

1 BEFORE THE ARIZONA POWER PLANT LS-331

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION)DOCKET NO.
 5 OF TUCSON ELECTRIC POWER COMPANY,)L-00000C-23-0284-00227
 6 IN CONFORMANCE WITH THE)LS CASE NO. 227
 7 REQUIREMENTS OF A.R.S. § 40-360,)
 8 ET SEQ., FOR A CERTIFICATE OF)
 9 ENVIRONMENTAL COMPATIBILITY)
 10 AUTHORIZING THE AEROSPACE)
 11 RESEARCH CAMPUS TRANSMISSION)
 12 PROJECT FOR A NEW SEGMENT OF 138)EVIDENTIARY HEARING
 13 KV TRANSMISSION LINE AND A)
 14 PROPOSED SWITCHYARD. THE)
 15 TRANSMISSION LINE WOULD BIFURCATE)
 16 THE APPLICANT'S EXISTING SONORAN)
 17 TO SOUTH 138 KV CIRCUIT (SECTION)
 18 4, TOWNSHIP 16 SOUTH, RANGE 14)
 19 EAST) AND LOOP INTO THE PROPOSED)
 20 FRANCO WASH SWITCHYARD (SECTION)
 21 31, TOWNSHIP 15 SOUTH, RANGE)
 22 14 EAST). THE PROPOSED)
 23 TRANSMISSION LINE AND SWITCHYARD)
 24 WOULD BE LOCATED WITHIN THE CITY)
 25 OF TUCSON AND PIMA COUNTY.)

16 At: Tucson, Arizona

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19 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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22 GLENNIE REPORTING SERVICES, LLC
23 Court Reporting, Video & Videoconferencing
24 1555 East Orangewood Avenue, Phoenix, AZ 85020
25 602.266.6535 admin@glennie-reporting.com

By: Jennifer Honn, RPR
Arizona CR No. 50558

GLENNIE REPORTING SERVICES, LLC 602.266.6535
www.glennie-reporting.com Phoenix, AZ

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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 9:03 a.m. on
6 December 5, 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

26 Megan Hill
27 Tucson Electric Power Company
28 88 East Broadway, MS HQE910
29 P.O. Box 711
30 Tucson Arizona 85702

31

1 (TIME NOTED: 9:03 a.m.)

2 (Beginning of route tour.)

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

4 Now is the time set for the tour for line siting case
5 227.

6 I would admonish everyone that there should
7 be no deliberations or testimony on the bus. We will
8 have a stop. At which point we have we will set the
9 court reporter up and any questions can be asked of the
10 applicant at that time on the record.

11 The same goes with members of the public.
12 Do not make ex parte communications about the subject of
13 the case to the members.

14 I believe TEP is going to give us a safety
15 briefing before we set out on the tour.

16 MS. MARIÑEZ: Yes. So since we'll be out
17 in the field today, just a few things to be aware of. So
18 there is quite a bit of trash in the area, so just please
19 be aware of where you're stepping and also of your
20 surroundings. There are quite a bit of stray dogs in the
21 area as well. So I did bring dog repellent. We have
22 eight cans. Do I have some volunteers to have and use
23 the spray if needed? Okay.

24 MEMBER DRAGO: I'll get those darn things.

25 MS. MARIÑEZ: And I will briefly tell you

1 what's on the directions here. Once we're done, pass
2 these to any others.

3 MS. GRABEL: I'll do it.

4 MS. MARIÑEZ: We did have some employees
5 attacked or consultants recently attacked in that area
6 fairly recently. Any other takers? I'll hold on to this
7 one if no one wants it.

8 Okay. So just these can reach about
9 10 feet. And they won't harm the dog, but they'll
10 release sort of a warm sensation, and they should go away
11 if, you know, they're sprayed with them. So just be
12 aware of which direction you're spraying. It says it's
13 foolproof, but read the directions. But this red part
14 here is supposed to be towards you, and then the spray is
15 on the other side.

16 MR. BRYNER: Should be foolproof.

17 MS. MARIÑEZ: Yeah. Should be foolproof.
18 We'll see.

19 MEMBER DRAGO: We don't need to unlock it
20 or anything? It's ready to go?

21 MS. MARIÑEZ: It should be ready to go.
22 And just don't puncture it or put it near heat, so it
23 shouldn't be a problem today, but that was one of the
24 cautions.

25 MEMBER DRAGO: Thanks for letting us know

1 that.

2 MS. MARIÑEZ: So if you could just be aware
3 of your surroundings. If you don't have spray, let
4 somebody else know if you see, you know, a dog
5 approaching.

6 MEMBER KRYDER: I thought with TEP we'd get
7 an electric zapper.

8 I'm just teasing.

9 MS. MARIÑEZ: Okay. Let's see. Oh, so
10 from here we're going to head east on Corona Road.
11 Clark, is that this one?

12 MR. BRYNER: Nogales.

13 MS. MARIÑEZ: Okay. So -- and then we'll
14 turn right on Alvernon. Alvernon does -- so when --
15 Alvernon starts to curve when we're on Aerospace Parkway,
16 so once we're kind of -- we're going to head this way and
17 then we're going to curve to the right, that's Aerospace
18 Parkway.

19 Once we get down to the first light on that
20 road, that's Raytheon Parkway, I think. And so you'll be
21 able to see Raytheon, the entrance to Raytheon on your
22 right. And to your left you'll be able to see the
23 planned Aerospace Research Campus.

24 At the light at Nogales Highway we'll turn
25 left, and then we'll make another left on Old Nogales

1 Highway and then another left onto Old Vail Connection,
2 and we'll enter into the Summit area. You'll be able to
3 see to your right the residential area, and you'll be on
4 Old Vail Connection Road, so you'll get a sense of that.

5 To your left will be the utility corridor,
6 and we'll make a stop shortly after that so we'll get to
7 point to really all of these things you can kind of see
8 from that site, so you'll have some great perspective.

9 And I suppose I can give you what we'll see
10 on the way back after we've made our first stop.

11 MEMBER DRAGO: How many stops do we need
12 this on, the dog spray?

13 MS. MARIÑEZ: Just one.

14 MEMBER DRAGO: Just one. Okay.

15 MS. MARIÑEZ: We're just making one stop.

16 MEMBER DRAGO: Okay.

17 MS. MARIÑEZ: Any questions? Any other
18 questions?

19 So it's my understanding TEP staff will be
20 on the first bus, okay, since we're leading the way.

21 And --

22 CHMN STAFFORD: And Members will be on the
23 second bus.

24 MS. MARIÑEZ: And Members will be on the
25 second bus. Okay. Great.

1 CHMN STAFFORD: With that, we'll go off the
2 record and get on the buses.

3

4 (TIME NOTED: 9:28 a.m.)

5 (Arrival at Stop No. 1.)

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

7 We're now at the stop on the tour.

8 If the applicant would like to describe for
9 us what we're looking at.

10 MS. MARIÑEZ: Okay.

11 CHMN STAFFORD: Are you taking it, Meghan?

12 MS. GRABEL: No, Adriana is.

13 MS. MARIÑEZ: We're standing right over the
14 existing 46kV double circuit line. So this is the
15 southern line that would remain. And then we would have
16 a line that would look very similar to this to the north
17 about 200 feet.

18 And Clark has volunteered to go out and
19 stand in that location if you all would like --

20 MR. BRYNER: If you'd like.

21 MS. MARIÑEZ: -- a visual of that.

22 MR. BRYNER: And with that offer, I'll go
23 to where the line's at, and I'll go to where the
24 switchyard would be at, which is -- would be to the other
25 side of the right-of-way if you all want to see it so you

1 can get an idea.

2 CHMN STAFFORD: That's the WAPA line;
3 right? How far is that?

4 MR. BRYNER: I didn't measure that.

5 MS. MARIÑEZ: That is the WAPA line, yes.

6 MEMBER KRYDER: It would be convenient for
7 me to see what 200 feet would look like.

8 CHMN STAFFORD: Do you have something to
9 hold up?

10 MS. MARIÑEZ: Do you want to see 100 -- oh,
11 you want to see where the WAPA line would be rerouted.
12 Stop at the northern pole line and stop at the
13 switchyard.

14 CHMN STAFFORD: Because the WAPA line is
15 going to be put on the second line; right?

16 MR. BRYNER: I can wave my jacket.

17 CHMN STAFFORD: The WAPA line is going to
18 be looped on the second line?

19 MR. BRYNER: The WAPA line is the middle
20 line. Our line will be on the --

21 CHMN STAFFORD: -- on the other side.

22 MS. MARIÑEZ: On the other way.

23 MR. BRYNER: I'll stop at each of those
24 marking points.

25 CHMN STAFFORD: And this is the current

1 distribution line; correct?

2 MS. MARIÑEZ: This is the transmission
3 line, right.

4 CHMN STAFFORD: That one will be co-located
5 to this same one or the next one?

6 MS. MARIÑEZ: I think I understood your
7 question. This line will -- currently has 46kV on both
8 sides, right. So to the north of this -- directly to the
9 north will be where the WAPA line will be relocated.
10 That's a totally separate different project, right.
11 That's going to be 100 feet to the north of that, north
12 of that 100 feet or to the northern pole line for this
13 project. And we'll energize this line and that northern
14 line -- the most northern line with 46kV on one side and
15 138kV on the other.

16 CHMN STAFFORD: So they both will have
17 that?

18 MS. MARIÑEZ: Yes, exactly.

19 CHMN STAFFORD: They'll both have a 38kV
20 and 146kV on both of the lines?

21 MS. MARIÑEZ: Yes. Correct. Correct.

22 CHMN STAFFORD: Make sure that's clear.

23 MEMBER GOLD: And that line is
24 disappearing?

25 MS. MARIÑEZ: I'm sorry?

1 MEMBER GOLD: That line over there --

2 MS. MARIÑEZ: This will be to --

3 MR. BRYNER: This line would be the WAPA
4 TEP line in the -- where the center, like, there by
5 our -- I'll go to our center line now.

6 MS. MARIÑEZ: So that's the new WAPA line
7 there. That's going to be the tallest pole line, and
8 that H-frame line that you see there in the distance,
9 that's going to be placed where Clark was just standing.
10 Okay. Again, that's part of a separate project. So now
11 Clark's going to the location of the northern pole line.

12 FEMALE VOICE: The WAPA line is going to
13 be -- going to be monopoles, right, not H-frames?

14 MS. MARIÑEZ: Correct. Correct.

15 MEMBER MERCER: That would be the new --

16 MS. MARIÑEZ: So that's the new northern
17 pole line.

18 MR. BRYNER: I'll go to the switchyard now.

19 MS. MARIÑEZ: So where he just was was that
20 northern pole line.

21 CHMN STAFFORD: Now, what is that big red
22 object I'm looking at?

23 MS. MARIÑEZ: That is World View.

24 CHMN STAFFORD: How far away is that?

25 MS. MARIÑEZ: That, I don't know off the

1 top of my head.

2 CHMN STAFFORD: Okay. But this area
3 here --

4 MS. MARIÑEZ: Now he's at the switchyard
5 location.

6 MEMBER MERCER: That's where the switchyard
7 will be?

8 MS. MARIÑEZ: Yes.

9 MS. GRABEL: That's the distance of the
10 switchyard, but I think the switchyard is going to be
11 further left.

12 MS. MARIÑEZ: Further north. That would be
13 the southern end of the switchyard. It's three acres
14 more or less.

15 MS. GRABEL: And the area where Clark was
16 for our project is the center line of the 500-foot
17 corridor, right, but it could be as far as 1750 feet?

18 MS. MARIÑEZ: That's further north. So
19 Clark can tell us exactly where. I think it's past that
20 H-frame there. It's going to be east of that is where
21 TAA land is.

22 CHMN STAFFORD: That's where the research
23 park is there?

24 MS. MARIÑEZ: This is where the research
25 park will go. This is where American Battery Factory and

1 Aerospace Research Campus is planned.

2 CHMN STAFFORD: They'll be north of where
3 these power lines are located; right?

4 MS. MARIÑEZ: Correct.

5 CHMN STAFFORD: But the power lines will be
6 here, and the Aerospace Research Campus and American
7 Battery Factory is going to be north of that?

8 MS. MARIÑEZ: Right.

9 CHMN STAFFORD: Between here and --

10 MS. MARIÑEZ: It's going to be on this side
11 of that building, right, and that road we just traveled
12 on Aerospace Parkway.

13 MEMBER GOLD: So this will be the
14 southernmost power line that's already existing toward
15 that community? So there's nothing going closer to the
16 community than the existing line already?

17 MS. MARIÑEZ: Correct. Except for when
18 we're close to Country Club Road. That is where you
19 would recall that visual simulation where we tie in. We
20 cross over that corner, but that's also at the end of the
21 residential community.

22 There's sort of -- if you all look here.
23 So this is where we're tying in, and we'll cross over at
24 Country Club and Old Vail Connection, and this is the end
25 of the residential area here.

1 MEMBER GOLD: And we're standing about
2 where -- we are standing about where that yellow triangle
3 is?

4 MS. MARIÑEZ: We are. We are.

5 So when we head back, you'll be able to see
6 where the residential community ends here on Country
7 Club, and then that line that we'll be tying into.

8 CHMN STAFFORD: Right. Because this line
9 exists -- that black line is an existing line?

10 MS. MARIÑEZ: Correct.

11 CHMN STAFFORD: So this line will tie in at
12 that corner, loop around, and come back.

13 Now, will there be a section there, that
14 tiny bit, that will go away, or will that still be there?

15 MS. MARIÑEZ: That'll go away.

16 MEMBER GOLD: May I look at the --

17 CHMN STAFFORD: Member Kryder, you had a
18 question?

19 MEMBER MERCER: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Mercer.

21 MEMBER MERCER: On the visual tour we did
22 not see the building.

23 MS. MARIÑEZ: No, because it was further
24 north. So what you saw on the tour spanned to a little
25 past that WAPA line probably but it didn't go that far

1 north.

2 MEMBER GOLD: Thank you.

3 MS. MARIÑEZ: Any other questions?

4 CHMN STAFFORD: Any other questions?

5 MEMBER MERCER: I do have another question.

6 So the American Battery Factory's going to
7 be -- the building, the actual building, where's it going
8 to be located?

9 MS. MARIÑEZ: So it will be in this general
10 direction here. Clark? Sorry. American Battery
11 Factory, yes. So the facility -- so we're here, and
12 American Battery Factory will be, Clark, right here right
13 in this -- no, sorry, this area right here?

14 MR. BRYNER: Correct.

15 MEMBER GOLD: It's going to take over where
16 that World, whatever it is?

17 MS. MARIÑEZ: World View is on the north
18 side of Aerospace Research Campus. So American Battery
19 Factory will be south of that road that we just traveled.
20 And it'll be right here in this general vicinity.

21 MEMBER GOLD: Thank you.

22 MEMBER KRYDER: And the highway access to
23 American Battery, I know it's the north part of that
24 line, but where is it --

25 MS. MARIÑEZ: It's off I-8. Nogales

1 Highway is right here. That's the road we just traveled
2 on to get into the neighborhood. That's where we
3 turned -- we turned left off of Aerospace Research Campus
4 to Nogales Highway.

5 MEMBER KRYDER: And that's going to be the
6 main entrance to American Battery, or does it come off of
7 Aerospace?

8 MR. BRYNER: Off of Aerospace.

9 MEMBER KRYDER: Okay. Just trying to
10 get --

11 MEMBER OF THE PUBLIC: Can I ask a
12 question?

13 CHMN STAFFORD: No. Sorry.

14 Are there any other questions from Members?

15 All right. Well, let's go off the record
16 and get back on the bus.

17 (Off the record; on the record.)

18 CHMN STAFFORD: Back on the record.

19 MS. MARIÑEZ: So on our way back we're
20 going to travel east now along Old Vail Connection.

21 You'll get to see more of the corridor. You'll have
22 WAPA, which heads north on the -- turns to the --

23 MEMBER GOLD: South.

24 MS. MARIÑEZ: Thank you. It will be on the
25 right side of the road. Coming up at Country Club Road

1 is where we're going to turn left, so you'll want to look
2 there to your right. That's that existing 138kV line on
3 Country Club that we're tying into. It's on Country Club
4 Road and turns east on this road on Old Vail Connection.

5 So just when -- as we're turning left,
6 you're going to want to look right so you can see where
7 that tie-in will be. And then we're going to head back.

8 That's really what I just wanted to call
9 your attention to.

10 CHMN STAFFORD: Okay. With that, thank
11 you. Now let's go off the record and get on the bus.

12 (TIME NOTED: 9:39 a.m.)

13 (Conclusion of Stop No. 1.)

14 (The tour concluded at approximately
15 10:00 a.m.)

16

17 (The hearing resumed at 10:29 a.m.)

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

20 We've completed the tour. Are there any
21 questions from the Members following up on the tour?

22 All right. It came up yesterday about how
23 the Applicant did not use social media to provide notice
24 of the hearing. Looking at the Procedural Order,
25 paragraph 3, it states, "The Applicant shall also use

1 social media to provide notice of the hearing."

2 Could the Applicant please address that.

3 MS. GRABEL: Thank you, Mr. Chairman. We
4 actually do have additional testimony that we want to
5 elicit regarding the use of social media, and I'll turn
6 it over to Ms. Mariñez and Mr. Bryner to address what we
7 did and did not do.

8 So, Ms. Mariñez, if you'd like to go ahead.

9 MS. MARIÑEZ: Yes. I'd like to make a
10 correction to the statement I made yesterday regarding
11 the challenges with posting to social media. Our
12 communications team has experienced specific instances
13 this year when our request to post advertisements on
14 Facebook and Meta, which can be geographically targeted,
15 have been denied by the platform if they involved things
16 like politics or social issues or other sensitive topics
17 they were sometime denied. So Facebook can be very
18 particular with those sorts of ads.

19 So we didn't post on our general social
20 media channels either because that reaches over 445,000
21 customers, and this area was very small, affecting less
22 than a thousand customers.

23 But we do feel that our mailing list was --
24 was -- or, excuse me, let me -- we believe our mailing
25 list did include all residents within the notification

1 area. And we were actually able to confirm yesterday
2 that Mr. Rey and Ms. McGrew who spoke yesterday, they
3 were on your mailing list listed under the same address.

4 CHMN STAFFORD: All right.

5 MEMBER RICHINS: Chairman.

6 CHMN STAFFORD: Yes, Member Richins.

7 MEMBER RICHINS: Could Ms. Mariñez.

8 MS. GRABEL: Mariñez.

9 MEMBER RICHINS: Sorry. Yeah. I couldn't
10 see the last part.

11 Could you provide that denial from Facebook
12 for the record because that's usually something that's
13 responded to in writing, so let's just make sure we enter
14 that as an exhibit in the record so we have a record
15 of -- because we have a social media requirement if it
16 was denied by Facebook, so let's just get that added.

17 MS. GRABEL: Actually, would you like to
18 jump in.

19 MS. MARIÑEZ: I was just going to clarify
20 it was not for this project. It was for a separate
21 project that we had going on concurrently. We did not
22 attempt it because it was a small area, and we felt that
23 the mailing --

24 MEMBER RICHINS: So you just led this
25 Committee to believe that you did try to post on Facebook

1 and then you were denied. Is that -- did you or did you
2 not try to post this project on Facebook for targeted
3 advertising?

4 MS. MARIÑEZ: No, we did not. My --

5 MS. GRABEL: May I address this? Sorry.

6 So I think what happened was at the time we
7 would have been posting this for social media we were
8 also attempting to post for a different project, and
9 Facebook viewed what we were attempting to do as
10 something that they did not want to post. And so we were
11 having a back-and-forth with Facebook.

12 There's also apparently a policy that
13 prevents -- not prevents the company or the company does
14 do social media postings for smaller projects.

15 The Procedural Order was a miss on our
16 part. We apologize for that. And I guess I'm going to
17 ask for a waiver of that in retrospect.

18 I apologize to the Committee and assure you
19 that TEP will from now use social media regardless of the
20 size of the project in the study area. I think that's
21 the best we can do in this circumstance.

22 MS. HILL: May I also address this?

23 CHMN STAFFORD: Yes, please, Ms. Hill.

24 MS. HILL: So just to provide a little bit
25 of context to the Committee about the company's use of

1 social media and our belief because there were questions
2 about the mailing yesterday too, and I think this is a
3 good time to discuss that.

4 So, first of all, in the context of the
5 Committee's concerns about lower income impacts, the
6 United States Postal Service is actually the only social
7 justice notice that exists, and for that reason there is
8 a legal presumption of delivery of that notice when it is
9 mailed. That legal presumption exists across
10 jurisdictions, exists in Arizona, exists in the federal
11 system.

12 Social media requires -- and I am here
13 today to assure you that we have -- we have the full
14 backing of the line siting group and counsel of the
15 company to pursue an active social media outreach for
16 projects ongoing -- that if you're dealing with a lower
17 income population, you're often dealing with people who
18 are not necessarily going to be reached by social media
19 because it requires phone service, it requires Internet
20 service, it requires power, it requires other things that
21 are not as equal opportunity as a postcard that is mailed
22 to you.

23 And for that reason, to -- to believe --
24 and what we are saying is not that social media is not
25 effective and not additive and not appropriate. What we

1 are saying it is not the same guarantee, and it does not
2 carry the same legal weight or legal presumption of
3 notice and delivery that the mailing does, which is why
4 the mailing is what is encompassed in the statute and the
5 company fully supports that.

6 So for -- but I'm here today. I can assure
7 the Committee that there is a full backing to develop a
8 robust social media outreach from here going forward as
9 well as detailing some of the other things that the
10 Committee discussed yesterday. So -- and we can talk
11 about that. We'll take the Committee's input on that.
12 We are very happy to do that.

13 But I do believe that a waiver of the
14 social media requirement is appropriate in this case.
15 There's no legal presumption of delivery, and there's no
16 embodiment of that in Arizona law.

17 CHMN STAFFORD: Comments, questions from
18 Members?

19 MEMBER RICHINS: Yes, Chairman.

20 CHMN STAFFORD: Thank you, Member Richins.

21 MEMBER RICHINS: I don't think the question
22 was the veracity of the delivery system, that it was on
23 the mailing list itself, which is not U.S. Postal
24 Service. The third-party mailing houses are very
25 reliable. So I think we are satisfied by that response

1 that you had gone through a third-party mailing group.
2 Nobody's questioning the U.S. Postal Service and the
3 social justice aspect of that.

4 I am going to push back on the lower
5 income's access to phone and Internet service. As you
6 saw, the gentleman here was live streaming this
7 proceeding. He stated that he was of lower income. He
8 still had access to the Internet.

9 I work at a lot of low income communities,
10 native communities, poor communities, social justice
11 communities, and pretty universally they have phone
12 service with data, and they're on Facebook. And so to
13 make that assertion I think is a little without merit and
14 facts.

15 So I am very encouraged to hear that TEP
16 plans a social media outreach. Because you're right the
17 statute addressing the mailing and the notice in a
18 newspaper, and that's great. In another era that was
19 probably adequate. But in the era that we're entering
20 into, it is inadequate, and I'm hoping this Committee at
21 some point will address the statute in addition to the
22 Procedural Order to make that codified that that kind of
23 outreach occurs.

24 And, you know, I work with Facebook
25 regularly on doing public notices. I know it can be a

1 challenge, but it's doable. It just takes some time and
2 desire to get it done.

3 MS. HILL: And we appreciate that. And
4 I -- Member, one of the things that I'm here to do,
5 Member -- and is it Richins or Richins.

6 MEMBER RICHINS: Richins.

7 MS. HILL: Okay. Member Richins, one of
8 the things that I'm here to do too and one of the reasons
9 I appreciate that we have some new Committee Members with
10 maybe some additional ideas is I'm here to hear what
11 you're telling me and take this back, and I appreciate
12 that.

13 I do want to assure you and I understand
14 what you're saying about connectivity, but this issue of
15 connectivity recently came to light in the pandemic when
16 we had, you know, millions of children across this
17 country who needed to go to online school and did not
18 have Internet and phone access, and we as utilities were
19 working with that.

20 So we are cognizant of the fact that, yes,
21 there is connectivity there. It's not necessarily as
22 reliable or containing a presumption, and we are
23 interested in reaching everyone. And so I do appreciate
24 that.

25 And I would encourage any member of this

1 Committee as it is appropriate if -- and the Chairman
2 agrees to -- we would love to further engage with what
3 the expectations are and what we can further do.

4 MEMBER FONTES: Chairman.

5 CHMN STAFFORD: Member Fontes.

6 MEMBER FONTES: Thank you, Mr. Chairman. I
7 would observe that in the hearings that I've participated
8 in in all cases social media was engaged effectively
9 either by the direct applicant or one of the partners,
10 and surely you have folks that we heard from both from
11 the sponsoring customer and also from Pinal County who
12 could have also participated and were stakeholders in
13 this.

14 So look at the precedent. Look at what we
15 have seen as the standard set by both independent
16 developers and other utilities in the state if you're
17 looking for the answer to your observation on that last
18 set of remarks. So thank you.

19 CHMN STAFFORD: Member Mercer.

20 MEMBER GOLD: It was Gold.

21 CHMN STAFFORD: Member Gold.

22 MEMBER MERCER: Member Gold and then me.

23 MEMBER GOLD: Regarding social media, of
24 the people who did come to the hearing were older, and
25 judging by the neighborhood I was looking at it looks

1 like the residents are older. I don't know that social
2 media is a -- you know, everything has some degrees of
3 success, but it's my opinion that the mailing -- I mean,
4 I saw all the mailboxes there. They were just sitting
5 out. You had mailboxes. You mailed.

6 I don't know that social media requirements
7 for an older community would be nearly as effective as
8 the mail. Just I agree with the mailing.

9 CHMN STAFFORD: The most effective means of
10 communication apparently was the signs because everyone
11 who showed up to make comment they say that they became
12 aware of the proceeding by seeing the signs that were
13 posted. So that seems to be clearly the most effective
14 method of reaching impacted members of the community.

15 Member Mercer, you had a question or
16 comment.

17 MEMBER MERCER: Yeah. I just have a
18 comment. And this is I don't want to say it's
19 personally, but it was insulting what Ms. Hill said. I
20 live in a community here in Tucson where there's homeless
21 people that have cell phones, and, I mean, nice cell
22 phones. And they're online all the time.

23 They take advantage -- in this case they
24 take advantage of what social programs are out there.
25 You still have quote/unquote the Obama phones in every

1 corner in Tucson. So there's -- when people need to get
2 online or be on social media, they are going to be
3 regardless of their status.

4 MS. HILL: So if I may address that,
5 Mr. Chairman.

6 First of all, I want to apologize to anyone
7 that my remarks offended. Obviously, what we're trying
8 to do here is be as inclusive as possible and recognize
9 the fact that not everyone behaves in the same way we at
10 the utility do or takes in information the same way that
11 we at the utility do.

12 And we respond based upon things that our
13 customers tell us and things that we have observed in our
14 many, many, many years of serving this community. And so
15 I would like to offer a personal apology to you, first of
16 all.

17 But, second of all, I have -- I have
18 experience like yours, and I think that what I'm hearing
19 today indicates that as a broader discussion potentially
20 among the utilities we need some data. And that's what
21 this says to me about, you know, obviously -- but there,
22 as I said before, and I appreciate what you're saying,
23 Member Mercer, and you have a long history in our
24 community, and I'm very aware of that and I'm glad you're
25 on this Committee. But I would say that I have similar

1 experiences where people would not have had access to
2 that.

3 So I think that it's -- I think maybe some
4 data would be helpful if there's going to be a large
5 debate, but I don't see the need for one because we are
6 going to develop, as I committed, a robust social media
7 outreach for every project going forward.

8 CHMN STAFFORD: Member Richins.

9 MEMBER RICHINS: Maybe there's an
10 opportunity to be found in this because, you know, it
11 feels in this particular instance the bare minimum but
12 the statutory requirement was met. But there's an
13 opportunity maybe for the Committee and the utilities to
14 sit down and work together on because it's going to be
15 this plus this plus this plus this. You know, the signs
16 plus the notices, plus language appropriate, plus
17 Internet, you know, and just to make sure that we've in
18 this day and age that we've covered all of our bases.

19 So I would invite that opportunity to sit
20 and put together some kind of statute that works for the
21 utilities and for the line siting and the public.

22 MS. GRABEL: Well, Mr. Chairman and Member
23 Richins, actually the Corporation Commission is revising
24 its rules right now. It's getting rid of the newspaper
25 circulation because that's kind of outdated. So I think

1 the Commission is focused on that.

2 MEMBER RICHINS: Excellent.

3 MS. GRABEL: And I do believe that TEP is
4 committed to engaging in social media. They've done it
5 for other projects. This was -- it was the size of this
6 project that as I understand it, which is why they didn't
7 use social media in this case.

8 I would push back a little bit on saying it
9 was only the bare minimum because we did do a couple of
10 open houses. We did a bunch of briefing with agencies,
11 and those certainly weren't required by statute or
12 regulation, but we agree with you that more can be done
13 and more will be done going forward.

14 MEMBER RICHINS: Thank you.

15 MEMBER GOLD: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Gold.

17 MEMBER GOLD: We've been throwing around
18 the term social media very broadly. What are you talking
19 about -- what are we talking about with social media?
20 You know, I used to think years ago Facebook was the way
21 to go, and now everybody I'm talking to isn't on Facebook
22 anymore. They're on a ton of other different social
23 medias. Is there such a thing as an e-mail phonebook?

24 MS. GRABEL: Mr. Chairman, Member Gold, we
25 don't use e-mails because, again, that's typically

1 something we don't have access to outside of
2 customer-specific information.

3 MEMBER GOLD: So there isn't.

4 MS. HILL: But we do -- Facebook is
5 typically what is used, maybe LinkedIn to the extent
6 there is. It's whatever the community typically uses.
7 We're not going to do a TikTok I don't think.

8 But I do believe -- and, Member Gold, if I
9 can acknowledge the difficulty that you're acknowledging
10 here, which is that it is always difficult to know what
11 the community that you're trying to reach, a specific ZIP
12 Code, maybe they're Twitter users, maybe they're Threads
13 users, maybe they're Facebook users.

14 I'll tell you that my children who are Gen
15 Z and they're adults, they don't use any of those.

16 MEMBER GOLD: Exactly.

17 MS. HILL: If I don't post -- if TEP
18 doesn't post an Instagram reel or a TikTok, they're not
19 going to see it, and they might not see it anyway because
20 that's not what they're focused on.

21 And so I do think this Committee does have
22 a challenge, and the utilities do have a challenge coming
23 up to kind of define what is most effective, and maybe it
24 ends up being fluid.

25 MEMBER GOLD: And the corporation council,

1 you know, is looking at it as you stated, and you're
2 cutting out the -- planning on cutting out the
3 newspapers, which I wholeheartedly agree with. I don't
4 think they're read anymore.

5 But I was wondering is there a way to just
6 put notices on mailboxes? I know you're not allowed to
7 put anything in a mailbox.

8 Can you just stick something on top of a
9 mailbox?

10 MEMBER KRYDER: Not legally.

11 CHMN STAFFORD: No. I'm pretty sure that's
12 prohibited. You can't -- if you're going to use the
13 mailbox you have to go through the mail and purchase a
14 stamp. You can't just pop it in there without.

15 MEMBER GOLD: So the bottom line is mail
16 still seems to be the most effective if we just get the
17 correct mail addresses.

18 CHMN STAFFORD: Yeah. I think it's the
19 signs, the actual posting of the signs in the area of the
20 project are the most effective. That's what got people
21 here for this matter.

22 MEMBER GOLD: I agree 100 percent.

23 MEMBER RICHINS: It's all of the above.

24 MEMBER FONTES: Yes. I second that.

25 MEMBER RICHINS: It's all of the above.

1 CHMN STAFFORD: Right. Under the statutes,
2 notice -- public notice is defined as, you know, posting
3 on the Commission's website and posting physically in
4 their building. That's what the statute requires.

5 It's the rules that require the
6 publication, and we've developed other -- you know, the
7 Procedural Order also puts the other requirements in
8 there.

9 Now, under the way the new proposed rules
10 it would eliminate the publishing requirement because I
11 think -- I don't think -- I don't think publishing in the
12 newspapers is effective at all. I mean, people typically
13 don't look in the section where the legal notices are
14 posted. It certainly does get to the people that live
15 near the project that you're trying to reach.

16 So, you know, I think some combination of
17 social media, the signs -- the signs, the posted signs,
18 is really the most effective in actually getting their
19 attention.

20 So I think going forward I think the
21 Commission's going to address those rules because those
22 are in the rules and those can be changed, and I think
23 they're planning on doing that. That's a much easier fix
24 than a statutory change. So but I think I'm looking
25 forward to that happening into 2024. So it will bring

1 this process to the 21st century.

2 MEMBER RICHINS: Excellent.

3 CHMN STAFFORD: And, you know, I think it's
4 all about what's reasonably calculated to give actual
5 notice to the affected community. And so that's what we
6 should be focused on. I think under the new rules I
7 think there will be more flexibility in how that's
8 accomplished.

9 So I think, you know, going forward -- the
10 issue today I think is the fact that the Applicant didn't
11 comply with paragraph 3 of the Procedural Order that they
12 use social media to provide notice. So I think what we
13 need to discuss with the Committee is what is the remedy
14 for that?

15 I mean, we can't go back in time. So, I
16 mean, what are our options? I mean, they could proceed
17 without it, and we could add a condition to require that
18 they use social media to provide notice of the issuance
19 of the CEC or denial of the CEC or when it appears before
20 the Commission to provide notice of that.

21 And I'm open to discussion from Members on
22 how to approach this. Member Fontes, you're looking like
23 you have something to say.

24 MEMBER FONTES: I do like the idea of a
25 condition. We are in conceptual design I think it was

1 represented, and you're going to have to have some
2 additional reviews, project management reviews,
3 preconstruction reviews, discussion with the stakeholders
4 and ultimately the client customer.

5 And I think during that tenure of those
6 final reviews beyond conceptual design call it
7 pre-feasibility, pre-construction it would be appropriate
8 to have another engagement with stakeholders. And so I
9 would be favorable to suggesting a condition in the
10 appropriate language in the appropriate paragraph,
11 Mr. Chairman.

12 MEMBER MERCER: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Mercer.

14 MEMBER MERCER: So obviously the signage is
15 very effective. The problem that I see with that is that
16 the signs were just to tell people about this hearing
17 today. There was no signage for the open houses. In the
18 testimony I remember they had one open house that 27
19 people showed up, and it was the stakeholders. And when
20 I say "stakeholders," I mean the rich people that are --
21 that have a vested interest in this project. Not the
22 citizens, not the people that live in that area obviously
23 because they didn't get notice or whatever the reason was
24 they were not aware of an open house.

25 So, I guess, my suggestion would be how

1 about putting up signs for an open house, invite people,
2 invite the citizens to an open house, and educate them.
3 I'm all about educating people and changing hearts and
4 minds. That's all I'm about.

5 MS. HILL: May I respond, Mr. Chairman?

6 CHMN STAFFORD: Yes, Ms. Hill.

7 MS. HILL: I think that's a terrific idea,
8 Member Mercer, and I think in the future we'll take that
9 back and do that in the future.

10 I do think that Mr. Bryner has a couple of
11 comments in regards to attendance at our open houses
12 across projects that he -- that may put a little bit of
13 the open house attendance in perspective.

14 So, Mr. Bryner, would you like to share
15 that.

16 MR. BRYNER: Yeah. Thank you. Yes. If we
17 could --

18 CHMN STAFFORD: One minute, Mr. Bryner. I
19 believe Member Little's been trying to get our attention.
20 She'd like to make a comment or ask a question.

21 We can't hear you. We still can't hear
22 you. Member Little, we can't hear you. Member Little,
23 you're on mute. We cannot hear you.

24 AV TEAM MEMBER: Mr. Chairman, give me one
25 second. I think I know what the problem is.

1 CHMN STAFFORD: One second, Member Little.
2 We're adjusting. I think we have some technical
3 difficulties that we can remedy.

4 MS. GRABEL: While we are waiting,
5 Mr. Chairman, may I make a quick observation?

6 CHMN STAFFORD: Yes.

7 MS. GRABEL: We looked up the procedural
8 order, and the procedural order said that the Applicant
9 shall use social media as discussed at the prefiling
10 conference.

11 We don't recall, and we've just reviewed
12 the transcript, that it was discussed at the prefiling
13 conference. So while I fully concede it was in the
14 order, we weren't alerted to it at the prefiling
15 conference, and, perhaps, for that reason missed it in
16 the Procedural Order.

17 CHMN STAFFORD: I was unable to access the
18 transcript because the link that I had in my e-mail it
19 would only get me the first page and not the actual
20 transcript. And similarly on the project website only
21 the first -- only the page of the -- announcing that the
22 transcript exists is available. The transcript itself is
23 not available on the website.

24 MS. GRABEL: Okay. We can get you a copy
25 of the transcript --

1 CHMN STAFFORD: Okay.

2 MS. GRABEL: -- if you'd like, and we'll
3 fix that.

4 CHMN STAFFORD: Excellent.

5 MS. GRABEL: I often have that problem
6 myself. I can't open it.

7 CHMN STAFFORD: Yeah. I didn't notice
8 that. And I was -- I attempted to look that up and see
9 what the discussion was at the prefiling conference. But
10 I did not -- I was not able to actually get to the
11 transcript this morning.

12 MS. GRABEL: I understand. But to the
13 extent, though, the Committee is considering a remedy,
14 perhaps consider the size of this project, the fact that
15 the mailings were effective as Mr. Bryner is going to
16 say, and perhaps a waiver in this specific instance might
17 be appropriate.

18 CHMN STAFFORD: Right. And given the fact
19 that if it was not discussed -- it was actually not
20 discussed at the prefiling conference, then that
21 certainly would mitigate the transgression, I guess.

22 MS. GRABEL: I appreciate that. Thank you.

23 MS. HILL: Chairman Stafford, may
24 Mr. Bryner make a comment now?

25 CHMN STAFFORD: Yes.

1 Oh, wait. Do we have Member Little?

2 AV TEAM MEMBER: I still don't have her.

3 Give me one more minute.

4 CHMN STAFFORD: All right. Okay.

5 Mr. Bryner --

6 MR. BRYNER: Okay.

7 CHMN STAFFORD: -- we'll let --

8 MEMBER SOMERS: Mr. Chairman.

9 CHMN STAFFORD: So we're not just sitting
10 here we'll let you make your --

11 AV TEAM MEMBER: I still don't have her.

12 Give me one more minute.

13 CHMN STAFFORD: Yes, Member Somers.

14 Okay. I heard him for a second, but the
15 online members are not coming through. It looks like
16 Member Somers is attempting to speak as well to no avail.

17 MR. BRYNER: Mr. Chair, would you like me
18 to proceed while we're working through the technical
19 difficulties?

20 CHMN STAFFORD: All right. Please.

21 MR. BRYNER: Okay. Thanks for the few
22 minutes to just share a quick response and then an
23 example that might help put our efforts in context.

24 So, first of all, I just want to respond
25 that we do appreciate all of the feedback you all have

1 provided with respect to how we might reach more people.

2 We do make our best efforts to get the word
3 out. We want people to know about these projects. We
4 want to hear about their concerns. We want to be able to
5 help address those. You know, I mean, some people are
6 always going to have those concerns, but we do want to
7 have the opportunity to engage with them and educate
8 them.

9 I know it was really effective I thought
10 this morning having a member of the public join us on the
11 field visit because she was able to get an understanding
12 of the project and then, you know, be able to make her --
13 make up her own mind on, you know, whether it was
14 something that affected her life, impacted her, whatnot.
15 And the more people we can -- we can engage with in that
16 manner, the better.

17 So I know yesterday after you had
18 mentioned -- Member Mercer, you were talking about the
19 signs. I don't remember if it was you that said that
20 yesterday. Probably. We love that idea because we did
21 notice that people -- you know, they saw the signs that
22 were posted.

23 And we're, like, we're going to get some of
24 those temporary signs that we can put up out in the
25 field. You know, the ones that we have in are staked in,

1 but we're going to get almost like a road sign type of
2 thing that we can put up temporarily to post notice on.
3 And any other way that is reasonable to do, we want to
4 do.

5 And so happy to engage with you all to come
6 up with what those solutions might be beyond that or
7 we're going to do the same thing ourselves so that we can
8 figure out how we can more effectively communicate with
9 people.

10 But just give you an example, on a separate
11 project that is located within more the heart of Tucson,
12 we have a mailing list of 110,000 people, so fairly large
13 mailing list. It's been picked up on the news all the
14 time. We have advertised open houses through social
15 media, in the newspaper.

16 We had 100 people at our last open -- just
17 under 100 people at our last open house. So 100 people,
18 if you do the math between 110,000 people, it's right
19 around one tenth of 1 percent of those who received
20 mailed notification along with all those other means came
21 to that house.

22 Our first open house for this project we
23 had four people come out of a mailing list of 864, so
24 that is right a one half of 1 percent. Just going off of
25 that were we more effective on this project or on that

1 project?

2 So it just goes to show it is hard to reach
3 people. It's hard to get people to engage in these
4 projects no matter what efforts or lengths we go to to
5 let them me know.

6 CHMN STAFFORD: Now that project you're
7 speaking about, that's the two weeks we're planning on
8 spending together in July?

9 MS. GRABEL: Yes, sir.

10 CHMN STAFFORD: That's correct. All right.
11 Can we hear Member Little yet?

12 MEMBER LITTLE: Can you hear me?

13 CHMN STAFFORD: I can hear something, but
14 the volume needs to come up.

15 MEMBER LITTLE: Hello. Can you hear me
16 now?

17 CHMN STAFFORD: Speak loudly, please.

18 MEMBER LITTLE: I think since COVID those
19 are the most often words now in meetings these days.

20 Can you hear me?

21 CHMN STAFFORD: Yes.

22 MEMBER LITTLE: I have a couple of comments
23 and then a question.

24 My first comment is that I think it's
25 pretty clear to me at least that what is needed is

1 multiple avenues of attempting to reach the public.

2 And I am completely in agreement with
3 Mr. Bryner that it is -- it's tough to get people to
4 reach them and to get them involved. However, you know,
5 there were some people who saw the signs, but there may
6 be others who did not see signs and didn't read what they
7 got in the mail. There may be others that would be
8 reached by Facebook.

9 I think that one of the avenues that, you
10 know, clearly they had a lot of hits on the website.
11 Whether that was as a result of the mailings, you know,
12 we can't know, but I think that clearly social media
13 needs to be added, but it should not be the only -- and
14 any one of these avenues should not be the only avenue
15 that is used in an attempt to reach the public.

16 I also think that in light of what happened
17 in a sort of similar situation in a previous hearing
18 where the Commission basically denied the CEC because of
19 public comments on the project and the subsequent
20 approval of the CEC when the Applicant went above and
21 beyond -- extremely above and beyond to work with the
22 community. I really think that applicants do need to
23 consider that.

24 And perhaps a condition requiring some more
25 targeted contact with the public here is in order. I

1 feel that way.

2 My question is this: We discuss in the
3 Committee and with applicants changes to the rules that
4 we feel would be beneficial to everybody. What is our
5 avenue for transmitting those things that are discussed
6 to the Commission in their consideration of changing the
7 rules?

8 CHMN STAFFORD: Well, there's a docket
9 opened up for a rulemaking. It's still in the informal
10 stages. They haven't issued a formal notice of
11 rulemaking. I believe they have to do the outside
12 economic impact statement prior to beginning the formal
13 rulemaking process, but there's an open docket that you
14 could certainly file any comments you like. And I think
15 there's one--

16 MEMBER LITTLE: Are we allowed to file
17 comments?

18 CHMN STAFFORD: The public can file any
19 comments they want into the docket.

20 MEMBER LITTLE: Even as Members of the
21 Committee here?

22 CHMN STAFFORD: Yes.

23 MEMBER LITTLE: Okay. Thank you.

24 CHMN STAFFORD: But I have been working
25 with Commission Staff on changes to the rules.

1 MEMBER LITTLE: Good.

2 CHMN STAFFORD: I myself have been.

3 And you're certainly welcome to provide any
4 input you might have into that process as well.

5 MEMBER LITTLE: Thank you.

6 CHMN STAFFORD: Member Somers, you were
7 attempting to speak earlier.

8 Can we hear you now?

9 MEMBER SOMERS: I just wanted to see if we
10 could help Member Little out.

11 Are you able to hear me now?

12 CHMN STAFFORD: Yes.

13 MEMBER SOMERS: Excellent. Okay. I have
14 no questions at this time. Thank you, Chair.

15 CHMN STAFFORD: Okay. Thank you.

16 MEMBER GOLD: Mr. Chairman.

17 CHMN STAFFORD: Yes, Member Gold.

18 MEMBER GOLD: I have a comment, and I'll
19 direct it to Mr. Bryner.

20 My family published newspapers. In New
21 York we had a large chain of newspapers. And I remember
22 an incident where a customer or an Italian restaurant was
23 advertising free parking, plenty of seafood. One week we
24 got it wrong apparently. We put down free seafood,
25 plenty of parking.

1 Now, we got a call before the restaurant
2 opened saying there's a line of 20 people out in front of
3 his door, what should he do? And I told him in the
4 newspaper business you say 1 percent of the circulation
5 will get a response. If you're giving away something for
6 free that the people want, I told him to give them free
7 shrimp cocktails and sit them down for dinner and we will
8 give him a free ad next week because we made the mistake.

9 Did you ever have 20 people in line before
10 you opened before? He said, No. I said, Thank you very
11 much. Goodbye.

12 The name of the game is reaching people and
13 getting them involved are two entirely different things.
14 For the most part, people looked at transmission lines
15 and say if it's not in my backyard literally, I don't
16 care. And why should I get involved? I have a whole
17 bunch of other things to do.

18 The fact that you actually got three people
19 at this meeting based on signage at least for two of
20 them, I think was pretty darn good. And I realize
21 corporation counsel is going to be taking up this idea of
22 how to reach the public, but it's not only reach the
23 public but get the public motivated to attend a meeting
24 that they may have no interest in.

25 Someone suggested the other day, Why not

1 have a barbecue? Well, a barbecue you're giving them
2 something for free. There was a dealership that sold
3 motor homes in Arizona that used to have chicken shows.
4 Anybody showed up they would get free barbecued chickens,
5 and they would have 2, 3,000 people show up to get free
6 chicken dinners. And they would wind up selling maybe
7 100 motor homes or trailers or anything else.

8 The name of the game is I think you did a
9 great job, and that's my personal opinion. You got
10 people to show up at a meeting. I've been on this
11 Committee a short period of time, and I don't remember
12 people showing up for these public hearings. Just a
13 comment I wanted to let you know I think you did a good
14 job.

15 MR. BRYNER: Thank you, Member Gold. We
16 appreciate that.

17 And we do bribe people with cookies
18 generally at our meetings, but we don't advertise them.

19 CHMN STAFFORD: Maybe that's the --

20 MS. HILL: We would like to strike the word
21 "bribe."

22 CHMN STAFFORD: Maybe that's the big
23 takeaway is that when you announce your open houses you
24 put something that says, Free cookies or free snacks.
25 Maybe that'll boost turnout.

1 MR. BRYNER: We're open to any suggestions.

2 MS. GRABEL: Chairman Stafford, to Member
3 Little's question about how to communicate with the
4 Commission. If I may suggest, the rulemaking docket, as
5 I understand it, they're kind of trying to go for the low
6 hanging fruit, so striking the newspaper circulation,
7 getting rid of the 25 filing requirements.

8 But there's another docket related to
9 policies, and if the Committee were to suggest that the
10 Commission have a policy about what kind of
11 communications are effective, I think that's more likely
12 to pass muster at the Corporation Commission. I think
13 they'd be interested in doing that, and I think it would
14 be helpful to applicants. Just my two cents.

15 CHMN STAFFORD: Thank you.

16 Member Fontes.

17 MEMBER FONTES: I liked Member Gold's
18 observation about the difference between the methods of
19 communication and stakeholder engagement. And with
20 regards to that policy I would offer that perhaps you
21 could explore that. I'm happy to contribute to that.

22 But there is a -- not to say a defined
23 term, but there is a big difference that he articulated
24 there that I think is a good input to that.

25 MEMBER LITTLE: Mr. Chairman.

1 CHMN STAFFORD: Yes, Member Little.

2 MEMBER LITTLE: Would it be possible for
3 Ms. Grabel to let us know what the docket number is on
4 the docket that she's referring to?

5 I have the docket number for the rules. I
6 don't have the other one.

7 MS. GRABEL: Certainly. Let us look that
8 up, Member Little, and I'll get that to you.

9 MEMBER LITTLE: Thanks.

10 MS. GRABEL: Sure.

11 CHMN STAFFORD: Did you access the
12 transcript to the prefiling conference?

13 MS. GRABEL: Yes.

14 CHMN STAFFORD: All right. Let's take a
15 brief recess and let me look at that, and then we'll come
16 back and begin deliberations unless the Members have
17 further questions.

18 MS. GRABEL: We did have a visual
19 simulation of the switchyard that the Committee asked for
20 yesterday, if that's something you wanted to take a look
21 at.

22 CHMN STAFFORD: Okay. Let's take a brief
23 recess. Let me review the transcript.

24 MS. GRABEL: Okay.

25 CHMN STAFFORD: And then we'll come back

1 and start with the presentation for the switchyard.

2 All right. We stand in recess.

3 (Recess from 11:07 a.m. to 11:26 a.m.)

4 CHMN STAFFORD: Let's go back on the
5 record.

6 Ms. Grabel, I believe you had a new exhibit
7 to introduce.

8 MS. GRABEL: Thank you, Mr. Chairman. Yes.
9 Real quickly before we do that, Member
10 Little, the policy docket is 22-0320. Did you catch
11 that? Okay. Great.

12 And I'm actually going to turn it over to
13 Mr. Ancharski who has been working with Ms. Mariñez on
14 the visual simulation.

15 CHMN STAFFORD: Thank you.

16 MR. ANCHARSKI: All right. So before we
17 jump into the new exhibit, we do have a couple additional
18 points that we wanted to make on the visual simulations.

19 So, Ms. Mariñez, is the map on the screen a
20 copy of page 5 of Exhibit G-4 to the CEC application?

21 MS. MARIÑEZ: Yes.

22 MR. ANCHARSKI: All right. Please proceed
23 with the description.

24 MS. MARIÑEZ: Okay. So we are -- okay. So
25 this is key observation point 2, and it was actually in

1 our application. So the visual simulation points west
2 along Old Vail Connection.

3 And if you will please, Mr. Ancharski, show
4 the simulation.

5 MEMBER KRYDER: Move a little closer to the
6 microphone.

7 CHMN STAFFORD: Yeah. Please move closer
8 to the microphone. We can't hear you.

9 Now, quick clarifying question, the new
10 exhibit says, "Key observation point No. 10." You're
11 saying it's a redo of an amended key observation point 2
12 or it's a whole --

13 MS. MARIÑEZ: No. Mr. Chairman, we're
14 actually going to show this visual simulation key
15 observation point 2, which was in the application, and
16 then we also did in addition add a new key observation
17 point that we worked on over the night, and we'll enter
18 that as part of, you know, an amendment. And we'll show
19 that here as well, and that's what's on your flyer.

20 CHMN STAFFORD: Okay. Thank you.
21 Please proceed.

22 MS. MARIÑEZ: So this one was actually
23 already in the application, and you can see the drop-in
24 structures here from a distance. And Mr. Ancharski is
25 circling around that area now.

1 MR. ANCHARSKI: And, Ms. Mariñez, is this
2 depiction found on page 6 of Exhibit G-4 to the CEC
3 application?

4 MS. MARIÑEZ: Yes.

5 So now, if you will, we can show the key
6 observation point we're adding, and that's key
7 observation point 10.

8 MR. ANCHARSKI: And, Ms. Mariñez, for the
9 record, the exhibit on the screen has been marked as
10 Exhibit TEP-18. That is in the process of being filed
11 with the Commission, so that should show up in the docket
12 hopefully sometime this afternoon. And I have just
13 passed out copies to the Committee Members in attendance
14 today.

15 So please explain, Ms. Mariñez.

16 MS. MARIÑEZ: So this key observation point
17 points northwest. So -- and it's just a bit further
18 west, so closer to the switchyard than the last
19 simulation you just saw.

20 And that bottom photo there is where you
21 can see the drop-ins structures, and it is labeled
22 switchyard.

23 MR. ANCHARSKI: And, Ms. Mariñez, was this
24 exhibit prepared by you or under your direction and
25 control?

1 MS. MARIÑEZ: Yes.

2 MR. ANCHARSKI: Chair, and I would move for
3 the admission of Exhibit TEP-18.

4 CHMN STAFFORD: Exhibit TEP-18 is admitted.
5 (Exhibit TEP-18 was admitted.)

6 MEMBER LITTLE: Mr. Chairman.

7 CHMN STAFFORD: Yes, Member Little.

8 MEMBER LITTLE: Ms. Mariñez, would you --
9 in the existing condition the poles we see are the 46kV
10 circuit that is a 138kV build that's going to be reused;
11 is that correct?

12 MS. MARIÑEZ: Commissioner Little, are you
13 referring to which -- which pole line?

14 MEMBER LITTLE: Well, in the existing
15 condition photo there's only one set of pole lines that I
16 see.

17 MS. MARIÑEZ: Oh, right. Uh-huh.

18 MEMBER LITTLE: So in the -- on a simulated
19 condition I see two sets -- two new sets of pole lines.

20 MS. MARIÑEZ: So, Mr. Ancharski, can you
21 circle the larger pole. That's the WAPA line in the
22 simulated condition. That's part of a separate project.

23 MEMBER LITTLE: Oh, I see.

24 MS. MARIÑEZ: And then the northern pole
25 line now that there is the --

1 MEMBER LITTLE: That explains it.

2 MS. MARIÑEZ: Yes. Okay.

3 MEMBER LITTLE: Thank you.

4 MS. MARIÑEZ: Thank you.

5 CHMN STAFFORD: Any other questions from
6 Members?

7 MEMBER RICHINS: Yeah.

8 CHMN STAFFORD: Member Richins.

9 MEMBER RICHINS: Can you confirm that the
10 exhibit, this one here, whichever one that is --

11 MS. GRABEL: 18.

12 MEMBER RICHINS: 18 -- that the red outline
13 is -- are power lines being removed as part of this
14 project? Is that true?

15 It says, "Eliminated segment." What does
16 that mean? Can you -- the red outline around the
17 property and through the neighborhood.

18 MS. MARIÑEZ: Member Richins, that's a
19 preliminary segment that we removed, so that is not where
20 the -- the proposed line is indicated in blue.

21 MEMBER RICHINS: Yeah, I understand, but I
22 was just trying to understand what the red line was. Is
23 that power lines that have been removed, or is it just
24 being bypassed?

25 MS. MARIÑEZ: No, there's no -- no power

1 lines there now. We were considering it at one point,
2 and we are not anymore.

3 MEMBER RICHINS: Got it. Okay. Helpful.

4 CHMN STAFFORD: So it's an eliminated
5 segment from consideration, not from physical existence?

6 MS. MARIÑEZ: Correct.

7 CHMN STAFFORD: Okay.

8 MEMBER RICHINS: Yeah. It just was
9 unclear, so I just needed that kind of clarification.
10 Thank you so much.

11 MS. MARIÑEZ: Uh-huh.

12 MS. GRABEL: We have nothing further,
13 Mr. Chairman.

14 CHMN STAFFORD: Anything further from
15 Members?

16 MEMBER KRYDER: No, sir.

17 CHMN STAFFORD: All right. Well, then it
18 appears we are ready to begin deliberations.

19 If you could please bring up Chairman's
20 Exhibits 1 and 2. On the left will be Chairman's 1,
21 which is the PDF of the CEC proposed by the Applicant,
22 and on the right will be Chairman's Exhibit 2, which is
23 the Word version that I have modified slightly that --
24 that's what we'll be working off of is the Chairman's 2.

25 MEMBER LITTLE: Mr. Chairman.

1 CHMN STAFFORD: Yes, Member Little.

2 MEMBER LITTLE: Before we begin, what was
3 the conclusion reached after your review of the
4 transcript of the procedural hearing?

5 CHMN STAFFORD: Yes. Yes. We actually did
6 not discuss social media at the prefiling conference. We
7 discussed the publications. We discussed the signage.
8 We discussed the website, but there was actually no
9 discussion of the social media.

10 MEMBER LITTLE: Thank you.

11 CHMN STAFFORD: I shall be more diligent in
12 the future. Typically the Applicant would usually bring
13 that up, but this time they didn't, and I didn't bring it
14 up either. So that was the miscommunication we had there
15 on that.

16 If someone could move the introduction,
17 please.

18 MEMBER RICHINS: So moved.

19 CHMN STAFFORD: Thank you, Member Richins.
20 Who provided the second?

21 MEMBER KRYDER: I did.

22 CHMN STAFFORD: Oh, Member Kryder. Thank
23 you.

24 MEMBER LITTLE: Mr. Chairman.

25 CHMN STAFFORD: Yes, Member Little.

1 MEMBER LITTLE: Why was that language
2 changed about looping the 138 system?

3 CHMN STAFFORD: I saw it to be redundant.
4 I wanted to make it clear in this section that what we
5 are doing is approving the line and the switchyard. That
6 same language is repeated in the next section, which is
7 the project description.

8 MEMBER LITTLE: Great. Thanks.

9 MEMBER KRYDER: Mr. Chairman, I move
10 approval of the introduction.

11 CHMN STAFFORD: Could you please scroll
12 down. I can't see the rest of it there.

13 MEMBER KRYDER: Oops. Sorry about that.

14 MEMBER RICHINS: Is Member Gold's name
15 spelled correctly? Is a Gould or Gold?

16 CHMN STAFFORD: Member Gold.

17 MEMBER GOLD: Like silver.

18 MEMBER RICHINS: Oh, okay. I thought I'd
19 seen your name before, and I'm like, wait a minute, it
20 doesn't look right.

21 MEMBER GOLD: Like silver.

22 CHMN STAFFORD: Scroll down a little more,
23 please. Of course, we will fill in the actual vote count
24 after the conclusion of the vote. The introduction has
25 been moved and seconded.

1 Any further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

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

9 Can I get a motion for the project
10 description?

11 MEMBER KRYDER: Mr. Chairman, I move
12 approval of the overview of the project description.

13 MEMBER GOLD: I second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

16 CHMN STAFFORD: Do we need to have a --
17 which is the Exhibit A that we're referring to?

18 I -- there's another is it Exhibit B later
19 on as well?

20 Do we need to address the corridor in this
21 description?

22 MS. GRABEL: Mr. Chairman, I believe
23 Exhibit B identifies the requested corridor. This is
24 simply a map of the proposed route.

25 CHMN STAFFORD: Okay. Could we please -- I

1 know we'll adopt Exhibit A later, but I'd like to see it
2 very quickly.

3 Can you put it up on the left screen?

4 MEMBER GOLD: Oh, the other left.

5 MR. ANCHARSKI: Yeah. I am pulling that up
6 now.

7 MEMBER KRYDER: Mr. Chairman, is somebody
8 working on that exhibit?

9 CHMN STAFFORD: Yes. Yes, they are, Member
10 Kryder.

11 MEMBER FONTES: Mr. Chairman --

12 CHMN STAFFORD: Yes.

13 MEMBER FONTES: -- question for you.

14 CHMN STAFFORD: Yes, Member Fontes.

15 MEMBER FONTES: In the previous CECs that
16 we drafted did we include width description in the
17 project description? I don't remember. Because this one
18 only has length as I read through it for consistency.

19 CHMN STAFFORD: Yeah, typically they do
20 spell it out.

21 MEMBER FONTES: I recall them including
22 both length and width in the description, and I think
23 what you're looking at on the map here has relevance to
24 width, and that's been discussed on a number of projects
25 because of the difference between the corridor and the

1 right-of-way.

2 CHMN STAFFORD: All right.

3 MEMBER FONTES: And this one since we're so
4 congested and I'd like to point that out and have
5 discussion, but I don't remember what the precedent was
6 that you had us look at last time.

7 CHMN STAFFORD: Can we zoom in on that a
8 bit?

9 MEMBER FONTES: Likewise, height, I do
10 remember you discussing height, and I don't remember if
11 it was in the description.

12 CHMN STAFFORD: Sometimes it is and
13 sometimes it's not. It is addressed I want to say
14 Exhibit G.

15 MS. GRABEL: I believe that's right,
16 Mr. Chairman. It is in the CEC application. And so
17 that's typically -- I don't know that it's usually
18 spelled out in the CEC order itself, but it refers back
19 to the application, and we're conditioned essentially
20 through the application on what we've put forth there.

21 CHMN STAFFORD: What was the height of the
22 towers for this?

23 MS. GRABEL: Was it -- go ahead.

24 MS. HILL: Typical is 75 feet up to 110.

25 CHMN STAFFORD: Okay.

1 MEMBER FONTES: I think in the last
2 conversation we had you were fixated on the fixed number
3 for the maximum height, and I think we entered that in
4 the description as I recall to help --

5 CHMN STAFFORD: Right. Because I believe
6 the application said approximately 80 feet, but then they
7 said they wanted to go higher than that up to 105 because
8 of potential crossings.

9 MEMBER FONTES: And given the proximity to
10 the airport I think is a factor here for that.

11 CHMN STAFFORD: Can we get the CEC back up
12 on the right screen, please?

13 All right. In the actual application
14 itself, there's a description of the proposed route.

15 Is that what you're talking about like to
16 add to this, Member Fontes?

17 MEMBER FONTES: I was just asking for
18 clarification if we adopt the Applicant's description or
19 do we describe this in terms of the length, width, and
20 height for a more I would say complete description based
21 upon our last hearing in your observations.

22 MEMBER LITTLE: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Little.

24 MEMBER LITTLE: All the previous project
25 descriptions that I've seen have been a little more

1 detailed in line with what --

2 CHMN STAFFORD: Right. So what we could do
3 is if you turn to page 8 of the application, there's a
4 description of the proposed route.

5 MEMBER LITTLE: That doesn't describe the
6 right-of-way, though.

7 MEMBER FONTES: Yes, Mr. -- it's -- the
8 point is we've got route, we've got corridor, and we've
9 got right-of-way. And we've discussed this at length.
10 And we're in a very congested area on other projects, so
11 just for consistency and just for a detailed description,
12 the length, width, height, and then the corridor and the
13 right-of-way with --

14 CHMN STAFFORD: Right. So can you pull
15 up what you have marked as Exhibit B.

16 MS. GRABEL: I was going to refer you to
17 that.

18 So in paragraph 18 of the CEC, we refer to
19 the corridor and the right-of-way in Exhibit B. So we'll
20 go ahead and pull that up now.

21 CHMN STAFFORD: And that would have to be
22 changed as well.

23 MS. GRABEL: We just move it up, I suppose.

24 CHMN STAFFORD: All right. It seems like
25 we can -- we don't need the Exhibit A. It would be more

1 constructive to use Exhibit B and describe the corridor
2 and the right-of-way in the project description. That's
3 what I'm hearing from --

4 MEMBER FONTES: I think that's consistent.
5 And I'll defer to Member Little who probably noted that
6 and has those resources to look up, but I think that
7 would work in an improved fashion here.

8 MEMBER LITTLE: I agree.

9 CHMN STAFFORD: Can I get a motion to amend
10 project description?

11 MEMBER FONTES: I so move.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: Can you please describe in
14 more detail what the amendment will look like.

15 So I'm thinking if you want to add another
16 paragraph starting on line 9. You could probably begin
17 with if you wanted to put the description that's in the
18 application on page 8, start with that, and then add the
19 description of the corridor. I couldn't quite make it
20 out on the screen.

21 MR. ANCHARSKI: To clarify, Chairman, you
22 want this -- this full paragraph inserted there?

23 CHMN STAFFORD: Right. To start with.
24 We'll probably edit it.

25 Can we put the Exhibit B up on the left

1 screen, please?

2 MEMBER LITTLE: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Little.

4 MEMBER LITTLE: May I suggest that we add
5 the description of the nominal width of right-of-way,
6 which is on page 7 of the application. It reads, "Where
7 the structures will be repurposed a line will be located
8 within the existing 35-foot right-of-way. In areas of
9 new construction TEP plans to acquire up to a -- " it's
10 no longer 100-foot wide but --

11 CHMN STAFFORD: Right. That description's
12 been amended.

13 MEMBER LITTLE: I know. But so if we put
14 that in there as amended, then --

15 CHMN STAFFORD: We're going to try to get
16 the Exhibit B, which has what they actually want for the
17 corridor.

18 MEMBER LITTLE: Okay. I was just trying to
19 come up with some language to put in there.

20 CHMN STAFFORD: Well, my thought is we take
21 this language that's from the description of the route
22 and then modify it to describe the corridor.

23 MEMBER LITTLE: Okay.

24 CHMN STAFFORD: Can you blow that Exhibit B
25 up? Because I can't quite make out -- there you go.

1 So it would be -- so to put the red line
2 here you'd do -- you go to the top of that paragraph
3 starting on line 9. So you're going replace "proposed
4 route" with "corridor."

5 What's the width?

6 MS. GRABEL: Mr. Chairman, because there's
7 verbiage in Exhibit B can you leave the project like this
8 part as it reads and then say the corridor width is
9 described in Exhibit -- it's now going to be Exhibit A.
10 A map of the proposed route and the requested corridors
11 are included in Exhibit A.

12 CHMN STAFFORD: I'm just wondering if we
13 should have the description in here that's included in
14 Exhibit B and if we even need Exhibit A because Exhibit A
15 kind of ignores this whole corridor.

16 MS. GRABEL: I agree. So I was actually
17 thinking we'd amend Exhibit B to become Exhibit A.

18 CHMN STAFFORD: Exactly. That was where I
19 was going with this. So you can strike line 8 there.

20 I guess we should go -- you wouldn't have
21 angling north, you'd have continuing west; right?

22 MR. BRYNER: If I could, Mr. Chair.

23 CHMN STAFFORD: Yes, Mr. Bryner.

24 MR. BRYNER: We do need to have the
25 language about angling north because we do come north out

1 of the existing 138kV line into that corridor that then
2 would extend east/west for the new build section.

3 CHMN STAFFORD: Okay. So the angling,
4 that's the other end?

5 MR. BRYNER: That's on the eastern end of
6 the project.

7 CHMN STAFFORD: Okay. That's -- that's my
8 confusion. I guess I'm thinking maybe we should describe
9 starting at the east and heading west.

10 MR. BRYNER: And that's how it's described.
11 So it begins on East Old Vail Connection Road and South
12 Country Club Road, which if you'll remember on the field
13 tour, that's where we -- on our return visit when we --
14 when we turned to the left and started heading north,
15 that was Country Club Road.

16 CHMN STAFFORD: Okay.

17 MEMBER FONTES: Would it be useful,
18 Mr. Chairman, if you entered the language where it will
19 connect west at the proposed Franco Wash switchyard?

20 CHMN STAFFORD: Okay. I see.

21 Let's see. We may go will turn west, not
22 connect west.

23 MEMBER FONTES: For consistency.

24 CHMN STAFFORD: So it will turn west into
25 the proposed -- then when it turns south at the road

1 before it connects to the existing 138kV line.

2 MR. ANCHARSKI: Sorry, Chairman, where were
3 you?

4 MEMBER FONTES: Add connect on that last
5 part there. Will connect. I think Mr. Chairman was
6 suggesting --

7 CHMN STAFFORD: Oh, yes.

8 MEMBER FONTES: -- change it to will turn
9 on the left side --

10 CHMN STAFFORD: Turn west.

11 MS. GRABEL: Turn west to connect?

12 CHMN STAFFORD: Yeah. I said into, but you
13 could put -- I thought you were talking about line 11.
14 And then -- because we're starting --

15 MEMBER FONTES: Starting in the east.

16 CHMN STAFFORD: -- in the east, slightly
17 north.

18 MEMBER FONTES: Mr. Chairman, you've got to
19 get closer to the mic.

20 CHMN STAFFORD: West. And then diagonally
21 northwest.

22 MEMBER FONTES: Yep.

23 CHMN STAFFORD: And then back east to the
24 switchyard, and then continue back to the end there where
25 it'll dip south again and connect --

1 MS. GRABEL: Yeah.

2 CHMN STAFFORD: -- with the other line.

3 MS. GRABEL: So on that last line you might
4 say where it will turn south and connect into the
5 existing --

6 CHMN STAFFORD: Right. That was that part.

7 MS. GRABEL: Right. And, Mr. Chairman, if
8 I would, think the word "corridor" on line 9 is
9 inaccurate. I think it is the line that's going to
10 originate there, and then we'll have a description of the
11 corridor later. The line will be built within a --

12 CHMN STAFFORD: Right. Right. That's why
13 I said -- that's why I suggested saying, you know, we
14 didn't need to describe the physical shape of the
15 corridor. Starting at the east end it's going to be
16 going from the farthest west southwest point, and then
17 it's going to be 1750 feet wide until it reaches the
18 other point. At which point it will go down to 500 and
19 continue out to the far east point --

20 MS. GRABEL: Right.

21 CHMN STAFFORD: -- at the angle.

22 So, I mean, because we're -- because
23 typically the corridor isn't in that -- isn't that --
24 it's not two lines in that corridor.

25 MS. GRABEL: Exactly.

1 CHMN STAFFORD: So, yeah, I see what you're
2 saying. So I mean --

3 MR. BRYNER: We think we may have found an
4 error in the description.

5 CHMN STAFFORD: Okay.

6 MR. BRYNER: So on line 10 it says,
7 "turning to parallel the road." We should say, "turning
8 west to parallel the road for 1.5 miles."

9 And then where it says, "where it will turn
10 west" on line 11 we need to scratch that.

11 CHMN STAFFORD: Okay.

12 MR. BRYNER: I think we had our west in the
13 wrong location, so it made -- it confused us all.

14 CHMN STAFFORD: All right.

15 MR. BRYNER: So, yeah, I removed that "for
16 1.5 miles into," so "where it will turn west" remove
17 that.

18 CHMN STAFFORD: Into the -- yeah. So we --
19 do you want to have a separate description of the
20 corridor that just like as I described starting at -- it
21 gives a detail that's on Exhibit B?

22 MEMBER FONTES: So is that the route or the
23 corridor that we just described, Mr. Chairman, based on
24 what you're saying?

25 CHMN STAFFORD: Well, the corridor is going

1 to be -- well, let's see. Before they expanded the --
2 this part of the corridor it was a much more typical run
3 of the mill description of how the line would work, how
4 it's going to go down the one side, turn and come back
5 and loop into it.

6 MEMBER FONTES: The other observation I
7 have on line 2 is it says it's a proposed route, but if
8 you read the rest of the paragraph, it's a description of
9 the poles, the conductor, and the circuit. It's not
10 really a description of the route.

11 So the lead in there that says, "the
12 proposed route will be co-located" does not follow with
13 what follows in that paragraph.

14 CHMN STAFFORD: Right. So I think it would
15 be better to put the description of the proposed route in
16 that paragraph and then just have a description of the
17 corridor. Because like Exhibit B we can see in white
18 that's the proposed route, but then the corridor is the
19 dark gray, which gives some flexibility in case the land
20 owner that's -- who is it, the --

21 MS. GRABEL: TAA.

22 CHMN STAFFORD: -- TAA wants to move it
23 further north.

24 MS. GRABEL: Correct.

25 So can't you just say on paragraph 2 or

1 beginning on line 2 there, "The project will be
2 co-located on monopole structures"?

3 MEMBER FONTES: I like that a lot. It's a
4 description of the project, not the route. But just for
5 consistency. And then the addition of the second
6 paragraph there starting on line 10 adds further clarity.

7 And I think we address -- did you want to
8 address, Mr. Chairman, the maximum height or the
9 right-of-way widths in this project description, again,
10 just going back to what we've done on other projects to
11 be consistent with your guidance?

12 CHMN STAFFORD: Right. Well, the
13 application says, "Supporting structures will range from
14 60 to 120 feet." So the max limit is 120 feet.

15 MEMBER FONTES: Do you want to include that
16 here or elsewhere?

17 CHMN STAFFORD: We could, but I don't think
18 it's necessary. I mean, the application shows the
19 structures are going to be at least 60 feet high and no
20 more than 120 feet high, and the minimum height for the
21 clearance is going to be 25 feet at maximum sag; correct?

22 MR. BRYNER: Correct. And I fed
23 Ms. Mariñez bad information before about the 110. So
24 thank you for correcting that with the 120 is the maximum
25 height.

1 CHMN STAFFORD: Okay. Now, yeah, because
2 this one has a set range that are actual numbers. The
3 other one we had to kind of zero in on. It said, "The
4 towers will be approximately 80 feet." That's what the
5 application said. It didn't have a minimum or maximum
6 into it.

7 MEMBER FONTES: I guess I point that out
8 due to the -- and I don't recall what it was discussed,
9 but the proximity to the airport if there was any kind of
10 limitations placed upon, you know, from FAA or Tucson.

11 CHMN STAFFORD: Yeah. And that is included
12 in a condition that says they have to comply with the FAA
13 requirements.

14 MEMBER FONTES: I think we address it there
15 then, yeah.

16 CHMN STAFFORD: Yeah.

17 MEMBER FONTES: Mr. Chairman, I have no
18 further inputs. I think that works. It's much improved
19 and a little more clear.

20 CHMN STAFFORD: I think we need to address
21 the width of the corridor. And then we'll end up
22 renaming Exhibit B Exhibit A and eliminate Exhibit A;
23 correct?

24 MS. GRABEL: We will do that.

25 CHMN STAFFORD: Okay. So can we -- how do

1 you want to describe -- I think -- now we describe what
2 the line is going to be.

3 MEMBER RICHINS: What about using the
4 language on Exhibit B as shown on the left-hand side
5 there? That's a corridor description.

6 CHMN STAFFORD: Right. Yeah, we could --

7 MEMBER RICHINS: Just cut and paste it?

8 MS. GRABEL: Couldn't you even easier just
9 say a map of the project and a description of the
10 approved corridors is contained in Exhibit A?

11 CHMN STAFFORD: I think we should probably
12 put the numbers in the actual order saying, you know,
13 that the corridor varies from 500 feet wide at the
14 eastern end -- at the western end expanding to 1754 and
15 some then kind of description of where it starts
16 continuing to the western mark.

17 MS. GRABEL: Okay.

18 CHMN STAFFORD: So that way you'll have
19 some kind of concept of what the size of the corridor is
20 if you -- without having to flip back to the Exhibit B.

21 MS. GRABEL: What did you say,
22 Mr. Chairman, at the western?

23 CHMN STAFFORD: Well, it should probably
24 say 500 feet centered on a proposed route because it's
25 not -- the point at the end it's not 500 feet; right?

1 MS. GRABEL: Yeah, that's correct.

2 CHMN STAFFORD: Okay.

3 MEMBER DRAGO: Mr. Chairman.

4 CHMN STAFFORD: Yes.

5 MEMBER DRAGO: Yeah. Maybe I'm
6 misunderstanding it, but the description on Exhibit B
7 says 1.3 miles, and we're talking about 1.5 miles in the
8 edited version of the CEC.

9 MS. GRABEL: I think the discrepancy,
10 Mr. Chairman and Member Drago, is that the .2 miles is
11 the 500-foot corridor and the 1.3 miles is the
12 1750-foot-wide corridor.

13 Is that correct, Mr. Bryner?

14 MR. BRYNER: That's correct. But the
15 reason why we're referring to 1.5 miles from the eastern
16 edge to the switchyard is -- and the 1.3 on the
17 1750-foot-wide corridor is because that -- or that
18 1.3 miles is only the length of the TAA parcel. So, as
19 you can see on the map, there's a little bit further
20 distance to the west to get to the switchyard.

21 MEMBER DRAGO: Got you. Thank you.

22 CHMN STAFFORD: So you want to say
23 beginning at the edge of the parcel continuing to -- into
24 the -- Mr. Bryner, how do you -- what do you think is a
25 more accurate way to describe that?

1 Because where's the -- because it's going
2 to go -- the edge of the parcel was T 15 S?

3 MR. BRYNER: So --

4 MS. GRABEL: So beginning at the edge of
5 the parcel owned by the Tucson Airport Authority --

6 CHMN STAFFORD: There you go.

7 MS. GRABEL: -- continuing to --

8 MR. BRYNER: It's kind of a challenge. I
9 hate to peg it to a single landowner because they do
10 intend to sell that land.

11 It might be more appropriate to -- we could
12 give it a parcel number.

13 CHMN STAFFORD: And that's what's on the
14 map; right?

15 MR. BRYNER: That's actually -- so we
16 could -- those are -- those are township range and
17 section. It might be more appropriate to give it that
18 description because that is more of a legal description
19 that's going to remain unchanged.

20 CHMN STAFFORD: Right. And then what's the
21 distance into the 33 parcel?

22 MR. BRYNER: I'd have to measure it, but a
23 section is one mile long.

24 CHMN STAFFORD: Right.

25 MR. BRYNER: So I think we could make an

1 assumption that it's .3 miles into the Section 33 and the
2 full length of Section 32.

3 CHMN STAFFORD: RIGHT.

4 MR. BRYNER: So maybe if we could describe
5 it somehow, we can think about that.

6 CHMN STAFFORD: I think that would be more
7 accurate.

8 MR. BRYNER: I agree. One other thing just
9 while we're chatting. I know we're focused on the
10 corridor here, but we may have an omission in the
11 description there.

12 To the west of the switchyard, as you can
13 see on the exhibit, we do continue west out of the
14 switchyard a little bit, and we kind of just say we're
15 going to -- we're going to get there and then we're going
16 to return back.

17 I don't know if we need to add some
18 language in lines 13 and 14 so that we adequately
19 describe that the transmission line will extend to the
20 west to the existing 46kV line and then return, some
21 language there.

22 CHMN STAFFORD: Okay.

23 MEMBER FONTES: I think he said continues
24 west to the existing 138kV line.

25 MS. MARIÑEZ: It's actually an existing

1 46kV transmission line.

2 MEMBER FONTES: That will become a 138kV;
3 right?

4 MS. MARIÑEZ: Right.

5 Perhaps existing -- Ms. Grabel, would
6 138/46kV line be appropriate there? Because it will be
7 both. It'll be energized with both.

8 MS. GRABEL: Maybe take out the word
9 "existing" and say "west to the 138/46kV transmission
10 line."

11 CHMN STAFFORD: Right. Because it is a new
12 138 line that's using existing poles.

13 MS. GRABEL: Right.

14 CHMN STAFFORD: I think that probably
15 causes some confusion, the description of the 138 line.

16 MS. GRABEL: And this says, "western side
17 switchyard." That does -- do we mean the western side of
18 the switchyard?

19 Okay. I think, Mr. Chairman, Mr. Bryner
20 has proposed language for the corridor.

21 CHMN STAFFORD: Okay.

22 MS. GRABEL: Go ahead.

23 MR. BRYNER: I don't want to interrupt if
24 you're --

25 CHMN STAFFORD: I'm still -- I'm trying to

1 look at the -- this -- okay. So the transmission line
2 originates near the intersection of East Old Vail
3 Connection Road and South Country Club Road.

4 So that's going to be -- if you look on the
5 right side, that's the left-hand part of those two lines
6 coming down; correct?

7 MS. GRABEL: Correct.

8 CHMN STAFFORD: Okay. Angling north if
9 you're turning west to parallel the road for 1.5 miles.
10 It's not going into the switchyard yet. It's going to go
11 north and then come back east into the switchyard; right?

12 MS. GRABEL: Angling north if you're
13 turning -- yep. That's how it looks to me.

14 Is that right?

15 MS. MARIÑEZ: So it angles north here.

16 CHMN STAFFORD: Right.

17 MS. MARIÑEZ: And then it turns west.

18 CHMN STAFFORD: Right. And then it
19 angles --

20 MS. MARIÑEZ: And then it continues west.

21 CHMN STAFFORD: Well, okay. You're on the
22 top line. I'm looking at the bottom of those two -- the
23 closer line.

24 MEMBER FONTES: What line are you looking
25 at, Mr. Chairman?

1 CHMN STAFFORD: That's my confusion.

2 Because it --

3 MEMBER FONTES: You're looking at line 10?

4 CHMN STAFFORD: Go to the right. Okay. I
5 see two intersections with the existing 138 system, one
6 on the left and one on the right.

7 Which one are we talking about?

8 MS. MARIÑEZ: Well, we start here.

9 CHMN STAFFORD: Okay. That's -- hence my
10 confusion because I thought we were starting at the
11 bottom one, the left-hand one and then going that way.
12 But now -- now that makes -- let me -- now that I'm sure
13 that's -- because I thought the intersection of the roads
14 was the left-hand one. The roads -- the right side one
15 is where the intersection is right there. Is that --

16 MS. MARIÑEZ: The right one is east of
17 Country Club Road but will head north and then west --

18 CHMN STAFFORD: Okay.

19 MS. MARIÑEZ: -- from the start. So that's
20 where it originates.

21 MEMBER FONTES: It is noted on the former
22 Exhibit A, Mr. Chairman, to the east of the intersection
23 to your point. So maybe if you want a geographic
24 reference of the description, you need to consider
25 putting Exhibit A back in because that has the street

1 reference as opposed to Exhibit B, a little more precise.

2 But I think that is consistent with what I
3 understood. I understood Ms. Mariñez's interpretation
4 was that we're starting in the east part of the line and
5 then describing it going around the circuit towards the
6 west and then coming back east.

7 MS. HILL: Mr. Chairman, in the very first
8 sentence of the paragraph above -- no.

9 MS. GRABEL: Line 10.

10 MS. HILL: Line 10. Thank you. I can't
11 read it. It says, "The transmission line originates near
12 the intersection of East Old Vail."

13 Could we just say, "The transmission line
14 originates east of the intersection"?

15 CHMN STAFFORD: There you go. That's --

16 MS. HILL: Okay.

17 MR. BRYNER: I believe it accurately
18 describes our intent of the line.

19 MEMBER FRENCH: Mr. Chairman.

20 CHMN STAFFORD: One second here.

21 Okay. Yes, Member French.

22 MEMBER FRENCH: I don't mean to throw
23 another wrench into the mix of this, but in the
24 Applicant's most recently submitted exhibit -- I believe
25 it's TEP-18 -- at the same origination point of the line

1 that we're describing east of the intersection, this
2 exhibit depicts the line traveling northwest as opposed
3 to what's shown on the screen as Exhibit B where the line
4 travels north.

5 Does that disparity matter?

6 MS. GRABEL: I think it depends on where
7 you're starting. So the way we're starting here is we're
8 just starting east of the intersection of East Old Vail
9 Connection Road, which is where the discrepancy lies.

10 If you start west of that, you'd angle a
11 different direction. Oh, I see.

12 MR. BRYNER: And if I could just add, so
13 that angle earlier on in the project, it was as the
14 segments were drawn up, they were drawn at an angle to
15 try to get over there quicker. And then as we move
16 further along into what we were considering our proposed
17 route and looked at, you know, a little bit more of the
18 engineering, the angle wasn't the ideal.

19 It was doing it because we have to cross
20 that 46kV line, which we like to do perpendicular
21 crossings, and so crossing that directly north as opposed
22 to at an angle was the more ideal situation.

23 And so the simulations were prepared and
24 shared with the public at our last open house in
25 September before we'd kind of decided on that straight

1 line route. So that's why there's a little bit of a
2 difference in the map.

3 CHMN STAFFORD: Right. Because I'm looking
4 at the picture on 18, and it's not squared off on the
5 west -- on the east side. It's at an angle.

6 So you're saying that the angle is not
7 going to -- it's going to go more perpendicular as
8 opposed to the angling left?

9 MR. BRYNER: Correct. It will go as
10 districted on what we're now calling Exhibit A to the
11 CEC. Well, what's on the screen.

12 CHMN STAFFORD: Right. Right. So it could
13 conceivably go either way under that corridor?

14 MR. BRYNER: Sure. It would be within the
15 corridor.

16 CHMN STAFFORD: Right.

17 MR. BRYNER: Correct.

18 MEMBER FRENCH: And that was my major
19 concern, Mr. Chairman, that it was maintained within the
20 corridor.

21 CHMN STAFFORD: Right. Right. Right.
22 Because if you look at the Exhibit 18, it's going to be
23 either it will go straight north or angle north.

24 Do we need to say -- do you want to just
25 put go north as opposed to -- is the angle part

1 important? Because it sounds like you're not going to
2 use that.

3 MR. BRYNER: Yeah, you can take away angle.

4 MEMBER FONTES: Perhaps the word "continue"
5 as opposed to "go," Mr. Chairman.

6 CHMN STAFFORD: Yes. Certainly. Or
7 "heading."

8 Okay. The line will exit the western side
9 of the switchyard and continue west to the 138/46kV line
10 and turn east.

11 It seems like there's two turning points in
12 the route there because it's going to go west and then
13 turn back southeast.

14 MS. GRABEL: Southeast.

15 CHMN STAFFORD: And then turn east and go
16 pretty much due east parallel to the road.

17 MEMBER FONTES: What's the distance on that
18 from where it turns southeast to where it goes true east?

19 MR. BRYNER: Roughly a quarter mile.

20 MEMBER FONTES: Can we put approximately a
21 quarter mile in there?

22 CHMN STAFFORD: Does that make a difference
23 for you?

24 MR. BRYNER: We're using the existing
25 infrastructure so we're not going to be -- it's what is

1 there is what we're going to use.

2 CHMN STAFFORD: Okay.

3 MEMBER GOLD: Mr. Chairman.

4 CHMN STAFFORD: Yes, Member Gold.

5 MEMBER GOLD: North and east are absolute
6 points. Could we say northerly easterly so give them
7 leeway?

8 CHMN STAFFORD: Yeah, that's probably a
9 good way. It's all going to be using the corridor
10 anyway.

11 MR. ANCHARSKI: Update all of the
12 directional terms.

13 CHMN STAFFORD: Yeah. Make them a little
14 more northerly, easterly.

15 MR. BRYNER: Easterly.

16 Could we make one other change on line 13
17 just to give us some more flexibility?

18 Instead of saying "exit the western side of
19 the switchyard" just say "exit the switchyard" in case we
20 come out on the south side --

21 CHMN STAFFORD: Okay.

22 MR. BRYNER: -- once we have the final
23 design.

24 CHMN STAFFORD: Right. Right.

25 So exit the switchyard and head westerly --

1 or exit the switchyard and continue westerly. I got it.

2 Because that's how it's going to go either way. Yeah.

3 Okay. Is that -- that seems like a fully
4 accurate description of the route.

5 MEMBER FRENCH: Mr. Chairman.

6 CHMN STAFFORD: Yes, Member French.

7 MEMBER FRENCH: So on line 15 is the
8 1.5 miles accurate?

9 MR. BRYNER: So, yes, since we're -- or
10 since our termination on the east side is further west
11 than the termination or than the beginning on the east
12 side, it's still an accurate 1.5 miles from the point
13 where we parallel Old Vail Connection Road.

14 MEMBER FRENCH: Thank you.

15 MR. BRYNER: Yeah. We could add
16 "approximately."

17 CHMN STAFFORD: Yeah. You might want to
18 add "approximately" before each 1.5.

19 MR. BRYNER: I feel good about that.

20 MS. GRABEL: It's for approximately
21 1.5 miles because you're not turning for 1.5 miles.

22 CHMN STAFFORD: Right.

23 Okay. So down on line 18 we identified the
24 parcel.

25 MR. BRYNER: So I have some proposed

1 language.

2 CHMN STAFFORD: Okay.

3 MR. BRYNER: So if we said the -- and maybe
4 I could just read it before we type it in case you all
5 think it's awful.

6 "The width of the corridor varies from 1750
7 foot wide beginning approximately 0.3 miles east of the
8 boundary between Sections 32 and 33 of township 15 south
9 range 14 east through Section 32."

10 I guess we could reference the township and
11 range there again.

12 "Then the corridor is 500 foot wide
13 centered on the proposed route."

14 CHMN STAFFORD: That sounds good to me.
15 Let's see what it looks --

16 MR. BRYNER: Okay.

17 CHMN STAFFORD: -- if it feels -- if once
18 we see it written out, if we still have -- has that good
19 feeling for us or not.

20 I think we want to add a sentence that says
21 the proposed -- that the -- "The route and the corridor
22 are depicted on Exhibit A."

23 MEMBER FONTES: Is it useful to use the
24 term "described" -- "depicted and described in
25 Exhibit A"?

1 CHMN STAFFORD: Yeah.

2 MEMBER GOLD: I thought we deleted
3 Exhibit A. It's lined through.

4 CHMN STAFFORD: Right. Well, because
5 they -- they had attached to the proposed CEC there was
6 an Exhibit A and an Exhibit B. We're going to eliminate
7 Exhibit A and just have -- the old Exhibit B is the new
8 Exhibit A.

9 And then we'll add -- well, they have the
10 description first, and then we'll talk about -- we'll
11 mention Exhibit A at the end of this paragraph we're
12 working on right now.

13 MEMBER GOLD: Thank you, Mr. Chairman.

14 MR. BRYNER: If I could, maybe -- maybe we
15 add -- I'll let Mr. Ancharski finish typing.

16 MR. ANCHARSKI: Go ahead.

17 MR. BRYNER: Okay. On line 20, maybe we
18 kind of leave it ambiguous as to where that corridor
19 starts and maybe we start it off with a similar line.

20 So "beginning at the boundary between
21 Sections 31 and 32 of township 15 south range 14 east the
22 corridor is 500 feet centered on the proposed route."

23 CHMN STAFFORD: There you go.

24 MEMBER GOLD: I would add at the southern
25 boundary. Suggestion.

1 MR. BRYNER: I guess the way I picture it,
2 it's the easterly boundary of Section 31.

3 CHMN STAFFORD: Right. That's where it
4 goes from the 1750 to the 500.

5 MR. BRYNER: I'm open to suggestions. But
6 to me beginning at the boundary of Sections 31 and 32
7 because those come together with a north/south running
8 boundary that's more accurate than putting any direction.

9 MEMBER GOLD: Agreed.

10 CHMN STAFFORD: I think that accurately
11 describes the route and the corridor.

12 Any other further revisions necessary?

13 Members?

14 Applicant?

15 (No response.)

16 CHMN STAFFORD: All right. Can I get a
17 motion to adopt the project description as amended?

18 MEMBER GOLD: I so move.

19 MEMBER FRENCH: Second.

20 CHMN STAFFORD: You had two seconds
21 actually. So I guess Member French was the second, and
22 Member Mercer was the third.

23 All in favor say "aye."

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, the project
3 description is adopted.

4 Moving on to conditions.

5 THE COURT REPORTER: Chairman?

6 CHMN STAFFORD: Yes.

7 THE COURT REPORTER: Are we going to eat?

8 CHMN STAFFORD: Yes. Is the Applicant --
9 is lunch coming?

10 MS. GRABEL: Lunch is here.

11 CHMN STAFFORD: Okay. All right. Well, I
12 think then this would be a good time for a break.

13 All right. Let's take a lunch recess, and
14 then we'll come back and finish this out after lunch.

15 We stand in recess.

16 (Recess from 12:28 p.m. to 1:07 p.m.)

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

19 We're finally done with the project
20 description. Let's move on to the conditions.

21 Can I get a motion to consider Condition 1?

22 MEMBER GOLD: I so move.

23 MEMBER KRYDER: Second.

24 CHMN STAFFORD: Further discussion?

25 MEMBER FRENCH: Mr. Chairman.

1 CHMN STAFFORD: Yes.

2 MEMBER FRENCH: On line 27, it has a time
3 period in quotes and parentheticals. I don't believe
4 I've seen that in any previous certificates we've issued.

5 Can you explain that to me?

6 CHMN STAFFORD: That was an amendment
7 from --

8 MEMBER KRYDER: Can you speak into your
9 mic? I couldn't hear your question.

10 MEMBER FRENCH: Oh, on line 27, the words
11 time period is in parentheticals and quotations. I don't
12 believe I've seen that before in any other previously
13 issued certificates.

14 CHMN STAFFORD: Well, that was a suggestion
15 from the Applicant to define the 10-year period as the
16 time period.

17 So I believe that's what the intent was;
18 correct?

19 MS. GRABEL: Certainly. I think the term
20 is used later. So it was to clarify certain compliance
21 requirements and the deadlines, and so it just cleans up
22 the language a little bit.

23 MEMBER FRENCH: Thank you.

24 MS. GRABEL: Was that you, Member French?
25 Sorry. I didn't know who I was talking to.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 1

8 is adopted.

9 Can we move Condition 2?

10 MEMBER GOLD: I so move.

11 MEMBER KRYDER: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 MEMBER KRYDER: Oh, give me time to read it

16 a little bit.

17 CHMN STAFFORD: Sorry. Hang on.

18 MEMBER KRYDER: Give me some time to read a

19 little bit more. Okay. Please.

20 MS. GRABEL: Mr. Chairman, I actually have

21 a suggestion on this one.

22 On line 8, because the Applicant is

23 required to notify the affected jurisdictions, and ASLD

24 is now an affected jurisdiction we probably want to

25 include them.

1 CHMN STAFFORD: Very good.

2 Can we get a motion to amend?

3 MEMBER MERCER: So moved.

4 MEMBER GOLD: I second.

5 CHMN STAFFORD: Further discussion?

6 Oh, wait. Are you still reading now,

7 Member Kryder?

8 MEMBER KRYDER: I am still reading. I'm a
9 slow reader, especially with modifications. Okay. I
10 think we need to look at that first.

11 Mr. Chairman, I move approval of the
12 addition that was just typed in to the right-hand
13 portion.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

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

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 MEMBER KRYDER: So now we're back --

22 CHMN STAFFORD: Hearing none, the amendment
23 is adopted. If he could get a motion to adopt
24 Condition 2 as amended.

25 MEMBER GOLD: I so move we adopt it as

1 amended.

2 MEMBER KRYDER: I would second that.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 2
10 is adopted.

11 Can you scroll up so we can see 3, please.

12 MEMBER RICHINS: Move Condition 3.

13 MEMBER GOLD: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 3
21 is adopted.

22 No. 4.

23 MEMBER RICHINS: Chairman.

24 CHMN STAFFORD: Yes, Member Richins.

25 MEMBER RICHINS: Recognizing that many of

1 these are very similar, I move adoption of Condition 4,
2 5, 6, 7, 8, 9, and 10 recognizing that people need time
3 to read.

4 But approving all those they're all the
5 same as they have been in every other case.

6 MEMBER KRYDER: Could I ask if the screen
7 could be -- or the -- could we expand it again?

8 Thank you.

9 MEMBER FONTES: Mr. Chairman, I'd like to
10 second.

11 CHMN STAFFORD: Further discussion?

12 I think we should probably, you know, read
13 them all first and then have discussion, and I'll call
14 for the vote.

15 MEMBER KRYDER: I would agree that we
16 should go at these one at a time.

17 So we need to vote on that and get rid of
18 it.

19 CHMN STAFFORD: He's moved and it's been
20 seconded to adopt Conditions 4 through 10?

21 MEMBER RICHINS: Yeah. These are the same
22 as the case we heard last week at the end of the week,
23 the solar.

24 CHMN STAFFORD: Yes. And I think in 7 --

25 MEMBER RICHINS: With the exception in 6

1 where it says "interconnection," so but as written here I
2 move to adopt as written.

3 CHMN STAFFORD: All right. Because the
4 "interconnection" is taken out because this whole thing
5 is for a switchyard in the line.

6 MEMBER RICHINS: Yeah.

7 CHMN STAFFORD: Typically it's been for a
8 line that's connecting to a generator that's
9 nonjurisdictional that has -- so that was --

10 MEMBER RICHINS: Yeah.

11 CHMN STAFFORD: -- why the interconnection
12 facilities. Because they talk -- even though the
13 application is only for the line for those other projects
14 it's -- it discussed it so we want to make it clear that
15 it's unnecessary for this particular case.

16 MEMBER LITTLE: Mr. Chairman, are we in the
17 discussion phase here?

18 CHMN STAFFORD: Yes.

19 MEMBER LITTLE: I have a question.

20 CHMN STAFFORD: Yes.

21 MEMBER LITTLE: No. 7, do we need to
22 specify anything with respect to --

23 MEMBER KRYDER: No, no, no.

24 MEMBER LITTLE: -- the 1002 prehistoric
25 site?

1 MEMBER KRYDER: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Kryder.

3 MEMBER KRYDER: There's a resolution on the
4 table to approve or accept that we do these en masse or
5 we do them individually. That has not been addressed as
6 yet.

7 CHMN STAFFORD: Well, Member Richins moved
8 to adopt Conditions 4 through 10, and it was seconded by
9 Member Fontes, so now we're in -- they're under -- now
10 it's for discussion.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: I'm just a slow reader and
14 relatively not as bright or experienced as some members
15 of the Committee. Therefore, I ask that we go through
16 these one at a time and not en masse.

17 CHMN STAFFORD: The motion's been moved and
18 seconded. So we will -- as we discuss it, we'll discuss
19 each one individually. So any questions you have on any
20 individual one we can go through them one at a time.

21 MEMBER KRYDER: And we will seek to approve
22 them one at a time. That's the resolution on the table
23 right now as to whether we do these one at a time. We've
24 had a resolution to do that and a second to it, but we
25 have not voted on whether we're going to do it one at a

1 time or en masse. And I for one would prefer to do it
2 one at a time.

3 MEMBER RICHINS: Maybe if I could just
4 clarify.

5 So each of these are pretty standard for
6 our CECs. There's not a lot of deviation, particularly
7 due to the simplicity of this case. I thought it might
8 save us a little bit of time.

9 But we certainly can discuss each one prior
10 to the vote to approve them all. So I think what the
11 Chairman is saying, Member Kryder, is that we have the
12 opportunity right now to go through 4, 5, 6, 7, 8, 9, 10
13 and see if there's anything we want to change in any of
14 them.

15 And if there's not, then we can have a vote
16 to adopt them all, and then we move on to 11 without
17 having an individual vote for each of those sections.

18 MEMBER FONTES: Second.

19 MEMBER KRYDER: Thank you, Member Richins.
20 I think I understood that.

21 What I'm saying is the resolution on the
22 table is whether we should do that or not, and that has
23 not been approved by the Committee.

24 Right now we are in a discussion stage as
25 to whether to do these 4 through 10 or whatever the

1 numbering is as a block and talk about them as a block.
2 And, as I said, I for one find it difficult -- I find it
3 more difficult to do it as a block where you talk about 8
4 and then go back and talk about 4 because you've not
5 approved them.

6 My preference would be that we would speak
7 about each one, talk about each one, and either approve
8 or modify or disallow each one at a time rather than do
9 them as a mass.

10 MEMBER RICHINS: Chairman.

11 CHMN STAFFORD: I --

12 MEMBER RICHINS: Member Kryder, then you
13 would vote against the motion when we call for the vote.

14 That's how that would be handled because
15 the motion is not whether or not we do it that way. The
16 motion is to approve all of them in one shot.

17 CHMN STAFFORD: That was my understanding
18 of your motion, Member Richins --

19 MEMBER RICHINS: Yeah.

20 CHMN STAFFORD: -- that it wasn't -- it was
21 to adopt Conditions 4 through 10.

22 MEMBER RICHINS: Right. So, Member Kryder,
23 you'd want to vote against that because you prefer to do
24 them one by one.

25 MEMBER KRYDER: That is correct.

1 MEMBER RICHINS: Yeah. So when we call for
2 the vote --

3 MEMBER KRYDER: I need all the help I can
4 get.

5 CHMN STAFFORD: So, Member Kryder, which
6 ones have you --

7 MEMBER KRYDER: If we could go back to 4.

8 CHMN STAFFORD: Put it back at 4, please,
9 on the right screen.

10 MEMBER KRYDER: Or was it even before that?
11 I've forgotten when was the last one that was approved.

12 CHMN STAFFORD: 3. No. 3 was --
13 Condition 3 was the last one we voted on. So now we're
14 on to number 4.

15 MEMBER KRYDER: All right.

16 CHMN STAFFORD: Okay.

17 MEMBER KRYDER: But we cannot move forward
18 until we deal with the resolution that's on the table.

19 MEMBER RICHINS: Correct. That's why we
20 have the opportunity to comment on 4 through 10 now.

21 MEMBER KRYDER: Well, I call for a vote on
22 that.

23 CHMN STAFFORD: Right. But we haven't
24 amended any of them yet, and I don't know if we're going
25 to need to amend 4 to include state land department.

1 We add that to which, Number 3?

2 MS. GRABEL: We did because it was an
3 affected jurisdiction.

4 CHMN STAFFORD: Right.

5 MS. GRABEL: Here I don't -- because the
6 State of Arizona is already there I think that would
7 cover the ASLD.

8 CHMN STAFFORD: Okay. All right.

9 MEMBER KRYDER: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Kryder.

11 MEMBER KRYDER: Would you help me?

12 I don't know what the resolution on the
13 floor is at the present time. Would you restate it.

14 CHMN STAFFORD: My understanding is that
15 Member Richins has moved to adopt Conditions 4 through 10
16 as they appear on the screen, and it was seconded. So...

17 MEMBER KRYDER: So what?

18 CHMN STAFFORD: So now we're in the
19 discussion phase to see if anything needs to be amended
20 in any of those conditions.

21 It was not my understanding that he had
22 suggested we consider them as a block. He just moved
23 them as a block.

24 I understand that your preference is to
25 address each one individually, so I think if we can do

1 that going forward, that would be greatly appreciated.

2 MEMBER MERCER: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Mercer.

4 MEMBER MERCER: So it was suggested in
5 order to save time. We're wasting a lot of time
6 discussing this. So let's just go one by one.

7 CHMN STAFFORD: Would you care to withdraw
8 your motion, Member Richins?

9 MEMBER RICHINS: This isn't complicated. I
10 mean, we're creating rocket science where there's no
11 rocket. I mean, all's we're doing is approving them as a
12 block.

13 All's you have to do is run through 4, 5,
14 6, 7. If you have amendments, throw them in, and then
15 we'll have one vote.

16 What I'm trying to avoid is a motion and a
17 second and a discussion on every single one of these.
18 Let's get the discussion out of the way. Let's have a
19 single vote and move it on.

20 It's a much -- we used to do this on the
21 line siting cases all the time. We'd do blocks of them
22 at a time. It's quite elegant once you get the hang of
23 it.

24 So it's not changing anything. It's
25 simplifying the conversation. You just go through 4,

1 5 -- and we got the Chairman's exhibits last night in the
2 e-mail, so we've had time to review those, and so we had
3 an opportunity to read them.

4 Each of these we've read a hundred times.
5 We've all been on these cases frequently, and these
6 particular group -- the reason I chose this particular
7 group is because very seldom are there substantive
8 changes. This is mostly addressing statutes and
9 guidelines and all those kinds of things.

10 And so in the interest of moving along, I
11 maintain my motion. And, you know, if nobody has any
12 amendments, let's vote on it and let's get this resolved.

13 CHMN STAFFORD: All right. Member Kryder,
14 you haven't finished reading them yet, have you?

15 Would you like to -- I haven't finished
16 reading them yet. I like to go through them before we --
17 before I call for the vote.

18 Can you scroll up the right screen, please.

19 MEMBER GOLD: Can we change CEC 221 to 227?

20 CHMN STAFFORD: No. That should be
21 stricken. It's stricken on the left side -- oh, no, it's
22 not. That's a conforming change. Because typically
23 they -- when the applicant provides the draft proposed
24 CEC, they've reached the conditions they -- number, which
25 the last thing approved by the -- the last CEC approved

1 by the Commission that adopted that condition.

2 MEMBER KRYDER: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Kryder.

4 MEMBER KRYDER: I spoke with several people
5 over our lunch break. One of the problems that I have
6 with supporting this block approach, Mr. Richins, Member
7 Richins, is I never got a copy of these.

8 You're telling me they're all the same.
9 Well, that's the equivalent of someone who said we'll
10 vote on the Medicare as soon as we get a chance to read
11 it and just pass it now, and we'll read it later. That
12 dog don't hunt in my country.

13 CHMN STAFFORD: I hear you, but we're going
14 to read it before we vote on it, though.

15 I have a question now for the No. 7. The
16 cultural resource to be completed there's the -- the two
17 sites. One -- and then one was eliminated from
18 consideration. It's not eligible. And there's the one
19 that is.

20 And I believe Member Little had suggested
21 we reference that site, which is BB 13-1002.

22 MEMBER LITTLE: My thought on that is that
23 both 7 and 10, I guess, are pretty general. And, once
24 again, I'm not real sure whether the issue that has been
25 identified -- the site that has been identified as being

1 needed to -- is recognized needs to be dealt with is
2 included in this general language or whether we need to
3 specify it.

4 CHMN STAFFORD: I seem to recall in prior
5 orders we have specifically addressed specific sites.

6 MEMBER LITTLE: Then I think it should be
7 included here. I think it can't hurt.

8 I mean, the Applicant has already told us
9 they know it's there. They're going to -- you know,
10 they're going be wary of it. They're going to do what
11 needs to be done. So I wouldn't think the Applicant have
12 any concern -- heartburn either.

13 CHMN STAFFORD: And, Mr. Bryner, you had
14 said that you would take steps to avoid that site?

15 MR. BRYNER: That is correct.

16 MEMBER RICHINS: And, Chairman, the
17 language is adequate that "shall immediately" -- so it
18 says, If you find anything, you have to take reasonable
19 steps to secure and maintain the preservation of the
20 discovery as required.

21 They already know -- it's been discovered.
22 It was a pretty immaterial prehistoric scatter as
23 described by the Applicant, which is, you know, you walk
24 about anywhere in the desert you're going to find, you
25 know, pottery scatter and that kind of stuff.

1 You know, but that law addresses that
2 issue. And I don't think you need to specifically refer
3 to it because the law really refers to it. I'm not
4 opposed to it, but I'm just saying that that law having
5 worked with it covers it.

6 CHMN STAFFORD: Right. Right.

7 MEMBER RICHINS: Which is why it's written
8 like the way it's written.

9 CHMN STAFFORD: Exactly.

10 But to address Member Little's concern I
11 think she wanted to address it directly.

12 Are you satisfied that the way it's written
13 now it covers that site that they're aware of?

14 MEMBER LITTLE: I guess, Mr. Chairman, I'm
15 asking for a legal opinion on that. I'm not a lawyer.

16 CHMN STAFFORD: I'm inclined to think
17 Member Richins is correct.

18 Ms. Grabel, do you have an opinion?

19 MS. GRABEL: I do. I concur that Member
20 Richins is correct. I don't necessarily see a harm, but
21 I don't think it's necessary.

22 MEMBER LITTLE: Okay.

23 CHMN STAFFORD: Did you want to propose
24 language, Member Little?

25 MEMBER LITTLE: No. I'm satisfied. I was

1 posing a question, and I received an answer that I'm
2 satisfied with.

3 CHMN STAFFORD: Okay.

4 MEMBER LITTLE: Thank you.

5 MEMBER DRAGO: Mr. Chairman.

6 CHMN STAFFORD: Yes, Member Drago.

7 MEMBER DRAGO: Maybe, Member Little, I can
8 help provide some context here. If you go to Condition
9 No. 3, the analogy of the discussion we just had on SHPO
10 would be where we would list every single permit type
11 that's necessary in Condition 3.

12 And so the fact we don't do that there, it
13 just makes sense that the way it's written in whatever
14 condition we were just on makes sense. That's kind of
15 how I see it, Member Little.

16 MEMBER LITTLE: Thank you. That does help.
17 I appreciate it. And, like I said, I just -- I just
18 personally wanted a legal opinion on whether it was
19 covered.

20 MEMBER MERCER: Can you scroll down?

21 MS. GRABEL: Mr. Chairman, was the review 4
22 through 8?

23 CHMN STAFFORD: 4 through 10.

24 MS. GRABEL: Oh, 4 through 10. Okay.

25 Thank you.

1 CHMN STAFFORD: Member Kryder, have you
2 been able to review Conditions 4 through 10?

3 MEMBER KRYDER: Yes.

4 CHMN STAFFORD: All right. Further
5 discussion?

6 MEMBER KRYDER: No. I'm okay.

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Conditions 4
12 through 10 are adopted.

13 MEMBER RICHINS: Move to approve
14 Condition 11.

15 MEMBER GOLD: I second.

16 CHMN STAFFORD: As it appears on the right
17 screen?

18 MEMBER RICHINS: As it appears on the right
19 screen.

20 MEMBER MERCER: Mr. Chairman, on Point A,
21 "Advise the area is a future site of the project."

22 Is that -- that doesn't sound correct.

23 CHMN STAFFORD: Well, typically it would --
24 this is another edit by the applicant that typically it
25 says, "The signs shall advise...future site of the

1 project...a phone number." They changed it so that it
2 has, it's "The sign shall" and "advise the area is a
3 future site."

4 Would it be "the" future site of the
5 project?

6 MEMBER MERCER: Yeah. That sounds more
7 like English.

8 MEMBER LITTLE: Yeah.

9 CHMN STAFFORD: And then provide a phone
10 number and website and then refer the public to the
11 docket.

12 MEMBER KRYDER: Mr. Chairman.

13 MEMBER LITTLE: Mr. Chairman.

14 CHMN STAFFORD: Yes, Member Kryder.

15 MEMBER KRYDER: Would it not be correct
16 English to not capitalize the A in advise, the P in
17 provide, and the R in refer?

18 They should be all small rather than
19 capital because they're parts of the sentence, "The sign
20 shall..."

21 CHMN STAFFORD: Yes, I would agree with
22 that. I think you're correct.

23 MEMBER KRYDER: "The sign shall" colon if
24 I'm not mistaken from my 10th grade English.

25 After the word "shall" on line 6 a colon.

1 CHMN STAFFORD: It's there. It's just
2 after the "advise" is struck.

3 MEMBER KRYDER: Thank you. I got it.
4 Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: With those modifications, I
7 move that Condition 11 be approved as written in the
8 right-hand screen.

9 MEMBER MERCER: Second.

10 CHMN STAFFORD: Okay. Can we move to make
11 the amendments and then --

12 MEMBER KRYDER: Oh, I didn't realize we had
13 to amend this.

14 CHMN STAFFORD: You didn't have to until we
15 started changing what was already in the red line.

16 MEMBER KRYDER: Okay. Mr. Chairman, I
17 withdraw the earlier resolution and wish to amend
18 Condition 11 as it is now written in screen on the right.

19 MEMBER GOLD: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, the amendment
2 is adopted.

3 MEMBER KRYDER: And now --

4 MEMBER LITTLE: Mr. Chairman.

5 MEMBER KRYDER: Oh --

6 CHMN STAFFORD: Yes, Member Little.

7 MEMBER KRYDER: Go ahead.

8 MEMBER LITTLE: Can we discuss the
9 possibility of requiring the applicant to maybe put up
10 signs whenever there's anything happening with respect to
11 the project that might be of interest to the, you know,
12 the general populace of the area?

13 Is this perhaps where that should go, or
14 should we maybe come up with a -- or something that -- I
15 think we're all in agreement that in general it would be
16 good if the applicant could somehow or other reach the
17 community a little better during the process of this
18 project being constructed.

19 CHMN STAFFORD: Right. My understanding of
20 this condition is the applicant already has signs up
21 advising of the hearing. Those same signs would be
22 amended to say what this condition requires and have the
23 docket number, phone number on the website.

24 Is that understanding accurate, Ms. Grabel?

25 MS. GRABEL: Yes. That's actually correct.

1 CHMN STAFFORD: Okay.

2 MEMBER LITTLE: Okay.

3 CHMN STAFFORD: And that's -- and
4 apparently it seems that the signs were the most
5 effective mechanism at turning out the public to the
6 hearing.

7 I thought that perhaps we might introduce
8 another condition to require some kind of social media
9 outreach about the project.

10 MEMBER RICHINS: The last sentence I think
11 addresses that digital media, or is that not --

12 CHMN STAFFORD: Yes, there you go.

13 Now, digital media, does that -- does that
14 term -- that would -- I believe the website itself would
15 be digital media. Social media may -- implies that
16 there's more than using one of the social media
17 applications such as Facebook or Twitter -- I guess it's
18 X now.

19 MEMBER RICHINS: Yeah. You could add the
20 term "digital and social media," but there's already a
21 motion on the table by Member Kryder to approve it as
22 written now.

23 CHMN STAFFORD: Right.

24 MEMBER RICHINS: But -- but you could at
25 some point add -- I think maybe we should just be content

1 to let the process play out with the Corporation
2 Commission and their changing their public notice
3 requirements and then address it when we get adopting of
4 that.

5 CHMN STAFFORD: Well, we are -- it has been
6 moved as amended, and we are in further discussion. I
7 guess it's possible we could amend it further before
8 adopting it as amended.

9 MEMBER RICHINS: With the permission of
10 motion by Member Kryder you could add digital and
11 social -- the words "and social" between "digital" and
12 "media."

13 MS. GRABEL: Mr. Chairman, I just jump in
14 for a second?

15 CHMN STAFFORD: Yes, Ms. Grabel.

16 MS. GRABEL: After the conversation that
17 happened earlier today, I'm rereading this, and I want to
18 make sure I know my client knows how to comply with it.

19 And so what does the Committee mean by
20 "every reasonable effort" and what specifically is meant
21 by "digital media"?

22 I think I'd be more comfortable if we
23 spelled that out a little bit more specifically to make
24 sure we're in compliance with the order.

25 MEMBER KRYDER: Good point.

1 CHMN STAFFORD: Yes. Typically, I mean,
2 you're posting on your website. And if you'd had done
3 social media outreach previously, you would do the same
4 thing about the decision of the issuance of the CEC that
5 you would have done for notice of the hearing.

6 So for this point both the signs, and then
7 duplicate your efforts to communicate it electronically
8 either by through your website or social media --
9 outreach through social media.

10 MS. GRABEL: And by social media do you
11 mean Facebook?

12 CHMN STAFFORD: Facebook, yes. Instagram.
13 There's various ones.

14 I think typically how it would work out is
15 that they had done -- the applicant had done that already
16 leading up to the hearing so they have a pretty good idea
17 which ones were effective at reaching the affected people
18 that they were trying to -- we told you this hearing is
19 coming. Here's the result of that hearing so that you
20 know what's going on.

21 Ms. Hill, I think you have something to
22 say.

23 MS. HILL: I do. I just want to clarify,
24 and I have the advantage of talking daily with our -- the
25 people that will implement these orders.

1 And so what I think would be very helpful
2 is additional specifics from this Committee in writing
3 which gives us the platform, the number of days or the
4 number of times that this must run, and the targeted area
5 that we must attempt to target with the platform to the
6 best of our ability to the extent they will allow us to.

7 With that level of specificity, then, if
8 something becomes actually impossible, we can return to
9 the Commission and ask them to give us another set of
10 guidelines under a 4252 motion or some such thing.

11 So I would ask this Committee, given what
12 we're dealing with now and that this is a strategy that
13 we're rapidly developing here, for that level of
14 specificity in the order.

15 CHMN STAFFORD: I don't know if we have
16 enough evidence in the record to make a determination
17 what level of specificity is required for this particular
18 case.

19 MEMBER RICHINS: Yeah. Chairman, I mean,
20 that's why I kind of caveated with maybe we should wait
21 until the new rules get into place, and then we can
22 reference those down the road after understanding the
23 issue.

24 CHMN STAFFORD: But even the new rules
25 aren't going to give that level of detail that it's going

1 to require them -- it's more kind of what's industry best
2 practice of how -- what -- how do you reach out to people
3 in the area. Typically it's going to be, you know,
4 everybody who lives in the study area.

5 MEMBER RICHINS: Yeah, no, and I agree.
6 And the disconnect here is we have the legal public
7 notice requirements that we're focusing on, not a
8 stakeholder engagement plan.

9 And I think that's one of the things we
10 lack in this process is specified stakeholder engagement
11 plans that require certain amounts of outreach and
12 signage and public meetings and open houses, all those
13 kinds of things.

14 And so, you know, the lawyers focus in on
15 the public notice process. And if we just amend the
16 public notice process, it never takes us to the best
17 practice, which is an actual stakeholder engagement plan.

18 CHMN STAFFORD: All right. I think -- and
19 I don't know if we're going to get to that in the rules.

20 MEMBER RICHINS: Yeah.

21 CHMN STAFFORD: Like I said, I think it's
22 going to be more general, and it's going to be up to the
23 applicant to determine what is sufficient, because if the
24 burden is on them to prove that it's environmentally
25 compatible, if they don't do adequate outreach and then

1 they have a whole bunch of people show up to comment or
2 intervene that they haven't dealt with before, that
3 presents a risk to them and their project.

4 So it be behooves them -- it's in their own
5 best interest to make sure they've reached out and made
6 sure everybody within the affected area has been -- their
7 concerns have been addressed, so they will not be
8 addressed for the first time in this hearing.

9 MEMBER RICHINS: Okay. Chairman, you're
10 making a really important point here.

11 And when you look at a power line, like I
12 said on the SunZia case years ago and the Rosemont case
13 also that had the intervenors and lots of necessary
14 public outreach and stakeholder engagement, you know,
15 this is a relatively small thing.

16 You have one affected neighborhood that has
17 had some interest. And the scale of the stakeholder
18 engagement plan can be different for -- so it's hard to
19 subscribe a stakeholder engagement plan. You've just
20 kind of got to have a feel for it depending on what
21 you're doing, what's -- how far that power line goes, the
22 power plant.

23 Like, Randolph is another great example of
24 that --

25 CHMN STAFFORD: Right.

1 MEMBER RICHINS: -- you know, where you had
2 to have really robust stakeholder engagement to get
3 through the issue.

4 So your point is very, very well said,
5 Chairman.

6 MS. HILL: If I may just offer one -- and
7 that's why -- to piggyback on what Mr. -- Member Richins
8 and you, Chairman Stafford, were just saying we're here
9 on one case in one instance, and there has been a concern
10 expressed with this particular case, and we're willing to
11 remedy that.

12 But to Member Richins' point about you kind
13 of have to have a feel for it, and you just -- and your
14 point that, well, you just sort of have to know.

15 I think if our discussions here today have
16 shown us anything is that as a utility that wants to
17 comply with the orders and that respects the fact that
18 you're a Committee of many with many different
19 perspectives as opposed to us that are trying to get a
20 line built, and we have a perspective, and it's our
21 perspective, we need guidance about specifics in order to
22 comply because we could have a real problem later on down
23 the line with the Committee if we're not -- if our
24 perception of we did adequate outreach and here's what --
25 I mean, we have some statistics that we think show that

1 our outreach and notice provisions do work. And I
2 understand there's a difference between notice and
3 stakeholder engagement.

4 But for this particular case, I do think
5 maybe it's appropriate to get some guidance from this
6 Committee because I think the Committee really does have
7 opinions about this.

8 The other thing that we could do is we
9 could take out "every reasonable effort," which would
10 make me feel a little more comfortable that we could
11 comply sufficiently with the order, the CEC, in a timely
12 fashion.

13 Not to try to get out of things, but it's
14 just a little bit -- after, you know, the past few hours,
15 I feel like that's a little bit difficult for me to
16 understand what that means and advise my client
17 accordingly.

18 MEMBER GOLD: Mr. Chairman.

19 CHMN STAFFORD: Yes, Member Gold.

20 MEMBER GOLD: Is the -- because I'm
21 relatively new in this is there a requirement to have
22 that sentence in at all?

23 I mean, we're talking about signage.
24 Everything above it is signage. And then we add in this
25 sentence, shall make every reasonable effort to

1 communicate the decision, either approving or
2 disproving -- I mean, that's very nebulous. I understand
3 what Ms. Hill is saying.

4 Is that whole sentence necessary at all?

5 Is it required by law?

6 CHMN STAFFORD: Well, it is if we put it in
7 the order.

8 MEMBER GOLD: That's why I'm asking.

9 CHMN STAFFORD: Right. I mean, if it's
10 struck, then they don't have to make any effort to
11 communicate the decision in digital media.

12 MEMBER GOLD: Why? They have signs. Let's
13 put up a number of signs. Let's say put up six signs.

14 CHMN STAFFORD: Right. But, see, the
15 website -- the project website, they keep that up until
16 at least 30 days after the Commission issues its
17 Decision.

18 MEMBER GOLD: Then why don't we state at
19 the project website?

20 CHMN STAFFORD: To make it say, "The
21 applicant shall communicate the Decision approving or
22 disapproving the certificate on its project website"?

23 MEMBER GOLD: Sure. Why not. It's
24 specific.

25 CHMN STAFFORD: Is that specific enough?

1 MS. GRABEL: Certainly.

2 MS. HILL: Yes. Thank you, Mr. Chairman.

3 CHMN STAFFORD: Okay. Would you like to
4 make a motion to make that amendment?

5 MEMBER GOLD: I so make that motion,
6 Mr. Chairman. Would you just put it into legalese words?

7 CHMN STAFFORD: I believe Mr. Ancharski's
8 working on it now.

9 MEMBER GOLD: I think that's specific.
10 It's not nebulous. And, if anything, I would say
11 increase -- you know, give a specific number of signs.

12 CHMN STAFFORD: Well, it's the number of
13 signs they have now, which is 7 or 8?

14 MS. GRABEL: I believe it's 7.

15 CHMN STAFFORD: Okay.

16 MS. GRABEL: And that's exactly what we do.
17 We just keep the postings there and put a new sign on top
18 of it.

19 MEMBER GOLD: That's okay with me.

20 CHMN STAFFORD: Do we have a second?

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

24 CHMN STAFFORD: All in favor of making this
25 amendment say "aye."

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, the amendment
5 is passed.

6 Now we need a motion to adopt this
7 condition as further amended.

8 MEMBER GOLD: I make that motion.

9 MEMBER KRYDER: I would second that.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 11
17 as amended is adopted.

18 Can I get a motion for Condition 12?

19 MEMBER MERCER: Mr. Chairman, I move
20 Condition 12.

21 MEMBER KRYDER: I would second that,
22 Mr. Chairman.

23 MS. GRABEL: Mr. Chairman, pardon.

24 I think we do need to add Arizona State
25 Land Department to this condition.

1 MEMBER KRYDER: It has to be on the table
2 first.

3 CHMN STAFFORD: Yeah. It's been moved to
4 second. So now it's for discussion.

5 MS. GRABEL: Oh, sorry.

6 CHMN STAFFORD: Okay.

7 MEMBER GOLD: I move we make that addition.

8 MEMBER MERCER: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

11 CHMN STAFFORD: All in favor of making that
12 amendment say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 12
17 is amended.

18 MEMBER LITTLE: Mr. Chairman?

19 CHMN STAFFORD: Yes, Member Little.

20 MEMBER LITTLE: I'm wondering whether we
21 should -- I hate to beat a dead horse, but I'm wondering
22 if we should have them put signs up also.

23 CHMN STAFFORD: That was the other
24 condition that we just -- that was number --

25 MEMBER LITTLE: No, no. These signs are

1 90 days before construction.

2 I guess what I'm saying is -- never mind.

3 I withdraw that completely.

4 CHMN STAFFORD: All right. So Condition 12
5 has been amended.

6 Do we need a motion to adopt it as amended?

7 MEMBER GOLD: I move to adopt.

8 MEMBER MERCER: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

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

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Condition 12
16 as amended is adopted.

17 MEMBER GOLD: I move Condition 13 be
18 adopted.

19 MEMBER LITTLE: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

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

3 MEMBER KRYDER: Mr. Chairman, I move
4 Condition 14 as on the right-hand screen be approved.

5 MEMBER GOLD: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

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

14 Number 15.

15 MEMBER LITTLE: Mr. Chairman, I move
16 Condition 15.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

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

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, Condition 15
25 is adopted.

1 Moving on to 16.

2 MEMBER MERCER: Mr. Chairman, I move
3 Condition 16.

4 MEMBER GOLD: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Condition 16
12 is adopted.

13 MEMBER LITTLE: Mr. Chairman, I move
14 Condition 17.

15 MEMBER FONTES: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 17
23 is adopted.

24 MEMBER KRYDER: Could you expand that
25 again, please?

1 Thank you.

2 MEMBER GOLD: I move No. 17 be adopted.

3 MEMBER MERCER: 18.

4 MEMBER GOLD: We're on 18 already?

5 MEMBER MERCER: Yes.

6 MEMBER LITTLE: Mr. -- has that been
7 seconded?

8 MEMBER MERCER: No. It was stated wrong.
9 It's Condition --

10 MEMBER GOLD: No. It was stated wrong.

11 MEMBER MERCER: -- 18, not 17.

12 MEMBER GOLD: Did we change Exhibit A
13 and B?

14 CHMN STAFFORD: Let's move the condition,
15 and then we'll discuss and make changes.

16 MEMBER GOLD: Okay. I move Condition 18.

17 MEMBER KRYDER: Second.

18 CHMN STAFFORD: All right. Further
19 discussion?

20 Now we've eliminated Exhibit B. We only
21 have one Exhibit A; correct?

22 MS. GRABEL: Correct.

23 CHMN STAFFORD: So that we need to make
24 that to just Exhibit A.

25 Now, what's the thought -- I thought the

1 right-of-way.

2 MEMBER LITTLE: Mr. Chairman --

3 CHMN STAFFORD: Hang on a second.

4 I thought the right-of-way was 100 feet,
5 not 200 feet.

6 MS. GRABEL: Is that correct?

7 MR. BRYNER: That's correct. I'm not sure
8 how 200 feet made it in here. Our intention is 100 feet.
9 So if you want to change it, no opposition here.

10 CHMN STAFFORD: Okay. Right. So that 200
11 should be 100.

12 All right. And, Member Little, you had a
13 question.

14 MEMBER LITTLE: I was just going to move
15 those -- those changes to Condition 18.

16 CHMN STAFFORD: Okay. Thank you.

17 MEMBER GOLD: I move the amendments. Oh,
18 I'm sorry.

19 CHMN STAFFORD: We just need a second now.

20 MEMBER KRYDER: Second.

21 CHMN STAFFORD: Further discussion of the
22 amendment?

23 (No response.)

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, those changes
4 are made to Condition 18.

5 Can we move the condition as amended?

6 MEMBER GOLD: I so move.

7 MEMBER KRYDER: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

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

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, Condition 18
15 as amended is adopted.

16 MEMBER LITTLE: Mr. Chairman, I move
17 Condition 19.

18 MEMBER FONTES: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 MEMBER FONTES: Mr. Chairman, is there any
22 utility to include the Arizona State Land Office?

23 CHMN STAFFORD: With a compliance letter?

24 MS. GRABEL: Yes, I believe so, because it
25 looks like it's being mailed to the affected

1 jurisdictions of Pima County and the city of Tucson.

2 CHMN STAFFORD: Do you care to make a
3 motion?

4 MEMBER FONTES: I so move.

5 MEMBER RICHINS: Second.

6 CHMN STAFFORD: All in favor of the
7 amendment say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, the amendment
12 is adopted.

13 MEMBER KRYDER: Mr. Chairman.

14 CHMN STAFFORD: Yes, Member Kryder.

15 MEMBER KRYDER: At line 16 all along it has
16 been troubling to me to see that the certificate --

17 CHMN STAFFORD: Can you speak into the
18 microphone, please.

19 MEMBER KRYDER: Oh, I'm sorry.

20 All along the lines 14, 15, and 16 speak to
21 conditions that have been met, but nothing speaks about
22 those that have not been met. And in my experience the
23 ones that are not been met are the ones that draw the
24 most interest.

25 And so I would propose to amend

1 Condition 19 to add in line 16 after the word "met" the
2 following, "and those conditions which have not been
3 met." "And those conditions which have not been met."

4 CHMN STAFFORD: Or --

5 MEMBER LITTLE: Mr. Chairman, unless they
6 have to identify progress with respect to each condition
7 contained in the certificate.

8 MEMBER KRYDER: In that case it should be
9 no problem.

10 Would you agree?

11 CHMN STAFFORD: I'm not -- let's see here.

12 MEMBER LITTLE: I just think it's
13 redundant. That's all.

14 CHMN STAFFORD: Yeah. Because they
15 submit -- the compliance certificates come in annually,
16 and they typically list all the conditions, and they'll
17 say this one -- this is what we're -- the progress that
18 we've made towards this one, and then this one's been
19 complied with. This one hasn't been complied with.

20 Because that's -- that's like -- that's
21 what they -- so there's no progress made with respect to
22 any condition that's identified in the letter. I mean, I
23 think even everything after "certificate" is redundant
24 except for the fact that I think they start not putting
25 in conditions that have been complied with, and they only

1 have to list the ones that they were still working on.

2 So I think that was the reason for adding that clause.

3 You can say -- let's see.

4 MEMBER KRYDER: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: Not having seen these
7 letters -- and I bow to the experience of Member -- I'm
8 sorry. I can't remember the name.

9 CHMN STAFFORD: Member Little?

10 MEMBER KRYDER: -- Little and your
11 experience, Chairman, and withdraw my proposal.

12 MEMBER DRAGO: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Fontes.

14 MEMBER DRAGO: Oh --

15 CHMN STAFFORD: Excuse me. I mean Member
16 Drago.

17 MEMBER DRAGO: No problem.

18 Along the lines of Member Kryder's
19 suggested edit, would it be okay just to delete
20 "including which conditions have been met," if indeed
21 they follow the annual certificate guidelines like you
22 described where they're going to already provide an
23 update on each condition regardless if it was met or not
24 met?

25 CHMN STAFFORD: Right. Right. Because,

1 like, I think, "Because they shall submit a compliance
2 certificate to this letter annually identifying progress
3 made with respect to each condition contained in the
4 certificate," so I'm trying to remember what the genesis
5 of that -- because it seems like including which
6 conditions have been met seems kind of redundant
7 because --

8 MEMBER LITTLE: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Little.

10 MEMBER LITTLE: I think you're -- when you
11 said that those letters tend to just list the conditions
12 that are in progress -- or that's generally -- that's
13 generally where a project will be during the time that
14 they're providing these letters, the compliance letters.
15 And they tend to just leave off the conditions that have
16 been met because there's not any progress going on with
17 them because they've been met.

18 So I think that that's -- I'm pretty sure
19 that that phrase was added just to accentuate the fact
20 that each condition needs to be listed whether it's been
21 met or not.

22 CHMN STAFFORD: Right. Because every --
23 the certification letter spells out -- it's -- it's not
24 blank if they've complied with all the conditions, and
25 there's one left, it says -- I think that's -- that's how

1 everybody understands how the compliance letters are
2 supposed to go.

3 MS. HILL: You're correct, Mr. Chairman.
4 And, Member Little, I agree with you. And I can tell the
5 Committee that we have no plans to change our current
6 compliance reporting, which lists every condition and the
7 status of that condition. And if the condition has
8 not -- is not in progress or does not yet apply, it is
9 still on there, and we acknowledge the condition. And
10 anything that has been completed we list that it was
11 completed and the date. And if it is in progress, we
12 list that it is in progress and where it is.

13 And so we are happy to -- well we plan to
14 continue doing that because it's great for our own
15 recordkeeping purposes as well.

16 CHMN STAFFORD: Right.

17 MS. HILL: And have no intention of
18 changing it. And anything in the CEC that reflects that
19 is fine with us.

20 MEMBER KRYDER: Mr. Chairman, I think we've
21 made a complete 360 loop on this and are back where we
22 started when my original proposal.

23 However, it's not a biggie for me.

24 CHMN STAFFORD: I think the important thing
25 is that the utility knows what's expected for compliance

1 and that the -- all the conditions should be addressed in
2 each certification letter.

3 MEMBER KRYDER: Really, what you're talking
4 about is current status of the conditions, and perhaps if
5 there is to be any change in this three lines -- these
6 three lines of Condition 19, it would talk about current
7 status. But I don't think it's important enough to play
8 with anymore.

9 CHMN STAFFORD: So we have -- Member Drago,
10 did you have a motion, or you just -- it was in the
11 discussion phase?

12 MEMBER DRAGO: In discussion.

13 Following up on Member Kryder's comment,
14 could we not say what he just said and say "including a
15 summary of the current status of the CEC conditions,"
16 something like that?

17 CHMN STAFFORD: Some like the progress and
18 current status -- "progress made and current status with
19 respect to each condition," something like that?

20 MEMBER GOLD: How about with respect to
21 "all conditions"?

22 MEMBER KRYDER: I would agree that would
23 be --

24 MEMBER MERCER: Each condition?

25 MEMBER GOLD: No. "All." Covers

1 everything.

2 MEMBER KRYDER: To all conditions. Right.

3 MS. GRABEL: Mr. Chairman, I think you're
4 right, "all" would cover everything, but I think "each"
5 does as well, and it's more specific to how we actually
6 file these letters. We itemize each separate condition
7 and then submit a comment on their status, so I would
8 respectfully keep it the way it is.

9 MEMBER GOLD: I don't disagree, but then if
10 you're saying "each," then you should consider -- you're
11 specifically saying, "including which have been met."
12 That's redundant as well.

13 MS. GRABEL: And I would take out that last
14 clause. I would suggest removing the last clause.

15 MEMBER DRAGO: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Drago.

17 MEMBER DRAGO: To the point just made,
18 that's exactly what I was saying is just remove "which
19 conditions have been met" because if you're giving a
20 status for each condition, that takes care of it. It's
21 either going to be done, not done, in progress.

22 MEMBER GOLD: Or in progress. Agreed.

23 CHMN STAFFORD: Maybe it should say,
24 "identify progress made with respect to each condition as
25 well as the current status of each condition" -- I don't

1 know. It's -- we're starting -- because it's "progress
2 made and current status with" -- shouldn't that be with
3 the "of" -- or made "Identify progress made with respect
4 to and current status of each condition contained in the
5 certificate."

6 Wouldn't that be more grammatically
7 correct?

8 MEMBER DRAGO: Mr. Chairman, I agree with
9 the Condition 19 as amended or I move it.

10 CHMN STAFFORD: You move this change?

11 MEMBER DRAGO: Yes.

12 MEMBER KRYDER: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, that change
20 is adopted.

21 MEMBER MERCER: Mr. Chairman.

22 CHMN STAFFORD: Yes.

23 MEMBER MERCER: We need a period instead of
24 a comma after "certificate."

25 CHMN STAFFORD: It's at the end. It's

1 there.

2 MEMBER MERCER: Oh, I'm sorry. I was
3 looking for it.

4 CHMN STAFFORD: And we've already passed
5 the amendment to add ASLD; correct?

6 MS. GRABEL: Yes.

7 CHMN STAFFORD: So now we need to move
8 Condition 19 as amended.

9 MEMBER FONTES: I so move.

10 MEMBER KRYDER: Second.

11 CHMN STAFFORD: Further discussion?

12 MEMBER GOLD: Don't you have to add in that
13 other entity?

14 CHMN STAFFORD: We already did. I thought
15 we made that amendment first before we addressed the
16 language with respect to the certification letter.

17 MEMBER FONTES: That is my recollection,
18 Mr. Chairman.

19 CHMN STAFFORD: Okay. Did we vote 19 as
20 amended?

21 MEMBER FONTES: That's where we're at,
22 Mr. Chairman, is to --

23 CHMN STAFFORD: Okay. I said further
24 discussion -- okay. And I wasn't expecting any.

25 MEMBER FONTES: That came after I -- I so

1 moved.

2 CHMN STAFFORD: All right. All in favor of
3 adopting Condition 19 as amended say "aye."

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 19
8 as amended is adopted.

9 Moving on to 20, can we get a motion?

10 MEMBER KRYDER: Mr. Chairman, I move
11 approval of Condition 20.

12 MS. GRABEL: Yeah. We do need to add the
13 ASLD first.

14 CHMN STAFFORD: We need a second first.

15 MEMBER FONTES: Second.

16 CHMN STAFFORD: All right. Further
17 discussion?

18 Yes, now --

19 MEMBER FONTES: Please add the ASLD.

20 CHMN STAFFORD: We've got an extra space
21 after Pima County there. All right.

22 MEMBER KRYDER: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Kryder.

24 MEMBER KRYDER: Is it necessary to put in
25 somewhere in these conditions contacting the airport

1 authority, or is that covered under Pima County, or
2 aren't they important to this?

3 CHMN STAFFORD: They're not an affected
4 jurisdiction.

5 MS. GRABEL: They are not an affected
6 jurisdiction because they are neither the state, a
7 county, or an incorporated city.

8 MEMBER KRYDER: Okay.

9 MS. GRABEL: We do reach out to the airport
10 authority in our stakeholder engagement. So every time
11 there's a reference to stakeholders they're involved.

12 And, of course, we also need to negotiate a
13 right-of-way and a corridor with them, so they'll be kept
14 apprised of the project.

15 CHMN STAFFORD: Because they'll be
16 receiving the power from the line, won't they?

17 MS. GRABEL: No. But that -- the portion
18 of their line will be located on their property.

19 CHMN STAFFORD: Okay. All right.

20 MEMBER KRYDER: Okay.

21 CHMN STAFFORD: Do we have a motion to
22 adopt Condition 20 as amended?

23 MEMBER GOLD: I so move.

24 MEMBER KRYDER: I would second that.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 20

7 as amended is adopted.

8 MEMBER GOLD: I move Section 21 be adopted.

9 MEMBER LITTLE: Second.

10 CHMN STAFFORD: Further discussion?

11 MEMBER FRENCH: We also -- sorry,

12 Mr. Chairman.

13 CHMN STAFFORD: Member French.

14 MEMBER FRENCH: Do we also need to include

15 Arizona State Land?

16 CHMN STAFFORD: No, not for 21. Maybe for

17 the 22.

18 MEMBER FRENCH: My apologies. I was

19 actually reading ahead.

20 CHMN STAFFORD: Further discussion on 21?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 21
2 is adopted.

3 MEMBER MERCER: Mr. Chairman, I move
4 Condition 22.

5 MEMBER GOLD: Second.

6 CHMN STAFFORD: Further discussion?

7 MEMBER KRYDER: Yes.

8 Mr. Chairman, I don't know how this works,
9 and so I was wondering would you explain -- let's say in
10 this case the applicant does seek to modify the
11 certificate term they'll report to the Commission and the
12 Commission says yea or nay. Is that the way it works?

13 CHMN STAFFORD: Well, if an applicant wants
14 to make a change to a certificate, they will apply to the
15 Commission to amend the prior Decision pursuant to ARS
16 40-252.

17 Now, the Commission may choose to have a
18 hearing on that or they may decide if there's not a big
19 enough -- it's not a substantial change that would
20 justify a further hearing and they may just grant the
21 application at an open meeting.

22 There have been times when the applicant
23 applied to make a change, the Commission Staff looked at
24 it and said we think that there's a significant enough
25 change we should have another hearing on it, and they

1 will send it to the Committee to conduct further
2 hearings.

3 It's completely up to the discretion of the
4 Commission on how to handle those requests to modify.
5 But in order to -- but they have to alert all these
6 entities that they are making a request to the Commission
7 as a condition of the CEC. That is the point of this
8 condition.

9 MEMBER KRYDER: Thank you very much. That
10 was very helpful.

11 My question then evolves to in line 7, "All
12 parties" -- and perhaps this is a legal question, who are
13 "all parties"?

14 Are they only the named parties or do
15 public members who came in yesterday as an example -- I
16 think I know the answer, but I want to hear it -- who are
17 the all parties in this or any application?

18 MS. GRABEL: Mr. Chairman, Member Kryder,
19 "all parties" are just the actual parties to the case,
20 those who have intervened in the proceedings.

21 MEMBER KRYDER: The ones who have been
22 named or intervened?

23 MS. GRABEL: Correct.

24 MEMBER KRYDER: Thank you very much.

25 CHMN STAFFORD: And there's also ones that

1 make a limited appearance. There's kind of a halfway --
2 we haven't -- I think we've seen one of those -- I think
3 I've seen one I think was the UniSource line where it had
4 someone that was an actual limited appearance where they
5 don't become a party, they don't present testimony or
6 cross-examine witness, but they do file a written
7 statement in the docket that goes into the record.

8 And so -- and I think they had -- they also
9 made public comment, but they don't -- they're not a full
10 party that puts on testimony and cross-examines
11 witnesses.

12 I'm sure next year we'll have some cases
13 where we'll have multiple parties other than the
14 applicant, and so it'll be a different scenario than what
15 we're seeing today and what we've seen primarily this
16 year, which is the only party involved is the -- the
17 actual party to the case is only the applicant much of
18 the time.

19 MEMBER KRYDER: Thank you very much. That,
20 too, is very helpful.

21 CHMN STAFFORD: Okay. So I believe someone
22 was going to -- the 22 has been moved and seconded.

23 Was there going to be a motion to add to
24 this?

25 MEMBER KRYDER: No.

1 MEMBER FRENCH: Yes, Mr. Chairman. Move to
2 add ASLD.

3 MEMBER MERCER: Second.

4 CHMN STAFFORD: Further discussion?

5 (No response.)

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

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Condition 22
11 as amended is adopted.

12 MEMBER KRYDER: Don't you have to --

13 CHMN STAFFORD: I need a motion for 23.

14 MEMBER RICHINS: So moved.

15 MEMBER FONTES: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

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

24 Moving on to the findings of fact and
25 conclusions of law.

1 Can you scroll down, please, on the right.

2 MEMBER KRYDER: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Kryder.

4 MEMBER KRYDER: I move approval of findings
5 of fact and conditions of law No. 1 be approved as in the
6 right-hand screen.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

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

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, findings of
15 fact and conclusions of law No. 1 is adopted.

16 Number 2.

17 MEMBER RICHINS: Move to approve

18 Condition 2.

19 CHMN STAFFORD: Can you speak into the mic
20 there?

21 MEMBER RICHINS: Findings of fact.

22 MEMBER LITTLE: Second.

23 CHMN STAFFORD: Further discussion?

24 MEMBER GOLD: Just a comment.

25 CHMN STAFFORD: Yes, Member Gold.

1 MEMBER GOLD: When it comes to reliable, I
2 ask you to take back to all of your people who are aware
3 of this stuff the fact that a high hostile
4 electromagnetic pulse effect can absolutely affect the
5 reliability of our system.

6 Other than that I have no objection.

7 MR. BRYNER: Thank you. We've got that in
8 our homework.

9 MS. MARIÑEZ: Mr. Chair, if I may, I
10 believe I found a typo, or Mr. Bryner did actually, but
11 "transmissions" is plural and should be just
12 "transmission." "Transmission system."

13 MEMBER KRYDER: I'm sorry. I cannot hear
14 you.

15 CHMN STAFFORD: We're on No. 2.

16 MS. MARIÑEZ: On line 25.

17 CHMN STAFFORD: Okay. I see it. That is a
18 typo.

19 So have we moved No. 2 yet?

20 MEMBER LITTLE: Yes.

21 MEMBER GOLD: Yes. We were discussing it.

22 CHMN STAFFORD: Okay. Now can we get a
23 motion to correct that typo?

24 MEMBER RICHINS: So moved.

25 MEMBER FONTES: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, that

8 correction is made.

9 Can we get a motion to adopt?

10 MEMBER GOLD: I move the motion be adopted.

11 MEMBER MERCER: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Findings of

19 Fact and Conclusions of Law No. 2 as amended is adopted.

20 No. 3.

21 MEMBER RICHINS: Move finding 3.

22 MEMBER FONTES: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

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

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Findings of
5 Fact and Conclusions of Law No. 3 is adopted.

6 No. 4.

7 MEMBER GOLD: I move No. 4.

8 MEMBER SOMERS: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

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

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Findings of
16 Fact and Conclusions of Law No. 4 is adopted.

17 No. 5.

18 MEMBER MERCER: Mr. Chairman, I move
19 Findings of Fact and Conclusions of Law No. 5.

20 MEMBER GOLD: Second.

21 CHMN STAFFORD: Further discussion?

22 (No response.)

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

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Findings of
3 Fact and Conclusions of Law No. 5 is adopted.

4 No. 6.

5 MEMBER GOLD: I move No. 6.

6 MEMBER FONTES: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

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

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Findings of
14 Fact and Conclusions of Law No. 6 is adopted.

15 Moving on to Exhibit A. I think we've
16 talked about this quite a bit earlier. I know it says
17 Exhibit B, but it will be corrected to say A because
18 there's only one exhibit attached to the CEC now.

19 Can I get a motion to adopt what appears on
20 the screen as Exhibit B as Exhibit A?

21 MEMBER RICHINS: So moved.

22 MEMBER SOMERS: Second.

23 CHMN STAFFORD: Further discussion?

24 All in favor say "aye."

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, Exhibit A is
4 adopted.

5 Member Fontes.

6 MEMBER FONTES: I would like to request as
7 you update it to Exhibit B that you add in the ownership
8 of the lines in brackets consistent with the original
9 exhibits and the other maps you produced either in the
10 legend where it says like, for example, existing 163kV
11 transmission line and then put in parentheses TEP, and
12 then the WAPA one just for confusion for the public,
13 Mr. Clark, just for consistency.

14 MR. BRYNER: I understand what you're
15 saying. On this particular map, every line is actually a
16 TEP line. We didn't put the WAPA line in there. We can
17 certainly add that. We can add the words or the TEP in
18 brackets for clarity. Whatever you prefer if you'd like
19 to see that.

20 MEMBER FONTES: Just for consistency and
21 clarity. It helps the public.

22 MR. BRYNER: No problem.

23 MEMBER KRYDER: Mr. Chairman, I'd agree
24 with Roman's comment.

25 CHMN STAFFORD: Okay. If we can get a

1 motion to second, we'd be halfway there.

2 MEMBER DRAGO: Second.

3 CHMN STAFFORD: Did you make the motion,
4 Member Fontes?

5 MEMBER FONTES: I so move.

6 CHMN STAFFORD: Okay.

7 MEMBER MERCER: Second.

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, those changes
13 to Exhibit A are adopted.

14 All right. I would ask the Members to
15 authorize the Chairman, myself, to make correct
16 scrivener's errors.

17 MEMBER FONTES: I so move.

18 MEMBER FRENCH: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

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

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, motion

1 passes.

2 Now to vote on the CEC as a whole.

3 Do we need to vote to strike the current --

4 what was previously known as Exhibit A? Because we've

5 taken it out. It was attached to your draft motion.

6 We've taken B and made it A.

7 So let's -- can I get a motion to strike

8 previous --

9 MEMBER FONTES: I so move to strike

10 previous Exhibit A with new exhibit -- or former

11 Exhibit B.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, prior

20 Exhibit A is stricken. It's already been replaced with

21 Exhibit B, which is the new Exhibit A.

22 All right. Now, I believe we're ready to

23 vote on the CEC as a whole.

24 Can I get a motion to adopt the CEC as

25 amended?

1 MEMBER FONTES: I so move.

2 MEMBER SOMERS: Second.

3 CHMN STAFFORD: All right. We'll do a roll
4 call vote.

5 Member Richins.

6 MEMBER RICHINS: Aye.

7 CHMN STAFFORD: Member Fontes.

8 MEMBER FONTES: Aye.

9 CHMN STAFFORD: Member Drago.

10 MEMBER DRAGO: Aye.

11 CHMN STAFFORD: Member French.

12 MEMBER FRENCH: Aye.

13 CHMN STAFFORD: Member Kryder.

14 MEMBER KRYDER: Yes.

15 CHMN STAFFORD: Member Mercer.

16 MEMBER MERCER: Aye.

17 CHMN STAFFORD: Member Gold.

18 MEMBER GOLD: Aye.

19 CHMN STAFFORD: Member Little.

20 MEMBER LITTLE: Mr. Chairman, I'd like to
21 make a couple comments, if I may, please.

22 CHMN STAFFORD: By all means.

23 MEMBER LITTLE: First, I would like to
24 thank the applicant for their cooperation and working
25 with -- through this hearing on this project.

1 I particularly appreciate the addition of
2 the testimony of Mr. Trent explaining the systems study
3 aspect of this project.

4 I would also like to tell you guys that
5 gigafactory is a generic term that refers to a
6 manufacturing facility where components and products
7 associated with electrification and decarbonization
8 technologies are produced. So not what I thought at all
9 to start with.

10 And with that I vote aye.

11 CHMN STAFFORD: Thank you.

12 Member Somers.

13 MEMBER SOMERS: I vote aye.

14 CHMN STAFFORD: And I vote aye.

15 By a vote of 10 ayes, zero nays the CEC is
16 approved.

17 MS. GRABEL: Thank you very much.

18 CHMN STAFFORD: Anything further from
19 Members or the Applicants?

20 MEMBER GOLD: Have a Merry Christmas.

21 MEMBER KRYDER: Feliz Navidad!

22 MS. HILL: Thank you to everyone for your
23 time and your attention.

24 We appreciate it.

25 CHMN STAFFORD: Thank you very much,

1 everyone.

2 And with that we are adjourned.

3 (Proceedings concluded at 2:23 p.m.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

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

9 I CERTIFY that I am in no way related to any of the
10 parties hereto nor am I in any way interested in the
11 outcome hereof.

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and
14 ACJA 7-206(J)(1)(g)(1) and (2).

15 Dated at Phoenix, Arizona, December 8, 2023.

16
17
18 

19 _____
20 JENNIFER HONN, RPR
21 Arizona Certified Reporter
22 No. 50885

23 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
24 complied with the ethical obligations set forth in
25 ACJA 7-206(J)(1)(

26
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29 GLENNIE REPORTING SERVICES, LLC
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