

1 BEFORE THE ARIZONA POWER PLANT LS-332  
2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION )DOCKET NO.  
OF TUCSON ELECTRIC POWER COMPANY, )L-00000C-23-0284-00227  
5 IN CONFORMANCE WITH THE )LS CASE NO. 227  
REQUIREMENTS OF A.R.S. § 40-360, )  
6 ET SEQ., FOR A CERTIFICATE OF )  
ENVIRONMENTAL COMPATIBILITY )  
7 AUTHORIZING THE AEROSPACE )  
RESEARCH CAMPUS TRANSMISSION )  
8 PROJECT FOR A NEW SEGMENT OF 138 )EVIDENTIARY HEARING  
KV TRANSMISSION LINE AND A )  
9 PROPOSED SWITCHYARD. THE )  
TRANSMISSION LINE WOULD BIFURCATE )  
10 THE APPLICANT'S EXISTING SONORAN )  
TO SOUTH 138 KV CIRCUIT (SECTION )  
11 4, TOWNSHIP 16 SOUTH, RANGE 14 )  
EAST) AND LOOP INTO THE PROPOSED )  
12 FRANCO WASH SWITCHYARD (SECTION )  
31, TOWNSHIP 15 SOUTH, RANGE )  
13 14 EAST). THE PROPOSED )  
TRANSMISSION LINE AND SWITCHYARD )  
14 WOULD BE LOCATED WITHIN THE CITY )  
OF TUCSON AND PIMA COUNTY. )  
15 \_\_\_\_\_ )

16 At: Tucson, Arizona  
17 Date: December 4, 2023  
18 Filed: December 8, 2023

19 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
20 VOLUME I  
21 (Pages 1 through 162)

22 GLENNIE REPORTING SERVICES, LLC  
23 Court Reporting, Video & Videoconferencing  
1555 East Orangewood Avenue, Phoenix, AZ 85020  
24 602.266.6535 admin@glennie-reporting.com

25 By: Jennifer Honn, RPR  
Arizona CR No. 50558

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2	VOLUME II	December 5, 2023	Pages 163 to 320

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1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Power Plant and Transmission Line Siting  
4 Committee at DoubleTree Suites, 7051 South Tucson  
5 Boulevard, Tucson, Arizona, commencing at 1:04 p.m. on  
6 December 4, 2023.

7

8 BEFORE: ADAM STAFFORD, Chairman

9 GABRIELA S. MERCER, Arizona Corporation Commission  
10 LEONARD DRAGO, Department of Environmental Quality  
11 DAVID FRENCH, Arizona Department of Water Resources  
12 R. DAVID KRYDER, Agriculture Interests  
13 SCOTT SOMERS, Incorporated Cities and Towns  
14 (via videoconference)  
15 ROMAN FONTES, Counties  
16 MARGARET "TOBY" LITTLE, PE, General Public  
17 (via videoconference)  
18 DAVE RICHINS, General Public  
19 JOHN GOLD, General Public

20

21 APPEARANCES:

22 For the Applicant:

23 Meghan H. Grabel  
24 Elias Ancharski  
25 OSBORN MALEDON  
2929 North Central Avenue  
21st Floor  
Phoenix, Arizona 85012

and

Megan Hill  
Tucson Electric Power Company  
88 East Broadway, MS HQE910  
P.O. Box 711  
Tucson Arizona 85702

25

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

2 Now is the time set for the hearing on the  
3 application of Tucson Electric Power company for a  
4 Certificate of Convenience and Necessity for the  
5 Aerospace Research Campus Transmission Project, Case  
6 No. L-00000C-23-0284-00227 or line siting case 227.

7 Let's start by taking roll call. Member  
8 Richins.

9 MEMBER RICHINS: Here.

10 CHMN STAFFORD: Member Fontes.

11 MEMBER FONTES: Present.

12 CHMN STAFFORD: Member Drago.

13 MEMBER DRAGO: Present.

14 CHMN STAFFORD: Member French.

15 MEMBER FRENCH: Present.

16 CHMN STAFFORD: Member Kryder.

17 MEMBER KRYDER: Present.

18 CHMN STAFFORD: Member Mercer.

19 MEMBER MERCER: Present.

20 CHMN STAFFORD: Member Gold.

21 MEMBER GOLD: Present.

22 CHMN STAFFORD: And online we have Member  
23 Little.

24 MEMBER LITTLE: Present.

25 CHMN STAFFORD: Now, let's take appearances

1 of the parties.

2 MS. GRABEL: Thank you, Your Honor. Meghan  
3 Grabel of the law firm Osborn Maledon for Tucson Electric  
4 Power company.

5 With me from my law firm is Elias  
6 Ancharski. And also with me at counsel table is TEP's  
7 in-house counsel Megan Hill.

8 CHMN STAFFORD: Would you like to make an  
9 opening statement.

10 MS. GRABEL: Certainly. Thank you very  
11 much, Mr. Chairman. If I could get that put up on the  
12 screens.

13 MS. GRABEL: Thank you, Chairman, Committee  
14 Members.

15 As I said, my name is Meghan Grabel of  
16 Osborn Maledon, and I represent Tucson Electric Power  
17 company, the Applicant, for a Certificate of  
18 Environmental Compatibility or a CEC to authorize the  
19 construction of a 183kV transmission line running  
20 approximately three miles in length to loop the existing  
21 TEP 138kV system to a planned 138kV Franco Wash  
22 switchyard in Tucson, Arizona.

23 You will hear the proposed project today  
24 referred to as the Aerospace Research Campus transmission  
25 project or simply "the project."



1 As I noted earlier, with me from my firm is  
2 my colleague Elias Ancharski, and with me also from  
3 in-house TEP is Megan Hill.

4 The project is the construction of a  
5 three-mile 138kV line. Of those three miles,  
6 approximately 1.5 miles will be attached to existing pole  
7 structures that are already located along the route. The  
8 line and the switchyard will be owned and constructed by  
9 TEP.

10 The purpose of the project is to provide  
11 electricity to the Aerospace Research Campus, which is  
12 being developed by Pima County to address the increasing  
13 need for supply chain locations for the aerospace  
14 industry and other key sectors.

15 Notably among the enterprises that will be  
16 operating at the Aerospace Research Campus is the  
17 American Battery Factory, a company that constructs  
18 battery cells to support the development of clean energy.

19 The planned 138kV Franco Wash switchyard  
20 would allow the Aerospace Research Campus to interconnect  
21 with TEP's existing 138kV system. The project is  
22 required to serve a request for energy to support new  
23 commercial businesses without impact to existing  
24 customers as you will hear in testimony.

25 This map, which you will see often, is

1 identical to the map located on the laminated placemat in  
2 front of you which has been marked as Exhibit TEP-13. As  
3 you can see, the solid blue line represents the proposed  
4 three-mile route originating at a bifurcation of the  
5 Sonoran to south loop 138kV circuit and connecting to the  
6 planned Franco Wash switchyard, which is identified by  
7 the yellow triangle.

8                   The proposed route originates near the  
9 intersection of East Old Vail Connection Road and South  
10 Country Club Road angling north before turning to  
11 parallel the road for 1.5 miles where it will connect  
12 with the switchyard.

13                   The line will then exit the switchyard and  
14 turn east along Old Vail Connection Road heading back for  
15 1.5 miles to South Country Club where it will connect to  
16 the existing 138kV line, which is depicted in black on  
17 your map.

18                   Notably, the project takes advantage of  
19 existing infrastructure co-locating the line with an  
20 existing 46kV line for approximately 1.5 miles.

21                   As I mentioned, the primary need for the  
22 project is to provide electric service to new commercial  
23 businesses at the Aerospace Research Campus, including  
24 American Battery Factory's planned headquarters and the  
25 first battery cell gigafactory in the United States.

1           The factory estimates that it will add  
2 1,000 jobs to the region and \$3.1 billion in economic  
3 impact to the state of Arizona. The project will also  
4 support new aerospace development and other supply chain  
5 industries planned for the 500-acre business campus with  
6 no impact on service reliability for other customers.

7           TEP's existing 46kV distribution line is  
8 not sufficient to support the campus's anticipated load  
9 requirements. The project will leverage that existing  
10 distribution infrastructure to create a 138kV  
11 transmission loop that will serve the research campus and  
12 add transmission capacity to the area.

13           The site on which the project is being  
14 developed is vacant and is, in fact, rather an eyesore  
15 cluttered with litter and strayed hogs. In constructing  
16 the project, TEP will improve the area with little impact  
17 to the environment of the state.

18           So on to some housekeeping items. Each of  
19 the Committee Members present should have a binder in  
20 front of you with all of the exhibits and materials that  
21 the TEP team intends to use throughout the hearing today.  
22 At the front of each binder is a list of the exhibits  
23 that we will review over the next couple of days, and it  
24 should also include a flash drive that has all of the  
25 exhibits as well as a copy of the virtual tour that we're

1 going to look at later. The exhibits are also available  
2 on the iPads that are in front of each of the Members  
3 that are present.

4 We intend to present our witnesses in two  
5 panels. On the first panel we will hear from Ms. Adriana  
6 Mariñez, the project manager of transmission line siting  
7 for TEP, and Mr. Clark Bryner, the company's manager of  
8 transmission line siting.

9 Ms. Mariñez and Mr. Bryner will provide an  
10 overview of the project and the applicant testimony  
11 regarding compliance and statutory notice requirements  
12 and other items.

13 You will also hear testimony regarding the  
14 need for the project, its benefits, its physical  
15 infrastructure and facilities, and the stakeholder  
16 engagement process.

17 Also on this panel Mr. Gary Trent, the  
18 company's manager of transmission planning, will provide  
19 technical testimony regarding the reliability of the  
20 project in response to the letter that Staff submitted in  
21 the docket and which we have just filed as TEP  
22 Exhibit 17.

23 Ms. Mariñez and Mr. Bryner will also  
24 participate in our second panel to discuss the planning  
25 process and the environmental aspects of the project.

1                   Joining them on that panel is Mr. Brian  
2 Lindenlaub, the vice president of environmental services  
3 at WestLand Resources. Mr. Lindenlaub will describe the  
4 characteristics of the project site and testify regarding  
5 the environmental impacts and other information required  
6 for the committee's consideration under the Arizona line  
7 siting statutes.

8                   We believe that at the close of the  
9 proceedings you will conclude that the Aerospace Research  
10 Campus transmission project will help meet Arizona's need  
11 for an adequate, economical, and reliable supply of power  
12 with minimal impacts to the environment and ecology of  
13 the state and respectfully ask that you approve the  
14 requested CEC.

15                   CHMN STAFFORD: Thank you, Ms. Grabel.

16                   For the record, let it be noted that no  
17 parties have requested intervention in this matter.

18                   MEMBER LITTLE: Mr. Chairman.

19                   CHMN STAFFORD: Yes, Member Little.

20                   MEMBER LITTLE: I just have a question that  
21 I'm curious about. What is a gigafactory?

22                   Huge, I imagine; right?

23                   CHMN STAFFORD: Ms. Grabel.

24                   MS. GRABEL: I can Google that for you  
25 right now, Member Little, if you'd like unless, Mr.

1 Bryner or Ms. Mariñez knows offhand.

2 No?

3 CHMN STAFFORD: We're going with large.

4 MS. GRABEL: Yeah.

5 MEMBER LITTLE: I can Google it. Fine.

6 Thank you.

7 CHMN STAFFORD: Ms. Grabel, let's call your  
8 first panel.

9 MS. GRABEL: I would, yes. My first panel  
10 consists of Ms. Mariñez, Mr. Bryner, and Mr. Trent.

11 CHMN STAFFORD: All right. Ms. Mariñez,  
12 would you prefer an oath or affirmation?

13 THE WITNESS: Affirmation.

14 (Ms. Mariñez was duly affirmed by the  
15 Chairman.)

16 CHMN STAFFORD: Mr. Bryner, oath or  
17 affirmation?

18 MR. BRYNER: Affirmation is fine.

19 (Mr. Bryner was duly affirmed by the  
20 Chairman.)

21 CHMN STAFFORD: And Mr. Trent.

22 MR. TRENT: Oath.

23 (Mr. Trent was duly sworn by the Chairman.)

24 CHMN STAFFORD: Please proceed, Ms. Grabel.

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

1 ADRIANA MARIÑEZ, CLARK BRYNER, AND GARY TRENT,  
2 called as witnesses as a panel on behalf of Applicant,  
3 having been previously affirmed or sworn by the Chairman  
4 to speak the truth and nothing but the truth, were  
5 examined and testified as follows:

6

7

DIRECT EXAMINATION

8 BY MS. GRABEL:

9 Q. Let's start with Ms. Mariñez.

10 Will you please state your name and business  
11 address for the record?

12 A. (Ms. Mariñez) Adriana Mariñez, 88 East  
13 Broadway.

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

15 A. (Ms. Mariñez) Tucson Electric Power project  
16 manager for transmission line siting.

17 Q. And what is your role in this matter?

18 A. (Ms. Mariñez) I was the lead project manager.

19 Q. You should have before you a book of exhibits.

20 Do you see that?

21 There's actually two binders, one is larger than  
22 the other. The large binder is Exhibit TEP-1, which  
23 contains the CEC application that was submitted in this  
24 matter.

25 Do you have that?

1 A. (Ms. Mariñez) Yes.

2 Q. Have you seen this document before?

3 A. (Ms. Mariñez) Yes.

4 Q. Was it prepared by you or under your direction  
5 and control?

6 A. (Ms. Mariñez) Yes.

7 Q. Are the statements contained in Exhibit TEP-1  
8 true and correct to the best of your knowledge?

9 A. (Ms. Mariñez) Yes.

10 Q. Do you have any corrections that you would like  
11 to make to the CEC application in TEP-1?

12 A. (Ms. Mariñez) Yes. Page 7 related to the  
13 corridor request.

14 Q. Okay. And will you address that correction  
15 later in your testimony today?

16 A. (Ms. Mariñez) Yes.

17 Q. Please turn to Exhibit TEP-2.  
18 Are you there?

19 A. (Ms. Mariñez) I am.

20 Q. Is this a general map of the project site?

21 A. (Ms. Mariñez) It is.

22 Q. And, if you would, please turn to  
23 Exhibit TEP-13.

24 Are you there?

25 A. (Ms. Mariñez) Yes, I am.



1 Q. Is this a copy of the map contained in the CEC  
2 hearing placemats that are in front of each Committee  
3 Member today?

4 A. (Ms. Mariñez) Yes it is.

5 Q. What is the difference between the two maps in  
6 Exhibit TEP-2 and TEP-13?

7 A. (Ms. Mariñez) The only difference is that we  
8 the added Aerospace Research Campus in dark gray and the  
9 planned American Battery Factory facility site in dashed  
10 black lines.

11 Q. All right. Thank you.

12 Were the depictions and representations on the  
13 placemat prepared by you or under your direction and  
14 control?

15 A. (Ms. Mariñez) Yes.

16 Q. Are you familiar with the proposed route and the  
17 project location in this case?

18 A. (Ms. Mariñez) Yes.

19 Q. Do the maps contained in Exhibits TEP-2 and  
20 TEP-13 accurately convey the proposed routes and the  
21 other items that are contained in their legends?

22 A. (Ms. Mariñez) Yes.

23 Q. And will you please briefly explain what else is  
24 on the placemats in front of the Committee.

25 A. (Ms. Mariñez) So in addition to the proposed

1 route to the right you'll see the existing and proposed  
2 alignment, an aerial view of the alignment, current and  
3 proposed.

4 And then on the backside are the existing  
5 conditions and simulated conditions from three key  
6 observation points.

7 Q. Thank you very much.

8 Now please turn to Exhibit TEP-3, which is the  
9 testimony summary of Adriana Mariñez.

10 Are you there?

11 A. (Ms. Mariñez) I am.

12 Q. Have you seen this document before?

13 A. (Ms. Mariñez) I have.

14 Q. Was it prepared by you or under your direction  
15 and control?

16 A. (Ms. Mariñez) Yes.

17 Q. Does this document accurately summarize the  
18 testimony that you will present to the committee today?

19 A. (Ms. Mariñez) Yes.

20 Q. Thank you.

21 And finally, if you would turn to Exhibit TEP-4,  
22 which is the witness presentation that each witness will  
23 use throughout the hearing in this matter.

24 Have you seen this document before?

25 A. (Ms. Mariñez) Yes.

1 Q. Was it prepared by you or under your direction  
2 and control?

3 A. (Ms. Mariñez) Yes.

4 Q. Is the information contained in this  
5 presentation true and correct to the best of your  
6 knowledge?

7 A. (Ms. Mariñez) Yes.

8 Q. Do you have any corrections you would like to  
9 make to this presentation?

10 A. (Ms. Mariñez) No.

11 Q. Thank you.

12 Let's turn to Mr. Bryner for a moment.

13 Mr. Bryner, will you please state your name and  
14 business address for the record.

15 A. (Mr. Bryner) Clark Bryner, 88 East Broadway,  
16 Tucson, Arizona.

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

18 A. (Mr. Bryner) By Tucson Electric Power as the  
19 manager of transmission line siting.

20 Q. And what was your role in this matter?

21 A. (Mr. Bryner) I served as the project  
22 coordinator.

23 Q. And do you have the book of exhibits in front of  
24 you?

25 A. (Mr. Bryner) Yes.

1 Q. Will you please turn to Exhibit TEP-5, which is  
2 the testimony summary of Clark Bryner.

3 A. (Mr. Bryner) Okay.

4 Q. Have you seen this document before?

5 A. (Mr. Bryner) Yes.

6 Q. Was it prepared by you or under your direction  
7 and control?

8 A. (Mr. Bryner) Yes.

9 Q. Does this document accurately summarize the  
10 testimony that you'll present to the committee today?

11 A. (Mr. Bryner) Yes.

12 Q. You will also be using the witness PowerPoint  
13 marked as TEP-4 to present your testimony; correct?

14 A. (Mr. Bryner) Yes.

15 Q. All right. Great.

16 And, Mr. Trent, turn to you for just a moment?

17 You are on this panel to address the letter  
18 submitted in the docket by Commission Staff regarding the  
19 reliability benefits of this project; correct?

20 A. (Mr. Trent) Yes.

21 Q. Okay. We'll take that testimony later, but for  
22 now would you like to introduce yourself to the  
23 Committee?

24 A. (Mr. Trent) Okay. I'm Gary Trent. I am the  
25 manager of transmission planning for TEP.

1 I have a background in electrical engineering.  
2 I have a bachelor's degree and master's degree in  
3 electrical engineering with a master's having an emphasis  
4 in power systems.

5 Q. Thank you very much.

6 And with that I'm going to interrupt your  
7 presentation a couple of times to lay a foundation for  
8 additional exhibits.

9 But let's start with Ms. Mariñez. If you would  
10 like to begin your remarks.

11 MS. MARIÑEZ: Yes. Good afternoon. My  
12 name is Adriana Mariñez. I am the transmission line  
13 siting project manager for TEP and UniSource Energy  
14 Services.

15 My roles and responsibilities include  
16 siting projects for TEP and UniSource Energy Services.  
17 And I was the lead project manager for this project.

18 I have a bachelor of arts in political  
19 science from the University of Arizona and a master's of  
20 public administration from Northern Arizona University.

21 I have eight years of experience in the  
22 electric utility industry, and I've been in this current  
23 role since April. The majority of my time with the  
24 company was in government relations where I was the local  
25 affairs representative for the company for seven years.

1 And of those seven years I was on the transmission line  
2 siting team for four years where I assisted with public  
3 outreach for various transmission line siting projects.

4 Prior to my time with TEP, I was employed  
5 with the City of Tucson as their head lobbyist for three  
6 years. And then I also worked for Gordley Group for  
7 three years where I worked as a public involvement  
8 specialist and worked on public outreach for various  
9 public improvement projects.

10 MR. BRYNER: Good afternoon. Mr. Chairman,  
11 Members of the Committee.

12 As mentioned, my name is Clark Bryner. And  
13 my current role is manager of transmission line siting  
14 for both Tucson Electric as well as UNS Electric.

15 And in this role I'm responsible for the  
16 siting and regulatory approval for any new transmission  
17 line projects. Specific to the Aerospace Research Campus  
18 Project I served as the project coordinator assisting  
19 Ms. Mariñez with -- with the planning and siting, with  
20 the preparation of the application for certificate of  
21 environmental compatibility along with all of the  
22 supporting exhibits.

23 I have a BA in geography and an MS in  
24 bioregional planning both from Utah State University.  
25 I'm a member of the American Planning Association and am

1 a certified planner, which is a certification that I've  
2 maintained since 2011.

3 I have over 17 years of experience in the  
4 utility industry with the last year in my current role  
5 over line siting, and prior to that I spent about  
6 10 years overseeing our maintenance and asset management  
7 activities which included direct oversight for the  
8 maintenance of all of our transmission lines.

9 And prior to that, I served in a number of  
10 roles for environmental planning and permitting both with  
11 TEP as well as in a consulting role working for various  
12 utilities throughout the western United States.

13 MS. MARIÑEZ: So our testimony today in the  
14 hearing will consist of the following topics: We'll  
15 provide an overview of TEP's system and an overview of  
16 the projects and project details. We'll cover the legal  
17 requirements that were fulfilled and provide visual  
18 simulations and a virtual tour.

19 And then we'll cover the planning and  
20 siting process and public outreach and participation for  
21 the project as well as cultural and biological resources  
22 and the existing and proposed land use.

23 TEP has generation and transmission systems  
24 throughout New Mexico and Arizona. The service territory  
25 is highlighted here in red. It is 1,155 square miles,

1 and we have 445,000 customers, which equates to about  
2 1.2 million individuals that we serve. The service  
3 territory, it has 1,690 miles of transmission and 89  
4 substations and switchyards.

5 It serves the majority of the Tucson  
6 metropolitan region, including Oro Valley and Marana to  
7 the north. Oh, thank you. Including Oro Valley and  
8 Marana to the north, the Tucson metropolitan area, and  
9 then south to the Pima County Santa Cruz county line.

10 The project study area is located on the  
11 southern boundary of the City of Tucson here in red.  
12 It's about a mile east of I-19 and three miles southwest  
13 of the Tucson International Airport.

14 The project was developed in response to a  
15 request to provide electric service to American Battery  
16 Factory's planned headquarters at the planned Aerospace  
17 Research Campus. The project will support economic  
18 development and job creation and help meet current and  
19 future energy needs without impacting service to existing  
20 customers.

21 The Aerospace Research Campus is a 500-acre  
22 business campus that will be dedicated to aerospace  
23 development and supply chain industries. This is Pima  
24 County's map of the campus. And I'll just point out a  
25 few things. So this is downtown Tucson here, and the



1 Aerospace Research Campus is indicated there in blue.

2 So the campus is about 10 miles southeast  
3 of downtown Tucson and three miles south of Tucson  
4 International Airport. Tucson International Airport is  
5 there in yellow, and just south of that is Raytheon  
6 Missile Systems. Raytheon is Tucson's largest employer  
7 and defense supplier.

8 And just south of that is the Aerospace  
9 Research Campus. And you see a close-up of that here to  
10 the right. So this is a close-up of the campus. To the  
11 left or to the west is Nogales Highway. And to the north  
12 is Aerospace Parkway here. The planned American Battery  
13 Factory facility site is here in purple on the southern  
14 part of the campus.

15 So, as I mentioned, the purpose of the  
16 project will be to serve American Battery Factory.  
17 American Battery Factory will be the country's largest  
18 battery cell gigafactory. The 2 million square foot  
19 facility will produce lithium ion phosphate batteries.

20 It will be a \$1.2 billion capital  
21 investment with a \$3.1 billion economic impact to the  
22 state of Arizona. The facility will employ 300 initial  
23 high-paying jobs scaling up to 1,000 cumulative jobs  
24 according to the press release.

25 This is a map of the study area. The

1 project study area, again, is located about 10 miles  
2 southeast of downtown Tucson and three miles southwest  
3 from the Tucson International Airport. The major cross  
4 streets within the study area are Nogales Highway here to  
5 the west, Aerospace Parkway to the north and Country Club  
6 Road here to the east.

7 The planned Aerospace Research Campus is  
8 highlighted here in dark gray. This is the same map  
9 that's on your placemat. And the American Battery  
10 Factory facility is located on the planned facility site  
11 is here along the dashed black lines.

12 The proposed Franco Wash switchyard will be  
13 located on the southern boundary of that campus and will  
14 need to connect to the existing 138kV line that you see  
15 here in orange along South Country Club Road and Old Vail  
16 Connection.

17 The transmission line was identified in  
18 TEP's 10-year plan for transmission projects filed  
19 earlier this year. The 138kV transmission line will be  
20 built over approximately three miles looping service to  
21 the proposed switchyard. One and a half miles of the new  
22 line will be attached to existing pole structures. The  
23 total projected cost is anticipated to range between 6  
24 and \$8 million.

25 CHMN STAFFORD: I have a quick question.

1 MS. MARIÑEZ: Yes.

2 CHMN STAFFORD: The cost of this line, will  
3 it be borne by the ratepayers or will it be borne by  
4 Aerospace, the park, the developer?

5 MS. MARIÑEZ: Chairman Stafford, the status  
6 of current negotiations is that American Battery -- or,  
7 excuse me, that TEP will pay the initial \$8 million, and  
8 then American Battery Factory will pay any amount over  
9 that.

10 CHMN STAFFORD: Over that?

11 MS. MARIÑEZ: Yes.

12 MEMBER FONTES: Mr. Chairman, will this be  
13 a rate base project?

14 MS. MARIÑEZ: Just like --

15 MEMBER FONTES: At the conclusion and when  
16 it's put into service, will it be considered a rate base  
17 project?

18 MS. MARIÑEZ: Yes. That's my  
19 understanding, yes.

20 MEMBER FONTES: Thank you.

21 CHMN STAFFORD: Thank you, Member Fontes.  
22 Please proceed.

23 MS. MARIÑEZ: So --

24 MEMBER LITTLE: Mr. Chairman.

25 Mr. Chairman.

1 CHMN STAFFORD: Yes. Is that -- Member  
2 Little, you have a question?

3 MEMBER LITTLE: Yes.

4 CHMN STAFFORD: Okay.

5 MEMBER LITTLE: Yes. Are both of the  
6 circuits that are coming in to provide the loop connected  
7 to the same 138kV line, or are there two lines that are  
8 connected to two separate lines?

9 MEMBER FONTES: I have the same question,  
10 Mr. Chairman, and a related one.

11 CHMN STAFFORD: Well, let's let her answer  
12 the first one, and then you can ask the second one.

13 MS. MARIÑEZ: Mr. Chairman, if -- if I  
14 understand the question correctly, I think I'm about to  
15 show that here in the coming slides.

16 Would it be okay if we covered the next  
17 couple of slides and then --

18 CHMN STAFFORD: Certainly.

19 MS. MARIÑEZ: -- if there are any  
20 questions? Okay. Great.

21 So, as I mentioned, the purpose -- we  
22 propose co-locating with new and existing structures.  
23 This here is a simulated condition and -- this is the  
24 existing pole line, so I'm going to show that here. This  
25 is an existing double circuit 46kV line, and it is built

1 to 138kV standards.

2 Our proposal is to build a second pole  
3 line -- so you see that pole line here to the north --  
4 and transfer one of the existing 46kV circuits to this  
5 pole line and energize both pole lines with 46kV on one  
6 side and 138kV on the other. This will help provide a  
7 more reliable looped system, and I will illustrate this  
8 more on the next couple of slides here.

9 So this is the proposed alignment. This is  
10 also available on your placemat. We're proposing that we  
11 use the existing 46kV poles and construct new poles to  
12 the north. We'll then use these poles to energize a  
13 138kV circuit on one side and a 46kV circuit on the  
14 other. This will create a loop in and out of Franco Wash  
15 switchyard on separate pole lines making use of existing  
16 infrastructure for greater reliability.

17 Oh, I apologize. I'm on the wrong slide  
18 here. So this is actually what shows -- so this southern  
19 green line, so the line at the bottom, is an existing  
20 pole line. And what we're proposing is to add this  
21 northern line, the top line you see here, to loop the  
22 138kV line.

23 CHMN STAFFORD: Did that answer your  
24 question, Member Little?

25 MEMBER LITTLE: No. I'm curious about the

1 where those lines interconnect to the existing TEP  
2 system.

3 MS. MARIÑEZ: Oh, I --

4 MEMBER LITTLE: Do they interconnect to two  
5 separate 138kV lines, or do they interconnect to the same  
6 circuit?

7 MS. MARIÑEZ: Member Little, they connect  
8 to the same circuit. I apologize. So let me show you  
9 here. This is the existing 138kV line. If we can go  
10 back, let me show you. So this is how -- this is the  
11 existing alignment. This is the existing 138kV line that  
12 we'll need to connect to. And this is the proposed  
13 alignment. And so the line would connect here and here  
14 to the 138kV line.

15 MEMBER LITTLE: And the customer is -- I  
16 mean, obviously two -- two circuits coming in to the  
17 substation would seem to me because you'd need the  
18 redundancy, but the source is just one 138kV circuit, and  
19 I'm asking whether the -- my question is whether the  
20 customer is happy with that?

21 MEMBER FONTES: That's my question as well.  
22 Can you just get a operational description in terms of  
23 how the customer's going to be utilizing the power. Is  
24 it bidirectional coming in both ways? Is it  
25 unidirectional?

1 Why the loop?

2 MS. MARIÑEZ: So the benefit of the loop is  
3 that if there's an outage in one area, we can still serve  
4 the customer -- in this case American Battery Factory --  
5 from the other direction.

6 MEMBER FONTES: Okay.

7 MEMBER GOLD: Mr. Chairman.

8 CHMN STAFFORD: Yes. Member Gold.

9 MEMBER GOLD: So I have a question that may  
10 be a naive question.

11 Does this increase the amount of power you  
12 can send or is it simply a redundancy?

13 MS. MARIÑEZ: It's redundancy. It's  
14 reliability.

15 MEMBER GOLD: Thank you. Wait. One more  
16 question, if I may, Mr. Chairman.

17 CHMN STAFFORD: Certainly, Member Gold.

18 MEMBER GOLD: Who else has redundancy like  
19 this besides your proposal?

20 MS. MARIÑEZ: Mr. Chairman, I'd like to  
21 defer to Mr. Trent for that.

22 CHMN STAFFORD: Thank you. Mr. Trent.

23 MR. TRENT: So every customer that is  
24 served on our 138kV network with the exception of large  
25 mining companies and a -- and the Fort Huachuca are all

1 served by networked 138kV facilities.

2 Those customers are at the edge of our  
3 system and have 138kV radial lines going out to serve  
4 them. But basically everyone at the 138kV voltages in  
5 the area has redundancy at that point.

6 MEMBER GOLD: Okay. So redundancy is  
7 standard except for the people on the terminal, like the  
8 extremes, where you cannot give that capacity to?

9 MR. TRENT: Correct.

10 MEMBER GOLD: Understood. Thank you.

11 MEMBER LITTLE: But if the existing 138kV  
12 line goes down, then they are -- they don't have service?

13 MR. TRENT: So if the existing were to go  
14 down, yes, they would be out of service, but it's going  
15 to require loss of two separate facilities once this is  
16 complete for that to happen.

17 So the extension as it is being proposed  
18 here is going to open up the line there where you can see  
19 in that blue gap on the right side of that, so it will  
20 not be connected at that time anymore. So at that point  
21 coming from the east is our Sonoran switchyard, which has  
22 I believe at least six lines coming into it for our 138kV  
23 system. And so it gets to that point on South Country  
24 Club Road and turns and loops to go south, and it ties  
25 into our south loop substation, which I believe has nine



1 138kV terminations, plus two 345kV to 138kV transformers.

2 MEMBER LITTLE: That makes sense.

3 MR. BRYNER: And this is going to be the  
4 only location for serving load on this line at this  
5 point.

6 MEMBER LITTLE: Thank you. That explains  
7 it to me.

8 MR. BRYNER: Okay.

9 CHMN STAFFORD: Thank you.

10 Ms. Grabel, please proceed.

11 MS. GRABEL: All right. Thank you.

12 BY MS. GRABEL:

13 Q. I think Ms. Mariñez is going to proceed.

14 A. (Ms. Mariñez) The poles will be tubular  
15 weathering steel mono poles, so you'll have a single base  
16 as you see here with a rust or corten color, which is  
17 TEP's standard. The poles will be about 75 feet tall,  
18 and the distance between each pole will be 600 to  
19 1,000 feet. That's about five to nine structures per  
20 mile. And the right-of-way width needed for the pole  
21 line is up to 100 feet.

22 MEMBER FONTES: I have a question on the  
23 pole structures.

24 CHMN STAFFORD: Yes, Member Fontes.

25 MEMBER FONTES: You said a number of them

1 are 46kV structures; right? And you're going to just  
2 increase those?

3 What is the enhancements or additional  
4 CapEx that you're going to have to do to upgrade those to  
5 go to the higher circuit on those, and have you done an  
6 inspection on them?

7 We start getting into environmental, the  
8 individual impacts. I want to know what's the state of  
9 play right now, if you will. That's where I'm looking at  
10 it from.

11 MS. MARIÑEZ: So, Member Fontes, my  
12 understanding is that we will have to energize the lines  
13 differently, so they're already built to those standards,  
14 so we'll just challenge what they're energized at. So  
15 they'll be 138kV on one side and 46kV on the other.

16 MEMBER FONTES: So the current circuit will  
17 support the additional emergency and capacity?

18 MS. MARIÑEZ: Yes. That's my  
19 understanding.

20 MEMBER FONTES: Okay.

21 MS. MARIÑEZ: And then I would like to  
22 defer to Mr. Bryner on your maintenance question.

23 MR. BRYNER: So that 46kV line was rebuilt  
24 or, well, it was built within the last -- don't quote me  
25 on this -- within the last five to 10 years, fairly

1 recently. So it's an almost a brand-new line.

2 We do inspect all of our facilities every  
3 three years for the 46kV system. And so we do take a  
4 look at that.

5 And, yes, to confirm what Ms. Mariñez said.  
6 The insulators and the conductors that are used on the  
7 current 46kV line were built with the exact same  
8 specifications we use on our 138kV system today. So no  
9 change would need to be made.

10 MEMBER FONTES: Thank you. Very useful.

11 CHMN STAFFORD: I have a quick follow-up  
12 question, Mr. Bryner.

13 So the 46kV, is that -- does TEP consider  
14 that part of its transmission system or distribution  
15 system?

16 MR. BRYNER: We consider it part of our  
17 distribution system. Though it serves the same function  
18 as a transmission system for those areas that it serves.

19 CHMN STAFFORD: Okay. Thank you.

20 MS. MARIÑEZ: So we originally requested a  
21 500-foot-wide corridor for the transmission line, and  
22 that's the depiction you see there on the top is our  
23 original question. And at the request of Tucson Airport  
24 Authority who owns the majority of the property that  
25 we'll be crossing, which is indicated on this lower

1 visual here in the black hatched area, so Tucson Airport  
2 Authority owns this property, and at their request we're  
3 asking for a 1,750-foot-wide corridor on their land to  
4 allow for flexibility with their unplanned development.

5 MEMBER LITTLE: Mr. Chairman.

6 CHMN STAFFORD: Yes, Member Little.

7 MEMBER LITTLE: Does the airport -- I guess  
8 I'm curious why do they anticipate that they might ask  
9 TEP to locate that line further north?

10 MS. MARIÑEZ: Yes, Member Little. That's  
11 correct.

12 MEMBER LITTLE: And -- and you obviously  
13 will find that out or TEP will find that out prior to  
14 construction beginning?

15 MS. MARIÑEZ: Yes, Member Little. We would  
16 work with Tucson Airport Authority on the location of the  
17 line.

18 MEMBER LITTLE: Thank you.

19 BY MS. GRABEL:

20 Q. Ms. Mariñez, if I might interrupt for a moment?

21 Why does the Tucson Airport Authority think they  
22 need a little bit of flexibility to move the line further  
23 north?

24 A. (Ms. Mariñez) I think their plans are still  
25 conceptual, and so that's an unplanned development. It

1 gives them just some flexibility with their unplanned  
2 development.

3 Q. Okay. And so in making the request to enhance  
4 the corridor, we're trying to accommodate the landowner;  
5 is that correct?

6 A. (Ms. Mariñez) Yes, that's correct.

7 Q. And real quickly, one last thing, is the  
8 corridor width that you're requesting here a correction  
9 to the request made on page 7 in part 4(iii) of the CEC  
10 application?

11 A. (Ms. Mariñez) Yes, it is.

12 MS. GRABEL: Okay. We would like to  
13 formally amend the CEC application here.

14 CHMN STAFFORD: Granted.

15 MS. GRABEL: Thank you.

16 BY MS. GRABEL:

17 Q. Please continue.

18 A. (Ms. Mariñez) The Franco Wash switchyard is  
19 still in conceptual design, but this is an example of an  
20 existing 138kV switchyard, and it's located just  
21 southeast of the project study area. I do have a small  
22 correction to make. We have it labeled as TEP's Wilmot  
23 Energy Center, but it's actually TEP's Cisne switchyard,  
24 which interconnects to the -- to the TEP Wilmot Energy  
25 Center.

1 MEMBER FONTES: Mr. Chairman, question.

2 CHMN STAFFORD: Yes, Member Fontes.

3 MEMBER FONTES: Has that conceptual design  
4 been reviewed by the interconnection team at TEP and has  
5 the interconnection process started?

6 MS. MARIÑEZ: Oh, I'd like to defer to  
7 Mr. Trent on that.

8 MR. TRENT: Okay. So the interconnection  
9 team is also part of transmission planning, which is  
10 under my group. And --

11 MEMBER FONTES: That's what I figured.

12 MR. TRENT: And so we have been involved in  
13 the discussions of how the switchyard would be designed  
14 with our engineering department.

15 MEMBER FONTES: Have they filed for the  
16 interconnect and entered in phase one yet with you?

17 MR. TRENT: So this is a retail customer.

18 MEMBER FONTES: Yeah.

19 MR. TRENT: And it does not require the  
20 formal interconnection request similar to what a  
21 generator would do, which is a FERC-driven process.

22 MEMBER FONTES: I understand.

23 MR. TRENT: And --

24 MEMBER FONTES: So this is a -- it's  
25 regarded as a distribution project by your --

1 MR. TRENT: So they will be taking 138kV  
2 service as a retail customer of us, and we will be  
3 providing them service at the Franco Wash. And then they  
4 will be taking it to provide their own internal  
5 distribution from that point. And we'll have their  
6 interconnection point between us and their distribution  
7 tied in. And there will be a point of change of  
8 ownership between the Franco Wash switchyard and their  
9 facilities.

10 MEMBER FONTES: So you consider this a  
11 distribution interconnect rather than a transmission?

12 MR. TRENT: I'm not sure that I understand.

13 MEMBER FONTES: For a retail customer?

14 MR. TRENT: For a retail customer, yes,  
15 that it is a retail customer for them to take and provide  
16 their own distribution. But they are a large load  
17 interconnection customer is how that would be.

18 MEMBER FONTES: And but you're not going to  
19 view them having to go through a LGIA process?

20 MR. TRENT: No. This will go through  
21 our -- I believe I'm using the right terms here -- the  
22 retail process, which would be similar to, like, any  
23 large customer like a mine, the University of Arizona,  
24 the Fort, that they would still be a retail customer and  
25 not a wholesale transmission customer.

1 MS. GRABEL: Member Fontes, I might be able  
2 to help. So the Battery Factory, the Aerospace Research  
3 Campus doesn't have its own generation. They'll still be  
4 taking all of their electricity from Tucson Electric  
5 Power company.

6 They're not a distribution customer because  
7 they're able to take it as a transmission capacity and  
8 then step it down from there. But they don't have to go  
9 through any kind of transmission interconnection process  
10 or generating interconnection process because all of the  
11 generation facilities are owned by Tucson.

12 Does that help?

13 MEMBER FONTES: It helps me understand the  
14 framework for the necessary studies that would have to go  
15 behind this, but there's also some questions I have with  
16 transfer of ownership, insurance liabilities, but we'll  
17 get to those as we proceed on here.

18 MS. GRABEL: Okay. So I think next we're  
19 going to -- unless there are other questions on this  
20 topic.

21 MEMBER MERCER: Mr. Chairman, I have a  
22 question.

23 CHMN STAFFORD: Yes, Member Mercer.

24 MEMBER MERCER: So help me understand if  
25 the battery factory's going to be a retail customer, why



1 are they paying above the \$8 million it's going to cost  
2 TEP to construct this?

3 MR. TRENT: So I believe that the -- this  
4 was negotiations with the customer. So that they're --  
5 we have, like, large -- the large mines where we have  
6 extensions out to them, but they will pay -- they  
7 actually end up -- because it's a dedicated facility that  
8 they would pay for those specific facilities.

9 This is part of the networked system. It's  
10 not going to be dedicated solely to this customer, but  
11 this was a negotiation that goes through for the special  
12 rates. And then I believe that is something else that  
13 goes before the Commission -- will go before the  
14 Commission at a later time with a special contract for  
15 approval.

16 MEMBER MERCER: Okay. Thank you.

17 CHMN STAFFORD: Please proceed.

18 MS. GRABEL: All right. Thank you.

19 If there are no further questions on this,  
20 I think we're going to move on to the some of the kind of  
21 mundane legal requirements, so forgive me if you yawn a  
22 little bit in the next couple of slides.

23 We're going to begin on Slide 24 with the  
24 Ten Year Plan.

25 //

1 BY MS. GRABEL:

2 Q. So, Ms. Mariñez, if you would please turn to  
3 Exhibit TEP-6.

4 Are you there?

5 A. (Ms. Mariñez) Yes.

6 Q. What is the document?

7 A. (Ms. Mariñez) TEP's Ten Year Plan.

8 Q. Did TEP file this Ten Year Plan as required by  
9 ARS-40-360.02A?

10 A. (Ms. Mariñez) Yes.

11 Q. And is the project that we're entertaining today  
12 included in the Ten Year Plan?

13 A. (Ms. Mariñez) Yes.

14 Q. Thank you.

15 If you'd like to move on to Slide 25.

16 Does this slide display screenshots of the  
17 notice of hearing that was provided to the public in the  
18 Arizona Daily Star?

19 A. (Ms. Mariñez) Yes.

20 Q. Does it also display the notice filed in the  
21 docket that the affected jurisdictions in this matter  
22 were also provided with the notice of hearing as required  
23 by statute?

24 A. (Ms. Mariñez) Yes.

25 Q. All except for the Arizona State Land

1 Department, and we'll get to that momentarily.

2 The actual compliance documents are found in  
3 Exhibit TEP-7. So if you would please turn to  
4 Exhibit TEP-7, which has subparts A through G.

5 A. (Ms. Mariñez) I'm here.

6 Q. Have you seen subparts -- have you seen  
7 Exhibits TEP-7 A through G before?

8 A. (Ms. Mariñez) Yes.

9 Q. Okay. Let's briefly walk through these.  
10 What is Exhibit TEP-7A?

11 A. (Ms. Mariñez) A notice of hearing.

12 Q. And did TEP direct the publication of the notice  
13 of hearing in the Arizona Daily Star?

14 A. (Ms. Mariñez) Yes.

15 Q. Was this notice of hearing published in the  
16 Arizona Daily Star within the time frame required by both  
17 statute and regulation?

18 A. (Ms. Mariñez) Yes.

19 Q. Was it published within 10 days after the filing  
20 of the application?

21 A. (Ms. Mariñez) Yes. It was published within 10  
22 days after filing the application as required by state  
23 law. The application was filed on October 20, 2023. And  
24 published for the first time on October 29 and a second  
25 time on November 5 as required by ACC regulations.

1 Q. Is the Arizona Daily Star a newspaper of general  
2 circulation?

3 A. (Ms. Mariñez) Yes.

4 Q. And please turn to Exhibit 7B.

5 Are you there?

6 A. (Ms. Mariñez) Yes.

7 Q. Is this proof of publication at the Arizona  
8 Daily Star?

9 A. (Ms. Mariñez) Yes.

10 Q. And if you'll now please turn to Exhibit 7C.

11 Are you there?

12 A. (Ms. Mariñez) Yes.

13 Q. Is this evidence that TEP delivered copies of  
14 the CEC application to the library locations required by  
15 the Chairman's October 25 procedural order?

16 A. (Ms. Mariñez) Yes.

17 Q. All right. Thanks.

18 Let's go back to the presentation quickly and  
19 turn to Slide 26.

20 What does this slide depict?

21 A. (Ms. Mariñez) Locations of where the hearing  
22 notification signs were posted.

23 Q. Okay. And were signs actually posted in the  
24 general vicinity of where they were identified to be  
25 posted on this map?

1 A. (Ms. Mariñez) Yes.

2 Q. And please go to Slide 27.

3 What does this slide depict?

4 A. (Ms. Mariñez) Examples of time-stamped pictures  
5 of the posted hearing notification signs.

6 Q. Do you have similar pictures of all of the signs  
7 that were posted in compliance with the Chairman's  
8 procedural order?

9 A. (Ms. Mariñez) Yes.

10 Q. Did you take those pictures, or were they taken  
11 at your direction?

12 A. (Ms. Mariñez) Yes.

13 Q. Let's go back to Exhibit 7. And turning now to  
14 Exhibit 7D.

15 Are you there?

16 A. (Ms. Mariñez) Yes.

17 Q. Is this the notice of hearing sign location map  
18 that you just walked through?

19 A. (Ms. Mariñez) Yes.

20 Q. And looking at 7E, are these photographs of all  
21 of the signs that were posted in compliance with the  
22 Chairman's procedural order?

23 A. (Ms. Mariñez) Yes.

24 Q. And if you look at 7F, is this a true and  
25 correct depiction of the verbiage that was contained on

1 the signs?

2 A. (Ms. Mariñez) Yes.

3 Q. Were the signs posted at least 20 days before  
4 the hearing in this matter as required by the Chairman's  
5 procedural order?

6 A. (Ms. Mariñez) Yes. The signs were posted on  
7 November 13.

8 Q. Okay. And finally, if you'll please look at  
9 Exhibit TEP-7G.

10 Does this exhibit determine that TEP directed a  
11 certified mailing of the notice of hearing to Pima County  
12 and the city of Tucson?

13 A. (Ms. Mariñez) Yes.

14 Q. And 7G confirms that we have done so?

15 A. (Ms. Mariñez) Yes.

16 Q. Were Exhibits TEP-7A through G compiled by you  
17 or under your direction and control?

18 A. (Ms. Mariñez) Yes.

19 Q. Are the contents of Exhibits TEP-7A through G  
20 true and correct to the best of your knowledge?

21 A. (Ms. Mariñez) Yes.

22 Q. Did TEP provide notice to the Arizona State Land  
23 Department via certified mail of today's hearing?

24 A. (Ms. Mariñez) Yes.

25 Q. On what date did TEP send that certified mail

1 notice?

2 A. (Ms. Mariñez) November 30.

3 Q. Does TEP understand that this date was not in  
4 strict compliance with the line siting statutes?

5 A. (Ms. Mariñez) Yes.

6 Q. When did TEP decide that it should notice ASLD  
7 as an affected jurisdiction?

8 A. (Ms. Mariñez) After the prehearing conference  
9 in this matter we decided that ASLD -- that we should  
10 treat them as an affected jurisdiction.

11 Q. Did TEP contact the Arizona State Land  
12 Department and obtain a waiver of the statutory timing  
13 requirements for the notice to ASLD via certified mail?

14 A. (Ms. Mariñez) Yes.

15 Q. Is that waiver an exhibit today?

16 A. (Ms. Mariñez) Yes.

17 Q. It's TEP-16; correct?

18 A. (Ms. Mariñez) Correct.

19 Q. Okay. And just for clarity, was the ASLD  
20 otherwise contacted about this project?

21 A. (Ms. Mariñez) Yes. So our right-of-way agent  
22 contacted them in June and spoke to their right-of-way  
23 agent. We also included state land representatives in  
24 our communications, including our e-mails and mailings,  
25 for the various meetings that we had related to the

1 project.

2 Q. And was ASLD also provided notice of this  
3 hearing prior to what's indicated in the certified  
4 mailing in TEP-17?

5 A. (Ms. Mariñez) Yes.

6 Q. When and by what method?

7 A. (Ms. Mariñez) On November 15 by certified mail.

8 Q. Not by certified mail. It was by postcard;  
9 correct?

10 A. (Ms. Mariñez) Oh, yes, I'm sorry.

11 Q. That's okay.

12 A. (Ms. Mariñez) Yes.

13 Q. So let's go back to the presentation and turn to  
14 slide 28.

15 What does this slide depict?

16 A. (Ms. Mariñez) It's a photo of the receipt of  
17 our CEC application filing fee, and then to the right is  
18 the signatures from the libraries confirming receipt of  
19 the application.

20 Q. We've already seen the exhibit that's  
21 demonstrated on the right side of the slide, but if  
22 you'll please turn to Exhibit TEP-8, which is the receipt  
23 of the filing fee in this matter.

24 A. (Ms. Mariñez) I'm here.

25 Q. Have you seen this document before?



1 A. (Ms. Mariñez) Yes.

2 Q. Was this receipt received from the Arizona  
3 Corporation Commission to confirm payment by TEP of the  
4 application filing fee?

5 A. (Ms. Mariñez) Yes.

6 Q. Are the contents of this exhibit true and  
7 correct to the best of your knowledge?

8 A. (Ms. Mariñez) Yes.

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

12 A. Yes.

13 Q. Okay. Thank you.

14 I think that ends the boring stuff. So if you'd  
15 like to move on to Slide 29 and walk us through the  
16 visual simulations.

17 A. (Ms. Mariñez) So key observation point 2 was  
18 taken Old Vail Connection Road looking west. This  
19 picture should look familiar. We did show it earlier on  
20 in the presentation. This here is the existing 46kV  
21 line. And then to the left of that or to the south is  
22 the existing 14kV line, distribution line.

23 To the south of the road is the existing 115kV  
24 western area power administration or WAPA 115kV line.

25 So as you can see, this area already has quite a

1 bit of utility infrastructure. It's an existing utility  
2 corridor. And this is a simulated photo. So the 14kV  
3 line remains unchanged. The WAPA line moves north of the  
4 existing 46kV line and is now a 230kV WAPA TEP line as  
5 approved by a separate project. And then this line  
6 remains. This pole line remains but is energized with  
7 138kV on one side and 46kV on the other.

8 Then we would add a northern pole line here,  
9 which would also be energized at 138kV and 46kV.

10 And the alignment is shown in your placemats if  
11 you'd like to see an aerial of what that looks like.

12 This is key observation point 7. It was taken  
13 just east of the last photo also looking west. The  
14 difference here is that you see the existing 138kV line  
15 here to the left, so this is Country Club Road here. And  
16 this is where the 138kV line turns east along Old Vail  
17 Connection. This is that line that we will need to  
18 connect to. It's indicated in white on your placemats.

19 This is the existing 14kV distribution line, and  
20 this here to the north of that is the existing double  
21 circuit 46kV line.

22 This is the simulated condition. So that  
23 northern pole line here would connect to the existing  
24 138kV line here along Old Vail Connection Road.

25 Q. Before you move on, Ms. Mariñez, I notice a lot

1 of kind of trash and litter along the road.

2 Is that typical of this area?

3 A. (Ms. Mariñez) There is quite a bit of wildcat  
4 dumping in the area, yes.

5 Q. Thank you.

6 A. (Ms. Mariñez) So this key observation point  
7 illustrates how we'll tie into that existing line. Key  
8 observation point 8 is about half a mile south of Old  
9 Vail Connection looking north. This is the existing view  
10 from a distance. And you'll note that -- oh, actually  
11 let me -- this is the proposed simulation. The northern  
12 pole line is indicated here with the green arrows. And  
13 you'll note that the taller pole line is actually that  
14 WAPA TEP line.

15 Q. All right. Thank you.

16 MS. GRABEL: Before we turn to the virtual  
17 tour, I think this is a good time for Mr. Trent to talk  
18 about the reliability issues in Staff's letter.

19 So with that I will turn it over to  
20 Ms. Hill who'll take Mr. Trent's examination.

21 MS. HILL: Thank you.

22 BY MS. HILL:

23 Q. Good afternoon, Mr. Trent.

24 A. (Mr. Trent) Good afternoon.

25 Q. You've already spoken with the Committee Members

1 somewhat, and you've given them a brief introduction of  
2 yourself.

3 But if you could take a moment and introduce  
4 yourself to the Committee and include your professional  
5 background and educational background as well.

6 A. (Mr. Trent) Okay. So as stated before, I'm  
7 Gary Trent. I'm the manager of transmission planning at  
8 Tucson Electric. I have been employed by TEP for  
9 23 years. All of that time I have been in the  
10 transmission planning department. The past six years I  
11 have been the manager of the department.

12 And my educational background, as I mentioned  
13 earlier, I have a bachelor's of science in electrical  
14 engineering and a master's of science in electrical  
15 engineering with an emphasis in power systems from New  
16 Mexico State University.

17 Prior to working with TEP, I was employed by  
18 Naval Surface Warfare Center in Dahlgren, Virginia,  
19 working on a critical infrastructure protection project.

20 And prior to that, I worked for two years with  
21 the Los Alamos National Lab as a research assistant.

22 Q. Thank you.

23 And I can't recall if Ms. Grabel previously  
24 asked you for your business address, but just in case she  
25 didn't I'm going to ask you again.

1 A. (Mr. Trent) Okay. Yes. My business address is  
2 88 East Broadway, Tucson, Arizona.

3 Q. Thank you.

4 Do you have an exhibit book in front of you,  
5 Mr. Trent?

6 A. (Mr. Trent) Yes.

7 Q. Could you please take a look at Exhibit TEP-15.

8 MS. HILL: And I'm going to ask for an  
9 assist from co-counsel Mr. Ancharski. Is that in the  
10 Members' binders or is that on -- is that something that  
11 they have in front of them?

12 MR. ANCHARSKI: So was pre-filed. It's not  
13 in the binders. I do have copies to pass out.

14 MS. HILL: Okay. Thank you.

15 BY MS. HILL:

16 Q. All right. Mr. Trent, could you describe for  
17 the Committee what TEP-15 is.

18 A. (Mr. Trent) I think it is a brief summary of my  
19 response I will be responding to the question from the  
20 Staff report related to technical studies.

21 Q. Okay. And so this is a summary of your  
22 testimony today?

23 A. (Mr. Trent) Yes.

24 Q. All right. Is this an accurate summary of your  
25 anticipated testimony today?

1 A. (Mr. Trent) Yes.

2 Q. Would you like to make any additions or  
3 corrections to this summary at this time?

4 A. (Mr. Trent) No.

5 Q. Okay. Thank you.

6 All right. So, Mr. Trent, then you referred to  
7 the Staff report just now in your comments.

8 And so I am going to ask you if you have  
9 reviewed what has just been filed in the docket as  
10 TEP-17. And my co-counsel Mr. Ancharski has copies of  
11 this for the Committee Members.

12 And, Mr. Trent, for your reference, that is the  
13 Staff report docketed November 28?

14 A. (Mr. Trent) Yes. I have seen that and reviewed  
15 it.

16 Q. Okay. And you are aware that Staff has asked  
17 this Committee to spend some time during this hearing to  
18 discuss the annual and power flow analysis conducted on  
19 the project?

20 A. (Mr. Trent) Yes.

21 Q. So, first of all, are you familiar with annual  
22 and power flow and power stability analyses that were  
23 conducted in connection with this project?

24 A. (Mr. Trent) Yes.

25 Q. Could you describe how you're familiar with

1 those?

2 A. (Mr. Trent) Okay. So I am the manager of the  
3 transmission planning and the entire department that  
4 conducts these studies annually to review all projects  
5 that are proposed on the TEP transmission system.

6 Q. And could you briefly describe the process that  
7 your department went through regarding this project.

8 A. (Mr. Trent) Okay. So we included this project  
9 in our annual Ten Year Plan and capital budget study.  
10 The Ten Year Plan is -- are -- is associated with the  
11 studies that are used to file the Ten Year Plan filing  
12 with the Commission.

13 But then we have the capital budget study  
14 process which looks at the next six years for budget  
15 planning and identifying funding for projects.

16 And these studies include power flow and  
17 transient stability simulations.

18 Q. And what did you find, if anything, regarding  
19 this project in those studies?

20 A. (Mr. Trent) We found no impacts to reliability  
21 for the system related to this project, that there were  
22 no overloads due to the addition of this project or the  
23 customer load, and there were no disturbances under  
24 transient stability that would result in any concerns for  
25 our system.

1 Q. Okay. Are you aware of what the customer load  
2 is in this matter?

3 A. (Mr. Trent) Yes. So initially the -- per the  
4 customer request they have a 20 megawatts initially,  
5 which will be served by our 46kV facilities in the area,  
6 and then will go up to 120 megawatts of load once this  
7 138kV project is approved and constructed.

8 Q. And are there any other existing lines of any  
9 capacity that could serve this requested load while still  
10 serving the existing customers?

11 A. (Mr. Trent) No. This line is the only line in  
12 the area that will meet the reliability needs for this  
13 customer.

14 Q. Okay. And when you -- and you spoke a little  
15 bit about the redundancy and reliability inherent in this  
16 line itself before in response to some Member questions?

17 A. (Mr. Trent) Yes.

18 Q. And is there anything else that you would like  
19 to say about the reliability benefits that are built into  
20 this line?

21 A. (Mr. Trent) So this primarily allows for  
22 continuity of service to this customer. So if we lose  
23 one line from either the east or one line from the south,  
24 you're still able -- we're still able to continue to  
25 serve that without having any detriment to any other



1 customers in the area.

2 Q. And is this line's capacity going to be taken up  
3 in its entirety by the American Battery Factory's  
4 requested load?

5 A. (Mr. Trent) No.

6 Q. And is this line intended to serve other  
7 potential development in the area?

8 A. (Mr. Trent) Yes. That we will -- we will  
9 evaluate any additional load requests that come into this  
10 area to determine how much load we can serve with that.

11 There's always a limit to it because we do have  
12 the facility ratings and we do have our transmission and  
13 reliability criteria that we must meet.

14 MS. HILL: Okay. I have no further  
15 questions.

16 CHMN STAFFORD: I have a quick follow-up.  
17 So the Aerospace Research Campus there  
18 will -- so they intend to have more -- it's possible  
19 they'll have more customers there than just the  
20 gigafactory?

21 MR. TRENT: It's my understanding is that  
22 there is potential land in that area that could be  
23 acquired and used by other customers.

24 CHMN STAFFORD: And that's zoned is it  
25 industrial?

1 MR. TRENT: I'm not sure about that one,  
2 but I would assume yes, but I don't have any definitive  
3 knowledge of that.

4 MR. BRYNER: I can jump in real quick. And  
5 I'll testify to this here, well, later on in our  
6 presentation. But, yes, it is zoned industrial.

7 CHMN STAFFORD: Okay. So the gigafactory  
8 would be one potential new customer for TEP in that  
9 research campus then; correct?

10 MR. BRYNER: Correct.

11 CHMN STAFFORD: Okay. I just want to make  
12 sure I understood that. Thank you.

13 Please proceed.

14 MEMBER GOLD: Mr. Chairman, I have a  
15 question.

16 CHMN STAFFORD: Oh, yes, Member Gold.

17 MEMBER GOLD: This is called the Aerospace  
18 Research Campus.

19 MR. TRENT: Yes, sir.

20 MEMBER GOLD: And we're building -- we're  
21 doing line for a battery factory, which doesn't seem to  
22 have much to do with aerospace research.

23 Is there anticipation -- do you have  
24 knowledge of any aerospace programs that are going to be  
25 used here?

1 MR. TRENT: I am not familiar with the  
2 industries that would be coming into this area.

3 MS. MARIÑEZ: If I may. So it's -- it's  
4 supply chain industries as well that will be located in  
5 the Aerospace Research Campus.

6 Raytheon Missile Systems is nearby. World  
7 View. Spaceport. So there are some aerospace-focused  
8 companies in the general vicinity.

9 MEMBER GOLD: Okay. So my question has to  
10 do now with national security.

11 You're running redundant electric lines to  
12 this company or whichever companies are going to be  
13 there. Will any of this affect Raytheon?

14 MEMBER KRYDER: Speak into the microphone a  
15 little more.

16 MEMBER GOLD: You're going to be running  
17 redundant electric lines to this facility. Two questions  
18 now.

19 Does any of this have to do with Raytheon,  
20 or does it all have to do with just that facility, which  
21 may be other national defense contractors?

22 MR. TRENT: At this time it is -- this line  
23 is for this customer that is there. Raytheon is served  
24 from different facilities.

25 MEMBER GOLD: Okay. So this will be for

1 the battery factory. And since it says Aerospace  
2 Research Campus, I'm guessing there will be other area  
3 aerospace industries there that will have implications  
4 for national security.

5 MS. HILL: Your Honor, if I may. I just  
6 want to clarify. I'm not sure that Mr. Trent has the  
7 knowledge or expertise to discuss the naming of this  
8 facility. This is not a Tucson Electric Power  
9 development.

10 Mr. -- Member Gold may be able to obtain  
11 additional information from Pima County or the economic  
12 development, but I think -- and also I believe,  
13 Ms. Mariñez, you have the extent of the information that  
14 we have been given about future development; is that  
15 correct?

16 MS. MARIÑEZ: That's correct.

17 MS. HILL: So if I may redirect the  
18 question to Ms. Mariñez, Member Gold, without -- without  
19 any offense being taken, that would be helpful.

20 MEMBER GOLD: Sure.

21 MS. HILL: Okay.

22 CHMN STAFFORD: Please do.

23 MS. MARIÑEZ: So there aren't a lot of  
24 specifics from Pima County that we have other than that  
25 there's -- it'll serve aerospace and other supply chain

1 industries. That's the extent of my knowledge about the  
2 campus. And that American Battery Factory will be  
3 located within the campus.

4 MEMBER GOLD: Okay. The reason for my  
5 question is you're apparently the most knowledgeable  
6 person I've spoken to at some of these hearings on  
7 electrical energy and security and knowledge about some  
8 military capabilities, which I believe you have with the  
9 naval research that you've done in the past.

10 Without getting into classified material --

11 MR. TRENT: It's extremely dated.

12 MS. HILL: I'm sorry. I'm sorry,  
13 Mr. Chairman and Member Gold. I just want to be very  
14 clear that we're staying within the scope of this hearing  
15 in terms of the Line Siting Committee's jurisdiction and  
16 scope.

17 And to the extent that we can answer a  
18 question for the Committee, we're happy to do that. But  
19 Mr. Trent's prior knowledge is not necessarily relevant  
20 to these proceedings.

21 MEMBER GOLD: Well, I'm concerned with the  
22 safety of the grid and the safety of your project. Every  
23 time you put electric wires up they are receivers for  
24 electronic energy. If a lightning strike were to hit  
25 your lines, something would happen. If a lightning

1 strike were to hit your poles, you would be grounded.

2 If something other than a lightning strike  
3 were to hit, something more powerful than a lightning  
4 strike, do you have any protections that you're including  
5 in your project to protect against that, knowing that --

6 MEMBER FONTES: Mr. Chairman --

7 MEMBER GOLD: NERC and FERC are about  
8 20 years behind the times?

9 MS. HILL: I'm sorry. I believe one of the  
10 Members spoke --

11 CHMN STAFFORD: Well, Mr. Gold, to --  
12 remind me to whom your question is addressed.

13 MEMBER GOLD: I was addressing it to  
14 Mr. Trent based on his knowledge.

15 CHMN STAFFORD: All right. Are you  
16 familiar with the safety requirements for a 138kV line?

17 MR. TRENT: I am in the planning side of  
18 things, and so I am not well-versed in what the safety  
19 requirements are for the design and construction as we  
20 are modelers in simulations as opposed to design.

21 MEMBER GOLD: Then my next question is who  
22 do I address this question to?

23 MEMBER FONTES: Mr. Chairman, if I may. I  
24 might be able to help with the question.

25 CHMN STAFFORD: Certainly, Member Fontes.

1 MEMBER FONTES: Would the line be planned  
2 in accordance with NERC and taken into account in  
3 construction with WECC standards?

4 MR. TRENT: Yes. It will be built to our  
5 standards construction --

6 MEMBER FONTES: And then on an annual basis  
7 you'll get it certified by NERC?

8 CHMN STAFFORD: One at a time, please. One  
9 at a time.

10 All right. Now, Member Fontes, proceed.

11 MEMBER FONTES: So then in operation you'll  
12 follow NERC standards in terms of annual compliance as  
13 well as TEP standards for operations and maintenance?

14 MR. TRENT: Yes. This will follow all  
15 transmission maintenance standards and operation  
16 standards.

17 MEMBER FONTES: Okay. Thank you.

18 MR. TRENT: Okay.

19 MEMBER LITTLE: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Little.

21 MEMBER LITTLE: I have a couple questions  
22 for Mr. Trent, if I may.

23 CHMN STAFFORD: One moment, please. We  
24 have some administrative housekeeping to care for. I  
25 understand that Member Somers is on the line.

1 Member Somers, can you hear us?

2 AV TEAM MEMBER: He's just getting in right  
3 now.

4 CHMN STAFFORD: Let's get Member Somers in.

5 MEMBER SOMERS: They got me in.

6 CHMN STAFFORD: All right. Welcome.

7 All right. Member Fontes, were you asking  
8 the question now?

9 MEMBER FONTES: I was trying to help  
10 assuage Member Gold's questioning more in lines with how  
11 an electrical engineer would look at standards.

12 I hope that was helpful for you, Mr. Trent.

13 MR. TRENT: Yes. Thank you.

14 MEMBER FONTES: I do have a question with  
15 respect to the WAPA TEP line and if there's going to be  
16 any linear crossing or was there any consultation with  
17 WAPA during the siting process because, as you may know,  
18 triggers NEPA.

19 And so I'm just concerned that we have, if  
20 you will, situational awareness on how WAPA views this  
21 line since they have a whole new set of rule books that I  
22 think we want to segregate from this project.

23 But for the -- for the education of my  
24 fellow Members, if you could characterize that and what  
25 you did and then your consultations. And if you have



1 their permissions in a letter or something, that would be  
2 useful.

3 MR. BRYNER: Member Fontes, if I could take  
4 that question.

5 So the WAPA TEP, it's a joint project, a  
6 joint 230kV project in development with them. So, yes,  
7 we have been in consultation with them extensively for  
8 the development and design of that project. And that  
9 project was actually approved several years ago through  
10 the NEPA process as well as it even came through this  
11 Committee.

12 Now, our project comes along here a couple  
13 years later in the same exact vicinity. That project was  
14 already in, I believe, 90 percent design, so you'll  
15 notice the kind of acute angle on the west side of our  
16 proposed route.

17 The reason that is there and not dropping  
18 directly south from the Franco Wash switchyard and  
19 returning is because there was a designed crossing of  
20 that 230 line with our existing 46kV facility. So that  
21 was an opportunity to utilize that and not have to  
22 redesign any facilities.

23 MEMBER FONTES: Very good. Thank you.

24 MEMBER LITTLE: Mr. Chairman.

25 CHMN STAFFORD: Yes, Member Little.

1 MEMBER LITTLE: I just wanted to be sure  
2 you didn't forget me.

3 Mr. Trent, first of all, I would like to as  
4 a fellow alumni I would like to congratulate you on  
5 graduating from the best master's program in electrical  
6 utility management in the country.

7 MR. TRENT: Well, thank you.

8 MEMBER LITTLE: I graduated a long time  
9 before you did, I think, but my question is this: I'm  
10 gathering since this project was not included in any  
11 previous Ten Year Plans, and TEP is always very good  
12 about putting everything that is under consideration in  
13 their Ten Year Plans, this is a fairly recent development  
14 that the project was -- need was just determined within  
15 the last year.

16 Am I correct there?

17 MR. TRENT: So this project has been looked  
18 at for about a year and a half to two years. So some  
19 time after January 31 of 2022 and then prior to  
20 January 31 of 2023 because we did include this project in  
21 the Ten Year Plan that was filed in 2023.

22 It is identified with a placeholder name at  
23 the time because we did not have the Franco Wash  
24 switchyard named, and so it was the TEP TB switchyard in  
25 our -- in our filing. And that had to do with the timing

1 of when the American Battery Factory made their public  
2 announcements and when we were able to put it into our  
3 public documentation.

4 MEMBER LITTLE: Which leads me to my next  
5 question.

6 Is this line and this load included in any  
7 of the regional study regional forms for system studies?

8 MR. TRENT: So it has been included this  
9 year in 2023 in the studies that will be conducted as  
10 part of the ACC biennial transmission assessment. So it  
11 will be included in our 10th year snapshot, the extreme  
12 contingent analysis, those evaluations. It will be  
13 included in all those.

14 And but it was not included in the -- I do  
15 not believe it was included in the WestConnect's planning  
16 cycle because we were already in the second year of the  
17 cycle as this became public, which is after the needs  
18 assessment was conducted. But it will be included in the  
19 next cycle.

20 MEMBER LITTLE: Wonderful. You've answered  
21 my questions. Thank you very much.

22 CHMN STAFFORD: Thank you, Member Little.  
23 Please proceed.

24 MS. HILL: And if the Committee has no  
25 further questions, I have no further questions for you.

1 CHMN STAFFORD: Any other questions from  
2 Members?

3 MS. GRABEL: With that it seems like it's a  
4 good time for our virtual tour. We'll turn it back to  
5 Ms. Mariñez to go to Slide 36.

6 BY MS. GRABEL:

7 Q. And before you begin the virtual tour,  
8 Ms. Mariñez, will you please turn to Exhibit TEP-9.

9 TEP-9 is the virtual tour in this matter, which  
10 is also contained on thumb drives that have been provided  
11 to the Committee and is also available on the project  
12 website; correct?

13 A. (Ms. Mariñez) Correct.

14 Q. And then was the virtual tour prepared by you or  
15 under your direction and control?

16 A. (Ms. Mariñez) Yes.

17 Q. How was the tour prepared?

18 A. (Ms. Mariñez) It was taken with drone footage  
19 captured by TEP employees certified as pilots under part  
20 107 of the Code of Federal Regulations for commercial  
21 drone flight. Using video editing software we added  
22 additional maps for context.

23 Q. Okay. Does the tour present a realistic view of  
24 the landscape surrounding the proposed CEC location?

25 A. (Ms. Mariñez) Yes.

1 Q. With that please begin the tour.

2 A. (Ms. Mariñez) Okay. And before we start the  
3 video, I just wanted to let you know what you'll be  
4 seeing.

5 So we'll start with the map of southern Tucson,  
6 and then we'll pan into an aerial of the area. You'll be  
7 able to see the proposed route and the Summit residential  
8 area.

9 And then we will go into our drone footage and  
10 from the east side of the project study area.

11 (Virtual tour begins.)

12 A. (Ms. Mariñez) The project study area is  
13 highlighted in purple. It's about 10 miles southeast of  
14 downtown Tucson and three miles southwest of Tucson  
15 International Airport.

16 Here you see the Summit residential community to  
17 the south, Nogales Highway to the west, and Country Club  
18 Road to the east. The proposed route is in blue located  
19 along or just north of Old Vail Connection Road.

20 And now we're zooming to the east end of the  
21 project where we'll bifurcate that 138kV line near  
22 Country Club Road. And we'll start by going right over  
23 Country Club Road.

24 The taller pole line is that 46kV existing  
25 double circuit 46kV transmission line. To the left of

1 that or to the south is the existing 14kV distribution  
2 line. And that dirt road there is Old Vail Connection  
3 Road.

4 To the south of that is the Summit residential  
5 community. And the land to the right that you see, that  
6 vacant land, is land owned by Tucson Airport Authority,  
7 and the corridor request is -- actually expands past this  
8 view just a bit.

9 The pole line would be about 200 feet north of  
10 the existing pole line or that taller pole line you see  
11 there. Coming up on the left side of the road is that  
12 H-frame WAPA line. You can also see it to the right of  
13 your screen, how it moves diagonally. That's the  
14 existing 115kV WAPA line. It'll be relocated to the  
15 north of that 46kV line about 100 feet.

16 About here to your right is the existing -- or,  
17 excuse me, the proposed Franco Wash Switchyard site. Our  
18 switchyards are typically about three acres in size.

19 MEMBER MERCER: Question. Is that I-19  
20 that we see or is that airplanes landing?

21 MS. MARIÑEZ: I-19 is -- you can see from a  
22 distance. But the closer street that you see, that one  
23 there, that is Nogales Highway, and further back is I-19.  
24 That's the one.

25 And we are coming up to the end of the pole

1 line. If you look straight ahead is about where we'll  
2 connect back to the existing 46kV line and repurpose  
3 those existing infrastructures to create a looped 138kV  
4 line.

5 (End of virtual tour.)

6 MS. GRABEL: Do any Members have questions  
7 about the tour?

8 CHMN STAFFORD: Well, I think now is  
9 probably an appropriate time for the Members --

10 MEMBER LITTLE: Mr. Chairman.

11 CHMN STAFFORD: -- to discuss whether or  
12 not we intend to have an actual physical tour or if we're  
13 satisfied with the virtual tour.

14 Yes, Member Little.

15 MEMBER LITTLE: I did have one question.  
16 I'm sorry.

17 How tall will the new circuit or new poles  
18 be relative to the existing 46, 138 pole?

19 MS. MARIÑEZ: Member Little, the typical  
20 structures will be about 75 feet tall, which is the same  
21 as the existing pole line.

22 MEMBER LITTLE: Thank you.

23 CHMN STAFFORD: Members, any discussion on  
24 whether we should conduct a physical actual tour, or are  
25 the Members satisfied with the virtual tour?

1 MEMBER KRYDER: Mr. Chairman.

2 CHMN STAFFORD: Member Kryder.

3 MEMBER KRYDER: Mr. Chairman, given the  
4 proximity so that it's not so far from the meeting site  
5 here, perhaps someone could tell me how long it would  
6 take us to do a roundtrip on an actual tour.

7 MS. GRABEL: Thank you, Mr. Chairman,  
8 Member Kryder.

9 We believe that the roundtrip would be  
10 about 45 minutes to an hour. That said, we don't have  
11 our vans ready today. It would have to be tomorrow  
12 morning. So we might stay an extra day if we were to  
13 take a tour, whereas we could potentially wrap up this  
14 evening if we did not.

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

17 CHMN STAFFORD: Yes.

18 MEMBER KRYDER: I propose that we consider  
19 an hour's worth of our time I think would be certainly  
20 for me interesting to consider.

21 CHMN STAFFORD: I believe Exhibit TEP-10 is  
22 the tour itinerary.

23 That would be planned for tomorrow morning;  
24 correct?

25 MS. GRABEL: That is correct, Mr. Chairman.



1 Yes.

2 CHMN STAFFORD: What are my thoughts --  
3 what are the thoughts of the other Members?

4 Are you interested in doing a tour?

5 MEMBER RICHINS: I'm not.

6 MEMBER MERCER: I am interested in a tour.  
7 I was looking at some of those pictures when the virtual  
8 tour was moving and it looked like some of these existing  
9 lines are in people's front yards. I'm not sure if that  
10 was just a visual thing or --

11 MS. MARIÑEZ: Member Mercer, the existing  
12 46kV line is on the north side of the road. The lines  
13 that you probably saw closest to the residences are  
14 another pole line owned by the Western Area Power  
15 Administration, and those are actually going to be  
16 rerouted to the north side of the road.

17 MEMBER MERCER: Okay. That's a good thing.

18 MEMBER KRYDER: Are we interested or not?

19 MEMBER FONTES: Mr. Chairman, my  
20 inclination is to spend more with the environmental  
21 consultant on the findings and conclusions that they  
22 presented in the studies rather than taking a tour so  
23 that we can make sure that the public has a keen interest  
24 on that. Especially in light of what other projects have  
25 found and how they've worked through things with the

1 Tohono O'odham and BLM and those sorts of things. So I  
2 would prefer to decline on the tour and focus on the  
3 studies as it impacts --

4 MEMBER KRYDER: Speak into the microphone a  
5 little more.

6 CHMN STAFFORD: Yeah. Speak into the mic  
7 more, please.

8 MEMBER FONTES: I prefer to decline on the  
9 tour and focus on the findings and conclusions of the  
10 environmental work that's been done with the time that we  
11 have allotted for this hearing.

12 CHMN STAFFORD: All right. With that, do  
13 Members care to make a motion for a tour or --

14 MEMBER KRYDER: I think it would be  
15 appropriate to get it on the table before discussion, so,  
16 yes, I move that we do have an actual tour.

17 MEMBER MERCER: Second.

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (A chorus of "nays.")

22 CHMN STAFFORD: I'm afraid the motion fails  
23 to carry, so we will not be taking a physical tour.

24 Thank you, Member Kryder.

25 MS. GRABEL: All right. Thank you.

1                   So, Mr. Chairman, I think you already noted  
2 that we did have as Exhibit TEP -- was it 10 --

3                   CHMN STAFFORD: Yes.

4                   MS. GRABEL: -- the tour map.

5                   Just to lay some foundation so that we can  
6 get that into evidence.

7                   Ms. Mariñez, was the tour prepared by you  
8 or under your direction and control?

9                   MS. MARIÑEZ: Yes.

10                  MS. GRABEL: Okay. That's pretty much all  
11 I need to do, I think.

12                  CHMN STAFFORD: All right. Well, it's  
13 approximately 2:26. We've been going for almost 90  
14 minutes. I think it's a good time to take a break. I'm  
15 sure the court reporter would appreciate that.

16                  So let's take approximately a 15-minute  
17 recess. We stand in recess.

18                  (Recess from 2:27 p.m. to 2:48 p.m.)

19                  CHMN STAFFORD: Let's go back on the  
20 record.

21                  We have with us several members of the  
22 public who would like to make a comment.

23                  First up is Aaron Rey, A-a-r-o-n R-e-y.

24                  Please come to the microphone so we hear  
25 you clearly and the court reporter can take down what you

1 say.

2 MR. REY: Hello. Well, a couple things  
3 that I was wondering. I guess I'm supposed to make  
4 comments and not ask questions right now.  
5 Electromagnetic frequencies, there's different studies  
6 out there that show they're not that bad, but there's  
7 supposed to be 6, 700 meters away from the poles. Some  
8 of the poles are directly across, like, the street from  
9 residents.

10 Some of the poles are directly across from  
11 residents. And there are some different studies out  
12 there that says don't really worry about it, but that you  
13 should be 600 to 700 feet away.

14 And I'm wondering if that's being taken in  
15 account by contacting the citizens directly around the  
16 poles to see if any of them have any magnetic frequency  
17 sensitivities, and some people do in this day and time.

18 I don't think that it's in the public's  
19 best interest not to disclose the businesses that are  
20 going to also go in along with the battery company.  
21 There was a little discussion about possibly military  
22 facilities or something for, I don't know, scientific  
23 research or something of that nature I think was  
24 mentioned earlier.

25 And I've lived out there virtually all my

1 life. I rode around on off-road vehicles out there.  
2 There's other people that do it consistently right down  
3 that power line road, and how's that going to affect them  
4 with a electromagnetic frequencies and whatnot.

5 And there's a large area out there that  
6 that is flood zone, and that street's one of them when it  
7 floods, Old Vail Connection. So if a power line comes  
8 down, let's say falls to the south, it could be a hazard  
9 in someone's front yard. It might not be in their yard  
10 now. It's across the street on the north.

11 But it could end up on the south side of  
12 the street because of the height if a microburst comes  
13 through during the flood season and the monsoons because  
14 it did happen out there with the water. And the RFC, the  
15 Regional Flood Control district of Pima County, knows  
16 about it.

17 And it was August 23, 2005, you couldn't  
18 even get across the South Nogales Highway to the old  
19 Nogales Highway because the water was overexceeding the  
20 wash and some of the areas around where your power poles  
21 are and probably will be, and you couldn't even get to  
22 drive over the railroad tracks the water was so deep. It  
23 was overflowing over the railroad tracks.

24 The berm the railroad tracks uses is, I  
25 don't know, approximately four and a half, five feet

1 tall. And so the water can be that tall in that area.  
2 And then, again, if the power lines do fail in a storm,  
3 it's -- that's a severe hazard obviously. I could call  
4 911 to get the power guys out there to fix it.

5 So I have a concern with the health issues.  
6 And it was also mentioned that battery company's going to  
7 foot for part of the bill of the installation and stuff  
8 and that TEP's going to pay, but there's also going to be  
9 a possible rate increase if I understood the previous  
10 consideration right.

11 And out there in that neighborhood we're  
12 all poor. And I think it should be more if this goes  
13 through are the companies paying instead of putting it on  
14 the backs of the poor residents out there if a rate  
15 increase was to happen to help fund this, y'all's  
16 project.

17 I guess with that being said it's kind of  
18 all I have to say right now at the moment.

19 CHMN STAFFORD: Thank you, Mr. Rey.

20 Next up we have Diana McGrew, D-i-a-n-a  
21 M-c-G-r-e-w. Please correct me if I'm misspelling your  
22 name.

23 MS. MCGREW: Good afternoon. My name is  
24 Diana McGrew. And I grew up in the area from the '50s.  
25 And it is a very poor area because even when Johnson was

1 president he called us dog patch. So we have quite a  
2 history of being, well, some of us would say neglected in  
3 the area.

4 We -- you made a couple of statements  
5 saying that -- that things were put in the Arizona Daily  
6 Star. I don't know anybody in the area that can afford  
7 the Daily Star, number one. Number two, there's a lot of  
8 Mexican Americans out there who do not speak English. I  
9 was told that things were sent in both languages, but a  
10 lot of people don't read either. Excuse me, I'm just --  
11 I'm not used to public speaking. So...

12 CHMN STAFFORD: You're doing great.

13 MS. MCGREW: I wrote a few things down, but  
14 I'm -- oh, also, I guess, you sent property notices out  
15 to the property owners but I never received one. I only  
16 know of one person who did receive something. So I --  
17 the first time I knew of this was when the signs went up  
18 about two weeks ago.

19 So I'm -- I'm a little bit off center  
20 because I don't really understand what totally is going  
21 on. I'm a little bit -- I'm a whole lot concerned  
22 because I grew up when the TCP from Hughes and Raytheon,  
23 whatever, we fought that issue because that was in the  
24 water.

25 And so I'm a little bit -- a lot concerned

1 about battery. I know this doesn't have anything to do  
2 with TEP essentially, but it has to do with batteries.  
3 If a battery company releases anything into the water  
4 aquifer, how is it going to affect us residents?

5 I'm a lot concerned with the water. I'm a  
6 lot concerned with what the lines will do. I'm a lot  
7 concerned that we're really a poor area out there and not  
8 everybody knows anything about politics and could care  
9 less when they receive a note because they don't  
10 understand it.

11 They don't -- they may not totally grasp  
12 what is going to happen with this issue. I don't even  
13 know what's going to happen? So we're just in a state  
14 of -- those of us who's know what's happening sort of are  
15 in a state of fear because we've been through this before  
16 with water problems.

17 And that's -- yeah. I think that's pretty  
18 much all I was going to say.

19 But I just -- I'd like to be kept informed  
20 because this is a really big issue for residents out  
21 there, and I don't understand how a battery facility can  
22 be put so close to a residential area. It's just me.

23 So, anyway, that's what I have to say. So  
24 God bless you all. Have a merry Christmas, and I hope we  
25 can have a safe future. Thank you.



1 CHMN STAFFORD: Thank you, Ms. McGrew.  
2 That concludes the public comment at this time. We will  
3 come back again this evening at 5:30 for another  
4 opportunity for public comment.

5 Now Ms. Grabel.

6 MS. GRABEL: Thank you, Mr. Chairman.  
7 We'll begin --

8 CHMN STAFFORD: Are you --

9 MS. GRABEL: Oh, sorry.

10 CHMN STAFFORD: Are you still with this  
11 panel, or are you going to call the next panel?

12 MS. GRABEL: I was just going to say we'll  
13 call our next panel, but really I think that will just be  
14 the addition of Mr. Lindenlaub because I think -- I'd  
15 like to keep Mr. Trent up there in case any questions  
16 arise that he's better equipped to answer.

17 CHMN STAFFORD: Well, let's get  
18 Mr. Lindenlaub sworn in then.

19 MR. LINDENLAUB: An affirmation, if you  
20 please.

21 (Mr. Lindenlaub was duly affirmed by the  
22 Chairman.)

23 CHMN STAFFORD: Thank you.

24 Please proceed, Ms. Grabel.

25 MS. GRABEL: Thank you very much.

1                   So this panel actually begins with  
2 slide 38.

3

4                   ADRIANA MARIÑEZ, CLARK BRYNER, GARY TRENT AND  
5                   BRIAN LINDENLAUB,  
6 called as witnesses as a panel on behalf of Applicant,  
7 having been previously affirmed or sworn by the Chairman  
8 to speak the truth and nothing but the truth, were  
9 examined and testified as follows:

10

11                   DIRECT EXAMINATION

12 BY MS. GRABEL:

13           Q.     And, Mr. Bryner, I believe you will walk us  
14 through this initial portion of the presentation?

15           A.     (Mr. Bryner) Yes. So to help make sense of  
16 where we started and how we arrived at the final proposed  
17 route, I'd like to take you through kind of a quick time  
18 lapse of the siting process that was followed and point  
19 out how public and stakeholder comment along with an  
20 assessment of environmental resources, various land uses,  
21 et cetera, and how those have really shaped the  
22 development of alternatives along the way.

23                   And the siting process that was followed  
24 included five different phases, five basic phases. Each  
25 phase either included direct outreach to the public and

1 stakeholders or it incorporated outreach that we had  
2 previously received.

3           The first phase of the process was called our  
4 pre-analysis. It consisted of three main elements. The  
5 first of which was defining a study area. The study area  
6 was defined following a desktop review of maps and a  
7 field visit of the area so that we could gain firsthand  
8 familiarity, including the character and feel of the area  
9 along with its geography and the existing land uses.

10           Ultimately the purpose of the study area was so  
11 that we could put geographic boundaries on where  
12 alternative routes might be considered. Even though this  
13 straight line distance between the proposed Franco Wash  
14 switchyard and the existing 138kV transmission line that  
15 we could bifurcate is not that far, TEP wanted to ensure  
16 that we included a study area that was large enough so  
17 that we could identify and analyze a range of  
18 opportunities.

19           Now, ultimately the study area that was selected  
20 was bounded by the existing 138kV line on the east, the  
21 Aerospace Parkway on the north, another existing 138kV  
22 line on the west, and on the south by a property boundary  
23 between the residential Summit neighborhood and vacant  
24 land owned by ASLD.

25           We then identified opportunities for

1 constructing a transmission line such as existing linear  
2 features, whether they were built or natural. We also  
3 look at constraints to constructing and maintaining a  
4 transmission line, including land use, natural features  
5 or regulatory barriers. As part of this process we did  
6 learn of some height restrictions in place north of  
7 Aerospace Parkway that became a constraint.

8           And lastly, following a field review of the  
9 opportunities that were identified, preliminary links or  
10 preliminary segments were developed out of these  
11 opportunities. These preliminary segments were shared  
12 with the public and stakeholders in an open house that  
13 was held in July of 2023. We did that so that we could  
14 gain an understanding of any concerns from residents and  
15 other stakeholders in the area.

16           From here we move to phase 2 of our siting  
17 study. This phase didn't involve direct outreach to the  
18 public or our stakeholder group, rather it was a data  
19 gathering effort. The project team gathered land use  
20 data, environmental data, construction data, and we  
21 compiled any comments that we had received from the  
22 public up to this point in the project.

23           The TEP project team then took all that data  
24 into phase 3, which is your suitability assessment.  
25 Using GIS or geographic information systems all the data

1 that was collected was mapped spatially, and suitability  
2 criteria models were created. The criteria models  
3 generally reflected the factors that this Committee  
4 considers in identifying the compatibility of a  
5 transmission line.

6 Each of these criteria models were then combined  
7 and weighted to create several composite suitability  
8 models through which the preliminary segments could be  
9 assessed based on which model best represented the  
10 assessor's priorities.

11 Three composite suitability models were created,  
12 each weighting the various criteria according to  
13 priority. There was a balanced model with all the  
14 criteria weighted equally. There was a constructability  
15 model which gave a disproportionate weight to factors  
16 with respect to construction and maintenance. And lastly  
17 there was an environmental model which gave a  
18 disproportionate weight to environmental criteria,  
19 including biological, cultural, and environmental  
20 resources.

21 Now, the colors on these maps are illustrated  
22 with a gradient from green to red with the darker green  
23 colors representing areas that are more suitable to a  
24 transmission line and the darker red lines representing a  
25 lower degree of suitability.

1 In general, the results of the suitability  
2 assessment demonstrated that all of the segments that  
3 were under consideration were suitable for the  
4 construction and operation of a transmission line.

5 TEP then took the remaining segments and  
6 evaluated them one by one with respect to the  
7 compatibility factors that this Committee and  
8 subsequently the Arizona Corporation Commission considers  
9 when making a decision to issue a certificate of  
10 environmental compatibility.

11 And this evaluation of compatibility resulted in  
12 the removal of several additional transmission line  
13 segments that when compared with other alternative  
14 segments in the vicinity were deemed to be less  
15 compatible. It also resulted in the identification of  
16 the proposed looped route that we proposed between the  
17 Franco Wash switchyard and the existing transmission  
18 line.

19 And this brought us to the final siting phase of  
20 the project which we call a concept evaluation. And TEP  
21 shared the results of the siting effort in the form of  
22 our final proposed route, and we did so in an open house  
23 that was held in September of this year. And there we  
24 essentially asked the public and stakeholders if our  
25 proposed route and our analysis adequately addressed the

1 concerns that they had raised to us up to that point.

2 Further, as part of this concept evaluation  
3 phase, we prepared for and submitted our application for  
4 certificate of environmental compatibility, and we also  
5 include this hearing in this phase of the process.

6 Q. Thank you, Mr. Bryner.

7 Was the siting process you just walked us  
8 through --

9 MEMBER KRYDER: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Kryder.

11 MEMBER KRYDER: A question for Mr. Bryner.

12 The public comments a moment ago -- one or  
13 both of them, I don't recall -- spoke about we didn't get  
14 notice. And in some of the applicant proposals there are  
15 specific points made we had a public meeting here, and we  
16 published here and so on.

17 Is this forthcoming in your testimony?

18 MR. BRYNER: Yeah. Thank you, Member  
19 Kryder.

20 So it won't be in my testimony, but it will  
21 be in Ms. Mariñez's testimony --

22 MEMBER KRYDER: Okay.

23 MR. BRYNER: -- in just a couple minutes.

24 MEMBER KRYDER: I just -- I thank you very  
25 much. I wanted to make sure that we spoke to that since

1 it had been brought up by the public.

2 MR. BRYNER: Yes.

3 MEMBER KRYDER: Thank you, Mr. Chairman.

4 CHMN STAFFORD: Thank you, Member Kryder.

5 MS. GRABEL: It's actually a perfect  
6 transition. We're going to now turn to Ms. Mariñez, who  
7 is going to discuss the public outreach that was  
8 conducted.

9 BY MS. GRABEL:

10 Q. But before we do, Ms. Mariñez, will you please  
11 turn to Exhibit TEP-11, which is the summary of the  
12 public outreach conducted with respect to this project.

13 A. (Ms. Mariñez) Okay.

14 Q. Have you seen this document before?

15 A. (Ms. Mariñez) Yes.

16 Q. Ms. Mariñez, was the tour prepared by or under  
17 your direction and control?

18 A. (Ms. Mariñez) Yes.

19 Q. And was this document prepared in response to  
20 the Chairman's procedural order, and specifically  
21 paragraph 16?

22 A. (Ms. Mariñez) Yes.

23 Q. Does this public outreach summary accurately  
24 convey the public outreach performed by TEP in this  
25 matter?



1 A. (Ms. Mariñez) Yes.

2 Q. Okay. If you'd please walk us through TEP's  
3 outreach efforts in the next portion of your presentation  
4 beginning here on Slide 48.

5 A. (Ms. Mariñez) So the public notification area  
6 extended one mile around the project study area and  
7 included property owners, residents, and businesses.

8 There were 864 addresses included in the project  
9 notification area. One newsletter was mailed on July 12  
10 noticing the July 27 public open house. And a postcard  
11 was mailed on September 5 noticing the September 14 open  
12 house. We also advertised the open houses in the Arizona  
13 Daily Star on July 23 and September 10 the Sunday prior  
14 to each meeting.

15 After we filed our application, we also mailed a  
16 notification noticing the same stakeholders of this  
17 hearing today, and that was mailed on November 15.

18 MEMBER KRYDER: Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Kryder.

20 MEMBER KRYDER: I have a question or shall  
21 I wait until you're finished? Which is better for you?

22 MS. MARIÑEZ: You can --

23 MEMBER KRYDER: The question was since you  
24 did mailings and, again, the public noticed just a moment  
25 ago that many of the people in the area are English as a

1 second language at best, and I was wondering how -- was  
2 that addressed at all and, if so, how?

3 MS. MARIÑEZ: Yes, Member Kryder. We did  
4 have at least a paragraph on each of those notifications  
5 in Spanish translating a summary of whatever was in the  
6 mailing at the time and then providing the phone line,  
7 and that was translated in Spanish, that message was  
8 translated in Spanish as well.

9 So they could have left a Spanish e-mail or  
10 filled out a Spanish comment form. We had a bilingual  
11 comment form also posted to the project website. So  
12 every method that they could have commented was also  
13 available in Spanish.

14 MEMBER KRYDER: Thank you very much.

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Gold.

17 MEMBER GOLD: A question along these lines.

18 How many houses are in the area and how  
19 many letters did you mail out or postcards did you mail  
20 out?

21 MS. MARIÑEZ: So we mailed a total of 864  
22 mailers each time we mailed either a postcard or  
23 newsletter. The amount of residents I don't know off the  
24 top of my head, but I'm sure we could get that for you.

25 The list -- the 864 addresses did include

1 residents, property owners, and then our stakeholders  
2 that were included in our agency briefing.

3 MEMBER GOLD: So were there more than 800  
4 residences or property owners or stakeholders.

5 MEMBER KRYDER: You need to speak into the  
6 mic.

7 MEMBER GOLD: Were there more than 800?

8 MS. MARIÑEZ: I would -- I wouldn't want to  
9 guess. I would have to check our list. I don't know off  
10 the top of my head how many were of -- with each group.

11 MEMBER GOLD: Well, I'm just questioning  
12 because the lady said that she and her friends didn't get  
13 any notification, but they did see the signs. So I was  
14 just curious of how many residents there are, residents  
15 specifically, not businesses, and how many postcards or  
16 letters did you mail out.

17 Do you think that's something you could get  
18 for us?

19 MS. MARIÑEZ: We did mail out 864 mailers.

20 MEMBER GOLD: I know that, but what number  
21 of residents --

22 MS. MARIÑEZ: Residents, yes.

23 MEMBER GOLD: -- were there in the area?

24 MS. GRABEL: Ms. Mariñez, I have a question  
25 that might help.

1 BY MS. GRABEL:

2 Q. How did you pull the residential addresses to  
3 whom you mailed the notices?

4 A. (Ms. Mariñez) So our corporate communications  
5 department pulled that list, and they were pulled from  
6 the, I believe, Pima County, you know, assessor's office.  
7 So it should have included all the residences within the  
8 study area.

9 MEMBER GOLD: Oh, so what you're saying is  
10 you did include all the residences and you sent every one  
11 of the residences in the --

12 MS. MARIÑEZ: Yes.

13 MEMBER GOLD: -- study area a letter or  
14 postcard or something?

15 This resident apparently was not in the  
16 study area?

17 MS. MARIÑEZ: That, I'm not sure of, but I  
18 know we did intend to notice every resident within the  
19 study area.

20 MEMBER GOLD: Okay.

21 CHMN STAFFORD: Whether or not the  
22 residences -- the residents heeded those notices is an  
23 open question just because people receive postcards in  
24 the mail all the time and routinely chuck them in a bin  
25 without reading them. So that's also quite possible what

1 could have happened to -- with many of the residents  
2 receiving of these postcards, they just --

3 MEMBER GOLD: Understood. But the fact  
4 that she mailed to all of them is important, then. If  
5 she did -- if you -- you know, you said you did, so we  
6 take you at your word, you did what you were supposed to  
7 do.

8 CHMN STAFFORD: Thank you.

9 MEMBER LITTLE: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Little.

11 MEMBER LITTLE: I also have a question.

12 Recently, many applicants for CECs have in  
13 their public outreach have used social media, and that  
14 seems to be quite effective. I'm wondering why TEP chose  
15 not to do that.

16 MS. MARIÑEZ: So, Member Little, it's my  
17 understanding that it's actually quite challenging for us  
18 to get approval to do that from -- from Facebook and  
19 other types of social media companies. And so I just  
20 don't think we were able to -- to get the permission to  
21 do so.

22 It wasn't that it was something we didn't  
23 want to do as much as it was just sort of there was --  
24 there was a little bit of a constraint there just based  
25 on their parameters.

1 MEMBER FONTES: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Fontes.

3 MEMBER FONTES: If I can ask an additional  
4 question on the bilingual aspect.

5 The Arizona Daily Star has an audience  
6 noted on the Internet of under 45,000. The Arizona  
7 bilingual newspaper has one four times that.

8 Why wasn't that considered by your media  
9 communications given the language of the community?

10 MS. GRABEL: I might be able to address  
11 that.

12 So the statute requires that the notice be  
13 posted in a newspaper of general circulation, and I'm not  
14 sure that the newspaper you're referring to is a  
15 newspaper of general circulation. That's why we  
16 routinely publish in either the Arizona Daily Star in  
17 Tucson or the Arizona Republic.

18 Like local -- I'm not familiar with the  
19 newspaper you're referring to, but local press is not  
20 considered to be a newspaper of general circulation that  
21 meets that statutory requirement.

22 CHMN STAFFORD: Please proceed.

23 MS. MARIÑEZ: So we had two in-person open  
24 houses. The first was held on July 27 and the other on  
25 September 14.

1 CHMN STAFFORD: Let me stop you for a  
2 second.

3 Mr. Rey, are you recording this?

4 MR. REY: Yes, sir.

5 CHMN STAFFORD: I'd ask you to stop that,  
6 please. We're keeping an official record with a  
7 transcript and a recording. We don't allow outside  
8 recordings of it.

9 MR. REY: I thought this was open to the  
10 public.

11 CHMN STAFFORD: It is open to the public,  
12 but you're not allowed to make your own recording of it.

13 MR. REY: Well, I'm an investigative  
14 journalist and --

15 THE COURT REPORTER: I can't hear.

16 CHMN STAFFORD: We can't hear you, sir.  
17 I'm going to ask you again to stop  
18 recording.

19 Thank you. Please proceed.

20 MS. MARIÑEZ: So we held two in-person open  
21 houses in July and September. There were four attendees  
22 at the July open house and one at the September open  
23 house. And the attendees were generally supportive of  
24 the project and preliminary segments and proposed route.

25 The one project-related concern that we did

1 hear was concern over flooding at the Franco Wash and the  
2 proximity of the wash to the proposed switchyard. So as  
3 a result we did look into that and confirmed that the  
4 floodplain is out -- or, excuse me, that the switchyard  
5 is outside of the floodplain.

6 We also held a virtual agency briefing on  
7 July 19. And that meeting was very well attended. We  
8 had 27 participants and a great cross-section of public  
9 and private representatives. So we had tribal  
10 representation, state representation, county, and city as  
11 well as other utilities and the business community  
12 attend.

13 At the briefing Pima County asked that TEP  
14 consider American Battery Factory's planned development,  
15 which we had, and area height restrictions, so as a  
16 result the height restrictions were added as a constraint  
17 in our siting study as Mr. Bryner mentioned.

18 We also heard from these and other  
19 stakeholders outside of the briefing, and I'll go ahead  
20 and briefly summarize those conversations.

21 The White Mountain Apache tribe issued a  
22 letter of no adverse effect. The Tohono O'odham Nation  
23 asked to review the cultural and biological reports,  
24 which were provided. Arizona State Land indicated they  
25 had no initial concerns. Pima County expressed support



1 for the project and proposed route. Tucson Water  
2 notified us of a nearby water main along Old Vail  
3 Connection. And El Paso Natural Gas informed us that  
4 there were no pipelines within the study area.

5 MEMBER RICHINS: Chairman.

6 CHMN STAFFORD: Yes. Yes, Member Richins.

7 MEMBER RICHINS: Ms. Mariñez, can you tell  
8 us how your business community was noticed for their  
9 meeting? That seems like it was very well attended.

10 Can you tell us the process for inviting  
11 your stakeholders and business community participants?

12 MS. MARIÑEZ: Yes. We invited the  
13 stakeholders to attend the virtual agency briefing via  
14 e-mail in an electronic invitation. And I think the  
15 reason for the great turnout was that, you know, these  
16 are professionals that have professional e-mail  
17 addresses, and they got the invitation.

18 And so they were able to attend and forward  
19 the e-mail along or the invitation along to, you know,  
20 others that weren't -- you know, if they weren't able to  
21 make it or if they had other team members they wanted to  
22 attend, the invitation was forwarded on, so I think  
23 that's the reason for --

24 MEMBER RICHINS: Understood.

25 Chairman, I find it troubling that you --

1 you would have -- the description is spot on typically  
2 more professional folks will respond, but to have 864  
3 notices and one attendee at one meeting and four  
4 attendees at another one, the lack of bilingual notice in  
5 places where people might look, I don't know if it's a  
6 failing on the part of TEP or if it's a failing on the  
7 part of the statute that we employ to do public notice,  
8 but there's a failure here as far as public notice.

9 I just feel by testimony that these  
10 proceedings were not well noticed to the public just by  
11 the lack of attendance as evidence for that. So, again,  
12 I'm not blaming TEP for that necessarily, but we may just  
13 have a failure of the statutes, particularly if the  
14 statute doesn't address social media as a notice.

15 I found -- find Ms. Mariñez's explanation  
16 of the challenge of getting it posted on Facebook as  
17 inadequate as well. It is not that difficult to get  
18 noticing put on Facebook. There is a process, indeed, of  
19 how those ads get designed, but a company like TEP has  
20 professionals that run their social media pages that know  
21 how to navigate that process. Social media is a far more  
22 effective platform for getting information out,  
23 especially in lower income and bilingual communities and  
24 native communities as well.

25 So I just wanted to say that for the record

1 that I just find that the public notice process is wholly  
2 inadequate in this proceeding. Thank you.

3 CHMN STAFFORD: Thank you, Member Richins.

4 MEMBER LITTLE: Agreed.

5 MEMBER KRYDER: Mr. Chairman.

6 CHMN STAFFORD: Thank you, Member Little.

7 Mr. Fontes, you're looking at me like you  
8 had a question for the last five minutes.

9 MEMBER FONTES: I would just like to add  
10 that's the first project that I have seen that did not  
11 reach out to social media and did avoid the bilingual  
12 aspect that we've reviewed since May I think.

13 MS. GRABEL: Well, Member Fontes, if I  
14 could clarify for the record.

15 All of the notices that we did send out  
16 were bilingual. There was notice in both English and  
17 Spanish, and there was the ability to leave both English  
18 and Spanish messages on our voicemail. So it was  
19 bilingual.

20 I do take your point about social media,  
21 and we will consider that for future applications.

22 MEMBER RICHINS: Thank you.

23 CHMN STAFFORD: Yes, Member Gold. Did you  
24 have a question?

25 MEMBER GOLD: Yeah. I just have a comment

1 that you appear to have sent out a sufficient number of  
2 notifications. You appeared to have done everything  
3 required by law and by statute. I don't see an issue  
4 with what you did.

5 You know, technology is lagging, but I  
6 don't know that the lowest or the lower income areas have  
7 access to a lot of the stuff that we can be referring to.  
8 I don't see that you lacked doing what you were required  
9 to do just for your information.

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Kryder.

12 MEMBER KRYDER: A question. I'm not  
13 certain over here or who should be answering it.

14 Would all of the residences in the study  
15 area be TEP customers?

16 MS. GRABEL: Ms. Mariñez, why don't you  
17 take that.

18 MS. MARIÑEZ: Yes, they are, Member Kryder.

19 MEMBER KRYDER: Well, is it a big deal for  
20 TEP to look at their own customers list then and find  
21 that?

22 MS. MARIÑEZ: Absolutely. And we did  
23 notice the residents within the area.

24 MEMBER KRYDER: And so that came off of  
25 your customer list? These 684 whatever the number was

1 were actually taken from our customer list?

2 MS. MARIÑEZ: It was taken my understanding  
3 is from the Pima County assessor's office, which has the  
4 record -- the official record of property owners within  
5 the area.

6 MEMBER KRYDER: Right. But property owners  
7 are not necessarily equal to customers, and customers,  
8 especially in what might be a high rental area, could be  
9 a significant distinction I would think.

10 Again, I guess I go along with Member  
11 Dave -- I don't know your last name. I'm sorry --  
12 saying, yeah, you did the statutory thing, but it seems  
13 like it was kind of, well, let's get this, go, and get on  
14 with it.

15 Golly, these are your customers, and I  
16 don't -- you know, you've done the legal deal, but it  
17 seems like it's kind of wink wink, nudge nudge.

18 MS. GRABEL: Mr. Chairman, if I could  
19 address -- or, Member Kryder, if I could address that  
20 momentarily.

21 There are regulations in place that prevent  
22 utilities from using customer specific information for  
23 purposes that are not permitted by the regulation. And  
24 so in this case this is why TEP turns to outside  
25 resources to get the addresses within the study area

1 because they're permitted by -- they're prohibited by  
2 Arizona Corporation Commission regulation for using that  
3 customer sensitive information for other purposes.

4 And I'm happy to provide you with that  
5 regulation if that helps you understand why they did what  
6 they did.

7 MEMBER KRYDER: Thank you very much. I was  
8 not aware of that, but I understand that too.

9 But this would be outside of -- this would  
10 be a -- I've forgotten your language that you used. This  
11 would be a prohibited usage?

12 MS. GRABEL: I'd have to go back and check,  
13 but typically just the utilities are ultrasensitive about  
14 using customer-specific information for purposes when  
15 they can get that information elsewhere, which is why for  
16 line siting proceedings it's not just TEP but Arizona  
17 Electric Power Cooperative, Arizona Public Service  
18 company, typically turns to the assessor for the  
19 addresses.

20 MEMBER KRYDER: Thank you very much.

21 MS. GRABEL: Certainly.

22 MEMBER LITTLE: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Little.

24 MEMBER LITTLE: As long as we're on this  
25 subject I also would like to go on the record as saying

1 that I know that in the -- up in the SRP area in a  
2 similar situation where there was a project that was  
3 adjacent to a community that was sounds like it was very  
4 similar to this one, they did things like they had a  
5 barbecue one Sunday afternoon. And they put flyers out  
6 about the barbecue. And that kind of thing generally  
7 tends to -- you know, community members talk about it.  
8 Somebody reads about it and says, Oh, did you hear that  
9 TEP's given us a barbecue? And then they -- at that they  
10 presented information just to be certain that they were  
11 actually reaching the residences that were in the study  
12 area.

13 So, you know, I am in total agreement that  
14 it's tough at times to reach -- to reach all of the  
15 people that might be affected that are in a study area,  
16 and maybe it's time to start looking at some  
17 out-of-the-box solutions here. Thank you.

18 CHMN STAFFORD: Thank you, Member Little.

19 Yes. My understanding is that the statute  
20 only requires public notice, and the Commission's rules  
21 require the two publications in a newspaper of general  
22 circulation. So that's what's required under the statute  
23 and the rules.

24 Typically a best practice among applicants  
25 has been to target residences on social media based on

1 graphic location. So while that is certainly a good -- a  
2 better way to get the word out to the public, it's not  
3 required under the statute or the rule.

4 But it has -- it has become customary, and  
5 like Member Richins pointed out in all the other cases  
6 we've heard -- and I guess Member Fontes pointed this out  
7 as well in all the other cases we've heard this year the  
8 applicants have typically done quite a significant  
9 outreach on social media. So I just --

10 MEMBER FONTES: Mr. Chairman, hence the  
11 term "stakeholder engagement." And while that's not a  
12 defined term anywhere in the statute or by the  
13 Commission, stakeholder does include the community, the  
14 residents, not necessarily the property owner, so...

15 MEMBER RICHINS: Chairman.

16 CHMN STAFFORD: Yes, Member Richins.

17 MEMBER RICHINS: I'm just wondering if  
18 legal counsel can confirm something on that mailing list.

19 Do you know that they didn't use their  
20 customer list, or do you -- are you -- you didn't seem  
21 clear on the -- why they used the list that they did.

22 MS. GRABEL: No. I know they did not use  
23 their internal -- one moment.

24 MEMBER RICHINS: Yeah, thank you.

25 I just want to make sure we get the record



1 right on the statutory limitations of customer lists  
2 because you seemed unsure about the requirement, so I'm  
3 hoping you found it.

4 MS. GRABEL: Yeah, so according to our  
5 communications person the mailing list was prepared by a  
6 local commercial printer and a data purveyor and  
7 generated by collecting the mail addresses of all  
8 residents, businesses, and property owners within the  
9 notification area, which is larger than the study area.

10 MEMBER RICHINS: Okay.

11 MS. GRABEL: So they did use a third-party  
12 vendor, and it's for the reason I said before, they don't  
13 use their own internal information because they're  
14 prevented from Commission regulation from using --

15 MEMBER RICHINS: Are you sure for company  
16 business they can't use their customer lists? I just  
17 want to confirm that.

18 MS. GRABEL: There's a --

19 MEMBER RICHINS: Because if we're going to  
20 take a look at revising the notification process, we'll  
21 want to take a look at that. So can they use them for  
22 their own company's business?

23 Because this is a TEP project, so you would  
24 assume that a customer list would be an appropriate use  
25 here.

1 MS. GRABEL: I need to go back and look at  
2 the regulation --

3 MEMBER RICHINS: Okay.

4 MS. GRABEL: -- before I answer that, but I  
5 will get back to you.

6 MEMBER RICHINS: Thank you.

7 CHMN STAFFORD: Thank you, Member Richins.

8 All right. Please proceed.

9 BY MS. GRABEL:

10 Q. I think we have a couple more slides on public  
11 outreach?

12 A. (Ms. Mariñez) Just this one. So we provided  
13 multiple ways for the public. They could have mailed a  
14 letter, e-mailed to the project team, or filled out an  
15 online comment form, or left a call on our project phone  
16 line.

17 At the time that we submitted the application we  
18 had no formal comments or no comments from the general  
19 public. But after we sent the postcard for today's  
20 hearing, we did get two calls on the project phone line,  
21 one requesting general information about the project and  
22 the other requesting we resend the latest postcard which  
23 they had misplaced.

24 MS. GRABEL: Okay. Thank you very much.

25 Are there any other comments on public

1 outreach? I hope not, but --

2 CHMN STAFFORD: Members?

3 MS. GRABEL: Just kidding. All right.

4 CHMN STAFFORD: On to the CEC evaluation.

5 MS. GRABEL: Thank you.

6 So Slide 54 outlines the statutory criteria  
7 provided required for consideration in CEC applications.  
8 And I'm not going to walk through all of these. But I  
9 will turn it over to Ms. Hill and Mr. Brian Lindenlaub  
10 who will walk through the environmental factors.

11 MS. HILL: Thank you.

12 It looks like Mr. Lindenlaub is getting a  
13 pen. Okay. Oh, the pointer.

14 BY MS. HILL:

15 Q. Good afternoon, Mr. Lindenlaub. How are you?

16 A. (Mr. Lindenlaub) Good afternoon. I'm well,  
17 thank you.

18 Q. Okay. Would you please state your name and  
19 business address for the record.

20 A. (Mr. Lindenlaub) Brian Lindenlaub, 4001 East  
21 Paradise Falls Drive, Tucson.

22 Q. Okay. By whom are you employed and in what  
23 capacity?

24 A. (Mr. Lindenlaub) WestLand Resources. I'm a  
25 discipline services lead with the environmental group.

1 Q. And what is your role in this matter?

2 A. (Mr. Lindenlaub) So I served as the principal  
3 in charge for WestLand. We were engaged to conduct  
4 biological and cultural resource evaluations.

5 Q. You have a book of exhibits before you or you  
6 should.

7 A. (Mr. Lindenlaub) I do.

8 Q. Could you turn to TEP-12.

9 A. (Mr. Lindenlaub) Yes.  
10 I'm there.

11 Q. Have you seen this document before?

12 A. (Mr. Lindenlaub) I have.

13 Q. Was it prepared by or under your direction and  
14 control?

15 A. (Mr. Lindenlaub) Yes, it was.

16 Q. Can you tell the Committee what it is?

17 A. (Mr. Lindenlaub) This is my testimony for  
18 today.

19 Q. A summary of your testimony or your testimony in  
20 its entirety?

21 A. (Mr. Lindenlaub) It is a summary of my  
22 testimony. Thank you.

23 Q. And you will be using the witness PowerPoint  
24 marked as Exhibit TEP-4 to present your testimony; is  
25 that correct?

1 A. (Mr. Lindenlaub) That is correct.

2 Q. And would you like to make any additions or  
3 corrections to TEP-12 or your portion of TEP-4?

4 A. (Mr. Lindenlaub) I will provide a clarification  
5 regarding register eligibility of cultural resources  
6 sites identified as part of the survey in the next couple  
7 of slides.

8 Q. Okay. Then if we could proceed to Slide 55, we  
9 can go ahead and begin with your, I guess, Slide 56 with  
10 your background and employment, and it sounds like the  
11 Members of the Committee have some other questions for  
12 you once you complete your --

13 MEMBER RICHINS: Chairman.

14 CHMN STAFFORD: Yes, Member Richins.

15 MEMBER RICHINS: Before we get started, I  
16 just want to declare that the firm that I work for has a  
17 business relationship with WestLand Resources and  
18 Mr. Lindenlaub. I just want to make sure that was on the  
19 record.

20 I'm not sure how to handle that, but we do  
21 have a business relationship that existed there. I just  
22 wanted to make sure that was public.

23 CHMN STAFFORD: All right. Thank you for  
24 disclosing. Appreciate it.

25 Please continue, Mr. Lindenlaub.

1 MR. LINDENLAUB: Thank you, Mr. Chairman.

2 I've been an environmental consultant for  
3 29 years, 26 with the current company. I have bachelor's  
4 degrees in geological engineering and wildlife sciences.  
5 I have experience in environmental permitting at the  
6 federal, state, and local level.

7 And, as noted, our role as part of the  
8 project was to do cultural and biological resources  
9 evaluations. So for cultural resources the first step  
10 was to do an archival evaluation using the data sources  
11 identified up there along with a one-mile buffer around  
12 the project area. The evaluation determined that  
13 100 percent of the project area had already been surveyed  
14 to modern standards, an additional survey would not be  
15 necessary.

16 The evaluation identified four  
17 archaeological sites that intersected the project area.  
18 In the application that was submitted, it was  
19 determined -- it was disclosed that two of the sites had  
20 been determined not eligible for listing on the national  
21 register of historic places, and the other two sites were  
22 undetermined.

23 Since the submittal of the application, our  
24 archaeologists were able to secure clarification that of  
25 the two sites that were previously undetermined, one was

1 determined register ineligible and one was determined  
2 register eligible. And, of course, the archaeologists  
3 recommended avoidance of the register eligible sites if  
4 at all possible.

5 So in summary, we had the single site. It  
6 is the prehistoric component of a multicomponent site.  
7 It's relatively limited in scale and is a minor  
8 prehistoric artifact scatter. The expectation is that it  
9 can be readily avoided, but in the event that it cannot  
10 be, a mitigation plan will be developed and data recovery  
11 will be accomplished on the site.

12 CHMN STAFFORD: I have a quick follow-up  
13 question there, Mr. Lindenlaub.

14 MR. LINDENLAUB: Sure.

15 CHMN STAFFORD: Okay. So the two sites  
16 that you listed as the eligibility status was  
17 undetermined were BB 131001 and BB 131002. Which one was  
18 deemed ineligible and which one is eligible?

19 MR. LINDENLAUB: 1001 is ineligible, and  
20 the prehistoric component of 1002 is eligible.

21 CHMN STAFFORD: Thank you.

22 MR. LINDENLAUB: Certainly.

23 MEMBER FONTES: Mr. Chairman.

24 CHMN STAFFORD: Yes, Member Fontes.

25 MEMBER FONTES: Can you give a definition

1 of what you termed modern standards just so we're -- for  
2 the record here.

3 MR. LINDENLAUB: Yeah. That's a really  
4 good question. Several years ago the state historic  
5 preservation officer in Arizona indicated that if a  
6 cultural resources survey was more than 10 years old,  
7 then it should be revisited to make sure that modern  
8 standards were utilized as part of the survey.

9 And so despite the fact that the notion of  
10 modern survey has extended -- is now closer to 20 or  
11 25 years, if a previous survey is more than 10 years old  
12 our archaeologist will revisit to confirm going through  
13 the methodology that it's a modern methodology was used.

14 MEMBER FONTES: And that methodology is for  
15 the state standard; correct?

16 MR. LINDENLAUB: That's correct.

17 MEMBER FONTES: Thank you.

18 MR. LINDENLAUB: Okay. On to the subject  
19 of biological resources. As we saw in the flyover, the  
20 project area is fairly typical of the relatively flat  
21 Sonoran desert scrub of the Tucson basin. As was  
22 evidenced in the flyover and the aerial photos available  
23 in front of you on your placemat, there's a considerable  
24 amount of existing disturbance in the project area,  
25 including utility infrastructure, barrow areas,



1 residential housing, et cetera.

2           The only surface water that was identified  
3 in proximity to the project area was the Franco Wash  
4 itself and an ephemeral wash that's west of and south of  
5 the project area.

6           No important bird areas were identified  
7 near the project area. There are a couple of linkages in  
8 south and northwest of the project area but that do not  
9 actually cross it. And there are no designated or  
10 proposed critical habitats.

11           Our evaluation included a protocol level  
12 survey of the federally listed Pima pineapple cactus. As  
13 part of the survey we identified a single individual  
14 cactus. It was deceased. So as a negative survey for  
15 living cactus our determination is the project will have  
16 no effect on this species.

17           In addition, we considered the ESA  
18 candidate species, the monarch butterfly. No butterfly  
19 or milk weed, a critical habitat component for the  
20 species, was identified in the project area, but it does  
21 support some flowering species that might be used as  
22 forage by the species.

23           There was no suitable nesting habitat for  
24 either bald or golden eagles identified in the project  
25 area.

1 TEP has brought forward a number of  
2 environmental protection measures that they'll use as  
3 part of the project divided largely into two categories.  
4 The first one being erosion control and vegetation  
5 management. These are fairly standard stormwater  
6 protection measures as well as efforts to minimize the  
7 removal of vegetation.

8 The second group of EPMS are -- consider  
9 the protection of nesting and migratory birds. So  
10 preconstruction surveys will be conducted. If activities  
11 are proposed during the nesting season, buffers will be  
12 established around any raptor nests that are identified,  
13 and TEP will follow the guidelines of the Avian Power  
14 Line Interaction Committee.

15 So in conclusion, the project is  
16 anticipated to have relatively minor effect to the native  
17 habitat. There'll be some vegetation removal, noise,  
18 vibration, dust, and the presence of the construction  
19 crew.

20 The loss or degradation of the habitat  
21 would be minor. Again, we note that the surrounding area  
22 is already impacted.

23 There will be no effect to ESA listed  
24 species, and the effect to the ESA candidate species is  
25 unlikely to drive it towards listing.

1                   Finally, as a transmission line the project  
2 is unlikely to inhibit movement of wildlife through the  
3 area.

4 BY MS. HILL:

5           Q.     Okay. Thank you, Mr. Lindenlaub.

6                   And these analyses and conclusions that you just  
7 went through, are those contained in the CEC application,  
8 which is otherwise known as TEP-1?

9           A.     (Mr. Lindenlaub) With the exception of the  
10 clarification on the eligibility determination to the  
11 cultural resources sites, yes, they are.

12           Q.     Okay. Thank you.

13                   MS. HILL: I have no further questions if  
14 the Committee has no further questions.

15                   CHMN STAFFORD: Questions from Members?

16                   Member Drago.

17                   MEMBER DRAGO: Yeah. I'm sorry to do this,  
18 Mr. Lindenlaub, but on the cultural resources --

19                   MR. LINDENLAUB: Sure.

20                   MEMBER DRAGO: -- if I may ask question.

21                   MR. LINDENLAUB: Please.

22                   MEMBER DRAGO: There was earlier discussion  
23 about the NEPA work that was previously done. This work  
24 that you're presenting to us here now, did you use any of  
25 that previous NEPA study, or was that greater than

1 10 years old?

2 MR. LINDENLAUB: So that's a really good  
3 question. I can get the answer to that. I know previous  
4 studies were used. Whether or not those were studies  
5 that overlapped to support the NEPA evaluation you're  
6 describing, I'm not sure, but I can certainly find that  
7 out.

8 MEMBER FONTES: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Fontes.

10 MEMBER FONTES: What we're looking for is  
11 was there anything in the NEPA that should have been  
12 factored in into the studies that you did?

13 If there was any items of findings  
14 significant that should have informed your --

15 MR. LINDENLAUB: So what we evaluated was  
16 the cultural resources surveys that would have informed  
17 the NEPA evaluation. If there were some determinations  
18 coming out of an NEPA evaluation, if, for instance, some  
19 of those cultural resources had already had data recovery  
20 done on them, we would have been able to ascertain that  
21 typically from the surveys or the follow-up material.

22 So we didn't look at the NEPA documentation  
23 per se. We looked at the cultural resources surveys that  
24 fed into and supported that NEPA evaluation.

25 MEMBER DRAGO: Thank you.

1 MR. BRYNER: If it's appropriate, I can  
2 chime in with a little extra background.

3 MEMBER DRAGO: Yeah, please do.

4 CHMN STAFFORD: Certainly. Please do.

5 MR. BRYNER: So all of that work that was  
6 done for that NEPA work that was done in cooperation with  
7 TEP and WAPA, and the reason for Mr. Lindenlaub not  
8 having that determination status on those two sites was  
9 because those were found as a result of that survey that  
10 was conducted in direct support of that project. And so  
11 those sites had not yet been recorded and that  
12 information had not been available yet.

13 And so following the review by the Tohono  
14 O'odham Nation they had reviewed those cultural resource  
15 reports for that 230kV project and noticed those two  
16 sites missing from that. And so then we contacted our --  
17 our cultural resource contractor who had worked on that.  
18 They subsequently provided that information to WestLand,  
19 and so we were able to have a complete picture.

20 MEMBER DRAGO: Excellent. Thank you.

21 MEMBER FONTES: That completes the picture  
22 for us. Thank you.

23 CHMN STAFFORD: I have a quick question.

24 So have the two sites that were identified  
25 as -- you just said one was determined to be eligible,

1 one ineligible, have they -- have the sites been located?

2 MR. LINDENLAUB: Yeah. The sites are  
3 located.

4 CHMN STAFFORD: Okay.

5 MR. LINDENLAUB: We know where those  
6 boundaries are.

7 CHMN STAFFORD: All right. So you have  
8 no -- so there would be no need to avoid the 1001 site,  
9 but the 1002 one is able to be avoided?

10 MR. LINDENLAUB: That's my understanding.

11 CHMN STAFFORD: Okay. Is that your  
12 understanding too?

13 MR. BRYNER: That's my understanding as  
14 well. Yeah.

15 CHMN STAFFORD: All right.

16 MR. BRYNER: We should be able to span  
17 those sites.

18 CHMN STAFFORD: So there won't be any  
19 impact to them?

20 MR. BRYNER: Correct.

21 CHMN STAFFORD: Even the one that's  
22 ineligible probably?

23 MR. BRYNER: I can't speak to the -- to  
24 the -- I can't speak to the specifics because we don't  
25 have a final design yet, but we will take those into

1 consideration in our design, and we will try to avoid.

2 CHMN STAFFORD: All right. Excellent.

3 Thank you.

4 Please continue.

5 MS. GRABEL: All right. And with that I  
6 think we will now turn to existing and proposed land use,  
7 which will be addressed by Mr. Bryner. And that is  
8 slide 63.

9 MR. BRYNER: Okay. So the project study  
10 area is located both within the incorporated limits of  
11 the city of Tucson and unincorporated Pima County. Along  
12 the western edge of the study area indicated in kind of  
13 this orangey color is the San Xavier district of the  
14 Tohono O'odham Nation.

15 The map on the screen illustrates the  
16 existing land use of the area. A large portion of the  
17 study area as we saw in the fly-through video is low  
18 density residential. But there's also a significant  
19 percentage of vacant land within the area on the northern  
20 side along the eastern side and on the southern area.  
21 And then you have a sprinkling of a few commercial,  
22 industrial, and institutional land uses throughout.

23 So while the project or the proposed route  
24 is located north of the existing low density residential  
25 community of Summit, the proposed route itself actually

1 passes through areas that are 100 percent vacant land.

2 Again, we saw that in the fly-through video.

3 As mentioned, the study area is located  
4 within both the un -- or the incorporated limits of the  
5 city of Tucson as well as unincorporated Pima County.  
6 And so as such it falls under the Pima County  
7 comprehensive plan and the City of Tucson's general plan.

8 Land within Pima County is generally  
9 planned as medium density residential. While land within  
10 the City of Tucson is included as part of the Southlands  
11 area, which is a long-term growth area that's located  
12 primarily on state land. And planning is not yet  
13 determined for that, but would be -- but would be  
14 designated once those lands were released for  
15 development.

16 As far as zoning goes, the proposed route  
17 is located entirely within the city of Tucson's  
18 jurisdiction. And the current zoning of the lands  
19 proposed to be crossed are park industrial, which is kind  
20 of a mix between industrial and commercial uses as well  
21 as heavy industrial.

22 And there are a couple of conceptual  
23 development plans in the area, including the Aerospace  
24 Research Campus plan, which we've discussed in quite a  
25 bit of detail already. And, in addition, there's a



1 conceptual railroad siting that would extend from the  
2 existing railroad -- the existing Union Pacific railroad  
3 located around Nogales Highway and extend along more or  
4 less Old Vail Connection Road in that area.

5 The project as proposed would be located on  
6 vacant land, so it would not result in any impact to  
7 existing land use. And local land use plans and  
8 ordinances designate the area of the proposed route and  
9 switchyard for industrial uses, and utility uses are  
10 permitted under this zone.

11 And, of course, the proposed project  
12 actually facilitates the development of the planned  
13 Aerospace Research Campus. And with the request to  
14 expand the utility -- or the corridor for the CEC we  
15 would be able to accommodate any conceptual or future  
16 plans associated with Tucson Airport Authority. And so  
17 we would not have any negative impact on future land use  
18 plans.

19 And as a whole the proposed project would  
20 have minimal impact on any land use.

21 CHMN STAFFORD: Just a quick follow-up  
22 question.

23 So the difference on the requested  
24 corridor, that -- all that area has already been  
25 surveyed, it's part of the study area, it was included in

1 all the surveys, so there's no need to -- for any  
2 additional considerations for additional surveys or other  
3 potentially -- other sites?

4 It's for you, Mr. Lindenlaub. It's  
5 actually what you were talking about.

6 MR. LINDENLAUB: Sorry. I'm just catching  
7 up.

8 Yes. So you're talking about the extended  
9 area at the north?

10 CHMN STAFFORD: Right. That's what -- it  
11 got me thinking because Mr. Bryner just brought that up.

12 MR. LINDENLAUB: So good question.

13 So the cultural resources evaluations that  
14 came before did include that entire area. So we have an  
15 understanding of what that is, there appears to be a  
16 dearth of cultural resources in the area. As you saw,  
17 the area to the north had been heavily disturbed.

18 We had -- the survey for Pima pineapple  
19 cactus was not conducted in that area. We would not --  
20 we would -- the habitat is fairly limited, and we would  
21 not expect to find them necessarily on that disturbed  
22 land, but that's not to say they couldn't be there.

23 CHMN STAFFORD: But supposing the line were  
24 to be sited further north, those -- before construction  
25 began you'd have to survey the area for the plant species

1 that you found deceased in the current area?

2 MR. LINDENLAUB: There is not a federal  
3 obligation to survey the private land. Absent any kind  
4 of federal authority which requires the federal action  
5 agency to consult under Section 7, there's not a  
6 requirement.

7 They would -- TEP will be required to  
8 notice the Arizona -- Arizona -- the State of Arizona  
9 through the Arizona native plant law, but in terms of  
10 full protocol level survey that's not -- I'll say that's  
11 not required.

12 CHMN STAFFORD: But they have to comply  
13 with the Arizona native plant law?

14 MR. LINDENLAUB: Correct.

15 CHMN STAFFORD: That's what I was talking  
16 about --

17 MR. LINDENLAUB: Okay.

18 CHMN STAFFORD: -- specifically, but I  
19 didn't articulate that very well.

20 MR. LINDENLAUB: Oh, understood. Thank  
21 you.

22 CHMN STAFFORD: Please, Mr. Bryner,  
23 proceed.

24 MR. BRYNER: I was just going to respond to  
25 your request and also Mr. Lindenlaub's response that,

1 yes, we did the proactive, I guess, approach of the Pima  
2 pineapple cactus survey. And if we were to move outside  
3 of where we -- our proposed alignment further north  
4 within that corridor, then we would -- we would conduct  
5 the same level of survey so that we knew what was going  
6 on there.

7 CHMN STAFFORD: Okay. Thank you very much.  
8 Please proceed.

9 MR. BRYNER: Actually, that's the end of my  
10 land use section.

11 BY MS. GRABEL:

12 Q. Ms. Mariñez, are you going to offer a  
13 conclusion?

14 A. (Ms. Mariñez) Yes. We were just looking for  
15 the slide.

16 So the project will serve the Aerospace Research  
17 Campus supporting economic development and job creation.  
18 Impacts to general wildlife and vegetation along the  
19 proposed route are anticipated to be minor.

20 The project balances the need for adequate  
21 economical and reliable power with the impact on the  
22 environment and ecology of Arizona.

23 MS. GRABEL: Thank you.

24 And that concludes our evidentiary  
25 presentation.

1 Does the Committee have any other questions  
2 for us?

3 CHMN STAFFORD: Members?

4 MEMBER LITTLE: Mr. Chairman, I do.

5 CHMN STAFFORD: Yes, Member Little.

6 MEMBER LITTLE: I'm not sure whether it's a  
7 question or if it's a statement for the record, but in  
8 Exhibit J of the application the issue of environmental  
9 justice was brought up. And I -- although I believe that  
10 the Applicant is -- follows the guidelines for what they  
11 need to do for a CEC in making the conclusion that  
12 because the "Proposed Route is in CDP Tucson, the lower  
13 income, minority community of CDP Summit would not be  
14 disproportionately impacted by the Project."

15 I guess I don't understand how they could  
16 come to that conclusion when that community is right  
17 across the street even though it's not in CDP Tucson.

18 MS. MARIÑEZ: Yes. Member Little, the  
19 reason for that conclusion is that we do not cross  
20 through the Summit community. The proposed route is  
21 north of the Old Vail Connection just north of the  
22 community.

23 MEMBER LITTLE: That is true. However, it  
24 is in the viewshed.

25 //

1 BY MS. GRABEL:

2 Q. Ms. Mariñez, would you agree that there's quite  
3 a lot of electric infrastructure already in the viewshed  
4 of that area?

5 A. (Ms. Mariñez) Yes. I do.

6 Q. And, in fact, this project taken in sum with  
7 another TEP WAPA project will actually reduce one each  
8 line transmission frame and replace it with one monopole  
9 frame; is that correct?

10 A. (Ms. Mariñez) Yes. Only that it's not related  
11 to the WAPA line.

12 Q. This project is not?

13 A. (Ms. Mariñez) Correct.

14 Q. That's correct.

15 And, in fact, the monopole that will be included  
16 is farther back from this community than the one that's  
17 associated with the WAPA line; is that correct?

18 A. (Ms. Mariñez) Yes, that's correct.

19 MS. GRABEL: I don't know if that helps at  
20 all, Member Little.

21 MEMBER LITTLE: It does. And I believe  
22 that for those reasons, perhaps, the statement is true.  
23 I guess the sentence just stood out to me. Thank you for  
24 your further information.

25 MEMBER GOLD: Mr. Chairman.

1 CHMN STAFFORD: Yes, Member Gold.

2 MEMBER GOLD: I just want to read  
3 something. "Project balances the need for an adequate,  
4 economical, and reliable" -- and I focus on the word  
5 "reliable" -- "supply of power with the impact on the  
6 environment and ecology, et cetera."

7 We mentioned earlier I think that I think  
8 you guys did a great job. I think you've done everything  
9 required by law. And I commend you for that.

10 One of our Members brought something up and  
11 said, When you notify people in the area, that it would  
12 be considerate to look for better means of notifying the  
13 general population of an area. You don't have to; it's  
14 not required by law. But it's something that as human  
15 beings would be the right thing to do, and I think in the  
16 future you would consider that because you said you  
17 would.

18 I focus on the word "reliable." We rely on  
19 electric power here in Arizona more than most other  
20 places because we get our water from deep underground for  
21 more than 95 percent of the population. If something  
22 catastrophic happens to our grid and we don't have  
23 electricity, we cannot get water out of the ground. The  
24 aquifers are too deep. You need pumps, and pumps run on  
25 electricity.

1           The world is changing. And while you have  
2 done everything that's required to do by law, and I,  
3 again, commended you for that, there are things we should  
4 consider.

5           And I, here again, I will bring in an  
6 electromagnetic pulse. A hundred years ago it was  
7 meaningless if an electromagnetic pulse hit from a solar  
8 flare, it wouldn't have affected pretty much anything.  
9 Electricity was just in the beginning of usage. We had  
10 no such thing as integrated circuits.

11           Fifty years ago that changed when they  
12 tested a nuclear weapon. In Bimini. It affected the  
13 quote/unquote electronics in Hawaii. An electromagnetic  
14 pulse is a very, very strong thing. It's comparing  
15 lightning to a lightning bug. That's how much more  
16 powerful it is than a lightning strike.

17           We are vulnerable to a hostile  
18 electromagnetic pulse, which is 50 years ago was capable  
19 from the Soviet Union, the Brits, maybe half a dozen  
20 other countries. Who could do this? Today, there are a  
21 lot of rogue nations who have or will soon have access to  
22 that capability.

23           And I bring up electromagnetic pulse,  
24 specifically HEMP, H-E-M-P, hostile electromagnetic  
25 pulse, because it has the potential as weapon of war, and



1 no weapon of war has ever been developed that hasn't been  
2 used. It would be devastating to our country, but  
3 immediately and perhaps unfixable devastation to the  
4 population of Arizona.

5 So I would ask you in your planning, in  
6 what you're considering, learn about hostile  
7 electromagnetic pulse. If anybody wants that  
8 information, I can provide it to you. But it's something  
9 we should be considering, based on your concluding  
10 statements a reliable supply of power. And that's all I  
11 have to say to you.

12 I yield, Mr. Chairman.

13 CHMN STAFFORD: Thank you, Member Gold.

14 Any other questions from Members?

15 Yes, Member Drago.

16 MEMBER LITTLE: Mr. Chairman.

17 CHMN STAFFORD: Let's let Member Drago go  
18 first and then Member Little.

19 MEMBER LITTLE: Thank you.

20 MEMBER DRAGO: Yeah. Back on Member  
21 Little's comment about environmental justice. When we  
22 were doing the virtual tour, I thought I heard that some  
23 of those lines that are adjacent to the residents are  
24 going to be relocated. Is that true for the record?

25 MS. MARIÑEZ: Yes, that's true.

1 MEMBER DRAGO: Okay. Thank you.

2 MEMBER MERCER: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Mercer.

4 MEMBER MERCER: So one of the reasons I  
5 wanted to do the tour was specifically to see because the  
6 lines are so close to residential areas. And, you know,  
7 my heart goes out to the public that they have a concern  
8 about these issues regardless of, you know, the battery  
9 facility coming up, that has other problems. That's not  
10 our responsibility to look into. I understand that.

11 But it's very disturbing to me that, you  
12 know, public did not receive notice or the public that  
13 spoke here today. I just have a problem with that. I  
14 have a problem that they haven't I guess I want to say  
15 educated the public or go beyond what they're supposed to  
16 do, especially in this area like Ms. McGrew I think she  
17 said this is a very poor area. We don't have the  
18 resources, never mind the Spanish English problem that  
19 they may have. I think she probably alluded to people  
20 not being able to read, perhaps. And that -- I have a  
21 problem with that.

22 So, you know, the study area when I was  
23 looking at the tour, the virtual tour, I noticed the -- a  
24 couple of H-frame structures right in the front yards of  
25 people's properties. And, I mean, I know that that has

1 nothing to do with this project. And then I heard that  
2 those structures would be relocated.

3 I would like to have more information how  
4 is that going to benefit the public right now, because  
5 they're being affected by all of this.

6 CHMN STAFFORD: Well, Member Mercer, I  
7 guess we could revisit the idea of taking a tour if you  
8 would like to do that. If you'd like to make a motion to  
9 reconsider that we actually take a physical tour, we  
10 could do that.

11 MEMBER MERCER: If not, I'm going to go by  
12 myself. But I will make a motion to reconsider taking  
13 the tour.

14 MEMBER KRYDER: Second.

15 CHMN STAFFORD: All right. And all those  
16 in favor of tour, please raise your hands.

17 MEMBER LITTLE: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: May I make a comment? I  
20 don't vote when I'm not present because I don't believe  
21 that I should have a vote when I'm not there. However,  
22 if I were there, I would vote yes. I want you to know  
23 that.

24 I would like -- I'd like to have input from  
25 those of you who have the benefit of being there to go on

1 physical tour and maybe provide some feedback. Thank  
2 you.

3 CHMN STAFFORD: All right. All in favor of  
4 a tour please raise your hands.

5 I see one two, three, four, five in favor  
6 of a tour.

7 Opposed?

8 I see one.

9 We will have a tour.

10 MEMBER MERCER: Thank you.

11 CHMN STAFFORD: Ms. Grabel, I guess I will  
12 refer back to your Exhibit 11. Can we please pull it up?  
13 I guess we will be taking you up on that.

14 MS. GRABEL: Certainly. I cannot recall of  
15 the top of my head what slide that was. I don't know if  
16 you have that.

17 MR. BRYNER: I think it's around 26 or 27.  
18 Maybe you can get there faster unless I can click really  
19 fast.

20 MS. GRABEL: It's Exhibit 10, Slide 36.  
21 There we go. 36.

22 BY MS. GRABEL:

23 Q. So, Ms. Mariñez, why don't you walk us through  
24 the tour that we will be taking tomorrow.

25 A. (Ms. Mariñez) Okay. We estimate the tour will

1 take about 45 minutes to an hour. We would head east  
2 from here on Corona Road and then south on Alvernon.  
3 Alvernon does turn into Aerospace Parkway.

4 From there you'd be able to see the planned  
5 Aerospace Research Campus and Raytheon. And then we turn  
6 left or south on Nogales Highway and then enter into the  
7 Summit community from Old Vail Connection. We'd make a  
8 stop at the proposed switchyard site, and we'd answer any  
9 of your questions there.

10 And then we'd return along Old Vail Connection  
11 Road heading east. From there you'd be able to see the  
12 Summit community and the existing utility corridor. At  
13 Country Club Road, you'd be able to see the existing  
14 138kV line that we would connect the switchyard to.

15 And then we'd head back north on Country Club  
16 and return to Alvernon and then return back to the hotel  
17 from Alvernon on Corona Road.

18 CHMN STAFFORD: Excellent.

19 Anything further from Members?

20 MEMBER LITTLE: Mr. Chairman, I'd like to  
21 make one more observation for the record, please.

22 CHMN STAFFORD: Yes, Member Little.

23 MEMBER LITTLE: Something that I didn't  
24 hear, perhaps I missed it, but I noticed in Exhibit J  
25 that the Applicant reported that the -- as of the time of

1 the application the English web page that was established  
2 by TEP was viewed 567 times, and the Spanish version was  
3 viewed 66 times with 410 unique visitors on the English  
4 page and 42 on the Spanish page.

5 So, you know, with notification sent out to  
6 only 800 and something people, I just think that's real,  
7 real good response that indicates that indeed there were  
8 a fair number of people who were at least informed enough  
9 to go to the web page. Thank you.

10 CHMN STAFFORD: Thank you, Member Little.  
11 Member Kryder, do you have a comment or  
12 question?

13 MEMBER KRYDER: What time tomorrow?

14 MS. GRABEL: Nine a.m.

15 MS. MARIÑEZ: Yes, nine a.m.

16 MEMBER KRYDER: Perfect.

17 MS. GRABEL: And as we're taking the tour I  
18 would ask the Committee Members to consider this is a  
19 line that's specifically required to serve a customer,  
20 and we, of course, have no jurisdiction to determine  
21 where that customer's located.

22 We have to serve it where it sits, and it  
23 sits immediately north of the community that you're  
24 looking at. And it's a community that already has quite  
25 a bit of transmission -- or electric infrastructure in

1 it. So please consider that as we're taking the tour  
2 tomorrow.

3 CHMN STAFFORD: Duly noted.

4 Thank you, Ms. Grabel.

5 So we'll meet at nine o'clock in the front  
6 of the lobby to begin the tour. You'll have a bus come  
7 meet us out front, then?

8 MS. GRABEL: Correct.

9 BY MS. GRABEL:

10 Q. Ms. Mariñez, would you like to talk us through  
11 the logistics?

12 A. (Ms. Mariñez) Yes, that's correct. And we'll  
13 start with a safety share. You know, there's quite a bit  
14 of trash in the area, so you'll want to wear sneakers if  
15 you can. And we actually have some dog repellent since  
16 there are some stray dogs in the area. So I'll get some  
17 volunteers to have those. And we'll be on the lookout  
18 for that for our safety.

19 And then we'll get on the shuttle. And so I'll  
20 provide before that just sort of a brief recap just like  
21 I did now of what you'll be able to see. And then at the  
22 first stop you'll be able to -- or the only stop you'll  
23 be able to ask questions.

24 CHMN STAFFORD: Thank you.

25 MEMBER GOLD: Quick question. Are we going

1 to be doing much walking?

2 MS. MARIÑEZ: I don't think so.

3 MEMBER GOLD: Okay.

4 CHMN STAFFORD: Typically -- Member Gold,  
5 typically how these work is the majority is you're riding  
6 in the bus. Then we'll get out at the stop. We'll set  
7 the court reporter up so she'll take a record of  
8 whatever's said at the -- at that stop.

9 You won't have the opportunity to ask the  
10 Applicant any questions while the tour is happening while  
11 you're driving in the bus. And the Members should not  
12 discuss the merits of the case amongst themselves off the  
13 record not in the presence of the court reporter.

14 So the opportunity to do that will be we  
15 will stop, the court reporter gets set up, we'll identify  
16 who's speaking, and have a full record of what's said,  
17 questions that are asked and what the answers are.

18 MEMBER GOLD: Thank you. I was questioning  
19 basically what kind of shoes I should wear.

20 CHMN STAFFORD: Thank you.

21 Anything further from Members?

22 MEMBER FONTES: Mr. Chairman, I'd like to  
23 go to Member Little's observation on the line as it  
24 impacted environmental social justice and the  
25 representations made by the Applicant.



1 Did those representations include the  
2 visual impact from the switchyard?

3 Does that switchyard also have -- I don't  
4 remember seeing it -- if you could point to me what the  
5 simulation of that switchyard is.

6 It sits on a floodplain. Is it going to be  
7 increased height structure with civils, a ground? I  
8 mean, what's the switchyard look like from the road?

9 CHMN STAFFORD: I thought they said that  
10 the switchyard would not be in the floodplain. I  
11 distinctly recall the specific statement it was not in  
12 the floodplain.

13 MS. HILL: That's a correct statement of  
14 the record, Chairman Stafford.

15 MEMBER FONTES: Thank you.

16 But I still want to go back to Member  
17 Little because the switchyard is part of visual impact as  
18 it impacts community and the visual shed.

19 CHMN STAFFORD: Yeah. I do not recall a  
20 visual depiction of the switchyard beyond the figure  
21 in --

22 MEMBER FONTES: From the residential side  
23 of the south side of the road.

24 MS. GRABEL: Ms. Mariñez, can you address  
25 that?

1 MS. MARIÑEZ: So I'm going to try to locate  
2 the slide. So this is a visual representation of a  
3 switchyard that we have near the study area. The Franco  
4 Wash switchyard is still in conceptual design, so we  
5 don't have, you know, an actual simulation for you, but  
6 this is an example.

7 MEMBER FONTES: You stated that the  
8 transmission poles are also in conceptual design, but  
9 your exhibit includes a virtual tour. I don't understand  
10 why you can't do that for the switchyard.

11 MS. MARIÑEZ: That's an existing 46kV pole.

12 MEMBER FONTES: So the virtual tour that  
13 you had did not have any kind of a simulated --

14 MS. MARIÑEZ: Correct.

15 MEMBER FONTES: -- additional poles?

16 MS. MARIÑEZ: Correct. That was all  
17 existing.

18 MEMBER FONTES: Okay.

19 MS. MARIÑEZ: So that 46kV line is the  
20 existing double circuit 46kV line that you saw in the  
21 video. There was nothing added to show a simulation.

22 I just spoke to where the general vicinity  
23 of the northern line would be, which would have been  
24 about 200 feet north of that taller pole line that you  
25 saw in the video.

1 MEMBER FONTES: I think what will be  
2 interesting for my colleagues tomorrow so you can plan  
3 ahead is to give them a description of how that's going  
4 to be visually perceived from the community that resides  
5 there from the roadside and how that switchyard's going  
6 to look. Because, again, you've overemphasized that  
7 there's a lot of existing infrastructure. This would be  
8 the new infrastructure that would have the most  
9 significant impact, I would think. So, look forward to  
10 that tomorrow.

11 CHMN STAFFORD: Would it be possible to --  
12 what was the viewpoint from the town?

13 Which KOP was that?

14 MEMBER MERCER: Mr. Chairman.

15 MS. MARIÑEZ: It was the last one that I  
16 showed, which I think I'm going in the wrong direction  
17 here.

18 CHMN STAFFORD: Please pull that up.

19 MS. MARIÑEZ: It was after this; right?

20 So this is the one from the distance. This  
21 is existing. And that's proposed.

22 CHMN STAFFORD: Now, where's the switchyard  
23 in relation to this key observation point?

24 MS. MARIÑEZ: It's about to the right of  
25 the screen -- or to the left. Yeah, that's what I

1 thought. To the left of the green arrows.

2 CHMN STAFFORD: Okay. So it would be  
3 visible from this viewpoint?

4 MS. MARIÑEZ: I think possibly. I think  
5 our typical walls are about -- is it 10 feet, Clark? --  
6 10 feet tall. And then there would be some drop-in  
7 structures -- thank you -- inside the switchyard.

8 CHMN STAFFORD: Right. So would that --  
9 would you be able to depict that visually in a  
10 stimulation from this point, what the switchyard would  
11 look like?

12 What would it take to make that happen?

13 Because I think that's what Member Fontes  
14 would really like to see.

15 MEMBER FONTES: I think that would help the  
16 fellow members just because, again, of the environmental  
17 social impact from the view of the residence, the  
18 observations of Member Little in terms of how that was  
19 represented.

20 MS. HILL: So, Mr. Chairman, if I may help,  
21 and, Member Fontes, if I may help here a little bit.

22 So I believe as Ms. Mariñez it was said,  
23 you know, there are negotiations still ongoing between  
24 the utility and the American Battery Factory about  
25 placement of specific things. And certainly the

1 Committee's input on that would be -- but as it stands  
2 now -- and, Mr. Bryner, correct me if I'm wrong -- the  
3 location of the switchyard will be on land that is part  
4 of the ABF development.

5 Am I correct there?

6 MR. BRYNER: That's correct.

7 MS. HILL: And so as a result --

8 MEMBER KRYDER: Can you get closer to the  
9 microphone a little bit?

10 CHMN STAFFORD: Get a little closer to the  
11 mic, please.

12 MS. HILL: I'm sorry.

13 And so the location of the switchyard will  
14 be on land that is part of the ABF development. And so  
15 those discussions are still ongoing between American  
16 Battery Factory and the utility. And because this is not  
17 dedicated transmission line solely for one customer, it's  
18 a little bit -- it's just not -- not quite the same as  
19 some of the things you've seen from us before.

20 So -- but the other thing, too, is visual  
21 mitigation is possible, especially in this stage of  
22 things.

23 BY MS. HILL:

24 Q. And so, Mr. Bryner, could you just tell the  
25 Committee about some other visual mitigation steps that

1 we've taken with switchyards or substations for other  
2 projects?

3 A. (Mr. Bryner) sure. Just to back up just a  
4 hair. So the request to develop a visual simulation by  
5 tomorrow, I would love to say we can magically do that,  
6 but we're not going to be able to accommodate that  
7 request. We can give you an idea of the height that it  
8 would look like out there.

9 I think when you get on the site, you'll see  
10 that, I mean, just like -- this simulation that's on the  
11 screen right now, the KOP 8, is about a half a mile away  
12 from those lines and the existing lines while the taller  
13 structures -- if you could step back one slide, right  
14 there -- so you can see the existing structure there  
15 barely on the horizon.

16 So the drop-in structures and the wall are going  
17 to be 10 feet. Certainly from this location you're not  
18 going to see that wall.

19 The drop-in structures are lower than the  
20 transmission structures themselves, probably around 40 to  
21 50 feet tall. Again, that's conceptual, so I'm just  
22 giving you an abouts. So they're going to be even lower  
23 on the horizon.

24 Certainly if you're in one of those residences  
25 right adjacent to Old Vail Connection Road, you'd be able

1 to visibly see some things. But, again, you can make a  
2 judgment call for yourself when we're out there. It will  
3 be stepped back from the frontage road a little ways.

4 To answer the question that I was prompted to  
5 ask -- or answer from Ms. Hill, things we've done in the  
6 past for visual mitigation are block walls. I think on  
7 the switchyard example that we had we had a chain link  
8 fence. In areas that have been more visually sensitive  
9 we've done, you know, some split-faced block walls of a  
10 more natural color, so they blend in better.

11 Also, I think the drop-in structures on that  
12 switchyard were galvanized. Another thing that we can  
13 use could be using corten, which is the same weathering  
14 steel material that we use for our poles. Some people  
15 believe those blend in better; others believe the  
16 galvanized blend in better. But we can take a look and  
17 see what might be the preference of the community there.

18 CHMN STAFFORD: Okay. And another question  
19 I had was the location of the switchyard. It's what  
20 you've proposed on the map that is potentially changing.  
21 You're asking for a CEC to approve putting switchyard  
22 someplace in that right-of-way. Are you locked down  
23 where the switchyard will be located?

24 MR. BRYNER: We know the rough location.

25 CHMN STAFFORD: Rough. Okay. So it

1 wouldn't be -- can you pull the map up again that shows  
2 the route with the switchyard?

3 MR. BRYNER: It would certainly be within  
4 our corridor we're seeking approval for.

5 CHMN STAFFORD: Right. Exactly. But  
6 I'm -- you're requesting quite a large corridor. I'm  
7 just wondering how much -- how much possible movement is  
8 there for the switchyard in that corridor?

9 MEMBER FONTES: And how that could affect  
10 pole structure placement, Mr. Chairman.

11 CHMN STAFFORD: Yes. Thank you, Member  
12 Fontes.

13 MR. BRYNER: Okay. One second here.

14 CHMN STAFFORD: I believe you're looking  
15 for Slide 21 of Exhibit TEP-4.

16 MR. BRYNER: So in that area we're  
17 requesting a 500-foot siting corridor --

18 CHMN STAFFORD: Okay.

19 MR. BRYNER: -- as opposed to the 1,750  
20 because it is located on -- not on Tucson Airport  
21 Authority land.

22 CHMN STAFFORD: What is it located -- what  
23 is the switchyard going to be located on?

24 MR. BRYNER: So it's actually Pima County  
25 land since Pima County is developing the Aerospace



1 Research Campus.

2 CHMN STAFFORD: So the county owns the  
3 land? Or I thought it was private land, but it's --

4 MR. BRYNER: So -- so it's, I mean, private  
5 land -- it's owned by Pima County, but it's private  
6 land -- I mean, private -- I don't know how I say that  
7 correctly.

8 CHMN STAFFORD: So Pima County is the owner  
9 of the land where the switchyard will be located, then?

10 MR. BRYNER: That's correct.

11 CHMN STAFFORD: Okay.

12 MEMBER RICHINS: Government-owned I think  
13 is the correct term here.

14 CHMN STAFFORD: So it's quasi-private.

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Gold.

17 MEMBER GOLD: Question: Who is responsible  
18 for building that yard, the structures?

19 Is that part of this project or part of  
20 something else?

21 MR. BRYNER: Of the switchyard?

22 MEMBER GOLD: Yeah.

23 MR. BRYNER: That would be TEP will be  
24 building the switchyard, correct.

25 MEMBER GOLD: So you will be building it?

1 MR. BRYNER: Correct.

2 MEMBER GOLD: Now, you mentioned you could  
3 have corrugate -- or you could have, I'm sorry, chain  
4 link fence or concrete block?

5 MR. BRYNER: Correct.

6 MEMBER GOLD: Well, for security's sake, I  
7 would recommend concrete block.

8 MR. BRYNER: And I guess when I say chain  
9 link fence, we do use a ballistic material.

10 MEMBER GOLD: Ballistic chain link fence?

11 MR. BRYNER: So chain link would be the  
12 wrong word. I don't know what the right word is for it,  
13 but it is --

14 MEMBER GOLD: Ballistic would be better.

15 MR. BRYNER: A ballistic material, then.

16 CHMN STAFFORD: All right. So then I'm  
17 still trying to get my head around -- so the location of  
18 the switchyard, it would be somewhere in that 500-foot --  
19 500-foot corridor, but where -- and on this map how  
20 far -- what's the outer range of how far it could be  
21 moved?

22 Like, could it go all the way to where the  
23 bend is? Could it be all the way towards the other end?  
24 How much play in that location are we talking about?

25 MR. BRYNER: We could move anywhere along

1 here. We probably wouldn't want to locate too close over  
2 this way because then you do get close to the Franco  
3 Wash, which has those floodplain concerns. And also  
4 you've got the existing 46kV line that, you know, we'd be  
5 tying into right there. I believe with the development  
6 plans that American Battery Factory has that they would  
7 want it located as far east as we could get it.

8 CHMN STAFFORD: Okay. So it's more likely  
9 to move to the east than to the west? But -- what's --  
10 is there a distance?

11 MR. BRYNER: I think we're talking about a  
12 couple of hundred feet.

13 CHMN STAFFORD: A couple hundred feet in  
14 either direction really?

15 Okay. That narrows it down. Thank you.

16 MEMBER LITTLE: Mr. Chairman.

17 CHMN STAFFORD: Yes, Member Little.

18 MEMBER LITTLE: I'm confused. Is the  
19 switchyard included in the CEC or not?

20 CHMN STAFFORD: My understanding is that it  
21 is. It's part of the application to construct a new  
22 switchyard in conjunction with this line.

23 MR. BRYNER: That's correct.

24 CHMN STAFFORD: Thank you.

25 MEMBER LITTLE: Okay.

1 CHMN STAFFORD: Anything further from  
2 Members?

3 Well, we'll take a break and return at 5:30  
4 for public comment.

5 Then after that, we shall see us all again  
6 tomorrow at nine in the morning to take the tour.

7 MS. GRABEL: Mr. Chairman, before we  
8 adjourn, may I quickly move my --

9 CHMN STAFFORD: Before we recess.

10 MS. GRABEL: Oh, may I move my exhibits  
11 before we recess?

12 CHMN STAFFORD: Yes.

13 MS. GRABEL: Recess. Thank you.

14 I'd like to move the admission of Exhibits  
15 TEP-1 through TEP-17, please.

16 CHMN STAFFORD: Exhibits TEP-1 through 17  
17 are admitted.

18 (Exhibits TEP-1 through TEP-17 were  
19 admitted.)

20 MS. GRABEL: Thank you.

21 CHMN STAFFORD: With that, we stand in  
22 recess till 5:30.

23 (Recess from 4:18 p.m. to 5:30 p.m.)

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

25 Now is the time set for public comment on

1 the application of Tucson Electric Power company for a  
2 certificate of environmental compatibility, Line Siting  
3 Case Number 227.

4 Are there any members of the public online,  
5 the Zoom, that wish to make comment?

6 MR. VESCOVI-CHIORDI: This is Heath  
7 Vescovi-Chiordi, Pima County Economic Development. I'm a  
8 member of the public. I would like to comment.

9 CHMN STAFFORD: Yes. Could you please say  
10 your name and spell your name for the court reporter,  
11 please.

12 MR. VESCOVI-CHIORDI: Yes, of course. My  
13 name is Heath Vescovi-Chiordi. The first name H-e-a-t-h.  
14 The last name is V-e-s-c-o-v-i-hyphen-C-h-i-o-r-d-i.

15 CHMN STAFFORD: Thank you. Please proceed  
16 with your comments.

17 MR. VESCOVI-CHIORDI: Yeah. My pleasure.  
18 So very quickly, my name is Heath Vescovi-Chiordi. I am  
19 the director of economic development for Pima County here  
20 in southern Arizona. And I am here to express support  
21 for the TEP Aerospace Research Campus transmission line  
22 project.

23 As you all know, this project proposes a  
24 potential route for the connection of the TEP's existing  
25 138-kilovolt line to the proposed switchyard located at

1 ARC, which would increase capacity and quality of service  
2 to the Pima County-owned Aerospace Research Campus.

3 Our department has had multiple discussions  
4 with TEP as well as individuals from the surrounding  
5 area, including TAA, and we have found that the proposed  
6 route for consideration is an ideal route with minimal  
7 disturbance to surrounding land and no interruption in  
8 current service to large primary employer users such as  
9 Raytheon.

10 This line could would again increase the  
11 capacity for electrical service at ARC, which is of  
12 paramount importance for our economic development efforts  
13 here at the county.

14 Of course, this project will directly  
15 facilitate the newly attracted American Battery Factory  
16 or ABF project, which is anticipated to bring in upwards  
17 of \$1 billion worth of capital investment to our  
18 community with a thousand jobs at full buildout as well  
19 as a \$3 billion economic impact to our region and the  
20 state as a whole.

21 This Pima County economic development  
22 project is only possible with the partnership of TEP and  
23 is certainly a testament to the collaboration and  
24 coordination across multiple regional partners.

25 The utility service, the water, wastewater,

1 electricity, or Internet access is of increased and  
2 critical importance for economic development attraction,  
3 and the upgraded service that would result from this  
4 project drastically increases our competitiveness in  
5 attracting new large employers to the region.

6           Upon completion of this project the  
7 remaining approximately 90 acres out at Arc that will not  
8 potentially be occupied by American Battery Factory will  
9 become even more viable for attracting primary employers  
10 in our industry focus areas, which include advanced  
11 manufacturing, green and renewable energy, health and  
12 health innovation, transportation distribution and  
13 logistics, among others.

14           These industry sectors typically bring  
15 large numbers of jobs, high wages, large capital  
16 investment, and a level of quality of life for our  
17 residents that will unequivocally inure to the benefit of  
18 our residents and strengthen our local, regional, and  
19 state economies.

20           Our mission at Pima County Economic  
21 Development is to attract, retain, and expand these types  
22 of employers and employment opportunities. And this  
23 critical infrastructure upgrade will not only bolster our  
24 immediate position to do so but facilitate long-term  
25 economic growth and prosperity for our region.

1 So those are my comments at this time. I'm  
2 more than happy to make myself available to anyone who  
3 has any additional questions or comments. Thank you.

4 CHMN STAFFORD: Thank you.

5 Is there anyone else online who wishes to  
6 make public comment?

7 MR. KEM: Hi. This is John Kem. If you've  
8 got time, I'd love to participate. I'm the President of  
9 American Battery Factory.

10 CHMN STAFFORD: Great. Could you spell  
11 your name for the court reporter, please.

12 MR. KEM: Sure. John, J-o-h-n, and Kem, K  
13 as in kite, E as in egg, M as in Mary.

14 CHMN STAFFORD: Thank you.

15 MR. KEM: Yeah. Hi. If you think it's  
16 okay, I'll just take about a minute or two and highlight  
17 and add on a few things that Heath said. And I really  
18 appreciate a chance to get on.

19 As you know, we had our groundbreaking back  
20 a month and a half ago. A very exciting time for us.

21 And a couple things I would add. First, is  
22 right now in the United States essentially there's no  
23 large-scale battery cell manufacturing of lithium iron  
24 phosphate batteries. And so this is a really unique  
25 opportunity we think to bring that capability to the



1 United States.

2 Most of it's been in China. And being able  
3 to produce that at home so that -- right now most of the  
4 batteries we all increasingly rely on, almost all of the  
5 components come from overseas. And the battery cell is  
6 the most important part. So we're trying to bring that  
7 to the United States with raw materials from the U.S. and  
8 North America, and that's really the purpose behind what  
9 we're trying to do.

10 And then doing it in the great -- in the --  
11 just south of Tucson is a fantastic place to do it in  
12 terms of land, electrical power, and I would have to say  
13 that the quality of the people we're dealing with. The  
14 cooperation among the chamber of commerce, Pima County,  
15 the state, all has been amazing to this point.

16 And so in terms of capability, our first  
17 stage is building about a 3-gigawatt factory. We're just  
18 starting that now. It's going to take 12 to 15 months to  
19 do the construction, plus commissioning, and, you know,  
20 test everything to make sure it's working right.

21 And that'll be a 3-gigawatt factory.  
22 Essentially a gigawatt is a billion watts. So  
23 effectively that first factory will cost upwards of over  
24 \$250 million and employ about 300 people. And we'll  
25 start that hiring action later on this year as we get --

1 as we finally meet the people that kind of start learning  
2 how to use the machines.

3 But in the long run we're building about --  
4 we're going to build three more lines there over the next  
5 couple of years. And that's really where the additional  
6 power need really builds up.

7 And so in the end we're going to have four  
8 different lines. And just to give you a sense of these,  
9 these are about 1800, 2000-foot-long factories. They're  
10 very long factories. These are big complexes. And so  
11 we're building an additional three. And that's where you  
12 get into the about a billion dollars aggregate of just  
13 investment by us. That doesn't include all the ancillary  
14 jobs and supporting infrastructure that happens in the  
15 area.

16 And the last part I would say that I think  
17 is really exciting is we've had a handful of people  
18 approach us directly -- I know they've done the same  
19 thing at the state and the county level -- on who want to  
20 take advantage of what we're doing and some other people  
21 are doing in the area and, for example, recycling, being  
22 able to then recycle the battery cells.

23 There's a certain amount you have to have  
24 before it becomes worth it. Well, they're looking at all  
25 the things that are going on in that area, and they're

1 interested in co-locating in that greater industrial  
2 space, and so that's just one example.

3 And then this last part is, you know,  
4 battery cells are then going to get made into battery  
5 packs. And that's, again, where we see battery pack  
6 manufacturers like Lion Energy and others say, Hey, if we  
7 have battery cells nearby, we'd love to be co-located in  
8 the greater area where we can get to market and build  
9 these things.

10 So I think it's a great opportunity for the  
11 area, and we're excited to be part of it and thankful for  
12 you-all taking the time to look through the access for us  
13 to be able to bring what we need to do it.

14 CHMN STAFFORD: Thank you very much.

15 Are there any -- is there anyone else  
16 online that wishes to make public comment?

17 (No response.)

18 CHMN STAFFORD: All right. Then in the  
19 room with us we have Mr. Aaron Rey, A-a-r-o-n, Rey,  
20 R-e-y.

21 MR. REY: Hello again. Okay. I'm Aaron  
22 Rey.

23 CHMN STAFFORD: Please speak into the mic.  
24 Get a little closer to it. Thank you.

25 MR. REY: I have a concern that I'd like to

1 bring to the Board's attention, and I would like to make  
2 sure I'm on the record. I looked up an Arizona's open  
3 meeting law. Basically it's in a nutshell 101.

4 And one thing it says here is that "All  
5 meetings of any public body shall be public meetings, and  
6 all persons so discerning shall be permitted to attend  
7 and listen to any deliberations and proceedings." That's  
8 Arizona Revised Statute 38-41.01, subsection A.

9 And if I go down here a little more,  
10 because this is -- I'm summarizing. There's several  
11 things in here that you-all --

12 CHMN STAFFORD: Mr. Rey, this is the time  
13 for public comment on TEP's application, not a discussion  
14 of open meeting law.

15 Do you have anything to say about the  
16 application that's before the Committee right now?

17 MR. REY: I would like to say it seems like  
18 you're cutting me off because it says here that all  
19 attendees are allowed to videotape open meeting laws.  
20 And if you're going to hide something from the public and  
21 not let them videotape for news purposes, which also  
22 appears to be a First Amendment violation, freedom of the  
23 press, press card right here, then it's going to make  
24 some of the general public not trust these -- some of  
25 these board members.

1                   And so if there's any kind of transparency,  
2 it's trust. If there's a little lack of transparency,  
3 then something's kind of sketchy in my opinion. And so  
4 with that being said, I -- I would just like to note that  
5 as a public meeting this should be able to be recorded by  
6 the public or by journalists and other news affiliates.

7                   I'm afraid you got me out of my zone now.  
8 I had more to say, but I guess you want me to kind of  
9 shut up.

10                  CHMN STAFFORD: No, sir. I mean, you're  
11 free to make comment. The issue before the Committee is  
12 the application of Tucson Electric Power.

13                  So if you'd like to make comments about the  
14 application, about any perceived impact or about the line  
15 that we're here to consider, by all means go ahead. But  
16 this is not a forum to discuss other things other than  
17 that.

18                  MR. REY: That's part of how this public  
19 body runs the show or doesn't. It's part of the  
20 application of all political subdivisions, including  
21 yourself, if you're put on this board by the attorney  
22 general. And there's open records, phone numbers, with  
23 the attorney general for when someone violates them.  
24 It's all on the Internet.

25                  With that being said, you know, my concern

1 is about how this thing is ran here with no regard for  
2 the civilians' rights to even record in violation of the  
3 First Amendment and open meetings law. Enough said.

4 CHMN STAFFORD: Does that conclude your  
5 comments?

6 MR. REY: Yes, sir.

7 CHMN STAFFORD: Thank you very much.

8 Are there any other members of the public  
9 who wish to make comment on this application?

10 (No response.)

11 CHMN STAFFORD: Are there any online?

12 AV TEAM MEMBER: Mr. Chairman, we do not  
13 have anyone online.

14 CHMN STAFFORD: All right. Well, thank  
15 you.

16 With that we will go off the record and  
17 stay here until at least six o'clock to see if anybody  
18 else turns up to make public comment. With that we'll go  
19 off the record.

20 (Recess from 5:42 p.m. to 5:47 p.m.)

21 CHMN STAFFORD: Let's go back on the  
22 record.

23 We have another public commenter.

24 Mr. Ignacio Gomez, I-g-n-a-c-i-o G-o-m-e-z.

25 Mr. Gomez.

1 MR. GOMEZ: Yes, sir. Thank you.

2 CHMN STAFFORD: Please give us your  
3 comments.

4 MR. GOMEZ: I just wanted to say a few  
5 words concerning what I thought was some kind of a  
6 factory that's going to be built here on the airport  
7 property concerning lithium batteries.

8 And since I've been involved in  
9 environmental pieces here in Tucson and different  
10 environmental problems, one which was being the water  
11 contamination that was done in 1981 that had to do with a  
12 contaminate TCE. Another one that they're having  
13 problems now with is Dioxin 1,4 and chromium. And all of  
14 these are cancer causing chemicals.

15 And I just thought I'd come and make a few  
16 comments concerning what I thought was a lithium factory  
17 that's going to be built. This has to do with TEP. But  
18 I'm very concerned environmentally that the leaders of  
19 Tucson pick up of the like factories to be coming in here  
20 and to be sure that the chemicals that they use are being  
21 safely monitored because I'm sure that they're going to  
22 be using more than one chemical.

23 I was involved with a committee here in  
24 town, and I ran it for almost 13 years, which was UCAB,  
25 Unified Community Advisory Board. I've been off of it

1 now for about seven years. But it had to do with a water  
2 contamination that was down here in Tucson killed  
3 thousands and thousands of people. We'll never know how  
4 many people it killed from different diseases, as many as  
5 you can think it caused it was caused by TCE,  
6 trichlorethylene.

7                   And I'm just hoping that -- that's why I  
8 came here today to just say to be safe concerning the  
9 chemicals that we use, whether it be a TEP. I worked at  
10 TEP. I'm a retired ironworker. I put all that chain  
11 link fence around TEP, as a matter of fact and other work  
12 inside the plant there.

13                   But anyway, I just wanted to say that I  
14 hope that everything is done safely and in accordance  
15 with the laws that we've had since we had this  
16 contamination because it is the third biggest superfund  
17 area in the country right here. And it was caused by  
18 five culprits, Raytheon or Hughes, Tucson Airport  
19 Authority, the Air National Guard, a company called Texas  
20 Instruments, and a small company called West-Cap. And  
21 they all contaminated the water table here on this side  
22 of town. No wells are open here on this side of town,  
23 and they haven't since 1983. That's when it was  
24 discovered. So, like I said, it's the third biggest  
25 superfund area in the county.



1                   So I just wanted to make that comment and  
2 hope that everything is done, like I say, according to  
3 the laws and environmentally safe as far as our water's  
4 concerned. Thank you.

5                   CHMN STAFFORD: Thank you very much.

6                   Are any other public commenters online?

7                   (No response.)

8                   CHMN STAFFORD: Well, let's go back off the  
9 record until such time as any other commenters present  
10 themselves.

11                   (Recess from 5:51 p.m. to 6:00 p.m.)

12                   CHMN STAFFORD: Let's go back on the  
13 record.

14                   It is now six o'clock and there are no more  
15 members of the public to make comment either in person or  
16 online.

17                   With that we will recess the hearing and  
18 reconvene tomorrow morning at nine when we will take the  
19 tour. With that we stand in recess.

20                   (Proceedings recessed at 6:01 p.m.)

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25

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 )  
2 COUNTY OF MARICOPA )

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15 Dated at Phoenix, Arizona, December 8, 2023.

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17  
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