt Condition 20,
20 as amended?

21 MEMBER LITTLE: So move.

22 MEMBER MERCER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

25 CHMN STAFFORD: All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 20,
5 as amended, is adopted.

6 On to 21.

7 MEMBER LITTLE: Mr. Chairman, I move
8 Condition 21.

9 MEMBER FONTES: Second.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

12 CHMN STAFFORD: All in favor say aye.

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 21
17 is adopted.

18 Number 22.

19 MEMBER MERCER: Mr. Chairman, I move
20 Condition 22.

21 MEMBER LITTLE: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

24 CHMN STAFFORD: All in favor say aye.

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, Condition 22
4 is adopted.

5 Number 23.

6 MEMBER LITTLE: Mr. Chairman, I move
7 Condition 23.

8 MEMBER MERCER: Second.

9 CHMN STAFFORD: Further discussion?
10 (No response.)

11 CHMN STAFFORD: All in favor say aye.
12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?
14 (No response.)

15 CHMN STAFFORD: Hearing none, Condition 23
16 is adopted.

17 24.

18 MEMBER KRYDER: Mr. Chairman, I move
19 approval of Condition 24, as printed.

20 MEMBER MERCER: Second.

21 CHMN STAFFORD: Further discussion?
22 (No response.)

23 CHMN STAFFORD: All in favor say aye.
24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 24
3 is adopted.

4 On to Findings of Fact and Conclusions of
5 Law.

6 MEMBER LITTLE: Mr. Chairman, I move
7 Finding of Fact and Conclusion of Law Number 1.

8 MEMBER KRYDER: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

11 CHMN STAFFORD: All in favor say aye.

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Finding of
16 Fact and Conclusion of Law Number 1 is adopted.

17 Number 2.

18 MEMBER KRYDER: Mr. Chairman, I move
19 approval of Finding of Fact and Conditions -- Conclusions
20 of Law Number 2 be approved.

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

24 CHMN STAFFORD: All in favor say aye.

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, Finding of
4 Fact and Conclusion of Law Number 2 is adopted.

5 Number 3.

6 MEMBER FRENCH: Move Finding 3.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

10 CHMN STAFFORD: All in favor say aye.

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, Finding of
15 Fact and Conclusion of Law Number 3 is adopted.

16 Number 4.

17 MEMBER MERCER: Mr. Chairman, I move
18 Finding of Fact and Conclusion of Law Number 4.

19 MEMBER KRYDER: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor say aye.

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Finding of
2 Fact and Conclusion of Law Number 4 is adopted.

3 Number 5.

4 MEMBER LITTLE: Mr. Chairman, I move
5 Finding of Fact Number 5.

6 MEMBER KRYDER: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Finding of
14 Fact and Conclusion of Law Number 5 is adopted.

15 Number 6.

16 MEMBER MERCER: Mr. Chairman, I move
17 Finding of Fact and Conclusion of Law Number 6.

18 MEMBER KRYDER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say aye.

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Finding of

1 Fact and Conclusion of Law Number 6 is adopted.

2 Moving on to Exhibit A. I believe the
3 Exhibit A that we would -- that would ask for a movement
4 to adopt would be the Exhibit A attached to TEP-15 titled
5 "Exhibit A Preferred Route, Routes A and 1."

6 MR. ANCHARSKI: So, Mr. Chairman, we
7 actually received an updated Exhibit A that reflects the
8 discussion of the corridor along the quad circuit, so
9 that's actually on the screen with that updated language.
10 And I can zoom in on that area.

11 CHMN STAFFORD: Yes, please.

12 You've even got the parcel numbers on
13 there, huh? Or the -- that's not parcel, what's that
14 called?

15 MEMBER FRENCH: Township section.

16 CHMN STAFFORD: Township section, okay.

17 What would we call this Exhibit A, since
18 it's not the attachment to Exhibit TEP-15?

19 MS. GRABEL: Should we create a new TEP
20 exhibit that we're using as a substitute; is that your
21 suggestion?

22 CHMN STAFFORD: Trying to think the best
23 way procedurally to do this.

24 Mr. Ancharski?

25 MR. ANCHARSKI: I guess I have a thought.

1 This would be effectively you could say "as amended by
2 the committee" so what's in -- what was in 15 take that
3 as amended by the committee during discussion as
4 reflected in, you know, what's shown on the screen.

5 CHMN STAFFORD: Okay. So I guess we can --
6 a starting place would indeed be TEP-15 Exhibit A titled
7 "Preferred Routes A and 1," and then we would move to
8 amend it to provide references to the TEP quad circuit.
9 And then once we pass that amendment, that would be this
10 document we're looking at now?

11 MS. GRABEL: Yes.

12 CHMN STAFFORD: And then we would move to
13 adopt that amended document as Exhibit A for the
14 certificate.

15 Can I get a motion?

16 MEMBER FRENCH: Can I see the legend first,
17 Mr. Ancharski?

18 MS. GRABEL: There wasn't a change to the
19 legend, Member French. It was a change to the
20 description in the bubbles that referred to the TEP quad
21 circuit.

22 MEMBER FRENCH: So, Mr. Chairman, my
23 thought is that maybe we should make that change in the
24 legend as the description of the quad circuit in that
25 call-out located on the map doesn't really indicate

1 exactly what that is.

2 CHMN STAFFORD: I see, at the legend where
3 it says, "Existing transmission lines (TEP quad
4 circuit)," or are there more transmission lines that
5 aren't the quad circuit that are also on the map?

6 MS. GRABEL: There are more transmission
7 lines than the quad circuit. We could say "existing
8 transmission lines including quad circuit."

9 CHMN STAFFORD: I think it would be better
10 labeling the quad circuit on the map, as opposed to the
11 legend, if it's -- because there's multiple lines that
12 are marked with that dotted line as existing transmission
13 lines, whereas only one of those would be the quad
14 circuit.

15 MEMBER LITTLE: Mr. Chairman?

16 CHMN STAFFORD: Member Little.

17 MEMBER LITTLE: That brings up something
18 that I wanted to mention, which is that there are no
19 other transmission lines listed -- shown here, and I
20 would like to see the other transmission lines shown.

21 MEMBER FONTES: I'd second that,
22 Mr. Chairman. In addition, the labeling of who owns them
23 and what size they are is what we've seen before with
24 this applicant and others, for consistency, so the public
25 can have a reference.

1 CHMN STAFFORD: All right.

2 MEMBER FONTES: Even in the legend.

3 CHMN STAFFORD: Right. Now, for this one
4 it looks like you're going to have to do a little more
5 changes to the Exhibit A than initially anticipated.

6 I'm looking at this map, can you step back
7 a second? Because I'm looking at the quad circuit is
8 that line there, but there's -- doesn't it split to
9 something else on that same route? Is that what the
10 issue is?

11 MEMBER LITTLE: It doesn't show the Marana
12 to the -- the line that's being constructed right now.

13 CHMN STAFFORD: Right. The AEPCO/TEP line
14 is not on there. But I'm saying I'm looking at this map
15 and the only existing transmission line I'm seeing is the
16 quad circuit; am I incorrect in that?

17 MR. BRYNER: So the only thing we're
18 illustrating -- we illustrated that really is the
19 transmission line corridor right there, so there are two
20 separate transmission lines in that corridor, the one
21 owned by TEP, the other one owned by AEPCO. There are
22 other transmission lines that would appear in this frame,
23 had we illustrated them. We did not.

24 There's a WAPA currently 115-kV line being
25 reconstructed to 230/115. There's also additional AEPCO

1 facilities within this frame of view. I guess it's up to
2 you if you feel like that provides additional reference.

3 CHMN STAFFORD: Member Little -- Member
4 Fontes.

5 MEMBER LITTLE: Mr. Chairman --

6 MEMBER FONTES: I would go with the AEPCO
7 and TEP lines.

8 CHMN STAFFORD: Member Little.

9 MEMBER LITTLE: I agree. This is a pretty
10 busy map with all of the -- what did you call them?

11 CHMN STAFFORD: Roads.

12 MEMBER LITTLE: Well, not the roads so much
13 as the --

14 MS. GRABEL: Parcel numbers?

15 MEMBER LITTLE: Yeah.

16 MR. BRYNER: Sections.

17 MEMBER FONTES: Suggestion would be just
18 put the parcel numbers in the corners or not as -- not
19 throughout but just a few of them, select ones, for
20 reference. I mean, keep the boxes. I've seen that done
21 before, but it -- I agree with Member Little it looks a
22 little busy with all of them.

23 MEMBER LITTLE: And if we add those two --
24 the TEP and the WAPA lines or AEPCO line, it will be even
25 more busy.

1 MEMBER FONTES: Yeah, I don't think we need
2 the WAPA lines, but the AEPCO pertinent ones to that
3 inter-tie here and the TEP ones, I think that informs the
4 public.

5 MEMBER LITTLE: I do too.

6 MR. BRYNER: So to clarify --

7 MEMBER FONTES: Did that answer your
8 question, Mr. Chairman?

9 MR. BRYNER: Mr. Chairman, could I restate
10 what I think I heard?

11 CHMN STAFFORD: Yes, please. I was just
12 about to do that, but I'll let you take a stab at it.

13 MR. BRYNER: I should have been quiet.

14 So you'd like to see the Saguaro to Marana
15 transmission line illustrated, because that is a
16 connection to this project. You would also like to
17 see -- you do not want to see the WAPA lines, since they
18 have no connection to this. And you'd like to see the
19 sections, minimized either up in the corners or possibly
20 not even illustrated in their fullness?

21 CHMN STAFFORD: I think if you have the
22 numbers for -- I think that the bottom corner those ones
23 can stay because they're pretty clear. And then I think
24 you probably want to have one up at the top or just -- so
25 eliminate everything between all the parcel number -- I

1 shouldn't say parcel -- section numbers, right?

2 MR. BRYNER: Correct.

3 CHMN STAFFORD: From the Pinal County
4 line -- Pinal/Pima County line down to Moore Road, would
5 that make it less -- not too busy?

6 MEMBER FRENCH: Mr. Chairman? My first
7 question is, are there any references in the application
8 or the draft CEC to section, township, and ranch?

9 CHMN STAFFORD: I think it's in the
10 application somewhere, but I don't recall it being in the
11 CEC.

12 MR. BRYNER: Yeah, I think it might be in
13 the application. I'm not 100 percent positive. We
14 typically do that just to provide that legal description
15 kind of reference. In case something else changes, those
16 typically don't change, but it's not uncommon to just
17 call out the corner sections because you can --

18 CHMN STAFFORD: Extrapolate that.

19 MR. BRYNER: Once you know that, you can --
20 you can go from there.

21 MEMBER FRENCH: I think that would suffice.

22 CHMN STAFFORD: The one in that right
23 corner above Tangerine Road, is that which one to keep?

24 MEMBER FRENCH: I'll defer to Mr. Bryner on
25 what's going to look best.

1 MR. BRYNER: Yeah, if -- I think maybe we
2 put one in each corner, and then I think you can usually
3 interpolate from there.

4 CHMN STAFFORD: Okay. And then I'm hearing
5 you wanted to add to the legend or label the Tempe -- or
6 the TEP -- you want to address the TEP quad line in
7 the -- in the legend, as well, or because it's referenced
8 in the bubble, were we -- I guess, do we want to mess
9 with the legend on this?

10 MR. BRYNER: I guess, as an amateur
11 cartographer, I would suggest we keep it simple with the
12 transmission lines as they are, and if you'd like to call
13 out the other transmission line that we'll add in there,
14 we can put a bubble saying this is a reference to the
15 AEPCO Saguaro to -- it's just -- it's hard to symbolize
16 too many things differently.

17 MEMBER FRENCH: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member French.

19 MEMBER FRENCH: Maybe instead of "existing
20 transmission lines" in its place put "transmission line"
21 --

22 MS. GRABEL: Corridor?

23 MEMBER FRENCH: -- "corridor."

24 CHMN STAFFORD: Well, that's the --

25 MEMBER FRENCH: Or I guess that's the wrong

1 word.

2 CHMN STAFFORD: We only want one corridor
3 on here, and that's the one for this project.

4 Can you zoom in on the bubble for the
5 switchyard, please?

6 Okay. Right now --

7 Okay. So there's -- there's multiple lines
8 in that dotted line, correct, you said there's an AEPCO
9 line, there's TEP -- there's two TEP lines?

10 MS. GRABEL: There's the quad circuit for
11 TEP and there's another AEPCO line in that area.

12 CHMN STAFFORD: Okay. Can we just label
13 that, then go back to the legend it says -- where it says
14 "existing," can you change that to "TEP quad circuit, et
15 al."?

16 MR. BRYNER: Sure.

17 CHMN STAFFORD: Would that work, Members?
18 I think that shows that we're talking about -- the point
19 of reference for this certificate is the quad circuit,
20 but it doesn't say -- it eliminates the perception or
21 illusion that that's the only line that's in that dotted
22 line.

23 MR. BRYNER: We can do that. The only
24 other question I have is now the Saguaro to Marana line
25 we can symbolize that differently --

1 CHMN STAFFORD: Right.

2 MR. BRYNER: -- with something different,
3 whether it's a -- just a different symbol. We'll do that
4 and label that in the legend "Saguaro to Marana
5 115/138-kV transmission line."

6 CHMN STAFFORD: Yes.

7 MEMBER FRENCH: Mr. Chairman, will there,
8 because I believe a portion of that line extends beyond
9 the circuit tie location, so will there be a
10 differentiation between those two locations?

11 MR. BRYNER: You are correct. Would you
12 like to see the portion beyond the circuit tie?

13 MEMBER FRENCH: I don't think it's
14 necessary. But if we're going to call out the line
15 specifically that does extend, we don't want to
16 illustrate that it ends at that location if it's called
17 out. I think only the one that is pertinent to this case
18 should be listed, unless anybody else disagrees.

19 MEMBER LITTLE: I think the extent of the
20 line that is reflected on the map should be -- should
21 continue past the point of interconnection, yes.

22 MR. BRYNER: So continue in its fullness --

23 MEMBER LITTLE: Yes.

24 MR. BRYNER: Well, in its fullness on what
25 is illustrated within the extent of the map.

1 MEMBER LITTLE: Right. Yes.

2 CHMN STAFFORD: Right. I don't think we
3 need to differentiate where AEPCO's part ends and TEP
4 parts --

5 MEMBER LITTLE: No.

6 CHMN STAFFORD: Where they diverge. I
7 think it's just to show the entire line as it appears on
8 the map, because it's just kind of for reference because
9 the focus of this one is this line and the circuit tie.

10 MR. BRYNER: Okay. We can do that.

11 CHMN STAFFORD: Okay. All right. So let
12 me re-pipe that, so we can get a solid motion to amend
13 Exhibit A.

14 Okay. So we're starting with Exhibit A
15 attached to TEP-15 labeled "Exhibit A Alternative Routes
16 A and 1." It will be amended to change the bubble for
17 the siting area for the switchyard to reference the TEP
18 quad circuit. It will be the 115/138-kV, TEP/AEPCO line
19 will be added to the map as a different symbol. And it
20 will be added to the legend to be identified.

21 The legend will be modified, where it says,
22 "Existing transmission," to say, "TEP quad circuit, et
23 al.," and then the section numbers will be minimized to
24 leave one in each corner. And I believe that was it.

25 MEMBER FRENCH: Mr. Chairman, did you

1 include the "Saguaro to Marana line"?

2 CHMN STAFFORD: That's what the 115/138-kV
3 AEPCO/TEP line is called.

4 MEMBER FRENCH: Understood.

5 CHMN STAFFORD: Okay. And, actually, don't
6 call it that.

7 MS. GRABEL: We'll call it "the Saguaro to
8 Marana line."

9 CHMN STAFFORD: All right. And do we want
10 to have the kVs in the legend, Member Fontes?

11 MEMBER FONTES: That works, Mr. Chairman.

12 CHMN STAFFORD: All right. Can I get a
13 motion to make those changes to the Exhibit A?

14 MEMBER FRENCH: So move.

15 MEMBER LITTLE: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

18 CHMN STAFFORD: All in favor say aye.

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, the
23 amendments to Exhibit A are adopted.

24 Can I get a motion to adopt Exhibit A, as
25 amended?

1 MEMBER MERCER: So move.

2 MEMBER FRENCH: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Exhibit A, as
10 amended, is adopted.

11 One second here.

12 All right. Can I get a motion to adopt the
13 certificate, as amended.

14 MEMBER LITTLE: Mr. Chairman, I move we
15 adopt the certificate, as amended.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

19 CHMN STAFFORD: Any last words from the
20 applicant?

21 MS. GRABEL: No, thank you, Mr. Chairman.

22 CHMN STAFFORD: All right. We'll do a roll
23 call vote.

24 Member Kryder?

25 MEMBER KRYDER: Aye.

1 CHMN STAFFORD: Member Mercer?

2 MEMBER MERCER: Aye.

3 CHMN STAFFORD: Member Fant?

4 MEMBER FANT: Aye.

5 CHMN STAFFORD: Member French?

6 MEMBER FRENCH: Aye.

7 CHMN STAFFORD: Member Little?

8 MEMBER LITTLE: Mr. Chairman, I would -- I
9 vote aye, but I would also like to thank the applicant.
10 As always, TEP has presented us a great case, easy to
11 follow, the information that we wanted and needed. And
12 thank you, Ms. Grabel, for giving me your hat yesterday.

13 MS. GRABEL: No problem.

14 MEMBER LITTLE: And thank you to the court
15 reporter and the team in the corner.

16 CHMN STAFFORD: Yeah.

17 Member Drago?

18 MEMBER DRAGO: I vote aye.

19 CHMN STAFFORD: Member Fontes?

20 MEMBER FONTES: Appreciate the applicant,
21 as always, finding balance to resolve issues and look at
22 gaps. Definitely a congratulations to Ms. Martinez. We
23 always see you, Mr. Bryner, so appreciate that, getting
24 the team. And with that, I vote aye, on behalf of the
25 counties.

1 CHMN STAFFORD: Member DiCiccio?

2 (No response.)

3 CHMN STAFFORD: He's not there.

4 And I vote aye. By a vote of eight ayes to
5 zero nays, the certificate, as amended, is adopted.

6 If I could get a motion for the Chairman to
7 correct scrivener's errors prior to filing the
8 certificate with the Commission.

9 MEMBER MERCER: So move.

10 MEMBER LITTLE: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

13 CHMN STAFFORD: All in favor say aye.

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, the motion
18 carries.

19 With that we have approved CEC-246. Thank
20 you to the applicant. Thank you to the AV team, the
21 court reporter, as always.

22 Any final thoughts?

23 MEMBER KRYDER: Scrivener's notes?

24 CHMN STAFFORD: We just did.

25 MEMBER KRYDER: Missed it, sorry.

1 CHMN STAFFORD: All right.

2 MS. GRABEL: I should have taken the
3 opportunity to thank you all for your hard work and the
4 many, many hours you put into this. I know it's almost
5 voluntary, given how little you're paid. So we greatly
6 appreciate it. Your hard work is acknowledged and
7 appreciated. And then lunch is ready, if you want to eat
8 before you leave.

9 CHMN STAFFORD: And I hope that we have
10 managed to resolve the SHPO condition issue that we can
11 move forward consistently with what we've adopted today.

12 MS. GRABEL: I hope so.

13 CHMN STAFFORD: Thank you. Hope springs
14 eternal.

15 With that, we are adjourned.

16 (The hearing concluded at 12:20 p.m.)

17

18

19

20

21

22

23

24

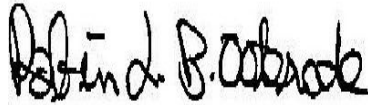
25

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