

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

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IN THE MATTER OF THE APPLICATION) DOCKET NO.
OF TUCSON ELECTRIC POWER COMPANY,) L-00000C-20-0007-00186
IN CONFORMANCE WITH THE)
REQUIREMENTS of A.R.S. § 40-360,) LS CASE NO. 186
ET SEQ., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING THE IRVINGTON TO)
EAST LOOP 138 KILOVOLT (kV))
TRANSMISSION LINE PROJECT, WHICH)
INCLUDES THE CONSTRUCTION OF NEW)
138 kV TRANSMISSION LINES)
ORIGINATING AT THE IRVINGTON)
SUBSTATION (SECTION 03, TOWNSHIP)
15 SOUTH, RANGE 14 EAST), WITH)
AN INTERCONNECTION AT THE PORT)
SUBSTATION (SECTION 18, TOWNSHIP)
15 SOUTH, RANGE 15 EAST) AND THE)
PATRIOT SUBSTATION (SECTION 31,)
TOWNSHIP 14 SOUTH, RANGE 15)
EAST), AND TERMINATING AT THE)
EAST LOOP SUBSTATION (SECTION 08,))
TOWNSHIP 14 SOUTH, RANGE 15)
EAST), EACH LOCATED WITHIN PIMA)
COUNTY, ARIZONA.)
_____)

16 At: Tucson, Arizona
17 Date: February 26, 2020
18 Filed: March 2, 2020

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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 the DoubleTree Inn Hotel 455 South Alvernon
5 Way, Tucson, Arizona, commencing at 9:10 a.m. on the 26th
6 day of February, 2020.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9 LAURIE WOODALL, Arizona Corporation Commission
10 LEONARD DRAGO, Department of Environmental Quality
11 JOHN RIGGINS, Arizona Department of Water Resources
12 MARY HAMWAY, Cities and Towns
13 JAMES PALMER, Agriculture
14 PATRICIA NOLAND, Public Member
15 JACK HAENICHEN, Public Member

16

17 APPEARANCES:

18 For the Applicant:

19 SNELL & WILMER, L.L.P.
20 Mr. J. Matthew Derstine
21 400 East Van Buren Street,
22 Suite 1900
23 Phoenix, Arizona 85004

24 and

25 TUCSON ELECTRIC POWER COMPANY
Ms. Megan J. DeCorse
88 East Broadway Boulevard
MS HQE910
Tucson, Arizona 85702

26

27

28

1 CHMN. CHENAL: Good morning, everyone. This is
2 the time set for resumption of our hearing.

3 I think we're going to continue with the panel
4 testimony.

5 Are there any things we need to discuss before
6 we get into that, Mr. Derstine or Ms. DeCorse?

7 MR. DERSTINE: I don't believe so. I think
8 we're ready to go on.

9 CHMN. CHENAL: Please proceed.

10 MR. DERSTINE: Good morning, Mr. Chairman,
11 Members of the Committee.

12 I'm going to circle back. We left off
13 yesterday afternoon with Ms. Darling touching on the
14 recreational impact from the project, and I wanted to
15 just circle back on that.

16

17 EDMOND BECK, ERIC RAATZ, and RENEE DARLING,
18 called as witnesses on behalf of Applicant, having been
19 previously duly sworn, en masse, by the Chairman, were
20 examined and testified as follows:

21

22 FURTHER DIRECT EXAMINATION

23 BY MR. DERSTINE:

24 Q. Ms. Darling, what I understand from looking at
25 the application and your testimony is that the only

1 significant impact to recreation, which is one of the
2 considerations in the siting statute, would be if the
3 Committee were to select C1, which would place the route
4 within the Pantano Wash. Is that a fair statement?

5 A. (BY MS. DARLING) Yes, the new transmission
6 line would be sited adjacent to the river park trail
7 system. During construction, the trail would have to be
8 closed for the period of time that we're doing the
9 construction and the loop -- it's a loop around the city
10 of Tucson -- that portion of the loop detoured in some
11 way. Part of that process is through coordination with
12 Pima County, its posting notice on their website so that
13 recreationists are aware of it in advance. We have to
14 barricade the trail on both ends far enough back for them
15 to detour around it, probably at like Speedway and 22nd.

16 CHMN. CHENAL: Mr. Derstine, just to make sure,
17 you said C1.

18 MR. DERSTINE: Right.

19 CHMN. CHENAL: And I know the exhibit we were
20 looking at yesterday had two columns with C1 in it. And
21 I think we realized yesterday that the column furthest to
22 the right should actually be labeled C2. And I thought
23 that was the one that went through the wash. Which one
24 were you referring to?

25 MR. DERSTINE: I'm referring to C1 because C1

1 is in the application.

2 CHMN. CHENAL: Okay. I just wanted to make
3 sure.

4 MR. DERSTINE: But you're absolutely right that
5 there was -- when we looked at the impact matrix with all
6 of the categories and we had a fair amount of discussion
7 about that, how that matrix is used and the scoring
8 that's used, whether those values are weighted or not
9 weighted and whether they should be, there was a column
10 for C2 because that was an alternative that was
11 considered but not brought forward in this application.

12 So C1 is in the application. And so my
13 question was directed to C1, the one alternative route
14 that does propose to put structures in the wash. That
15 creates the recreational impacts, I believe, as
16 Ms. Darling testified.

17 And if we're talking about C2, there would be
18 greater recreation impacts had we brought C2 forward.

19 CHMN. CHENAL: Thank you.

20 MS. DARLING: And I would add that we would
21 have to do that same process any time you have to
22 maintain a line as well, of closing the trail and
23 creating the detour.

24 Q. BY MR. DERSTINE: And when we're talking about
25 recreational impacts, the impacts of C1, there would be

1 visual impacts because there are currently no structures
2 in the wash at this area; is that right?

3 A. (BY MS. DARLING) That is correct.

4 Q. So that finishes recreation, one of the factors
5 that we're required to consider in the application.

6 Mr. Raatz, let's move to you. And Exhibit I
7 contains a discussion or a description of the noise,
8 potential interference with communication facilities, and
9 EMF; is that right?

10 A. (BY MR. RAATZ) That's correct.

11 Q. Can you cover and summarize what's set forth in
12 the application in Exhibit I of the application?

13 A. (BY MR. RAATZ) Yes. In Exhibit I, there's a
14 discussion on noise and corona and as well as an EMF
15 study. And it is not anticipated that the project will
16 cause any increase in noise levels nor potential
17 interference with communication signals. Noise from a
18 transmission line is not expected for voltages less than
19 345kV. And after the project is constructed, if TEP
20 receives complaints of noise, TEP will investigate and
21 correct as necessary.

22 Q. Can I stop you there? When I was sitting and
23 listening to public comment on Monday evening, a very
24 nice woman who spoke -- who said that she has -- I guess,
25 her son or daughter are along Pantano, and she had

1 concerns about EMF. She mentioned to me that she hears
2 buzzing from the existing line that's there on Pantano.

3 And so when we say there's generally not noise
4 or audible noise from a 138kV transmission line, it may
5 be that a resident is hearing some noise. And you're
6 saying that if they call the company, we'll come out and
7 investigate?

8 A. (BY MR. RAATZ) Yes, that's correct.

9 Q. All right. Continue on, please.

10 A. (BY MR. RAATZ) Okay. It's also not
11 anticipated that there will be any interference with
12 communication as a result of this project. And once
13 again, TEP's policy is to, if any interference is
14 identified and TEP is made aware of it, we will mitigate
15 as necessary.

16 CHMN. CHENAL: Could I ask a question? So what
17 do you do to mitigate noise or interference? What are
18 the mitigation measures for each of those?

19 MR. RAATZ: Mr. Chairman, TEP would receive the
20 complaint and investigate. So, like, for instance, the
21 older line along Pantano, it is an older line. I think
22 it predates a CEC. So dirt, you know, soil, sediment,
23 can build up on that, creating noise or --

24 CHMN. CHENAL: Buildup on the line or the
25 structures or both?

1 MR. RAATZ: It would be on the line. And
2 corona is what -- is the cause of the noise. It's a
3 corona effect. It's like the -- the current going around
4 or being blocked by the sediment. And it's the same
5 thing for -- the conductor might become what's called
6 like bird cage, where it kind of unravels. And that
7 would be an area where noise would occur.

8 So if that were to be the case, TEP would go
9 and clean the line, if necessary. Or, possibly, if the
10 line is damaged, they'd splice it and insert a new
11 conductor in that location.

12 CHMN. CHENAL: And what about interference?

13 MR. RAATZ: Radio interference is a little more
14 difficult. I need to defer to Mr. Beck on this.

15 MR. BECK: Yes, Mr. Chairman, on -- relative to
16 the noise caused on -- whether it be radio or television,
17 it's usually -- a lot of times, it's caused by loose
18 hardware and so on. So hardware can be tightened.

19 On the AM radio station, in particular, if you
20 drive under a line, a lot times you'll get that static.
21 There is nothing really that you can do relative to that
22 where it's in very close proximity to the line.

23 In the old days, with the older types of
24 televisions, you could get interference from a
25 transmission line. And we would go out to a person's

1 house and look at tuning or working with their antenna
2 system to improve reception. We really don't have much
3 of that these days. Most people are either on satellite
4 or cable, and they're not using an over-the-air antenna.
5 And even -- we don't really get complaints on
6 over-the-air antenna use for the most part.

7 And relative to radio signals for cellphone or
8 larger communication dishes, we work with the actual
9 providers of those dishes to make sure there's no
10 problems.

11 One problem that can occur is reflection off of
12 our structures if we happen to put a structure too close
13 to one of those big dishes. And there are detuners that
14 can be put on the structures. We haven't had to do that
15 on our system, but those are available, and there's
16 companies that do that if the issue came up.

17 Q. BY MR. DERSTINE: So, Mr. Raatz, you touched on
18 noise and communication interference. Let's talk about
19 EMF. We heard public comment. My recollection -- and I
20 don't have a sign-in sheet, but a number of the folks who
21 commented were residents who live along Pantano where
22 there is an existing 138kV line. And they raised
23 concerns about EMF from adding another circuit along
24 Pantano Road.

25 So let's talk about the EMF study that was

1 performed.

2 A. (BY MR. RAATZ) Sure.

3 First, to kind of address the comments that
4 were brought forth, we did -- looked at the proximity to
5 where the line would be with relation to the property
6 line, the closest area or distance. So we found that to
7 be -- the conductor would be about 5 feet away from the
8 property line at the closest distance, and that would be
9 actually along on the left-hand side here, along the jog
10 where we pulled it out of the existing area and brought
11 it to the west side of the road. And so we're moving
12 from single-circuit to the double-circuit.

13 So then we looked at the distance from the
14 conductor as well to the property line, and that measured
15 to be about 25 feet. And so using this graph on the
16 right, this is a -- magnetic field values for a
17 double-circuit, one of the double-circuit configurations
18 that we had identified.

19 And so directly underneath the line, you can
20 see it's just above 25 milligauss. And as we move out to
21 about 5 feet, it's roughly maybe 22 to 23. And as we
22 move out to 25 feet, it gets down to approximately 18
23 milligauss.

24 And so these values are comparable to typical
25 everyday household items, such as a food processor, that

1 emits like -- you can see up here on the left-hand side
2 of your screen, and it's found on Exhibit I of your
3 application. It's hard to see on the screen. But a food
4 processor emits 36 milligauss at 6 inches away from your
5 body. And a hairdryer, when operated at high, is 300
6 milligauss.

7 Q. I want to make sure I understand. So what
8 you're showing on the magnetic field bell curve for
9 location 5, that represents what the study showed would
10 be the maximum value of the EMF produced from a 138kV
11 double-circuit line. And at the zero point on that
12 graph, that's directly under the line, in this case, the
13 two lines?

14 A. (BY MR. RAATZ) That's correct.

15 Q. And as you -- and the bell curve shows that as
16 you're moving away from being directly under the
17 structure and where both circuits are located, the EMF
18 drops off markedly following that curve such that by the
19 time you're at 25 feet out from the structure, what's the
20 value there?

21 A. (BY MR. RAATZ) That is approximately, just
22 eyeballing it, 18 milligauss.

23 Q. And looking at your typical household item
24 magnetic field values, 18 milligauss is comparable to?

25 A. (BY MR. RAATZ) I would say the food processor,

1 which is 14 milligauss.

2 Q. And at 25 feet, there's no house -- there's not
3 a house that's at 25 feet? Or is there a house at 25
4 feet?

5 A. (BY MR. RAATZ) Yes, there is. That's what I
6 spoke to previously.

7 Q. So on the preferred route, Pantano Road, where
8 there's an existing 138kV line, if the Committee were to
9 select B2, the preferred route, the closest home along
10 the proposed route is approximately 25 feet?

11 A. (BY MR. RAATZ) That is correct.

12 Q. And the amount of EMF that would be found at
13 that location would be approximately somewhere around the
14 EMF generated by a food processor?

15 A. (BY MR. RAATZ) That's correct.

16 Q. And I assume the magnetic field that's
17 generated by that double-circuit transmission line would
18 also be reduced by -- once you're going through walls and
19 a roof, etc., any interference with the field reduces the
20 field. Is that a fair statement?

21 A. (BY MR. RAATZ) That is a correct statement.

22 CHMN. CHENAL: Member Haenichen has a question
23 and then Member Woodall.

24 MEMBER HAENICHEN: Mr. Raatz, I think that the
25 explanation that we've just heard is incomplete in the

1 following way: It's not just the magnitude of the number
2 of milligauss. But if you can shed any light on
3 cumulative effects over time. Because using a hairdryer,
4 or whatever, is a few minutes. And this is 24/7. So
5 what about cumulative effects of EMF? Personally, I
6 don't think there are significant ones, but I'd like to
7 hear your explanation.

8 MR. RAATZ: Sure. There are EMFs around us in
9 our everyday life, wherever we are. Sitting in this
10 room, we've got them emitted from the speakers, the
11 monitors. There's been extensive study done on long-term
12 exposure to EMFs.

13 MEMBER HAENICHEN: That's what I mean.

14 MR. RAATZ: And these are what they call
15 low-level, non-ionizing EMFs, which means they don't have
16 the ability to disrupt your molecular structure. So the
17 studies have concluded -- there's been over 30 years of
18 extensive study. And the World Health Organization has
19 concluded that current evidence does not confirm the
20 existence of any health consequences from exposure to
21 low-level, long-term electromagnet fields.

22 MEMBER HAENICHEN: Thank you for the
23 explanation.

24 CHMN. CHENAL: Member Woodall.

25 MEMBER WOODALL: Member Haenichen has, once

1 again, presaged what I was going to ask, so

2 CHMN. CHENAL: And low-level metagauss is what
3 level according to the studies that you just referenced?

4 MR. RAATZ: Mr. Chairman, low level is the
5 frequency at which the EMF is emitted. So it is -- the
6 frequency of the transmission lines or everyday lines
7 here in the United States is 60 Hertz. And I believe low
8 level goes from zero to 300 Hertz. And then there's a
9 medium level that goes from 300 Hertz to, I believe,
10 10,000 Hertz. And anything beyond that is extreme
11 levels.

12 CHMN. CHENAL: Thank you.

13 Member Hamway.

14 MEMBER HAMWAY: Thank you, Mr. Chairman. So
15 the person who's 25 feet from the new line, he's never
16 had a line near him before; correct? This is where you
17 take the jog around. So he's just bought his home, and
18 there would have been no way for him to have any kind of
19 understanding about a plan that you guys had. I know
20 that you filed your ten-year plan with the detail of
21 where that line would go. He would never have had any
22 ability to figure out that this line may be rerouted from
23 its current position to be 25 feet from his home; is that
24 correct?

25 MR. RAATZ: That is correct.

1 And just to touch on one last thing, if I may.
2 We can configure both circuits so that we can minimize or
3 reduce the amount of EMF emitted from the line.

4 So, in this instance, we've got -- each
5 conductor that's on the pole is considered a phase. And
6 so there's three phases that make up the circuit. And
7 so, typically, it goes A, B, C. And then the other
8 circuit we studied was A, B, C on the left and right
9 side, respectively. And so we can configure that and
10 arrange that so that they actually impede each other.

11 So rather than have them aligned, A on either
12 side, we could have A on one side of the circuit and C on
13 the opposite side of the circuit, and these will help
14 reduce the amount of EMFs emitted from the circuits. And
15 TEP will make every effort to make sure they do that.

16 Q. BY MR. DERSTINE: So, Mr. Raatz, following up
17 on Member Hamway's questions, she's referring to the jog
18 that occurs right here, is that right, on the preferred
19 route?

20 A. (BY MR. RAATZ) That's correct.

21 Q. And you said that that is where the -- where we
22 have rerouted the existing 138kV line to move out of the
23 Meadows neighborhood on to Pantano. That's the location
24 where you believe, at least based on our preliminary
25 design, the line would be in the closest proximity to a

1 home on B2; is that true?

2 A. (BY MR. RAATZ) That's correct, based on the
3 preliminary design.

4 Q. If we were not to reroute the line and keep it
5 through the Meadows subdivision, how close is the
6 existing line currently to homes within Meadows?

7 A. (BY MR. RAATZ) I can find out for you. It's
8 directly under.

9 Q. Probably closer than 25 feet?

10 A. (BY MR. RAATZ) Yeah.

11 Q. And how old is that line, that existing line on
12 Pantano Road?

13 A. (BY MR. RAATZ) It predates CEC requirements.
14 So pre-1973. I couldn't find records as to when the
15 installation of the line occurred.

16 Q. So it would be a fair statement that the people
17 who are living along Pantano today, the vast majority of
18 them probably purchased their homes knowing that that
19 line was there with that line in existence since the
20 '70s; is that right?

21 A. (BY MR. RAATZ) That's correct.

22 Q. Could we rebuild B2 in its current location
23 through Meadows?

24 A. (BY MR. RAATZ) We could. Through the Tucson
25 Meadows neighborhood? You could, but it would be a lot

1 more difficult as a double-circuit construction through
2 the neighborhood. And then you do have higher EMF levels
3 through the houses. And then from a maintenance
4 perspective, it would be a lot more difficult as well.

5 Q. Because the people in Meadows who bought their
6 homes under that line have built structures and sheds and
7 things that are right up against that line; is that
8 right?

9 A. (BY MR. RAATZ) That is correct.

10 Q. Anything else you want to add on EMF?

11 A. (BY MR. RAATZ) Just to summarize, the slide on
12 the left, what we tried to do is determine the EMF for
13 each of the various configurations that would be
14 encountered for all of the alternatives, you know, being
15 46/138kV double-circuit or double-circuit 138kV or
16 single-circuit 138kV.

17 Q. And those EMF values would be less than what
18 you showed for the maximum value at location 5 on the
19 right-hand screen?

20 A. That is correct.

21 Q. Ms. Darling, one of the other issues that we
22 had to address in the application and analyze was the
23 fact that we're building this project next to the
24 Davis-Monthan Air Force Base. Can you talk about the
25 analysis that the company performed to determine whether

1 or not this project would interfere with flight
2 operations from DM and/or Pima Air & Space Museum.

3 A. (BY MS. DARLING) Yes. As you've heard, we
4 coordinated extensively with Davis-Monthan Air Force Base
5 throughout this project. They provided us with what you
6 see on the screen, which is their imaginary surface
7 layer.

8 Essentially, when you're building the
9 transmission line, you can't penetrate that air space.
10 And the different colors going out from the runways -- so
11 this is their, you know, approach and departure, their
12 runway. The different colors coming out represent
13 different heights that you can't exceed.

14 So one of the reasons we talked about removing,
15 you know, the Alternative 2 back and only coming up with
16 the common route was at that entrance of Pima Air & Space
17 Museum in order to bring the planes from DM to Pima Air &
18 Space Museum to allow clearance necessary -- similar to
19 the clearance we needed on Kolb Road -- would have raised
20 those pole heights into that imaginary surface layer.

21 So the line, as designed in this location along
22 the common route and along Kolb Road where the highest
23 poles are, the 142 feet, I believe, at the bridge, are
24 within the allowances of that imaginary surface layer.
25 So we basically, preemptively, pre-FAA coordination,

1 determined and worked with DM to ensure that we won't
2 have any issues when we get to the final design.

3 Once an alternative route is approved, we then
4 go into the final design and once we know where the
5 latitude and longitude of each pole location is, that's
6 when we submit our forms to the Federal Aviation
7 Administration for final approval of placement of the
8 poles. But, again, we don't anticipate having any
9 impacts or concerns because we've already preemptively
10 worked with DM.

11 Q. All right. So I think that discussion
12 concludes what you --

13 CHMN. CHENAL: One question, Ms. Darling.

14 What is the range of maximum heights that the
15 poles can't extend through?

16 MS. DARLING: Sure.

17 Right up against the airfield, it's zero. And
18 then it moves out where the yellow is 150 feet, and I
19 believe the purple is up in a higher range, you know, up
20 to 200 feet. They're the 199-feet.

21 And it also kind of increases this way too. So
22 the further you get away from it -- it's a variable. So
23 it might be 150 here and 160 here.

24 CHMN. CHENAL: And the nearest to the runway,
25 the magenta color, whatever that is, pink, rose.

1 MS. DARLING: Yes. When we were looking along
2 that Valencia, they gave -- -- and there's a letter,
3 actually, in the application -- or e-mail, I'm sorry --
4 that gives the exact heights we couldn't exceed. I think
5 they were around -- the maximum ended up being around 50
6 or 60 feet, which we couldn't manage.

7 CHMN. CHENAL: All right. Thank you.

8 Q. BY MR. DERSTINE: So I think your discussion of
9 the potential impacts of the project on flight operations
10 of DM is the last piece of the nonbiological study work
11 that was performed to support the application. We've
12 covered the biological impacts and nonbiological impacts.

13 MR. DERSTINE: So I think the next section that
14 we're moving on to is public and stakeholder involvement,
15 and Ms. DeCorse has been part of that.

16

17 EDMOND BECK, ERIC RAATZ, and RENEE DARLING,
18 called as witnesses on behalf of Applicant, having been
19 previously duly sworn, en masse, by the Chairman, were
20 examined and testified as follows:

21

22 FURTHER DIRECT EXAMINATION

23 BY MS. DECORSE:

24 Q. Good morning, Ms. Darling. Can you touch on
25 the public outreach process and when that started?

1 A. (BY MS. DARLING) Yes. We initiated the public
2 outreach in May of 2019. We initiated that with open --
3 a group meeting with our stakeholders. That was in May.
4 And then had a follow-on meeting with stakeholders in
5 August.

6 We also mailed two newsletters with comment
7 forms to the public. The first mailing had over 21,700
8 mailers. And that was in that preliminary study area
9 that I showed you yesterday. And then the second mailing
10 went out to over 36,000 residents, organizations, and
11 stakeholders, and that was in that revised study area
12 when we had expanded it to include Pantano Road.

13 Following each newsletter mailing, we had a
14 public open house. It was actually a series. We held in
15 May a north meeting and a south meeting one after the
16 other because the study area is so long.

17 And then in August, we had a second series of
18 open-house meetings with one in the north and one in the
19 south.

20 Do you want me to give the specifics of how
21 many people attended?

22 Q. Yes. That was my next question.

23 A. (BY MS. DARLING) In May, the south meeting had
24 six people attend and the north meeting had 14 people
25 attend.

1 And in August, we had eight people attend in
2 the north and three people in the south.

3 CHMN. CHENAL: Member Hamway. Excuse me.

4 MEMBER HAMWAY: So the people who spoke the
5 other night, were any of those identified early on?

6 MS. DARLING: Yes. The one lady who spoke
7 about her children and the health concerns, she had
8 attended both sets of open house meetings and expressed
9 her concerns about the potential health impacts. We did
10 give her the -- we have like a EMF fact sheet, and we
11 always have this poster at the meeting showing kind of
12 what we talked about today. So we did talk to her and
13 give her that information.

14 MEMBER HAMWAY: Okay. Thank you.

15 Q. BY MS. DECORSE: So, Ms. Darling, actually, if
16 we could go to the next slide. That has the map on it.
17 So that's the --

18 A. (BY MS. DARLING) The notification area.

19 Q. So, to be clear, Notification 1 is the
20 preliminary study area.

21 Notification 2, which I think you said was in
22 August, included the expanded study area?

23 A. (BY MS. DARLING) That is correct.

24 Q. And the EMF study, I think it's on the board in
25 the back, but do we also have an exhibit -- I don't know

1 if it's in front of you -- labeled TEP-18?

2 A. (BY MS. DARLING) Yes, we do.

3 Q. So that's an example of what was handed out at
4 each of those open houses?

5 A. (BY MS. DARLING) That's correct.

6 Q. And that's also available on the website;
7 right?

8 A. (BY MS. DARLING) That's correct.

9 And the website is referred to in each of
10 our -- on the right screen, you'll see the newsletters
11 that I mentioned, the first in May and the second in
12 August. And that always gives them the website where
13 they can go to get more project information if they
14 aren't able to attend the meeting. We post all of the
15 handouts and the posters there for people to view.

16 Q. I see that you pulled up the public comment
17 map. Can you explain for the Committee the types of
18 comments and maybe what this shows.

19 A. (BY MS. DARLING) Yes. So we do offer the
20 ability to comment both at the open house meetings, via
21 telephone, toll-free line; through the website, what we
22 call a Wufoo form, and we provide a project-specific
23 email address that they can also send comments to.

24 So we received in the first and second round of
25 comments 35 comments in total. And those came from 12

1 from the online comment form, six emails, nine comment
2 forms, and eight voicemails.

3 Q. So with the expanded study area, you actually
4 received more or less comments from the first public
5 outreach to the second?

6 A. (BY MS. DARLING) There were less comments --
7 more, I'm sorry. The first round of comments got 15, and
8 the second round of comments, we received 20. So in
9 total, 35.

10 Q. Okay. Do you want to summarize what the
11 comments were.

12 A. (BY MS. DARLING) First, I'll say about the
13 postcard.

14 So since -- following the filing of the
15 application, we then sent a postcard out that announced
16 the hearing and that the application was on the website
17 and what our preferred alternative was, and we received
18 additional comments after sending that postcard, which
19 are Exhibit --

20 Q. That is Exhibit 22. That's the updated public
21 comment matrix, J-5, in the application?

22 A. (BY MS. DARLING) Right. So when I talk about
23 the numbers of different comments and their categories,
24 I've included the postcard comments with the Open House 1
25 and 2 or Outreach 1 and 2 comments.

1 So we had 12 comments related to health, three
2 comments related to cost, seven related to the appearance
3 of the line, 23 related to the location of the line, and
4 13 other comments, which mainly didn't have anything to
5 do with the project specifically. It might have been,
6 How do I get a senior discount on my rates? or I don't
7 like where the substation is. So not directly related to
8 the line itself.

9 Q. And with respect to the comments that we
10 received after the postcard, are those in line with this
11 table? I mean, is it primarily --

12 A. (BY MS. DARLING) No. So this table represents
13 what was in the application, and then I added the
14 additional comments.

15 Q. And the postcard is TEP Exhibit 10; is that
16 correct?

17 A. (BY MS. DARLING) Yes.

18 CHMN. CHENAL: Member Hamway has a question.

19 MEMBER HAMWAY: So when you consolidate and
20 look at all these responses, do you eliminate duplicates,
21 or are they cumulative? So if I called five times, it
22 would show up --

23 MS. DARLING: Five times, yes.

24 In this case, we had, like, a whole family in
25 this project comment. So there's multiple from one

1 location, but the whole family is concerned, so ...

2 MEMBER HAMWAY: Right.

3 Q. BY MS. DECORSE: And I believe, Ms. Darling, is
4 it correct that in that table, we also show the responses
5 that were given to each of those; is that correct?

6 A. (BY MS. DARLING) Yes.

7 Q. Okay. So what about the stakeholder
8 involvement? Can you speak to who maybe those were, the
9 key stakeholders for the project area, and when you met
10 with them.

11 A. (BY MS. DARLING) Yes.

12 So, as I said, we had the two stakeholder
13 meetings. In the application, it shows the entire list
14 of stakeholders that were notified regarding the project.
15 But these are the ones that actively participated in the
16 meetings. And there were representatives of Senator
17 Sinema and Congresswoman Ann Kirkpatrick, Pima County,
18 Pima County Regional Flood Control District, the City of
19 Tucson's Transportation Department, the City of Tucson
20 Ward 4 office, Davis-Monthan Air Force Base, Kinder
21 Morgan, and Southwest Gas, and the Groves Lincoln Park
22 Neighborhood Association. They're the neighborhood
23 that's adjacent on -- across the street from the Patriot
24 Substation to the east. So they're south of Escalante
25 Road and east of the Patriot Substation. And then the

1 Vail Preservation Society attended the first meeting.
2 They touch the very far southeast corner of the study
3 area is why they had attended.

4 Q. Quick question: I know that a gentleman that
5 was at public comment on Monday was from the HOA board.
6 I think it was from the association, not the --

7 A. (BY MS. DARLING) It was, I think, just south
8 of the Tucson Meadows neighborhood.

9 Q. Okay. Do you recall them being at any of the
10 open houses or public meetings?

11 A. (BY MS. DARLING) No, they weren't.

12 Q. Okay. So of the stakeholders, what were their
13 concerns, if they had any, or any specifics that you want
14 to touch on?

15 A. (BY MS. DARLING) Yes. A lot of them have
16 already been touched as part of when we talked about the
17 design considerations. The Pima Air & Space Museum
18 talked about -- we talked about getting the planes
19 across. They also were concerned about the entrance and
20 the poles at the entrance and that being an international
21 tourism site with over 187,000 visitors a year, that it
22 would -- you know, the visual effect of the transmission
23 line in front of the museum would have a negative visual
24 impact. And the Pima County Attraction and Tourism
25 Department, which is who they rent the Pima Air & Space

1 Museum site from kind of concurred with that. And then
2 they also talked about AMARG's concerns related to the
3 airplane bridge.

4 Southwest Gas does have high-pressure gas lines
5 throughout the study area. And they did send a letter.
6 It's in Exhibit J. Their preference is, I think, C1 and
7 A over B2 because they want to build a new high-pressure
8 gas line on Pantano Road. But it wouldn't be sited where
9 our existing transmission line is. We're going to build
10 in the exact same corridor, so they wouldn't be building
11 it there anyway.

12 And then the City of Tucson sent a letter that
13 I referred to yesterday, and there were -- besides the
14 sidewalk discussion that we had, there were other
15 concerns, and that was impacts to the existing tree
16 canopies along the road right-of-ways and maintaining
17 those to the extent possible and, where we couldn't,
18 replacing trees in other areas. Site visibility
19 triangles at intersections and maintaining those,
20 obviously.

21 The Kolb Road widening that I had discussed,
22 where they're going from four lanes to six lanes between
23 Valencia and Escalante. That's the location where we're
24 actually on the Davis-Monthan Air Force Base. And so,
25 again, we've addressed that. And their last comment was

1 to do the least impact to community, community
2 facilities, and residential use as possible.

3 I think that's -- and then there's also a
4 letter from Pima County Flood Control I mentioned
5 yesterday, and that was that they prefer we don't build
6 in the wash.

7 Q. Thank you.

8 A. (BY MS. DARLING) Do you want me to cover the
9 support and the votes for the different alternatives?

10 Q. Yeah.

11 A. (BY MS. DARLING) So in support of the
12 different alternatives, we had three for Alternative A,
13 five for B1, seven for B2, and eight for C1. And
14 against, where they specifically called out an against
15 was three against Alternative A; one against B1, which we
16 didn't pull forward; two against B2, and two against C1.

17 Q. Ms. Darling, when you say "they," are you
18 referring to --

19 A. (BY MS. DARLING) The public. Yes, the public.
20 Thank you.

21 Q. Thank you.

22 MS. DECORSE: That brings us to notice.

23 So I believe that's Matt, and then Eric and
24 Renee will speak to that.

25

1 EDMOND BECK, ERIC RAATZ, and RENEE DARLING,
2 called as witnesses on behalf of Applicant, having been
3 previously duly sworn, en masse, by the Chairman, were
4 examined and testified as follows:

5

6 FURTHER DIRECT EXAMINATION

7 BY MR. DERSTINE:

8 Q. These cases, these siting cases, carry with
9 them various obligation to provide notice to the public
10 of this hearing process and what we're doing today.

11 Mr. Raatz, let's start with one of the key
12 requirements, which is to publish the Notice of Hearing
13 in a newspaper at least on two dates.

14 Talk about whether -- how TEP satisfied its
15 obligations to publish notice of the hearing.

16 A. (BY MR. RAATZ) Yes. As seen in the
17 Exhibit TEP-7, the Notice of Hearing was published in the
18 Arizona Daily Star on two dates: January 19th and also
19 January 22nd.

20 TEP Exhibit 7 shows the affidavit and
21 publication.

22 Q. In addition, the Notice of Hearing is required
23 to be sent to affected jurisdictions. Can you identify
24 the jurisdictions that are affected by this project and
25 who we sent notice to.

1 A. (BY MR. RAATZ) Yes. The affected
2 jurisdictions were the City of Tucson and Pima County.

3 And notice, as provided in TEP Exhibit 9, was
4 sent on January 16th.

5 Q. So if I'm looking at TEP Exhibit 9, that shows
6 the certified mail receipt from the mailing of the Notice
7 of Hearing to the City manager on behalf of the City of
8 Tucson and to the Pima County. I guess Chuck Huckelberry
9 is, what, he's the --

10 A. (BY MR. RAATZ) Yes, that's correct. And I'd
11 like to correct the date that I referenced. It's January
12 21st for both mailings.

13 And Chuck Huckelberry is the County manager.

14 Q. One of the other important notice requirements
15 and obligations is to post signs along the route that
16 would, again, publicize this hearing and give residents
17 and passersby an opportunity to understand about this
18 project and this process.

19 Ms. Darling, do you want to speak to the
20 posting of signs and where they were posted.

21 A. (BY MS. DARLING) Yes. We posted 11 signs
22 along the three alternatives routes. The map on the left
23 shows the locations of those signs.

24 And then on the right, there's a time-stamped
25 photo of each sign, which P-Dub can just scroll through

1 as I'm talking.

2 They were posted between January 22nd and 24th.

3 Q. And do we have a slide or can you tell us what
4 information is contained in those signs?

5 A. (BY MS. DARLING) There's a map showing the
6 three alternative routes along with the project name and
7 the dates and times of the hearing, the project website
8 and phone number.

9 Q. All right. This is an opportunity for us to
10 circle back on a couple of issues. We had questions from
11 Chairman and members of the Committee that arose during
12 the course of the case. So let's make sure we get those
13 questions answered.

14 Why don't we start -- Member Haenichen asked a
15 question about the operation of the RICE units.

16 Do you have that information, Mr. Raatz?

17 A. (BY MR. RAATZ) Yes, I do. I have a summary.
18 And I believe Mr. Dubberly will be placing it up on the
19 screen.

20 Thank you.

21 Okay. On the left-hand side of the screen,
22 Member Haenichen, Members of the Committee, we've got --
23 in the columns, we outline RICE Units 6, 7, 8, 9, and 10.

24 And as I spoke to earlier, these were
25 commissioned on December 22nd. And so we went and found

1 out the number of starts we've had since then up to the
2 date of the question. Greater than one minute. And so
3 you can see RICE Unit 6 has 36 and so on and so forth.

4 And then the total of hours of operation for
5 each unit since it's been in operation and the total
6 number of days. And, mind you, these are not consecutive
7 hours or consecutive days. So for that time period, the
8 use ranges about between 20 and 30 percent.

9 CHMN. CHENAL: Member Haenichen.

10 MEMBER HAENICHEN: Mr. Raatz, can you just give
11 us just in narrative form what they were used for during
12 those times? What purpose did they serve? Was it just a
13 test that they were going to run?

14 MR. RAATZ: Member Haenichen, they began
15 commissioning December 13th. And so they were doing
16 testing from December 13th through December 22nd. And as
17 of December 22nd, they've been in full operation. So
18 they've been used right now to support local load.

19 MEMBER HAENICHEN: In a peaking sense or ...

20 MR. RAATZ: In a peaking sense? Well, it's
21 hard to say right now as we don't necessarily -- we're
22 not in a peaking load time, as Mr. Beck had spoke to in
23 his testimony. The peak load last year, I believe he
24 said, was 2,417 for the service territory. And
25 currently, at this time of year, our peak load might be

1 1,200 megawatts with an average load of probably 800
2 megawatts right now. So not necessarily for peak load,
3 just to support the overall load.

4 MEMBER HAENICHEN: Thank you. Thank you for
5 doing that.

6 Q. BY MR. DERSTINE: And, Mr. Beck, maybe you
7 can -- my recollection is that the RICE case was some
8 time ago, but my recollection was that the RICE units
9 filled a couple purposes. One was to lend voltage
10 support, and the other was to address peaking needs. Can
11 you expand -- tell me if I'm right about that, and
12 correct me and expand on that a bit, please.

13 MR. BECK: That is correct. So the RICE units
14 were intended to serve several purposes. A big one for
15 us is balancing out against renewables. So, in
16 particular, solar, as the sun goes down or as the sun is
17 rising, we have pretty high ramp rates on the solar
18 output. So the RICE units are fast-start and capable of
19 helping to mitigate that change in generation that we
20 have from the renewables.

21 We also have some minimum gen requirements that
22 they are put on for just to have some minimum local
23 generation running. And because they don't have to be
24 committed long term, we do that on a shorter-term basis
25 than our steam units. So for right now, those are the

1 two purposes they're serving.

2 And then, as we get into the summertime where
3 we truly have peak load, then we can use those to also
4 help meet peak over peak hours.

5 MEMBER HAENICHEN: So, overall, you're fairly
6 happy with that project?

7 MR. BECK: Yes. So far, we're very happy.

8 Q. BY MR. DERSTINE: Mr. Raatz, I believe it was
9 Member Woodall who asked if we could provide an estimate
10 of the cost for the planned substations that would be
11 interconnected by this project. Do you have those
12 numbers?

13 A. (BY MR. RAATZ) I do have the numbers for the
14 Patriot Substation. The Port Substation, we don't have a
15 good enough estimate at this time. It hasn't really been
16 put into the budget at this time as the need has not been
17 identified.

18 MR. RAATZ: So, Member Woodall, we do have the
19 cost was found for the Patriot Substation. We've got it
20 broken down for the substation itself, the land, and then
21 the distribution work that would be required. So we've
22 got --

23 MEMBER WOODALL: Just give me the big lump.

24 MR. RAATZ: Okay. \$24 million.

25 Q. BY MR. DERSTINE: And that substation would

1 have two transformers. Can you talk generally about
2 what's the equipment configuration for the substation.

3 A. (BY MR. RAATZ) Yeah. It's going to be, I
4 believe, a ring bus configuration with two transformers.
5 And it will have uncommon points of access from the
6 transmission. So the transmission from Irvington to the
7 Patriot Substation will not be located on the same
8 structure as the transmission from Patriot to the East
9 Loop Substation. And this is to help eliminate the
10 single points of failure and the same thought process is
11 for the two transformers. As I spoke to earlier, the two
12 transformers will be equipped with automatic throwover.
13 So if we lose one of the transformers, the load that's
14 served by that transformer will automatically be thrown
15 over to the remaining transformer, thus, eliminating the
16 single points of failure there as well.

17 Q. Thank you.

18 Ms. Darling, Member Noland had asked if you
19 could give her a measurement of the available room left
20 in the right-of-way, and I believe it was on B2, the
21 preferred route.

22 A. (BY MS. DARLING) Yes. It's 20 -- it varies,
23 but it's 25 to 45 feet from the curb to the property
24 line. You asked the available right-of-way. So within
25 that, there would be the sidewalk and the existing poles

1 being rebuilt and the new poles, if that's the case.

2 MS. DARLING: Did I answer your question?

3 MEMBER NOLAND: It does. Thank you.

4 MS. DARLING: Okay. Thank you.

5 CHMN. CHENAL: A follow-up question,

6 Ms. Darling. You had talked about the ADA requirements

7 for the sidewalks. So what's the width of those

8 sidewalks?

9 MS. DARLING: 4 feet.

10 CHMN. CHENAL: And then how much space is

11 needed for a typical pole?

12 MS. DARLING: 3 feet.

13 CHMN. CHENAL: So 25 to 45 feet would give

14 sufficient room to -- within the right-of-way to

15 construct both the sidewalks and the poles?

16 MS. DARLING: Correct.

17 CHMN. CHENAL: But the concern still is the

18 potential for the aerial easement issue, which is the

19 reason for requesting a corridor of 200 feet; is that

20 correct?

21 MS. DARLING: Right. As I spoke to yesterday,

22 it's very unlikely that we would need aerial easements

23 along Pantano Road because we do have that more room than

24 we do on Kolb. But we were asking for the 25 feet in

25 those cases where, since we haven't done construction

1 Blue Stake, we don't know all the facts about the area to
2 allow for some flexibility in the case that we might need
3 a larger turning structure somewhere or we might have to
4 relocate a utility line or, you know, bury the utility
5 line, things like that, just to provide a little more of
6 flexibility.

7 CHMN. CHENAL: Member Hamway.

8 MEMBER HAMWAY: So how does the City of
9 Tucson's general plan to handle bike lanes, especially
10 now that you're changing your department name to
11 Mobility -- or adding Mobility? I saw it on TV last
12 night.

13 MS. DARLING: I don't know. So the bike lanes
14 are within the travel -- they're within the side of the
15 actual travel lane, so they're within the curblane. And
16 we measured from the curb to the parcel boundary.

17 MEMBER HAMWAY: So they do include a bike lane?

18 MS. DARLING: I'm sorry?

19 MEMBER HAMWAY: So it does include a bike lane?

20 MS. DARLING: No. The bike lane is inside the
21 curb, so it's where the travel lanes for the traffic are,
22 not up where the sidewalk is.

23 MEMBER HAMWAY: So you don't have dedicated
24 bike lanes in this area?

25 MS. DARLING: We do, but they're within the

1 travel -- they're adjacent to the travel lane, inside the
2 curb, the developed part of the road. They're not up
3 with the sidewalk.

4 MEMBER HAMWAY: I know that. So are they
5 defined by a painted line?

6 MS. DARLING: Yes.

7 MEMBER HAMWAY: And how wide are your bike
8 lanes?

9 MS. DARLING: I don't know. Just from seeing
10 them, I want to say a couple feet. What do you think?
11 Does anyone have an opinion?

12 MR. BECK: So, Mr. Chairman, Member Hamway, I'm
13 not sure that Pantano Road has bike lanes or is actually
14 slated to have bike lanes. And in that vicinity, the
15 Pantano Wash, there is a bike path that's the loop around
16 Tucson.

17 MEMBER HAMWAY: Okay.

18 MR. BECK: So they encourage use of that as
19 opposed to the roadways.

20 MEMBER HAMWAY: They go wherever they want.

21 MR. BECK: It doesn't mean they wouldn't put
22 bike lanes to the extent they're not there. And bike
23 lanes -- I think Ms. Darling said probably 3- to 4-foot
24 lane.

25 CHMN. CHENAL: Bikers have the legal right to

1 use the road.

2 Member Noland.

3 MEMBER NOLAND: Thank you. I just need to
4 straighten something out in my mind.

5 As far as the air easements go, is that just
6 for the arms, or is that for the arms and the
7 transmission lines?

8 MS. DARLING: Yes, both. The transmission
9 line -- the conductor is on the arm, and it's at the end
10 of the arm. So it's -- both would be there at the same
11 time. So it includes both.

12 MEMBER NOLAND: But with the 25 feet -- I
13 understand the flexibility and all of that. But if you
14 ran into a problem, you should have enough footage there
15 to take care of things.

16 What I'm thinking about is having the corridor
17 spread across the street to the other side and the other
18 properties, when I think you have the flexibility within
19 that 25 feet and the east side of Pantano to get that
20 done. Can you comment on that or, Mr. Beck, can you
21 comment on that?

22 MR. BECK: Mr. Chairman, Member Noland, I
23 understand your issue. We could easily say that we
24 wanted a corridor, in this instance, from the center of
25 the road only to the east to the extent we plan to

1 rebuild where the line is at.

2 For ease of description and continuity, that's
3 why we did a corridor centered on the centerline. If the
4 Committee -- if it's important enough to the Committee
5 that they wanted us to go from centerline to road only to
6 the east, we could live with that.

7 MEMBER NOLAND: And I would even say go ahead
8 and do a corridor to the west, but only to the end of the
9 right-of-way, not -- people look at it differently, and
10 they don't know what we know. And they know about that
11 or see that, that tends to upset people. So if you just
12 did it to the right-of-way on the west, that -- I'd feel
13 a lot more comfortable with that.

14 And, also, I'm going to tell you right now, I
15 have an issue with the area down around the scenic route
16 and how you have expanded those corridors to the area
17 that's not in the scenic route. So we need to try and do
18 something with that.

19 MR. BECK: Yes. We understand that issue. We
20 recognize that would be of concern.

21 Relative to your point of going from
22 right-of-way and only to the east, that's very doable for
23 us. It complicates writing the legal description, but we
24 can handle that. It's just some extra words in the
25 description.

1 MEMBER NOLAND: Well, it's not too hard. You
2 just take it from the centerline to the edge of the
3 right-of-way on the west side and then describe it the
4 same centerline to the east to where you're going to do
5 that. That's not too difficult. That's a pretty simple
6 thing to do.

7 MR. BECK: I absolutely agree, it's not that
8 difficult. It just adds some words and some process
9 time. We will do that. That's not a problem. Just
10 recognize we won't have it written that way probably this
11 afternoon if we do happen to get into the CEC conditions
12 and finalizing the CEC. So as long as the Committee
13 gives us the deference to come back with that legal after
14 the fact to match up the map that we have. It's very
15 doable.

16 CHMN. CHENAL: Question: I understand Member
17 Noland's point. If we did it that way, assuming we did
18 it that way where the -- to the west of the centerline
19 would only go to the right-of-way, but keep it as you
20 want it to be to the east, how wide, then, would the
21 corridor be?

22 MS. DARLING: 175.

23 CHMN. CHENAL: Okay.

24 Q. BY MR. DERSTINE: Teeing off of Member Noland's
25 comments --

1 Patrick, will you pull up the area, the scenic
2 corridor area, and let's talk about that and show that.
3 Let's talk about that.

4 So can one of the witnesses please describe
5 what's on the left screen, orient us to the map.

6 A. (BY MR. RAATZ) Okay. On the screen, we are
7 looking at the area where we've described the scenic
8 major route. And we are requesting the 900-foot
9 corridor. This is Alternative 1. And as you can see
10 here, we're requesting the 300-foot corridor. And this
11 extends from I believe this is Littleton Road and
12 extends north approximately 2,400 feet where we are
13 requesting the 900-foot corridor.

14 This is Valencia Road, and this is Kolb Road in
15 this area.

16 Q. Ms. Darling, do you want to speak to why we
17 have widened for as far a distance as we're showing there
18 on the left screen rather than pinching it down to just
19 the crossing of Valencia Road.

20 A. (BY MS. DARLING) I believe it was, again, to
21 provide flexibility in siting and to keep a direct route
22 from where we made the turn from Littleton to go north
23 along Kolb, knowing that the scenic corridor was there.
24 And it extends to the -- basically, there's three options
25 in this area: Go on private land on the east, go on

1 private land on the west --

2 Q. Can you use the pointer to show that.

3 A. (BY MS. DARLING) So to go on private land here
4 in this parcel on the east or to go on private land on
5 the west or to get a variance from the ordinance from
6 Pima County to site in the scenic corridor within the
7 right-of-way on either side of the road.

8 So, again, it was flexibility in having
9 different options when it might come up and then kind of
10 over to this side and then go up or, you know, go
11 straight up, that kind of thing.

12 MEMBER NOLAND: Mr. Chairman.

13 CHMN. CHENAL: Member Noland.

14 MEMBER NOLAND: You're pointing clear down on
15 the left-hand screen, when your only area that you come
16 into the scenic route restrictions is up at the top.

17 MS. DARLING: I believe there are scenic route
18 restrictions down here as well. Because this is County,
19 and then this is County. It's just this little piece
20 between, like, here and here that's City of Tucson. So
21 if you extend the -- from the Valencia Road right-of-way
22 the buffer, the half right-of-way buffer this way and
23 then from here, on Littletown, you extend up this way,
24 you get this little strip in here that you could -- so
25 you could come out and then back in, but just for a short

1 period of time. And then you have to come back out again
2 and cross and then come over. So it was just to keep the
3 straight shot along that small strip in between the two
4 areas.

5 MEMBER NOLAND: Do you know what the setback is
6 for the scenic route?

7 MS. DARLING: It's half the right-of-way of the
8 road right-of-way. So if the road right-of-way is 300
9 feet, it's an additional 150 feet beyond the
10 right-of-way.

11 MEMBER NOLAND: And I'd like it to be a little
12 more specific. I'd like to know where it is. If you
13 could be specific about that, do you have an exhibit that
14 shows that, where -- and the --

15 MS. DARLING: Yes.

16 MEMBER NOLAND: And on the bottom portion, what
17 road is scenic on that?

18 MS. DARLING: I believe it's Kolb Road.

19 MEMBER NOLAND: I mean, I know this area really
20 well.

21 MS. DARLING: It's Kolb Road, and where it ends
22 along the city/county line is where it goes away. I
23 think P-Dub has a shapefile he's going to pull in.

24 MEMBER HAMWAY: And where is the Amazon
25 distribution center?

1 MS. DARLING: It's this corner down here.

2 MEMBER HAMWAY: I'm sorry. I thought it was in
3 that other corner.

4 MS. DARLING: It's kitty-corner. And this was
5 where the distribution line was that the gentleman
6 mentioned was eroding, so it's that drainage that comes
7 under here.

8 MEMBER HAMWAY: So there's no development
9 currently in that loop area?

10 MS. DARLING: No. No.

11 MEMBER NOLAND: Did you say it was one owner of
12 that area?

13 MS. DARLING: It is. It's a land developer.
14 They own up here as well.

15 MEMBER NOLAND: Uh-huh. Just as a little
16 aside, I represented the people that bought Howard
17 Hughes's estate and extending all of those roads and
18 utilities and so on and worked on that extensively in
19 that area many, many years ago. Because before that,
20 there were no roads that connected to the airport or
21 utilities.

22 MS. DARLING: Wow.

23 MEMBER NOLAND: Just a little history.

24 MR. DERSTINE: We're efforting to pull up the
25 Pima County map on the right screen and keep our corridor

1 designation on the left so you can confirm that.

2 MS. DARLING: Can you zoom in a little bit
3 more?

4 So the little gap right there is the little gap
5 here.

6 Q. BY MR. DERSTINE: And why is there the gap?

7 A. (BY MS. DARLING) It's County; right? I mean
8 City, sorry.

9 MEMBER NOLAND: Is that an exhibit I can pull
10 up? I don't remember seeing that.

11 MS. DARLING: Yeah.

12 Can you give her the website address?

13 MR. DERSTINE: We don't have it as an exhibit,
14 I don't think.

15 MEMBER HAMWAY: I'm sorry. Okay.

16 MR. DERSTINE: What are we looking at on the
17 right screen?

18 MEMBER NOLAND: Can you go back to the full
19 screen that you had just to the left and down a little.

20 Yeah.

21 MS. DARLING: And I believe this is 2016
22 designation, and it has not been updated since.

23 Is that correct, P-Dub?

24 2015. Sorry.

25 MR. BECK: That is one of our problems, is that

1 there's some conflicts between the websites and the
2 mapping. And when we started working on the project
3 internally, we had a shapefile that we thought
4 represented the scenic area and found some maps that were
5 inconsistent with that. Originally, our thought was
6 doing a 300-foot corridor centered on the line north and
7 south, not having this 900-foot-wide corridor.

8 But as we saw some discrepancies in the
9 mapping, we realized that we needed to really work with
10 the City and County to deal with that scenic corridor
11 issue. And so that's when we thought if we gave enough
12 width and flexibility to potentially go to the other side
13 of the right-of-way, maybe with the City and the County,
14 we can get something that works better for everybody.
15 Otherwise, we would just go down that eastern alignment,
16 as we show on the map.

17 MEMBER NOLAND: Do they let you put poles the
18 height that you have -- you have to be outside of the
19 scenic route; is that correct?

20 MR. BECK: You need to get a variance or a
21 waiver to get inside that.

22 MS. DARLING: So where we have existing lines,
23 they do allow us to continue to replace poles or do work
24 on them.

25 But any new facilities -- and this is a new

1 transmission line -- we would have to get a variance.

2 And we have obtained variances in certain cases, but it's
3 a process, and we could be denied.

4 MEMBER NOLAND: Right.

5 MS. DARLING: So that's why we're -- if we were
6 unable to get the easement from the private landowner,
7 then we would go to them and say, We're kind of in a bind
8 here. We really need a variance. And then that's why I
9 was saying there's kind of three options: It's the
10 landowners on the west, the landowners on the east, or a
11 variance.

12 MEMBER NOLAND: But the property on the west
13 has structures.

14 MS. DARLING: It does.

15 MEMBER NOLAND: And you'd be going through the
16 middle of those structures. Is that a fair assumption?

17 MS. DARLING: It is a fair assumption. It's an
18 industrial use, but -- yeah.

19 MR. BECK: So we would not go -- put the line
20 over structures to the extent there's structures there.

21 So, again, it's just flexibility to work with
22 those property owners.

23 As you mentioned earlier, the vicinity and the
24 area, relative scenic quality is maybe questionable. By
25 working with the City and the County and saying, We're

1 going to provide power to this area so it actually
2 develops, may be fully supportive in getting a variance
3 from them, allowing us to stay along the right-of-way.

4 MEMBER NOLAND: Or along the east side rather
5 than the west side; correct?

6 MR. BECK: Correct. That would be our intent,
7 yes.

8 MEMBER NOLAND: Well, I still have a problem
9 with -- a slight problem -- I understand your -- the
10 position you're in. But I would rather see it on the
11 east side than on the west side with those buildings and
12 separate owners involved because it would impact those,
13 no two ways about it. And then you do have the vacant
14 land on the east side.

15 MS. DARLING: Member Noland, I think one other
16 reason why we had it extend over here is the flexibility
17 to -- once we got past those buildings, to jump over here
18 if, for some reason, we needed to, and then cross on the
19 west. But I understand what you're saying as well.

20 MEMBER NOLAND: I understand that. But you
21 have the corridor running all through the industrial
22 buildings.

23 MS. DARLING: Yes.

24 MEMBER NOLAND: Not just north of them.

25 MS. DECORSE: When I was taking a look at the

1 application, I think to Mr. Beck's point, that the maps
2 may be different than what we have up here. If you turn
3 to Exhibit A-4 in the application, the land use, the
4 scenic routes buffer, Pima County looks like it goes the
5 entire way without that little part missing.

6 Is that --

7 MS. DARLING: That's the discrepancy that
8 Mr. Beck spoke of between the paper map and the shapefile
9 or GIS information.

10 MS. DECORSE: And maybe it's my ignorance, but
11 the shapefile is something that the City maintains or --
12 I mean, do the two agencies maintain their --

13 MS. DARLING: It's a Pima County designation.
14 I'm not sure whether the data came from Pima County or
15 TEP, but there was an error.

16 MS. DECORSE: But what we're looking at here --

17 MS. DARLING: Is correct.

18 MR. BECK: Well, there again, I believe I saw a
19 date of 2015 on here, and I think there was a 2016
20 update. So this is something we need to work through
21 with the City and the County and get the most current
22 mapping.

23 And we just realized this last week. We
24 thought we had the best information as we were preparing
25 the application. And as we started to find the corridor

1 and write that up, and we were going to go 300 foot, we
2 realized that there's some discrepancies on mapping. And
3 that's why we jumped to that 900-foot corridor.

4 If you look in the application, you'll see that
5 we referenced a 300-foot corridor throughout, that that
6 was our intent. And so this change, again, was
7 last-minute, because we realized there are some
8 discrepancies in the mapping, and we've got to fix that.
9 We've got to get that resolved.

10 And what it amounts to is we'll either build in
11 the private land to the east is one likely scenario. Or
12 if we can get a variance or waiver, to the extent we can
13 get that, we would just go along the eastern side of the
14 right-of-way. And so for a corridor description, we
15 could easily go with west side of right-of-way only to
16 the east, if that were to work for the Committee.

17 MEMBER NOLAND: Well, I wouldn't have any
18 problem with that if you -- you could have the extended
19 corridor north of those properties on the west side if
20 you needed to use that. But it seems like if you're
21 dealing with one owner on the east side, you're dealing
22 with one owner on the east side. You're either going to
23 get it or you're not, and there wouldn't really be any
24 need to just give you that small northern area with an
25 expanded corridor.

1 MS. DARLING: That's true, except that it's at
2 the intersection, and potentially -- you know, I don't
3 know. I think -- we also -- you know, there's the
4 potential there where we might have to obtain the whole
5 parcel if we're making it not developable for the
6 landowner.

7 MEMBER NOLAND: I understand. As I said, I've
8 built next to the scenic corridor, and I understand how
9 difficult it is.

10 MR. DERSTINE: Are there other questions that
11 came from the Committee that I've missed asking about
12 that we -- do we have answers to, or do you think we
13 caught those?

14 CHMN. CHENAL: Just a follow-up question, same
15 as regarding Pantano.

16 If we went to the west right-of-way and then to
17 the east, including the additional land that you're
18 requesting, how wide would the corridor be then?

19 MS. DARLING: On Pantano or here?

20 CHMN. CHENAL: No, here on the scenic corridor
21 that we were talking about.

22 MS. DARLING: So that would be -- P-Dub will
23 probably have to measure it for me from the west road
24 right-of-way to where the corridor is now on the east.

25 MR. DERSTINE: Could you frame the question for

1 P-Dub again.

2 MS. DARLING: I'm sorry. P-Dub could you
3 measure from the west road right-of-way to where the
4 corridor extends now on the east.

5 MR. DERSTINE: On this segment.

6 MS. DARLING: On this segment.

7 MR. DERSTINE: And I think Mr. Dubberly was
8 commenting to me that the corridor varies in here, but we
9 can pick different spots or we can pick a sweet spot and
10 just measure it.

11 MEMBER NOLAND: Pick the centerline. It might
12 be easier right now just to do it from the centerline.
13 That's pretty constant.

14 MR. DERSTINE: Okay.

15 MS. DARLING: So keep going to the east edge of
16 the corridor.

17 MR. BECK: Patrick, can you read what that
18 dimension is?

19 MR. DUBBERLY: Yeah. It looks like it's 492
20 feet approximately from the centerline at this point of
21 the right-of-way to the east edge of the corridor.

22 MR. BECK: So if it were acceptable to the
23 Committee, we'd probably ask for 500 foot from that point
24 over, just a nice, straight line.

25 CHMN. CHENAL: Member Noland.

1 MEMBER NOLAND: Mr. Chairman, Mr. Beck, the
2 line running along the north of those properties on the
3 west side, is that a road, an access road, to those
4 properties? Is it a designated easement? Do you know?

5 MS. DARLING: It is an access road.

6 MR. BECK: It's just an access road for those
7 properties. We don't believe it's a designated road at
8 this time.

9 MEMBER NOLAND: Well, and, again, as I said, I
10 wouldn't have any problem with going back to the 900 feet
11 if that was a designated point that you could say that,
12 you know, or north of the property line of the north
13 property then on up could be 900 feet to give you some of
14 that flexibility because you're going to run into the
15 northern scenic route restrictions also.

16 MR. BECK: That is correct. And we did see
17 that there is a dedicated right-of-way there. So that is
18 a road right-of-way.

19 MEMBER NOLAND: So that would -- for me. I'm
20 just speaking for myself. I wouldn't have any problem
21 with there being a 900-foot starting at that northern
22 point.

23 Q. BY MR. DERSTINE: I think Mr. Dubberly was
24 indicating that that is, as you've indicated, Mr. Beck,
25 designated road right-of-way?

1 MEMBER NOLAND: Mr. Derstine, could you speak
2 into the microphone a little bit more?

3 MR. DERSTINE: How about that?

4 MR. DUBBERLY: So it looks like it's East Old
5 Vail Road up here. So if I understand, Member Noland is
6 asking us to cut out this part of the suggested
7 right-of-way -- or the corridor?

8 MR. BECK: That is correct, Patrick. She's
9 suggesting that we would stay with a narrower corridor up
10 to that right-of-way to Old Vail Road, and then north of
11 there, go back to the 900 potentially.

12 MEMBER NOLAND: Again, that just kind of seems
13 to help you with that further northern property but then
14 satisfies some of my concerns about the private property
15 ownership, the four properties to the south of Old Vail.

16 MR. BECK: And that's very workable for us.

17 MEMBER NOLAND: I'm done.

18 CHMN. CHENAL: All right.

19 Member Haenichen has a question, however.

20 MEMBER HAENICHEN: This is a follow-up to a
21 comment Mr. Derstine made a while ago.

22 There is still one further question that's not
23 answered that I had put forth, and that was the energy
24 use of the Amazon distribution center.

25 And let me tell you why I want to know that.

1 It's not necessarily that related to this particular
2 case, but it seems to me in cases we've had and probably
3 future ones to come, that this whole giant retailing
4 situation due to the Internet sales of stuff is going to
5 become very important.

6 And we recently had a project with some large
7 data centers, which is not a distribution center. And
8 they would have had enormous electrical usage.

9 What I was trying to get at was we'd like just
10 to calibrate the Committee what a similar large
11 distribution center, what their power usage would be just
12 so that we kind of had a feel for it. So I think
13 Mr. Raatz said he was going to find that out.

14 MR. RAATZ: Yes. I'm still investigating that.

15 Q. BY MR. DERSTINE: Can we get that number yet
16 today, Mr. Raatz?

17 A. (BY MR. RAATZ) Yes, we can.

18 MEMBER HAENICHEN: Thank you.

19 MR. DERSTINE: Well, those were our clean-up
20 issues in terms of making sure that we addressed the
21 questions that were presented during the course of the
22 hearing. We've got some conclusion slides, and then we
23 would be ready to wrap up and close our case.

24 I don't know if you want to take a break here.

25 CHMN. CHENAL: This would be a good time to

1 take a break. Let's take a 15-minute morning break, and
2 then we'll pick it up in 15 minutes.

3 MR. DERSTINE: Very good. Thank you.

4 (A recess was taken from 10:31 a.m. to
5 11:16 a.m.)

6 CHMN. CHENAL: Let's go back on the record and
7 resume the hearing.

8 Mr. Derstine, Ms. DeCorse, I think we have a
9 few concluding remarks and a few different follow-up
10 items, and then I'd like to discuss the attachments, if
11 you will, to the CEC that we'll discuss in deliberations
12 and how we're going to do that.

13 But let's conclude the presentation by the
14 panel and any follow-up questions.

15 MR. DERSTINE: Thank you.

16 Q. BY MR. DERSTINE: Mr. Beck, I think the --
17 well, Mr. Raatz, Member Haenichen had asked about if we
18 had an approximation or a number of the energy use of the
19 Amazon center. I know we need to be very careful about
20 giving out bill information from our customers, but I
21 think you have an estimate or a range?

22 A. (BY MR. RAATZ) That's correct, Mr. Derstine.

23 MR. RAATZ: Member Haenichen, as Mr. Derstine
24 indicated, we cannot give that information out without
25 signing a nondisclosure agreement. But we did do some

1 research through the break there, and for the two
2 distribution centers in the Tucson vicinity, we took the
3 average square foot, and the average energy consumption
4 kilowatt hours per year of 6.1 per square foot use. And
5 we assumed a square footage of 875,000 square feet and
6 came up with a usage of approximately 450 megawatts per
7 month.

8 MEMBER HAENICHEN: Okay. Thank you. Thank you
9 very much.

10 Q. BY MR. DERSTINE: And, Mr. Beck, the Chairman,
11 in these cases, always sends a letter to Commission Staff
12 and invites them to comment on each case. And I think it
13 was on the record, and if not, we did it as an aside.
14 Staff had sent to TEP some requests for information. It
15 took us time to get them that because the files were
16 large, and their system wasn't accepting our email, just
17 some issues with regard to getting them what they needed.

18 But that letter has finally been issued and
19 docketed. I believe it's dated February 24, 2020. It's
20 addressed to the Chairman, Thomas K. Chenal, from -- I
21 believe it's from -- yes, from the director of the
22 Utilities Division, Elijah Abinah. And that's been
23 marked as TEP-20.

24 MR. DERSTINE: And I believe, Claudia, it is on
25 the members' iPads?

1 And you should have a paper copy as well in
2 front of you.

3 Q. BY MR. DERSTINE: Mr. Beck, do you want to just
4 summarize the high points or the important takeaway from
5 the Staff's letter marked as TEP-20.

6 A. (BY MR. BECK) Yes. And along the way of the
7 data request that was sent to us, we also had a
8 presidential visit in Phoenix that interrupted the
9 Commission for half a day, which also ate into the
10 process of getting their response to the Committee.

11 But basically, what the Staff said was that
12 they believe the proposed project will improve the
13 reliability, resilience, and safety of the grid as well
14 as the delivery of power in Arizona. It addresses
15 category P-6 contingency violations identified in the
16 annual review, increases redundancy in the Tucson load
17 pocket, alleviates transmission congestion, and provides
18 138kV services for areas not currently served by 138kV
19 transmission by enabling the redistribution of load
20 served by adjacent transmission lines.

21 So they support the project. They didn't see
22 any issues and saw the benefits of the project.

23 They do further mention that because there are
24 gas lines in the vicinity, they would want the standard
25 condition regarding the gas lines be put in the CEC. And

1 we need to look in detail at the language in there.

2 I'm concerned that maybe they still have the
3 older language, and we'll have to deal with that as we
4 draft the condition. I think ours -- well, we'll verify
5 that we have the newer language.

6 But other than that, they're supportive of the
7 project. And finally, they conclude that they're not
8 making a determination of used and useful at this time.

9 CHMN. CHENAL: Member Woodall.

10 MEMBER WOODALL: So when you say they're not
11 using the newer language, are you suggesting that Staff
12 has used the language in its current letter, that that
13 language came from long ago or prior to that, and they
14 have subsequently been using the language that you have
15 in your CEC, and we think this is a one-off?

16 MR. BECK: I guess I would say I think they're
17 using their original old language. And they may not
18 realize that through the CEC process, that language has
19 been changed somewhat, and that may be something we need
20 to deal with Staff directly to be sure they realize that.

21 MEMBER WOODALL: I don't want to make a big
22 thing of it, but it would be nice to know, do they want
23 the language in their letter, or do they like the ones in
24 the CEC? I don't know which.

25 MR. BECK: I believe in the past, we've

1 actually verified with Staff that they are open to our
2 new language, but I believe they may have pulled from an
3 older version.

4 MEMBER WOODALL: I rely on your experience and
5 your memory, Mr. Beck, so I need say nothing further
6 about it.

7 Q. BY MR. DERSTINE: I guess on that point,
8 Mr. Beck, we will confirm that the language that Staff
9 has suggested in TEP-20 is in line with what is in our
10 proposed CEC and the version that we will be screening to
11 the Committee and whether, in fact, that language is the
12 same cathodic protection condition that has been carried
13 forward in a number of cases where that condition was
14 used and just to make sure that we're using the right
15 language in the one that's been adopted and used by this
16 Committee in the most recent cases?

17 A. (BY MR. BECK) Correct. I believe during the
18 lunch break, we can make that determination so that we
19 can bring that up as we go through the CEC.

20 CHMN. CHENAL: I think the operative word is
21 the letter refers to "measurements," and the more recent
22 CEC provisions refer to the word "studies." And that is
23 from the request of Staff in a previous case where they
24 requested, to my recollection, the word "studies." And I
25 think that was something that came out in a previous

1 case.

2 MR. BECK: Right, Mr. Chairman. I know I
3 raised the issue, and I think we had that discussion with
4 some Staff members, and they concurred with that change.

5 CHMN. CHENAL: Studies?

6 MR. BECK: Correct.

7 CHMN. CHENAL: Using the word "studies" in lieu
8 of "measurements."

9 MEMBER WOODALL: That's what I think, but I
10 don't know.

11 MR. BECK: Okay.

12 Q. BY MR. DERSTINE: I think we're -- by looking
13 at the slide on the left, I think we're nearing the home
14 stretch here. It says Conclusions.

15 Mr. Raatz, why don't you start with your
16 conclusions, what you think are the key points that you'd
17 like to remind the Committee of with regard to this
18 project from your perspective.

19 A. (BY MR. RAATZ) Okay.

20 As discussed throughout the testimony, all
21 alternatives, as presented to the Committee, are
22 buildable. However, based upon preliminary findings, the
23 preferred route, Alternative B2, will have the least
24 amount of construction impact.

25 Furthermore, Alternative B2, the preferred

1 route, goes in line with TEP's design philosophy of using
2 existing transmission corridors as possible.

3 As I've shown throughout my testimony, this
4 project provides many benefits to the TEP system and
5 helps to ensure reliable electrical power to existing
6 customers.

7 As testimony has shown, there has long been a
8 need to provide a stronger power source to serve the
9 customers north of Davis-Monthan Air Force Base.
10 Collaborating with Davis-Monthan has allowed TEP the
11 opportunity to address this need.

12 This project also allows further retirement of
13 the existing aging 46kV infrastructure within and near
14 the project area. This has the additional benefit of
15 less maintenance required as there will be fewer
16 substations to maintain.

17 Collaboration with Davis-Monthan also assists
18 the base in fulfilling their requirements to eliminate
19 the single point of failure in advance of their required
20 2025 date. This is accomplished by providing the loop
21 system, as discussed in testimony, to serve the base as
22 well as two transformers at the base.

23 The project provides the ability for TEP to
24 serve future growth in the area of the Port of Tucson,
25 possibly providing an economic benefit to the city of

1 Tucson.

2 And, lastly, the project provided an additional
3 transmission capacity on the TEP system, eliminating
4 upgrade projects identified in previous years' study
5 process.

6 Q. Ms. Darling, do you want to add your key
7 takeaways and conclusions?

8 A. (BY MS. DARLING) Yes.

9 First, Chairman Chenal and Members of the
10 Committee, I want to thank you for listening in to us
11 these past three days, for your thoughtful questions and
12 valuable feedback that we'll take back and improve our
13 line siting process with.

14 We realize that the Committee has a difficult
15 decision before them, that all of the alternatives have
16 some measure of impact on the built or natural
17 environment, and that given the dense population or
18 development north of Patriot Substation, that any of the
19 alternatives would have some measure of impact on
20 residential use. We discussed that it was 7 and a half
21 percent to 12 percent yesterday.

22 That being said, TEP did select B2 as its
23 preferred route because it used an existing 138kV
24 corridor for the most part from Escalante to the East
25 Loop Substation with only Escalante Road being the new

1 portion north of Patriot and, therefore, has the least
2 impact on the built environment.

3 The viewshed would not change substantially
4 along that alternative because we would be replacing the
5 existing transmission line and structures with something
6 in kind, where, actually, the arms would be shorter than
7 the existing arms, pulling the conductor further from the
8 homes.

9 It would also have less impacts on the
10 residents in the sense of during construction with
11 traffic and all of that as opposed to A, that we had
12 discussed.

13 C1 is preferred less than B2 because it is
14 creating a new transmission line corridor along the
15 Pantano Wash. It would require floodplain use permits
16 and Pima County -- and a separate type of use permit for
17 actual siting. We would have to construct some access
18 roads in there, and construction and maintenance would
19 have temporary impacts whenever we needed to get in there
20 on the use of the trail system itself. It would also
21 have greater disturbance, ground disturbance, on the
22 xeroriparian vegetation in that area.

23 Alternative A is our least preferred. It would
24 have the greatest impact on residential use. It would
25 bring -- with the arms, we'd need aerial easements. We

1 might need sidewalk easements. It's going to bring the
2 line in closer proximity to the homes, and it would have
3 greater traffic impacts, potentially utility relocations.

4 And that concludes my conclusion.

5 Q. Thank you.

6 Mr. Beck, I want to have you touch on a couple
7 things, and maybe it's appropriate that -- well, I'm not
8 going to say this is your last case. You may find a way
9 to work your way back before the Committee on behalf of
10 the company.

11 But if you can, maybe start with kind of your
12 perspective and viewpoint on the preferred route and how
13 we got there with the preferred.

14 A. (BY MR. BECK) Yes.

15 I also want to thank the Committee for your
16 participation in this process. We realize it is an
17 important process both for us and for the community.

18 We went through a ranking process for the
19 alternatives we actually brought forward. And we talked
20 yesterday about some numerical rankings. And, yeah,
21 there's some subjectivity involved in that. And it
22 raised two of the alternatives to the top. And then we
23 went through and kind of ranked between those two and
24 made determinations.

25 But behind the scenes or behind that ranking

1 process, TEP considered other information as it was going
2 through. And as you've heard throughout the case, one of
3 TEP's driving interests is to utilize existing corridors
4 or existing lines to the extent possible. Let's not
5 blaze a trail through new ground if we don't need to and
6 burden additional areas of the population with a line if
7 there's a line that we can utilize and, for example,
8 double-circuit it.

9 So that's why, for us, Pantano Road raises to
10 the top. It's got an existing line. People already have
11 that line. They know it's there. They built around the
12 line because the line was, for the most part, there
13 before a lot of that development.

14 We would be adding one circuit to that line.
15 We probably can actually decrease the EMF levels by our
16 phasing positions. So we're not really causing more EMF
17 problems.

18 If we were to choose Alternative A, we would
19 have multiple lines along Kolb Road. Specifically, we
20 would have double-circuit 46 on one side and
21 double-circuit 138 on the other side, which would have a
22 greater visible impact, much more encroachment on actual
23 houses because they are so close to the right-of-way
24 today, and a lot of conflicts with existing utilities
25 that we would have to work around as we were to rebuild

1 that line.

2 Alternative A also impacts a major transmission
3 corridor. And due to the narrow right-of-way, it's going
4 to have a lot more disruption to traffic flow during
5 construction; While double-circuiting the existing
6 Pantano Road, including the relocation through the
7 Meadows neighborhood, will be much easier from a
8 construction and access standpoint for maintenance when
9 we need to do maintenance in the future than it is along
10 Kolb.

11 Specifically, for the Tucson Meadows
12 neighborhood, we're relocating out of that partially due
13 to self-interest. We would have difficulty rebuilding
14 the line through that neighborhood because they have
15 encroached so much. Could we do it? Yes. Does it make
16 sense to do it? Questionable. Because we can go out to
17 the Pantano right-of-way and go around that area.

18 The Tucson Meadows neighborhood, we didn't get
19 a lot of comments from them. We didn't get a lot of
20 comments throughout the case from any particular
21 neighborhood. And the most EMF discussion we actually
22 heard was public comment the other day on Monday night.

23 Additionally, the Alternative A has the need
24 for additional easements, which you've heard about; the
25 ADA issues with the sidewalk, which are less so along

1 Pantano because it's wider; conflicts with a greater
2 number of existing above-ground and buried utilities
3 along Kolb, which you've heard about.

4 Now there again, Kolb does have existing 138,
5 so it is near the top of our list of, yeah, we want to go
6 with existing alignments. But given the choice between
7 Pantano and Kolb, Pantano is the better option.

8 Q. You know, yesterday, you mentioned the matrix,
9 and we had discussion about that. And there's value in
10 those discussions from our side in terms of hearing the
11 Committee's thoughts and how we use a matrix that
12 involves various factors that puts out a raw number.

13 But I think one of the things that I heard you
14 mention and also Ms. Darling is that it's one of the
15 tools, one of the ways that we look at routes and
16 alternatives. But what I heard you also say is that
17 there's this kind of design philosophy that Ms. Darling
18 spoke to and that you've mentioned in terms of using
19 existing routes, existing right-of-way, collocating a new
20 line on an existing line using existing structures
21 whenever possible, and that's the best way to minimize
22 impacts.

23 There was an interest, and we touched on it, in
24 terms of how C2 -- why that didn't get brought forward.
25 And it's not in our application. We didn't bring it

1 forward. So it's not an alternative that we presented to
2 the Committee, and so it's not on the table today. But I
3 think there's some value in explaining a little bit about
4 why we didn't bring C2 forward. I know Member Riggins
5 asked about C2.

6 And can you give a little more background in
7 terms of why that route didn't come forward and why it's
8 not in the application.

9 A. (BY MR. BECK) Yes.

10 Again, through our basic philosophy of trying
11 to utilize existing corridors, the portion along Golf
12 Links and then the portion along the wash, there are no
13 existing lines there. So we would be trailblazing a new
14 line for areas where there are no lines today or no
15 transmission lines.

16 If you look along Golf Links -- and if the
17 Committee has interest, we can bring it up on Google.
18 But along Golf Links, there's a charter school, there's a
19 church, and there's a daycare center along the route, as
20 well as platted land along the northern side of Golf
21 Links for a considerable portion of Golf Links.

22 Q. Are there not also residences along Golf Links
23 as well?

24 A. (BY MR. BECK) Yes. And there are some
25 residences and some apartment complexes along Golf Links

1 also. And they're probably not clearly visible in some
2 of the application material. But, again, if we need to,
3 we can bring it up on Google, if the Committee would like
4 to see that.

5 But there was a basis for not bring C2 forward
6 as an additional alternative.

7 Another consideration to that is it would add
8 three-quarters of a mile of impact to a riparian area
9 along the wash, and that's in Exhibit C, biological
10 analysis, specifically in Table 5.4, as well as there is
11 a Figure A4 in that exhibit that shows the riparian
12 areas. So we would have impact to additional riparian
13 area.

14 As you've heard, if we were to build down the
15 wash, we have to build access roads in for construction,
16 and then we have to have ability to access for
17 maintenance later. And we would probably build roads in
18 to build the line. A lot of those would be obliterated,
19 but we would still have the potential to need access for
20 maintenance. And there's the coordination with the City
21 and/or County relative to their bike trail system. They
22 have an interactive map for use of their bike trail
23 system where people can go in to see where the restrooms
24 are and kind of track their position along the route.

25 So if there needed to be a reroute or a detour

1 for some reason, that all needs to get onto that website.
2 So there's some coordination issues. Yeah, it can all be
3 done and worked out, but that just adds another
4 three-quarters of a mile and doesn't meet our preliminary
5 issue of trying to utilize existing lines, and it goes
6 into areas that don't have lines at all today and have a
7 lot of viewership.

8 One of the issues raised in the subjective
9 nature of things was visibility. And if you actually
10 look in the exhibit, the visibility issue raised by the
11 consultant there is that for recreational areas, in their
12 opinion, people tend to spend more time looking at their
13 viewshed than people do along industrial areas or heavily
14 traveled roads. And so there's more exposure time, more
15 consideration of what they're looking at. So the impact
16 to the visual is higher from that standpoint if you
17 believe that. And, yes, you can have different opinions.
18 But that's just a piece of some of the basis that we used
19 in the ranking. But also, our primary objective of
20 utilizing existing lines is very important to us and
21 trying not to build where there's nothing today.

22 Q. Anything else you wanted to add in terms of
23 your conclusions for today?

24 A. (BY MR. BECK) I hope we have put on a
25 compelling case to show why the three alternatives we've

1 brought forward are all good, viable options. If the
2 Committee were to try and reconstruct to use a part of B2
3 and the wash on the north end, I guess that could be
4 another consideration. But from our standpoint,
5 utilizing that existing alignment with an existing line
6 where people know it is today, to us, makes the most
7 sense. And it doesn't disturb undisturbed areas that
8 exist today.

9 MR. DERSTINE: Thank you.

10 Before -- I think that is the end of our case.
11 But before that, we need to make sure we get all of the
12 remaining exhibits moved into evidence and get them
13 admitted.

14 MS. DECORSE: Right. So --

15 CHMN. CHENAL: Give me one moment.

16 MR. BECK: Mr. Chairman, we have one correction
17 to make on a number in regard to Mr. Haenichen's
18 question.

19 MR. RAATZ: Member Haenichen, I made a mistake
20 in the calculation with regards to the usage, and it is
21 actually a half a megawatt. What I had given was energy
22 consumption, not power.

23 MR. BECK: So that's half a megawatt for a
24 distribution center.

25 MEMBER HAENICHEN: So that's the name plate

1 reading of the power that's reporting into that plant?

2 MR. RAATZ: That's the average monthly power
3 consumed at the typical distribution center.

4 MEMBER HAENICHEN: Of what size and in square
5 feet?

6 MR. RAATZ: I believe it's 875,000.

7 MEMBER HAENICHEN: Okay. Thank you.

8 CHMN. CHENAL: Okay. I'm ready with exhibits.

9 MS. DECORSE: All right. So, for today, we
10 have TEP-7, which is the affidavit of publication and
11 tear sheets; TEP-8, the proof of posting, which is the
12 sign and the map, so it's 8A and 8B; TEP-9, proof of
13 service to affected jurisdictions; TEP-10, the postcard;
14 TEP-17, which is the updated land ownership percentage
15 table, and that is in the application; TEP-18, the EMF
16 handout; TEP-22, the updated public comments matrix,
17 which is J-5 of the application; TEP-19, which I don't
18 know that we've -- which is the left-side PowerPoint
19 presentation. So if you don't have that, the court
20 reporter has a copy. We will get you copies if you don't
21 have them.

22 CHMN. CHENAL: When you say "left-side" --

23 MS. DECORSE: Which is -- right-side PowerPoint
24 presentation, all those slides that you've seen
25 throughout the case.

1 CHMN. CHENAL: Oh, okay. Because then the left
2 side is Exhibit 5.

3 MS. DECORSE: Yes.

4 CHMN. CHENAL: Okay. So right side.

5 MS. DECORSE: Sorry.

6 TEP-20, which is Staff's letter.

7 And that's all I have for today.

8 CHMN. CHENAL: And TEP-21 is the draft CEC?

9 MS. DECORSE: Yes.

10 CHMN. CHENAL: Okay. So we're missing 11. 11
11 was not introduced yesterday, and it wasn't mentioned
12 right now.

13 MS. DECORSE: Yes. So we can move to admit it,
14 but we were going to use your version only so it's not
15 confusing because your changes were made to TEP-11.

16 CHMN. CHENAL: Right.

17 Yes, Member Woodall.

18 MEMBER WOODALL: Is there an Exhibit A lurking
19 about somewhere that would be attached to a CEC should
20 one, in fact, issue?

21 MS. DECORSE: Yes.

22 MEMBER WOODALL: And where could that be found?

23 MR. DERSTINE: At the moment, it's found in
24 Mr. Dubberly's computer. We're efforting to create an A,
25 revise an Exhibit A, that will correspond to the

1 communications and discussions that we've had over
2 corridor width, and we'll have something to present to
3 the Committee after lunch that hopefully graphically
4 describes not only the route but the corridor as it
5 changes at various segments of the line.

6 MEMBER WOODALL: So it will have narrative and
7 a diagram?

8 MR. DERSTINE: Yes.

9 MEMBER WOODALL: Okay. Thank you very much.

10 CHMN. CHENAL: And for the Committee's benefit,
11 we're going to get into that in just a minute. And we're
12 going to go through and have discussion to make sure that
13 the things we've discussed on corridor width at various
14 locations are consistent with the map that Mr. Dubberly
15 is going to prepare over the noon hour. But I thought it
16 was important that we have the discussion, make sure
17 we're all on the same page before Mr. Dubberly goes
18 through that exercise.

19 So what's been moved is TEP-7, 8A, 8B, 9, 10,
20 17, 18, 19, 20, and 22.

21 MS. DECORSE: That is correct.

22 CHMN. CHENAL: Any objections?

23 (No response.)

24 CHMN. CHENAL: Hearing none, TEP Exhibits 7,
25 8A, 8B, 9, 10, 17, 18, 19, 20, and 22 are admitted.

1 MS. DECORSE: Thank you.

2 CHMN. CHENAL: So -- yes, Member Woodall.
3 Before there's closing statements, we're going to -- I
4 think it would be good to go through a discussion of the
5 map and the corridor widths and just make sure we're all
6 on the same page.

7 But if counsel has anything they want to
8 address before that, we can do it now or --

9 MR. DERSTINE: I don't think there's anything
10 for counsel to say. I have a very short closing
11 statement. But other than that, if you're ready to talk
12 through corridor issues --

13 CHMN. CHENAL: Let's do that, and then there
14 may be some other --

15 MEMBER WOODALL: I've got one question.

16 CHMN. CHENAL: Member Woodall.

17 MEMBER WOODALL: For evidentiary purposes.

18 One of the conditions in the Chairman's
19 proposed CEC is No. 14, which requires that you arrange
20 that all field personnel receive training as to proper
21 ingress, egress, and on-site working protocol for
22 environmentally sensitive areas and activities.

23 And I just want to know, are there any
24 environmentally sensitive areas or activities? And if
25 so, where would they be occurring?

1 MS. DARLING: The only ones I can think of
2 would be for C1, where there's the riparian habitat and
3 might be creating new access, and we haven't done full
4 surveys of that habitat yet and whether there might be
5 things to avoid. Otherwise, it would be our general
6 practices that we use along the --

7 MEMBER WOODALL: I just wondered. Because in
8 another case, there were none, and so I thought, How can
9 they train them. So thank you for answering my question
10 and putting it on the record. I appreciate it.

11 MS. DARLING: Thank you.

12 CHMN. CHENAL: So, just for the record, that
13 provision was in the applicant's proposed CEC.

14 MS. DARLING: We're fine with having it in
15 there because we do have general environmental
16 requirements for our crews, which those little cards I
17 passed out yesterday kind of show. So we're fine with
18 the condition. We have our own just general
19 environmental protections, whether they're specific or
20 not, to a certain species or plant.

21 MR. BECK: Mr. Chairman, just to be clear. It
22 was not in our version of the CEC in the draft.

23 CHMN. CHENAL: 14?

24 MR. BECK: A condition to do the
25 environmental -- well, I'll tell you, it's in our No. 21,

1 which is the one with your comments in. It's in that
2 version. It wasn't in our No. 11 originally.

3 MR. DERSTINE: So I think for the record, we
4 used -- as we do when we present our cases, we look to
5 the last CEC that was issued. We use the conditions or
6 we look at the conditions there. And then where we are
7 changing or modifying those conditions from the
8 Committee's last CEC, we will make a note of that.

9 And I think we brought that one forward on our
10 own. And that was a condition you had from your last
11 case. I'm not sure that it was in prior cases, but it
12 was in your last CEC. And so it is in this draft and the
13 Chairman's -- what we've marked as the proposed CEC with
14 the Chairman's changes.

15 Whether it's appropriate for this case, I leave
16 to the Committee. I think Ms. Darling is noting that
17 those conditions are probably not present here.

18 MR. BECK: Mr. Chairman, I was incorrect. It
19 is in No. 11. So I apologize.

20 CHMN. CHENAL: No problem.

21 MS. DARLING: Mr. Chairman, I believe it's
22 because it says "and activities," it could apply to the
23 construction activity and protecting the natural
24 environment where we're impacting or causing ground
25 disturbance.

1 CHMN. CHENAL: So maybe we make a modification
2 when we get to 14 if there are no culturally sensitive
3 areas, but there's still going to be construction
4 activities, and the protocols would still be appropriate
5 for those; is that correct, Ms. Darling?

6 MS. DARLING: Yes.

7 CHMN. CHENAL: Thanks. Well, let's discuss now
8 the -- if we get a -- okay.

9 We're jumping the gun, I understand that.

10 MEMBER NOLAND: We are.

11 CHMN. CHENAL: We're jumping the gun.

12 MEMBER NOLAND: We are.

13 CHMN. CHENAL: But we're pressed for time. If
14 we don't have a discussion now about the likely proposed
15 route, we're not going to give Mr. Dubberly the
16 opportunity to create the document that we're going to
17 need to review and approve later. And I don't think it's
18 fair to have him approve all three routes. And we're
19 talking about creating a map that the scale is going to
20 have to be changed so that the scale will reflect in a
21 meaningful way the width of the various corridors. So it
22 will not be a one-page document. It will be a
23 multiple-page document with potentially varying corridor
24 widths.

25 I suppose we could do this: We could have the

1 closing comments, have the close of the case, and then
2 begin deliberations, but begin deliberations by deciding
3 what the Committee feels is an appropriate route. We
4 could do that.

5 Is that acceptable to the Committee?

6 MEMBER NOLAND: Sure.

7 CHMN. CHENAL: Let's do that. And then we
8 can -- because we'll have time, I think, before lunch, to
9 accomplish what we want to accomplish. We can have the
10 closing remarks, and then we can discuss what route the
11 Committee believes would be appropriate were a CEC to be
12 approved. And then we can go through that discussion
13 before we break for lunch.

14 MEMBER NOLAND: Mr. Chairman.

15 CHMN. CHENAL: Yes, Member Noland.

16 MEMBER NOLAND: Well, Mr. Chairman, as far as
17 which routes, preferred routes or whatever, I know in my
18 mind what I would select and might help in not having to
19 guess which route we're going to select and have to show,
20 you know, different routes and different right-of-ways
21 and different corridors and all of that.

22 A1 is a no-brainer because they're all using
23 A1. So it would just be, for my own choice, I guess, I
24 would select B2, the preferred route. And so that would
25 be the one I would want to see the new corridor

1 information on a map so we could vote on that and have
2 that prepared to use with the CEC this afternoon.

3 MEMBER WOODALL: I associate myself with Member
4 Noland's remarks.

5 MEMBER HAENICHEN: I can't hear you.

6 MEMBER WOODALL: I said I agree with Patty.
7 That's the route I would support.

8 CHMN. CHENAL: Well, okay. This is what I
9 suggested we were going to do is discuss the route and
10 then have the discussion before we got into
11 deliberations. But then we had the discussion about
12 doing it during deliberations. I'm happy either way.

13 MEMBER NOLAND: Well, Mr. Chairman, I thought
14 you were talking about going segment by segment with the
15 corridor and specific and so on, and I'm just saying
16 that's my preferred -- I think that's the one I would
17 choose, is their preferred route with the A1.

18 CHMN. CHENAL: Okay. I wasn't clear, then. I
19 was just going to jump right into that and say, What is
20 the Committee's preference for the route?

21 MEMBER NOLAND: Sorry.

22 CHMN. CHENAL: And I'm assuming we're going to
23 probably land in the same place, and then we're going to
24 start the discussion about it. So since we've started it
25 that way --

1 MEMBER NOLAND: I misunderstood. I'm sorry.

2 CHMN. CHENAL: I'm sorry. I wasn't clear then.

3 MEMBER HAMWAY: I support the preferred route.

4 MEMBER HAENICHEN: I support the preferred
5 route.

6 MEMBER DRAGO: I support the preferred route.

7 MEMBER RIGGINS: I also support the preferred
8 route.

9 MEMBER PALMER: And I concur.

10 CHMN. CHENAL: As do I.

11 So in lightning speed, let's not do the closing
12 arguments because something might come out in our
13 discussion in a minute.

14 Well, let's just jump right to a discussion of
15 what the maps -- what the maps that will be attached will
16 look like. And we discussed a 200-foot corridor and a
17 300-foot corridor.

18 So let me just cut to the chase. From
19 Irvington to Patriot, which is referred to as
20 Alternative 1, what is the Committee's preference in
21 terms of a corridor? I think the applicant is still
22 requesting -- well, I guess I should ask the applicant.
23 Mr. Beck, is it still a 300-foot corridor for that
24 portion?

25 MR. BECK: Mr. Chairman, based on the

1 discussions so far today, I think our position would be a
2 300-foot corridor from Irvington to the corner where we
3 would turn north along near Kolb. That would be a
4 300-foot proposed corridor. From that point north until
5 we hit that street alignment --

6 CHMN. CHENAL: Old Vail?

7 MR. BECK: Old Vail Road.

8 -- we would go from the western edge of the
9 right-of-way of Kolb and then go east to what was the --
10 we showed as the edge of our alignment. So we needed --
11 it was 500 feet over.

12 And then north of that, we would go to the
13 900-foot corridor for the portion that goes up to the
14 point that was 2,400 feet north of the east-west
15 alignment. And then from there north --

16 CHMN. CHENAL: To Patriot?

17 MR. BECK: At this point, I think 300 foot up
18 to Patriot.

19 CHMN. CHENAL: Member Noland.

20 MEMBER NOLAND: Mr. Beck, maybe I misunderstood
21 you, but I thought we said from the centerline was the
22 500 feet to the east.

23 MR. BECK: Yes, I believe you are correct.

24 Thank you, Member Noland.

25 MEMBER NOLAND: I like being correct every once

1 in a while.

2 MEMBER HAENICHEN: Always.

3 CHMN. CHENAL: So let's stop for a second.

4 It would go from the -- on the west to the edge
5 of the right-of-way -- this is in the scenic area where
6 Kolb Road starts. On the west, it would be to the edge
7 of the right-of-way.

8 MEMBER NOLAND: No.

9 CHMN. CHENAL: And then to the east, would be
10 500 feet from centerline?

11 MR. BECK: I guess asking Member Noland, is
12 your intent that the corridor would start at the
13 centerline?

14 MEMBER NOLAND: Yes.

15 MR. BECK: And not extend over to the western
16 edge?

17 MEMBER NOLAND: Yes. I thought it was easy --
18 you had talked about the -- it was kind of a weird west
19 edge of the right-of-way. I don't care, but it just
20 seemed like it was more straightforward if it was the
21 centerline.

22 MR. BECK: The only thing is if we could get to
23 the western edge of that right-of-way and we do work out
24 with the City and the County and we can get a variance --

25 MEMBER NOLAND: Yeah.

1 MR. BECK: -- there's the potential to go to
2 the western edge.

3 MEMBER NOLAND: I understand that. But if you
4 just use the term "right-of-way," you're not going to
5 know necessarily what the metes and bounds and everything
6 else are.

7 MR. BECK: We will describe it in the legal
8 based on the centerline. It's just for depiction
9 purposes now, the corridor would extend from the western
10 edge of the right-of-way line over to where we have the
11 500 foot over from centerline.

12 CHMN. CHENAL: As the eastern edge?

13 MR. BECK: As the eastern edge of that
14 corridor.

15 MEMBER NOLAND: Got it. We're saying the same
16 thing in a different manner, I think.

17 MR. BECK: Yeah. And we'll base the legal
18 along Kolb on the centerline.

19 CHMN. CHENAL: And then, Mr. Beck, I think you
20 said it would extend north 2,400 feet.

21 MR. BECK: Approximately 2,400 feet north is
22 the point north of Valencia where we showed that 900-foot
23 corridor stopping before.

24 CHMN. CHENAL: So the corridor as we've just
25 described from the western edge of the right-of-way to

1 the 500 feet east of centerline would go north how far?
2 To Old Vail Road or 2,400 feet?

3 MR. BECK: So the portion down here, the
4 500-plus half a right-of-way width would go up to Old
5 Vail Road. From Old Vail Road north, we would have a
6 900-foot-wide corridor. We would straighten it out
7 instead of -- base it on the centerline. It would be a
8 rectangle above. And at that point where we stop it
9 before is approximately 2,400 feet. It would go to that
10 same point.

11 CHMN. CHENAL: And then extending north from
12 there, why don't you describe the corridor as you
13 understand it as we've discussed.

14 MR. BECK: So at this point, we would continue
15 with a 300-foot corridor. We would adjust the legal so
16 that it's based on the centerline, but it would be a
17 300-foot corridor centered on the transmission line
18 alignment. But the legal can be written off the
19 centerline of the road.

20 CHMN. CHENAL: Could you -- I'm not sure I
21 understand that.

22 MEMBER NOLAND: I don't understand what you
23 said.

24 MR. BECK: So we would have a corridor centered
25 on the alignment of the line north and south along Kolb

1 that is 300 foot, 150 foot on each side of that
2 centerline of the line. But when we write the legal
3 description, the legal description will be based on the
4 centerline of Kolb, so it's going to have offsets in it.
5 X feet over to the edge of the corridor or however the
6 legal gets written. But we can base it on the centerline
7 of Kolb Road.

8 CHMN. CHENAL: Memnber Noland.

9 MEMBER NOLAND: I think I agree with you, but
10 you keep using "centerline of the line," and that
11 confuses me. I know you're saying you'd measure it from
12 the centerline of the road, which makes much more sense.
13 I don't understand what you mean when you say centerline
14 of the line.

15 MR. BECK: Just that it will be this corridor
16 here, 300 feet, just as it's showing here. And right
17 now, that's 150 feet either side of this line, which is
18 not on the centerline of the road.

19 MEMBER NOLAND: I see.

20 MR. BECK: So it will be a 300-foot-wide
21 corridor. We'll just right the description based on the
22 centerline of the road.

23 MEMBER NOLAND: Okay.

24 CHMN. CHENAL: I'm not sure I understand. Is
25 the placement of the line pretty fixed at that location?

1 MR. BECK: Yes.

2 CHMN. CHENAL: Okay. So as opposed to the
3 other corridors, which are based really on the centerline
4 of the right-of-way, in this particular area, it
5 traverses Davis-Monthan. There's actually a specific
6 location where you intend to put the line, and it's
7 easier for you to create a corridor based on where that
8 particular placement is versus the centerline of the
9 road; is that correct?

10 MR. BECK: Where the placement of the line is
11 where we need it to be on the maps. How we describe that
12 corridor can be based off of the centerline of the road
13 or based off of the centerline of this alignment. And
14 I've been hearing a preference for tying it back to the
15 road centerline. So we can do that. It's just going to
16 have offsets to get it over to that corridor that's
17 adjacent to the road but not in the road right-of-way.

18 MEMBER NOLAND: Mr. Chairman.

19 CHMN. CHENAL: Member Noland.

20 MEMBER NOLAND: I really do prefer, and we've
21 done this so many times, that it be based on the
22 centerline of the road. I understand what you're trying
23 to get to. And if you need to say, okay, it's 175 feet
24 from the centerline or 300 feet from the centerline, you
25 should use the centerline because otherwise, it's a

1 magical place that has no reference point.

2 MR. BECK: Right. We will tie it to the
3 centerline of the road in the description.

4 CHMN. CHENAL: And so what would be the width
5 of the corridor?

6 MR. BECK: 300 foot. From -- where we change
7 from 900 foot, we go back to our 300 foot for the portion
8 up to Patriot.

9 CHMN. CHENAL: Based on the right-of-way, the
10 centerline of the right-of-way?

11 MR. BECK: And it will be tied back to the
12 centerline of the right-of-way, yes.

13 CHMN. CHENAL: Okay. And then continuing from
14 Patriot, I guess.

15 MR. BECK: Yes. So from Patriot, I believe
16 we're at the western right-of-way line; and on the east,
17 25 foot beyond the right-of-way line.

18 CHMN. CHENAL: Well, aren't we using C --
19 aren't we heading east from Patriot?

20 MR. BECK: Pardon me. I'm sorry.

21 CHMN. CHENAL: Is it C2 that's heading east
22 on --

23 MR. BECK: Correct. Yes.

24 So on the north-south portion along Pantano,
25 it's the western edge of the right-of-way and 25 foot

1 beyond the right-of-way on the eastern edge.

2 CHMN. CHENAL: Let me just -- I'm sorry. We're
3 at Patriot. So we have to head east to Pantano. What
4 would be the corridor description for that segment, the
5 east-west segment.

6 MR. BECK: 200 foot centered on that road
7 right-of-way.

8 CHMN. CHENAL: And what road is that again?

9 MR. BECK: Escalante.

10 CHMN. CHENAL: Okay. Thank you.

11 MEMBER NOLAND: Do you have a graphic of that
12 from the flyover like you have on the left-hand screen?

13 MR. BECK: Patrick, can you get up to that
14 point?

15 MEMBER NOLAND: I mean, if we're discussing
16 this, I'd like to see it on an actual map.

17 There.

18 MR. BECK: So on the east-west portion along
19 Escalante, we would do a 200-foot corridor centered on
20 the centerline of Escalante Road.

21 MEMBER NOLAND: 200 total?

22 MS. DARLING: P-Dub, can you -- do you know
23 what the right-of-way width is there? I don't even know
24 off the top of my head.

25 MR. DERSTINE: He said 150.

1 MR. BECK: So it would 200 total, 25 foot on
2 either side in addition to the roadway.

3 MEMBER NOLAND: Okay. So 25 -- so you're
4 talking 75 feet each side from the centerline?

5 CHMN. CHENAL: It would be 100 feet, wouldn't
6 it?

7 MEMBER NOLAND: Or 100.

8 CHMN. CHENAL: 200-foot corridor, so it would
9 be 100 either side of centerline.

10 MS. DARLING: It gets us that 25 feet extra for
11 flexibility.

12 CHMN. CHENAL: I just want to make sure that's
13 sufficient on this.

14 MR. BECK: We'll be able to work with that,
15 yes.

16 P-Dub, can you go to the corner of going north
17 on Pantano.

18 So on the portion along Pantano Road, we define
19 the corridor as the western edge of the existing
20 right-of-way. Again, we'll base the description off the
21 centerline alignment, but it will reflect the western
22 edge being the western right-of-way line, and on the
23 east, it will be 25 foot beyond the right-of-way line.

24 CHMN. CHENAL: Does that add up to 200 or is
25 that just 175?

1 MS. DARLING: 175.

2 CHMN. CHENAL: That's 175 there.

3 MS. DARLING: Right. Yeah.

4 MR. BECK: That will work for us.

5 MEMBER HAENICHEN: Okay.

6 CHMN. CHENAL: My sense of the universe is so
7 mathematical that ...

8 My mathematics counselor to my left is
9 reassuring me it's okay.

10 So going north on Pantano, the corridor would
11 be -- the western side would be the western edge of the
12 right-of-way. The east side would be 75 feet east of
13 centerline?

14 MR. BECK: Correct.

15 CHMN. CHENAL: And that would extend the entire
16 length of Pantano?

17 MR. BECK: I think we have the concept, and I
18 think we'll get the numbers and we'll show them on the
19 diagram after lunch.

20 CHMN. CHENAL: I was going to suggest that. I
21 think that you might want to rehuddle here and verify
22 that the numbers you're requesting are consistent with
23 what you'll need.

24 MR. BECK: Yes.

25 And there will be a slight adjustment at the --

1 with the little jog, we'll have to make sure that works.

2 CHMN. CHENAL: Sure.

3 MR. BECK: And then when we get up to -- we'll
4 have to work on that, P-Dub, but I think if we go up to
5 the north end.

6 And so we haven't talked about, really, that
7 corridor in there. So unless we hear otherwise, we would
8 go with the 300 foot centered on the centerline of the
9 line.

10 CHMN. CHENAL: We might hear from Member Noland
11 on that.

12 MEMBER NOLAND: Are you prompting me?

13 CHMN. CHENAL: Well ...

14 MEMBER NOLAND: Is that an existing? And is it
15 on the north side?

16 MR. BECK: So there is no described --

17 MS. DARLING: Is that a road, P-Dub, or is that
18 just a driveway?

19 MR. BECK: This is just the entrance to that
20 trailer park in there, the mobile home -- there's one
21 right there.

22 MEMBER NOLAND: Well, let me ask this again:
23 Is this an existing line --

24 MR. BECK: Yes, it is.

25 MEMBER NOLAND: -- on the north side?

1 Then why do you need to have the corridor go
2 that far to the south? I would just describe it along
3 the existing line there. If you were going to do a
4 corridor, I would do it X amount of feet from the
5 existing line on that one because it's kind of hard to
6 figure out what road you'd use for a centerline.

7 MR. BECK: I think on that, because it is an
8 existing line, we can define that as a 100-foot-wide
9 corridor centered on the line.

10 MEMBER NOLAND: I think that would be more
11 appropriate.

12 CHMN. CHENAL: And I guess there's no way
13 around it, but I mean, if you look 100 feet north of the
14 existing line, that covers a lot of residential property.

15 MEMBER NOLAND: This is true.

16 MR. BECK: I mean, we're going to rebuild the
17 line where it's at. So we could even say it's a 50-foot
18 corridor. Typically, we'll have at least a 100-foot
19 right-of-way.

20 MEMBER NOLAND: What is your easement existing
21 in there for that line?

22 MS. DARLING: I can look at lunch and let you
23 know right after lunch.

24 MEMBER NOLAND: I think that would be important
25 to know what the easement is currently. And then if you

1 need another 25 feet like along Pantano for any overhang,
2 then that's what I would suggest.

3 MR. BECK: We'll find that out over lunch and
4 make sure we reflect that.

5 MEMBER NOLAND: Thank you.

6 CHMN. CHENAL: This might be a good time for a
7 lunch break.

8 MEMBER NOLAND: Mr. Chairman, thank you,
9 though. That was really the discussion we did need to
10 have to make sure they weren't spinning their wheels
11 during preparation of this.

12 CHMN. CHENAL: And I appreciate that, because
13 when I met with counsel just before we resumed the
14 hearing, I kind of heard the discussion of -- and we
15 discussed kind of what the corridor -- and I think I had
16 a different idea than Mr. Derstine, perhaps, or at least
17 hearing it, I realized that it's not quite as easy as it
18 sounds. And it was worth having that exercise. And I
19 think that's proven to be true.

20 So let's -- how much time do you need for
21 lunch? Would you prefer the full hour?

22 MR. DERSTINE: We don't have any preference on
23 lunch. It's your call, your preference.

24 CHMN. CHENAL: But I think Mr. Dubberly is --

25 MR. DERSTINE: How much time do you need

1 for ...

2 MEMBER NOLAND: Put him on the spot.

3 MR. DERSTINE: If we can have a full hour for
4 lunch, we'll do our best to get done what we need to get
5 done in that time.

6 CHMN. CHENAL: I was thinking a half hour, but
7 now that we have Mr. Dubberly waiting with his assignment
8 there, I think he'll need more than that. So -- and,
9 frankly, I don't think when we actually -- I think this
10 is a lot of the work that we would be spending at
11 deliberations, is figuring out how we depict and describe
12 the route. I think there's a few conditions that we'll
13 have to discuss, but I think that will go pretty quickly.
14 So we'll finish this afternoon.

15 MR. DERSTINE: Yes. We'll do our best to get
16 something created to show for deliberations after lunch
17 if we can have an hour for lunch.

18 Can I wedge in a five-minute closing before we
19 break for lunch, and then you can just start
20 deliberations fresh after everyone's had their meal?

21 CHMN. CHENAL: Sure.

22 MR. DERSTINE: Then the case will be done, and
23 we can come back and do what you folks do best.

24 CHMN. CHENAL: And then the other thing that I
25 think we're going to have to think about -- this is for

1 at least the Committee's consideration -- is the legal
2 description won't be prepared until tomorrow at the
3 earliest. So we're going to have to figure out a way, I
4 think, to have the Committee delegate to me in some way,
5 unless we resume the hearing tomorrow, but short of that,
6 delegate to me some authority to verify maybe the legal
7 description matches the route that we ultimately land on,
8 assuming we issue a CEC and that authority is granted to
9 me in some way. I mean, I'm suggesting that to avoid
10 coming back to a hearing tomorrow.

11 MEMBER WOODALL: Excuse me, Mr. Chairman. Is
12 this document going to be, in essence, a late-filed
13 exhibit since it will be filed after we vote, presumably?
14 Is that what it is?

15 MR. BECK: I believe that's what it would be.
16 We would be supplementing.

17 MEMBER WOODALL: I'm just trying to determine.
18 So, Mr. Chairman, would it be helpful to you in doing
19 this if you had the assistance of one of our members who
20 had great expertise regarding this.

21 CHMN. CHENAL: Is it Member Noland?

22 MEMBER WOODALL: It isn't me, I can tell you
23 that right now. But, I mean, she could perhaps provide
24 some assistance --

25 CHMN. CHENAL: I would welcome Member Noland's

1 assistance for sure.

2 MEMBER NOLAND: I'd be willing to do that,
3 Mr. Chairman. I'm going to be here tomorrow.

4 CHMN. CHENAL: As will I.

5 So I just don't want to violate any -- you
6 know, the Committee is deemed -- you know, is given the
7 authority to make the decision. And we've always allowed
8 scrivener, you know, kind of minor changes here. So this
9 is a little bit of new ground and I just don't want to do
10 anything that runs afoul of our issuance of the CEC. And
11 I just want to be careful that we're doing it the right
12 way.

13 MEMBER WOODALL: I would move, Mr. Chairman, if
14 you would entertain it, that we allow the Chairman to
15 review the late-filed exhibit with the assistance of
16 Member Noland and to determine whether or not it is, in
17 fact, accurate and reflects the evidence that's on the
18 record.

19 So if anyone wants to second that.

20 MEMBER HAENICHEN: Second.

21 MEMBER PALMER: And I concur, Mr. Chairman. I
22 think we can draft language that describes this exhibit
23 to be filed with the legal description reflecting our
24 adopted -- I think it works fine.

25 CHMN. CHENAL: Well, we have a motion and a

1 second.

2 All in favor say "aye."

3 (A chorus of "ayes.")

4 MEMBER NOLAND: No.

5 MEMBER WOODALL: I didn't see you voting "aye,"
6 Mr. Chairman.

7 CHMN. CHENAL: I was so taken aback by Member
8 Noland's "no" that I froze in my tracks, but it was an
9 "aye."

10 All right. So with that, Mr. Derstine, if you
11 and Ms. DeCorse would like to present your final closing
12 statement.

13 MR. DERSTINE: And I appreciate that,
14 Mr. Chairman, Members of the Committee. I don't have a
15 lot to say.

16 I would start by saying I'm not sure why I'm
17 doing the closing. Ms. DeCorse did a great opening, and
18 she could be giving you these final comments, but somehow
19 this fell to me, and I'm happy to do it.

20 I don't have a lot to mention other than I
21 thought the witnesses and the conclusions that I heard
22 from the witnesses really summed up what I think were the
23 main points to drive home to the Committee.

24 Every project like this has its issues, and
25 those issues are brought to this Committee for a good

1 reason. They need to be discussed and vetted and talked
2 through, as we've done through this two and a half days.

3 The issues here were building a line that would
4 get across Davis-Monthan Air Force Base. And it required
5 a fair amount of work in terms of cooperation with not
6 only Davis-Monthan in terms of that branch of the
7 government, but AMARG, as Mr. Beck discussed, these
8 separate entities that serve different functions,
9 important functions for the security of this country and
10 coordinating with them and getting them comfortable with
11 the project that allowed us to build a 138kV line that
12 bisects the base. That was the big hurdle, and we got
13 through that.

14 But the other issues are probably just as
15 important in terms of how do you build a line that gets
16 around a scenic corridor and that accommodates the Pima
17 aircraft museum, space and aircraft museum, building a
18 line that doesn't impair the options to that important
19 business and tourist attraction. It's important to Pima
20 County.

21 We were able to come up with a design that
22 works for them and, through that process, had to
23 eliminate an alternative that we had originally brought
24 forward. But it didn't make sense. It didn't serve the
25 need. It created security and liability issues for the

1 project overall. And that went away, and we ended up
2 with the one, Alternative 1, that then we had to deal
3 with a scenic corridor.

4 And we've spent a significant amount of time on
5 that because it's important, and I think we've found a
6 way to work through that and have the flexibility we need
7 to still build this project but not violate the scenic
8 corridor designation.

9 The last issue or piece is getting from the
10 proposed Patriot Substation up to the East Loop. And
11 that involves putting a line either in the Pantano Wash
12 or putting a line up Kolb Road or Pantano Road. The
13 considerations that you've heard from our witnesses, this
14 overall design philosophy, it's not a matrix and check
15 the box, but it's a philosophy of minimizing impacts by
16 finding a way to build the line that uses existing
17 structures wherever possible, using existing right-of-way
18 wherever possible, while, at the same time, listening to
19 the public, getting feedback, listening to stakeholders,
20 and coming up with routes that we can present to you that
21 we think best meet the need but do so in a way that
22 minimize the impacts.

23 And I understand that the folks on Pantano
24 Road, our preferred route, they have concerns. Everyone
25 has a concern about when they hear about a new

1 transmission line coming in. But I think what's
2 important and what you heard about the preferred route,
3 there is an existing line. That line has been there
4 since the '70s. What we're looking to do is to rebuild
5 in that existing corridor, to take that existing line,
6 put it on our new structures, add a circuit to it. The
7 arms will be shorter, so there will be less overhang into
8 residence already.

9 And so we're using a route in which there is a
10 line, there is a corridor. And we're going to rebuild
11 it, and we think that that is the best way, that is the
12 way with the least amount of impact, gets us from the
13 Patriot Substation up to East Loop. And these choices
14 are never easy. And we heard you loud and clear in terms
15 of the matrix and that factor analysis. Should they be
16 weighted? Should we place more weight on certain factors
17 than others? And we learn from this process, and
18 hopefully, we get better from this process.

19 But what I think what I've heard today is that
20 the Committee heard us, you understand the choices that
21 we made, and I think you understand why B2 is the
22 preferred, why that's the best route, and why it's the
23 best way to solve that piece of the project, Patriot to
24 East Loop.

25 As always, we say thank you. As I mentioned,

1 this process of having you folks spend time and use your
2 background and your knowledge to evaluate these cases and
3 to ask hard questions and force us to come up with
4 answers and think of ways to build the project that may
5 be different than what we brought forward but to do it in
6 a way that creates the least amount of impact, we're
7 fortunate that you do what you do.

8 We appreciate your time, and we appreciate your
9 consideration of our case. Thank you.

10 CHMN. CHENAL: Thank you.

11 Member Haenichen has a question.

12 Thank you, Mr. Derstine.

13 MEMBER HAENICHEN: On behalf of the Committee,
14 I would like to acknowledge the valuable and honest
15 contributions that Mr. Beck has made to this particular
16 project and to many, many other ones that have preceded
17 it. And he will be sorely missed.

18 MEMBER WOODALL: Hear, hear.

19 (Applause.)

20 MR. DERSTINE: You may see him again, and so
21 we're looking for ways to maybe bring him back for an
22 encore preparation, but that will be for another day.

23 CHMN. CHENAL: Yeah. That's a reincarnation of
24 Ken Sundlof, who retired three or four times and keeps
25 coming back.

1 All right. So anything else from the
2 Committee?

3 (No response.)

4 CHMN. CHENAL: If not, we'll break for lunch
5 for an hour, and I'm sure the applicant will put that to
6 good use. Thank you.

7 (A recess was taken from 12:24 p.m. to
8 1:46 p.m.)

9 CHMN. CHENAL: All right, everyone, let's go
10 back on the record.

11 This is the time when we would begin
12 deliberations. I've got a couple sidebar conferences
13 with the applicant and counsel. They are working with
14 their team at TEP and the surveyor on the map that we've
15 been discussing.

16 And I've also asked for kind of a narrative
17 language to describe the corridors where the locations
18 are so we have a narrative of it as well as the map, I
19 think, for accuracy, because the scale may not be as
20 precise on the maps to allow, you know, the actual width
21 of the corridors to be obvious. So we'll have a
22 narrative with that, but they're working on that.

23 We may do that last and then come back and look
24 at the narrative, then come back and plug it in somewhere
25 in the CEC. But I think we get going with the

1 deliberative process now and then we can look at the map
2 they're still working on.

3 So let's review how we normally do it. On the
4 left side of the screen is TEP Exhibit 21. And we can
5 just refer to it as Exhibit 21. And that will remain
6 static. That's the CEC proposed by the applicant with
7 some red changes, track changes, which are some edits and
8 a few conditions that I thought it would be appropriate
9 for the Committee to consider or at least discuss.

10 On the right side is Exhibit 23. So 21 on the
11 left and 23 on the right. Exhibit 23 on the right. And
12 as our normal practice, we will make changes to that as
13 we go through. We will either add, subtract, modify,
14 whatever. At the end, that will be the final version of
15 the CEC we vote on. And assuming it's adopted it will
16 become -- once those changes are accepted, the final CEC.
17 And so that's the standard process.

18 So is the Committee ready to begin? Ready to
19 go? I handed out Exhibit 21 yesterday. I have an extra
20 copy. Give me a moment, and I'll get it for Member
21 Haenichen.

22 MEMBER HAENICHEN: Sorry.

23 CHMN. CHENAL: So, Member Haenichen, I just
24 handed you a copy of Exhibit 21.

25 And so we'll start and look at the -- we don't

1 change the caption, so we could scroll down to -- and
2 I'll refer to the left side of the screen for the time
3 being.

4 So we have the introduction. Page 1, lines 17
5 through 28. I like to take a moment to look at it. I
6 think the date -- we might change it to the 26th on line
7 20.

8 MEMBER WOODALL: Mr. Chairman, at this time, I
9 would like to move that the Chairman be authorized to
10 make technical and conforming changes as -- when the CEC
11 is presented for his final inspection.

12 MEMBER HAMWAY: Second.

13 CHMN. CHENAL: All right. Thank you, Member
14 Woodall.

15 We have a motion and second.

16 All in favor say "aye."

17 (A chorus of "ayes.")

18 CHMN. CHENAL: All right. Any changes to page
19 1, lines 17 through 28?

20 If no, may I have a motion.

21 MEMBER HAENICHEN: I'll move.

22 MEMBER HAMWAY: Second.

23 CHMN. CHENAL: We have a motion and a second.

24 All in favor say "aye."

25 (A chorus of "ayes.")

1 CHMN. CHENAL: And, again, we're just voting on
2 the form. We're not voting on the CEC itself.

3 So if we could move to page 2, lines 1 through
4 15.

5 I think we have to remove, on line 6, Karl
6 Gentles and, on line 12, Gilberto Villegas.

7 MEMBER HAENICHEN: With the noted changes, I
8 move to remove these lines.

9 MEMBER HAMWAY: Second.

10 CHMN. CHENAL: If you look on the right-hand
11 screen, I think at 23, you'll note that I defined a few
12 terms. ADEQ, ADWR, and Commission.

13 So is that part of your motion, Member
14 Haenichen?

15 MEMBER HAENICHEN: Yes.

16 CHMN. CHENAL: And the second?

17 MEMBER HAMWAY: Second.

18 CHMN. CHENAL: Any further discussion?

19 (No response.)

20 CHMN. CHENAL: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN. CHENAL: Thank you.

23 And if we go down to page 2, lines 16 through
24 28. Let's take a moment to review it. We will come back
25 to -- we'll take a moment to add that later.

1 MEMBER NOLAND: Mr. Chairman, I move lines 14
2 through 21.

3 MEMBER PALMER: Second.

4 CHMN. CHENAL: We have a motion and second.

5 Now, let me ask this question, because if
6 you'll note on line 24, the number of miles is blank. We
7 have talked about B2, the preferred route. Should we
8 come back to that or should we include that now?

9 MEMBER NOLAND: I didn't include that. I just
10 did to 21, knowing that we'll come back to fill in the
11 vote.

12 CHMN. CHENAL: So we have a motion and second.
13 Was there any further discussion?

14 MEMBER HAENICHEN: Wasn't there an addition
15 to -- I'm not sure this represents the whole project --
16 overview of the project. It talks about 138kV, but there
17 was lower voltage lines involved with the project too,
18 moving and modifying and so forth. No?

19 CHMN. CHENAL: Mr. Derstine, I guess a
20 couple -- that's not really within the jurisdiction,
21 first.

22 MR. DERSTINE: Mr. Chairman, Member Haenichen,
23 you are correct that there was a segment on the common
24 route, Alternative 1, which will have a 138 circuit with
25 a 46kV circuit on the other side. I think because that

1 is not jurisdictional at 115kV or above, we don't call it
2 out here. But if -- at some point, if we want to
3 describe that aspect of the project, because we will need
4 to call out that it's 138 double-circuit 138kV for that
5 portion from 22nd on Pantano Road to East Loop.

6 MEMBER HAENICHEN: That was my point, because
7 there is language like that in the application. I'll
8 leave it up to the lawyers.

9 MR. DERSTINE: I think at this point in the
10 application, I think the applicant would prefer to keep
11 it. Yes, as written.

12 CHMN. CHENAL: Okay. And, you know, this can
13 be modified later, Mr. Derstine, if --

14 MEMBER NOLAND: Mr. Chairman, I think it goes
15 into that in the overview of the project in this
16 particular language, if you look at the top of the next
17 page, and replacement of part of the existing aging 46kV,
18 line.

19 MEMBER HAENICHEN: Yeah, I think that covers
20 it.

21 MEMBER NOLAND: Yeah. So I maintain my motion
22 the way I made it.

23 CHMN. CHENAL: Okay. We have a motion and
24 second for the language on page 2, lines 16 through 28.
25 Motion and second.

1 All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN. CHENAL: Thank you.

4 MEMBER NOLAND: Actually, it was 14 through 21.

5 CHMN. CHENAL: Okay. 14 through 21. I'm

6 sorry. 14 through 21. We have a motion and second.

7 All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN. CHENAL: Now, let's take page 2, lines
10 22, over to page 3 through line 4. Let's take a moment
11 to read it.

12 All right. Do we have any discussion
13 regarding --

14 MEMBER PALMER: Motion to approve.

15 MEMBER HAMWAY: Second.

16 CHMN. CHENAL: We have a motion and second.

17 All in favor say "aye."

18 (A chorus of "ayes.")

19 MEMBER NOLAND: Mr. Chairman, for point of
20 clarification, are you going to be or are we going to be
21 inserting miles of line once we know it?

22 CHMN. CHENAL: Yes. We'll have to come back,
23 and there will be a few items to pick up here. The vote
24 and the miles for two for now.

25 So let's scroll down and just deal with

1 subsection C there, lines 5 through 16 on page 3. Take a
2 moment to read it.

3 Okay. Any further discussion regarding that
4 language?

5 (No response.)

6 CHMN. CHENAL: If not, may I have a motion.

7 MEMBER HAMWAY: So moved.

8 MEMBER NOLAND: Second.

9 MEMBER DRAGO: I don't know if this is just a
10 minor comment that you'd handle afterwards, but isn't
11 there two "ands"?

12 CHMN. CHENAL: What line?

13 MEMBER DRAGO: 11.

14 CHMN. CHENAL: Line 11?

15 MEMBER WOODALL: Scrivener.

16 CHMN. CHENAL: Okay. Yes, that's exactly why
17 we're looking at it. Good catch.

18 So with that modification, may I have a motion.

19 MEMBER NOLAND: We did.

20 MEMBER HAMWAY: I moved it.

21 MEMBER NOLAND: And I seconded.

22 CHMN. CHENAL: And then there was a
23 modification.

24 So with that modification, all in favor say
25 "aye."

1 (A chorus of "ayes.")

2 CHMN. CHENAL: Let's go condition by condition.

3 Condition 1. And there was one change that I
4 suggested, which is just to refer to the Commission,
5 since it's been previously defined. Applicant has
6 proposed this for a ten-year term.

7 Is there any further discussion regarding
8 Condition 1?

9 (No response.)

10 CHMN. CHENAL: If not, may I have a motion.

11 MEMBER HAMWAY: So moved.

12 MEMBER DRAGO: Second.

13 CHMN. CHENAL: We have a motion and second.

14 All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN. CHENAL: Thank you. Let's look at
17 Condition No. 2 and take a moment to read it.

18 MEMBER WOODALL: I wanted to ask a question.

19 Go ahead, Mr. Haenichen.

20 MEMBER HAENICHEN: I was just going to say I
21 move the condition as written.

22 MEMBER WOODALL: How is the applicant going to
23 know what open meeting date their request will be heard
24 on? Because if you have to file this six months before
25 and then you need to tell them the date, time, and place

1 of the hearing or open meeting during which the
2 Commission will consider the request, how are you going
3 to know what that date is six months ahead of time?

4 MR. BECK: Member Woodall, we will not know
5 that date. So we would have to put the notice on our --
6 probably on our website for purposes of notification.

7 CHMN. CHENAL: I'm not quite understanding the
8 question. But you'll file the request, at some point
9 you'll be given the date of the open meeting, and you'll
10 provide notice of that date as required by this
11 condition; right?

12 MR. BECK: Right.

13 CHMN. CHENAL: So we have a motion.

14 Is there a second?

15 MEMBER HAMWAY: Second.

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

17 MEMBER WOODALL: Pass.

18 CHMN. CHENAL: Condition No. 3.

19 One moment, please.

20 In fact, we're looking. I was wondering if we
21 could see all of Condition 3, but we can. Again, this is
22 a standard condition, and it's in the proposed CEC by the
23 applicant.

24 Any further discussion?

25 MEMBER PALMER: Motion to approve 3.

1 MEMBER NOLAND: Second.

2 CHMN. CHENAL: We have a motion and second.

3 All in favor say "aye."

4 (A chorus of "ayes.")

5 CHMN. CHENAL: Let's move to Condition 4.

6 Now, on Condition 4, I note that there's a
7 reference to a previous CEC. But I think it goes without
8 saying that all those will be -- all those references to
9 previous CECs will be removed in the final version and we
10 don't have to say it each time. We'll just know that to
11 be the case.

12 So I did add -- make the word on line 25
13 "governmental" as opposed to "government." Any other
14 changes?

15 If not, may I have a motion to approve.

16 MEMBER HAENICHEN: I move.

17 MEMBER HAMWAY: Second.

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

19 (A chorus of "ayes.")

20 MEMBER WOODALL: Pass.

21 CHMN. CHENAL: Condition No. 5.

22 MEMBER NOLAND: I move Condition No. 5 as
23 written.

24 MEMBER WOODALL: Second.

25 CHMN. CHENAL: We have a motion and second.

1 All in favor say "aye."

2 (A chorus of "ayes.")

3 MEMBER WOODALL: Pass.

4 CHMN. CHENAL: Let's go to Condition No. 6.

5 This is a pretty standard condition.

6 Any further discussion regarding Condition 6?

7 MEMBER HAENICHEN: I move 6 as written.

8 MEMBER HAMWAY: Second.

9 CHMN. CHENAL: We have a motion and second.

10 All in favor say "aye."

11 (A chorus of "ayes.")

12 CHMN. CHENAL: Condition 7. Let's take a

13 moment to read it.

14 Any further discussion regarding Condition 7?

15 MEMBER NOLAND: I move Condition 7 be accepted

16 as written.

17 MEMBER WOODALL: Second.

18 CHMN. CHENAL: We have a motion and second.

19 All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN. CHENAL: Condition 8. Any further

22 discussion regarding Condition 8?

23 MEMBER PALMER: Move approval of 8.

24 MEMBER WOODALL: Second.

25 CHMN. CHENAL: We have a motion and second.

1 All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN. CHENAL: Condition 9. Let's take a
4 moment to review.

5 I guess we --

6 MEMBER NOLAND: I move Condition No. 9 as
7 written with the correction on "notation," making it
8 "notations."

9 MEMBER HAMWAY: Second.

10 CHMN. CHENAL: Motion and second. Any further
11 discussion?

12 (No response.)

13 CHMN. CHENAL: All in favor say "aye."

14 (A chorus of "ayes.")

15 CHMN. CHENAL: Let's look at Condition No. 10.

16 I made one suggested change as we've defined
17 the term. Other than that, is there any further
18 discussion?

19 (No response.)

20 CHMN. CHENAL: If not, may I have a motion.

21 MEMBER HAMWAY: I move that we accept

22 Condition 10 with the change indicated.

23 MEMBER DRAGO: Second.

24 CHMN. CHENAL: We have a motion and a second.

25 All in favor say "aye."

1 (A chorus of "ayes.")

2 MEMBER WOODALL: Pass.

3 CHMN. CHENAL: Condition 11.

4 I did make a suggested change there, if we need
5 to discuss it, that the signage would refer to the docket
6 at the Corporation Commission. That was, I believe, in a
7 previous case, maybe the last one. I'm not sure. But
8 we've had that in some. But if we need to discuss it,
9 I'm fine. If not, may I have a motion to approve.

10 MEMBER HAMWAY: I move Condition 11 as written.

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: Motion and second.

13 Does the applicant have any objection to that
14 modification?

15 MR. BECK: Mr. Chairman, we're okay with that.
16 The only change potentially could be to put the docket
17 number, the actual docket number.

18 CHMN. CHENAL: And that would be a good change.

19 So can we insert that language now or do we
20 have to look that up?

21 MR. BECK: We can get it put in before we
22 finalize it.

23 CHMN. CHENAL: Okay. With that change, we have
24 a motion and second.

25 All in favor say "aye."

1 (A chorus of "ayes.")

2 CHMN. CHENAL: Okay. Let's go to Condition
3 No. 12, please.

4 Any further discussion Regarding 12?

5 (No response.)

6 CHMN. CHENAL: If not, may we have a motion to
7 approve.

8 MEMBER NOLAND: So moved.

9 MEMBER WOODALL: Second.

10 CHMN. CHENAL: We have a motion and second.

11 All in favor say "aye."

12 (A chorus of "ayes.")

13 CHMN. CHENAL: Condition 13.

14 I see there's some highlighting. That was -- I
15 don't think -- I'm not sure how that got there. I'm
16 assuming that's not going to be in the CEC.

17 MS. DECORSE: We'll fix that right now.

18 CHMN. CHENAL: I show in my version on
19 Exhibit 23 that we added the word "S" after "conductor."
20 It should be plural, I would think.

21 Other than that, is there any further
22 discussion regarding Condition 13?

23 (No response.)

24 CHMN. CHENAL: If not, may I have a motion to
25 approve.

1 MEMBER HAENICHEN: So moved.

2 MEMBER HAMWAY: Second.

3 CHMN. CHENAL: We have a motion and second.

4 All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN. CHENAL: Condition 14.

7 This is the field personnel training, I
8 believe -- Ms. Darling -- Ms. Darling, can we have
9 your -- I know you're preoccupied with something else.

10 But if you look at Condition 14, there was a
11 question about environmentally sensitive areas.

12 MS. DARLING: So there are no environmentally
13 sensitive areas, but we do have environmental measures
14 that we use as standards. So we could take out
15 "environmentally sensitive" and just have "activity"
16 or --

17 CHMN. CHENAL: I would suggest that we delete
18 "environmentally sensitive areas" and the word "and" and
19 insert "construction and maintenance activities."

20 MS. DARLING: That's fine. Yes.

21 MS. DECORSE: I'm sorry. Which line?

22 CHMN. CHENAL: Line 7, strike the words
23 "environmentally sensitive areas and," and then before
24 the word "activities," maybe put in "construction and
25 maintenance activities."

1 So with that change, is there any further
2 discussion? Well, proposed change. I'm not saying we
3 make it that. I'm saying after further discussion.

4 If not, may I have a motion to approve.

5 MEMBER HAMWAY: I'll move it.

6 MEMBER NOLAND: Second.

7 CHMN. CHENAL: With the changes.

8 MEMBER HAENICHEN: With the changes.

9 CHMN. CHENAL: All in favor say "aye."

10 (A chorus of "ayes.")

11 MEMBER WOODALL: No.

12 CHMN. CHENAL: 15.

13 Any further discussion regarding Condition 15?

14 (No response.)

15 CHMN. CHENAL: If not, may I have a motion to

16 approve.

17 MEMBER HAMWAY: So moved.

18 MEMBER NOLAND: Second.

19 CHMN. CHENAL: Motion and second.

20 All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN. CHENAL: Condition 16. Any further

23 discussion regarding 16?

24 MEMBER NOLAND: I move that we adopt

25 Condition 16.

1 MEMBER PALMER: Second.

2 CHMN. CHENAL: All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN. CHENAL: 17.

5 MEMBER WOODALL: Could I inquire if the company
6 has had any contact with Staff regarding its letter and
7 what it intended to say? Did you have a chance,
8 Mr. Beck?

9 MR. BECK: No. We have not had a chance to
10 reach out to Staff. We do have the identified words we
11 think need changing.

12 MEMBER WOODALL: Okay. I'm deferring to that
13 which has been used before. I just wondered if Staff had
14 some specific reason for this case. And since they're
15 not here, we don't know. So I will just defer to the
16 typical language that has been used.

17 MEMBER NOLAND: Mr. Chairman.

18 CHMN. CHENAL: Member Noland.

19 MEMBER NOLAND: Well, I would assume that the
20 studies have measurements. Would that be a good
21 assumption?

22 MR. BECK: Typically, when you study something,
23 you come out with results. They're not actually
24 measurements.

25 MEMBER NOLAND: Would that include the

1 measurements so -- that doesn't matter? Or what's the
2 difference in opinion here?

3 MR. BECK: So ...

4 CHMN. CHENAL: Mr. Beck, is a study, in your
5 view, more comprehensive than just measurement?

6 MR. BECK: So it's -- you do a study. And I
7 think the intent of this was to show that you, in fact,
8 are matching up to what the study showed, so you do a
9 field measurement.

10 CHMN. CHENAL: My recollection is that
11 previously, the word used was "measurements" as opposed
12 to "studies" and that the Staff at the Corporation
13 Commission in a previous case suggested that we use the
14 word "studies" instead. And we have used the word
15 "studies" in a number of recent CECs, five or ten.

16 And the letter that came just yesterday from
17 the Staff at the Corporation Commission used the word
18 "measurements." And I think the more recent use has been
19 "studies," and I think, Mr. Beck, you testified earlier
20 that in your meetings with Staff on this or other cases,
21 that more recently, the word "study" has been preferred.

22 MR. BECK: That is correct. So it is the
23 replacement of "measurements" that was in their letter to
24 "studies," which was in the draft CEC.

25 MEMBER WOODALL: I'm happy with what's in the

1 draft myself.

2 CHMN. CHENAL: Member Noland.

3 MEMBER NOLAND: Mr. Chairman, I think we should
4 use "studies," but -- for this particular CEC, and ask
5 the Staff to look at that and let us know that that's
6 what they want used. And if it needs to be changed, they
7 can change it before the Commission.

8 CHMN. CHENAL: Sure.

9 MEMBER NOLAND: So I move it with this language
10 of "studies."

11 MEMBER HAMWAY: Second.

12 CHMN. CHENAL: We have a motion and a second.

13 All in favor say "aye."

14 (A chorus of "ayes.")

15 CHMN. CHENAL: And, Member Noland, your motion
16 did include the entirety of Condition 17; correct?

17 MEMBER NOLAND: Yes, it did.

18 CHMN. CHENAL: Let's go to Condition 18.

19 Take a moment to read it. This is, again, a
20 standard condition.

21 Any further discussion? If not, may we have a
22 motion to approve.

23 MEMBER PALMER: Motion to approve 18.

24 MEMBER HAMWAY: Second.

25 CHMN. CHENAL: Motion and a second.

1 All in favor say "aye."

2 (A chorus of "ayes.")

3 MEMBER WOODALL: Pass.

4 CHMN. CHENAL: All right. Condition 19. Any
5 further discussion?

6 MEMBER HAENICHEN: I'll move 19.

7 MEMBER NOLAND: Second.

8 CHMN. CHENAL: We have a motion and a second.

9 All in favor say "aye."

10 (A chorus of "ayes.")

11 CHMN. CHENAL: Condition 20. Any further
12 discussion?

13 (No response.)

14 CHMN. CHENAL: If not, may we have a motion to
15 approve.

16 MEMBER HAMWAY: So moved.

17 MEMBER HAENICHEN: Second.

18 CHMN. CHENAL: Motion and a second.

19 All in favor say "aye."

20 (A chorus of "ayes.")

21 MEMBER WOODALL: Pass.

22 CHMN. CHENAL: 21.

23 MEMBER HAMWAY: I move that we accept
24 Condition 21.

25 MEMBER NOLAND: Second.

1 CHMN. CHENAL: We have a motion and a second.

2 All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN. CHENAL: All right. Now, let's go to 22
5 and take a moment to read it. This is one that I --

6 MEMBER HAMWAY: It's your language?

7 CHMN. CHENAL: This is my language in red just
8 for discussion because it was in a previous case. And we
9 do have private ownership, and we did use it in the last
10 case.

11 MEMBER NOLAND: Mr. Chairman, I have a little
12 bit of a problem with this. There's a lot of private
13 landowners in this case, a lot. And I think that, you
14 know, they should coordinate and use reasonable efforts.
15 But a copy of this certificate to every private
16 landowner? And description of the good faith efforts and
17 discussion shall be -- well, I don't have a problem with
18 that, but a copy of this provided to every private
19 landowner?

20 CHMN. CHENAL: I understand, Member Noland. I
21 think this was -- I think in the previous case, the
22 amount of private land ownership was much smaller. And
23 it was not a large universe of people. And I think
24 that's precisely why I don't really propose these as much
25 as just offer it up for discussion.

1 So I don't have a problem with that change to
2 remove the words "copy of the certificate shall be
3 provided to private landowners and," the word "and." And
4 so the second sentence would read with a capital A.

5 And I wonder, Member Noland, if that would
6 satisfy your concern.

7 MEMBER NOLAND: That would satisfy it.

8 So I would move it with that modification.

9 MEMBER HAENICHEN: Second.

10 MEMBER WOODALL: May I ask a question. Is
11 there a lot of private land that will be taken for the
12 right-of-way?

13 MR. BECK: Depending on exactly where the final
14 design ends up, there could be a number of private
15 landowners.

16 I would raise an issue from the company's
17 standpoint that putting this into the annual compliance
18 certification letter, if we have confidential stuff with
19 landowners and discussions that are ongoing, it's going
20 to be difficult for us to put much in that annual
21 compliance letter filing. And I'm not sure that it
22 provides a lot of value to anybody at least from our
23 perspective.

24 And I've got to put my standard statement in
25 that growth of the conditions is a little bit concerning.

1 And we're adding another condition that, at least as far
2 as TEP is concerned, we are going to use reasonable
3 efforts and so on. And we're already required to follow
4 all laws in several different places and other
5 requirements. So I'm not sure what value this adds. But
6 more to the point is the issue of the annual compliance.

7 CHMN. CHENAL: I understand. I think the
8 purpose of this is more for the discussion and
9 negotiation and good faith than it is anything in the
10 compliance letter. So I personally don't have a problem
11 with deleting that second sentence. But if someone else
12 does, we can change it to say something like "a general
13 description of good faith efforts."

14 MEMBER NOLAND: Mr. Chairman, I just think we
15 should end it with the first sentence, just saying that
16 we need to -- they need to make a good faith effort.

17 CHMN. CHENAL: That's fine with me. So let's
18 delete the second sentence, and we'll just have the first
19 sentence.

20 MEMBER NOLAND: So I would move 22 with that.

21 MR. BECK: May I bring up one other issue. It
22 says specific location for the projects of the
23 right-of-way. So I think it's the project's
24 right-of-way.

25 MEMBER NOLAND: With that modification, I move

1 item 22.

2 CHMN. CHENAL: All right. We have a motion.

3 Do we have a second?

4 MR. PALMER: Second.

5 CHMN. CHENAL: Any further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 MEMBER WOODALL: No.

10 CHMN. CHENAL: All right. Condition 23.

11 And I'm looking now to the right screen, which
12 is TEP-23.

13 MR. BECK: Mr. Chairman, if I may, that
14 previous condition requires us to use reasonable efforts
15 to work with landowners. So any mitigation or
16 remediation should be part of that discussion. Just to
17 raise that as a point.

18 CHMN. CHENAL: Well, then -- yes, but good
19 faith is one thing. These are more specific. And I
20 think specific is important because, otherwise, one
21 person's good faith doesn't necessarily mean you're going
22 to minimize vegetation disturbance outside the project
23 right-of-way. It's more elusive, and it's -- I think
24 it's more comprehensive. My personal view.

25 And this will be something that will come up in

1 this project, because you will be dealing with
2 landowners' rights and where the locations of these poles
3 are going to be. So I'm thinking of the private
4 landowners, which is the reason I put this forward for
5 discussion.

6 MEMBER WOODALL: What I'm thinking is maybe the
7 private landowner doesn't want to have all this detail in
8 their right-of-way agreement. And as I've previously
9 expressed, I don't believe we should be telling the
10 companies what to put in their contractual agreements.
11 We can tell them to do these things, but I don't know
12 that we should tell them to put them in their contracts.

13 And besides, there may be landowners that don't
14 like this, and TEP is going to say, Well, the Siting
15 Committee told us we had to. So I'm going to vote no on
16 this whole condition.

17 CHMN. CHENAL: Any further discussions?

18 MEMBER RIGGINS: I think this was actually a
19 part of the discussion, too, at the last hearing for Ten
20 West, but isn't there case law or a legal definition of
21 "good faith"?

22 CHMN. CHENAL: It's not specific. There is
23 some good faith, and there is some understanding of what
24 that means. It wouldn't require necessarily these
25 specific items.

1 MEMBER RIGGINS: Okay.

2 CHMN. CHENAL: And I think this is a necessary
3 addition to flesh out protection for landowners.

4 MEMBER NOLAND: Mr. Chairman.

5 CHMN. CHENAL: Member Noland.

6 MEMBER NOLAND: Well, I understand where you're
7 going, but, you know, we've had this discussion before,
8 and we'll have it again. I think we're getting too
9 nitty-gritty here. We're adding too many conditions.

10 And part of what bothers me is using existing
11 roads for construction and access. What if there isn't
12 any?

13 CHMN. CHENAL: Well, then they have to create a
14 road.

15 MEMBER NOLAND: Well, then it's not existing.
16 I don't know.

17 CHMN. CHENAL: Well, we can change it to "use
18 existing roads for construction access where they exist"
19 on line 11.

20 MEMBER HAENICHEN: Where roads exist, they
21 should be used.

22 CHMN. CHENAL: We can change --

23 MEMBER PALMER: Could it say something like
24 "use existing roads where available"?

25 CHMN. CHENAL: Sure.

1 MEMBER NOLAND: Yes.

2 CHMN. CHENAL: That's a good addition.

3 Any further discussion with those changes?

4 (No response.)

5 CHMN. CHENAL: May I have a motion.

6 MEMBER HAENICHEN: I'll move.

7 MEMBER HAMWAY: Second.

8 CHMN. CHENAL: Motion and a second.

9 All in favor say "aye."

10 (A chorus of "ayes.")

11 MEMBER WOODALL: No.

12 CHMN. CHENAL: All right. Now, we have

13 Condition 24 regarding publication of the certificate and
14 attachments on the project website.

15 This was one that we introduced at the last
16 hearing. It actually was in the previous version of the
17 initial application in the Ten West Link case that had
18 been filed earlier. We have not had this in previous
19 CECs other than Ten West Link.

20 I just throw it out if that's something the
21 Committee would like to include or not.

22 MEMBER WOODALL: What benefit would be served
23 in this particular situation, I guess, is what I'm
24 asking? The CEC is going to be filed in the docket, and
25 we're telling them in signs how they can find it in the

1 docket. So I don't understand what improvement this is
2 supposed to make, I guess.

3 CHMN. CHENAL: Well, this is actually taken
4 from the CEC that you signed, and I thought it was a good
5 one. So that one -- whatever reason existed in that case
6 would exist here.

7 MEMBER WOODALL: But my vote for a CEC does not
8 mean that I agree with all the conditions in it. I think
9 I've mentioned that previously.

10 But in any event, I don't think it's necessary,
11 and I'm going to vote no.

12 CHMN. CHENAL: I think there are some people
13 who would find it easier to get on the TEP website to
14 find the status of this project and see the CEC listed
15 there rather than navigating through the Corporation
16 Commission's docket, which I always find a little more
17 complicated. So I guess it's just transparency and ease
18 for the public.

19 MEMBER NOLAND: Mr. Chairman, I agree with you
20 on that. I think they're more used to going to TEP for
21 the information. And I move that we accept this
22 condition as written.

23 MEMBER HAMWAY: I second.

24 CHMN. CHENAL: Motion and second.

25 All in favor say "aye."

1 (A chorus of "ayes.")

2 MEMBER WOODALL: No.

3 MS. DECORSE: Mr. Chairman, I apologize for not
4 getting in before that.

5 Two things: Ten days within approval of the
6 Commission. So we wouldn't get a decision, if it's my
7 recollection -- is that assuming when we actually get the
8 decision, not the date that it's approved from open
9 meeting?

10 MEMBER NOLAND: How about "within ten days of
11 receipt of approval," if I modify my motion to say that.

12 So moved modified.

13 MEMBER HAMWAY: Second.

14 CHMN. CHENAL: Motion and -- is there anything
15 further?

16 MS. DECORSE: So one more thing. Just a
17 thought about the reference to the docket on the project
18 versus the project website on the signs. To the extent
19 that there's a benefit, and I don't know what was the
20 discussion at Ten West Link, why the project website
21 isn't referenced if the general consensus is that it's
22 easier than docket, because I think that that makes this
23 condition more applicable because then it's already on
24 docket. And to direct them to docket versus our
25 website --

1 MEMBER NOLAND: Your website is included in
2 that condition, if you read it on B. Phone number and
3 website for public information regarding the project.

4 MS. DECORSE: Okay.

5 MEMBER NOLAND: And this would be in addition
6 to the Commission website; is that correct?

7 CHMN. CHENAL: Yes.

8 MS. DECORSE: Good catch. Okay.

9 CHMN. CHENAL: All right. So with the change
10 in the modification to the -- Member Noland moved with
11 the change that we just discussed, receipt of approval.

12 We have a second from Member Hamway.

13 Any further discussion?

14 (No response.)

15 CHMN. CHENAL: All in favor say "aye."

16 (A chorus of "ayes.")

17 MEMBER WOODALL: No.

18 CHMN. CHENAL: Condition 25.

19 Any further discussion?

20 (No response.)

21 CHMN. CHENAL: If not, may I have a motion to
22 approve.

23 MEMBER WOODALL: So moved.

24 MEMBER NOLAND: Second.

25 CHMN. CHENAL: Motion and second.

1 All in favor say "aye."

2 (A chorus of "ayes.")

3 MEMBER WOODALL: No.

4 CHMN. CHENAL: All right. Findings of Fact and
5 Conclusions of Law.

6 Let's look at each one. And you'll note that
7 there are a few more that I threw out. And I'm not
8 proposing these necessarily. I promise you. But they
9 were in a previous case. And I just thought we should
10 have a discussion of what we want in our CECs going
11 forward. I'm not recommending these. I'm just saying
12 that they were in a previous case.

13 The first Finding of Fact is: This Certificate
14 incorporates the following Findings of Fact and
15 Conclusions of Law.

16 No. 1. The Applicant has made reasonable
17 efforts to work with landowners to minimize the impact of
18 the facilities.

19 Is there any further discussion?

20 MEMBER WOODALL: Has there been any testimony
21 to that effect?

22 MEMBER NOLAND: Yes.

23 MEMBER WOODALL: I mean, I'm asking the
24 applicant.

25 MS. DECORSE: I don't necessarily know that

1 there was specifically with -- we could change in the
2 southwest region, maybe --

3 MEMBER WOODALL: Yeah, that was going to be my
4 next question also. Because I don't know that I heard
5 any testimony regarding that, so I would be concerned
6 about making a finding of fact.

7 MEMBER NOLAND: Mr. Chairman, I thought we had
8 testimony about the outreach, the meetings with the --

9 MEMBER WOODALL: To minimize the impact of the
10 facilities. So that's what my concern -- you haven't
11 gone up and talked to Homeowner B and say, Hey, we're
12 going to move the line over there. That's how I
13 interpret that.

14 MS. DECORSE: I see your point.

15 MEMBER WOODALL: I've made my point, and I rest
16 on my laurels to the extent that I have any.

17 CHMN. CHENAL: Member Riggins.

18 MEMBER RIGGINS: Based off of the public
19 comment that they did conduct, they determined that the
20 three routes were the best suited to lessen the impact.
21 So they did, essentially, make that determination.

22 CHMN. CHENAL: I guess I would argue -- I guess
23 the way I read that -- I should phrase it this way: The
24 way I read No. 1 is did the applicant make reasonable
25 efforts to work with landowners to minimize the impact of

1 the facilities. I was thinking of the outreach efforts,
2 the notices that were sent, the meetings, the process the
3 applicant went through to define which of the five or six
4 routes were the least impactful. The whole process of
5 coming up with the preferred route is what I was thinking
6 of in connection with Finding of Fact 1.

7 MEMBER NOLAND: Well, Mr. Chairman, I think if
8 we change one word it makes it a little different, and
9 that would be: The applicant made reasonable efforts to
10 work with landowners and minimize the impact of the
11 facilities.

12 That changes it. I know they have worked with
13 them and considered that, but I think that changes it
14 because we know that they have worked to minimize the
15 impacts. They've worked with us to help minimize the
16 impacts.

17 So change the "to" to "and," and I move that
18 conclusion.

19 CHMN. CHENAL: We have a motion.

20 Do we have a second?

21 MEMBER HAENICHEN: Second.

22 CHMN. CHENAL: Is there any further discussion
23 on that change? I'm fine with it, but I'm asking.

24 (No response.)

25 CHMN. CHENAL: If not, all in favor say "aye."

1 (A chorus of "ayes.")

2 MEMBER WOODALL: Pass.

3 CHMN. CHENAL: Condition 2, and I'll read it.

4 Excuse me, Finding of Fact 2.

5 The Project aids the state and the southwest
6 region of the United States in meeting the need for an
7 adequate, economical, and reliable supply of electrical
8 power.

9 I know this was in connection with a different
10 project, and I don't know if it's necessary in this case.
11 I'll just throw it out for discussion.

12 I think Mr. Beck has a comment.

13 MR. BECK: I understand it came from another
14 case, a wider-ranging project, or probably in a couple
15 cases. We would be fine with something that said the
16 project aids TEP in meeting its needs to have an economic
17 and reliable supply of electric power for its customers.
18 But we didn't go much beyond our system relative to what
19 we put into the record.

20 CHMN. CHENAL: And I'm not even suggesting we
21 keep it. I'm just --

22 MEMBER HAMWAY: I like what Mr. Beck said.

23 CHMN. CHENAL: Can we put that language up
24 there, Ms. DeCorse.

25 MEMBER HAMWAY: With that change, I move

1 conclusion No. 2.

2 MEMBER PALMER: Second.

3 CHMN. CHENAL: We have a motion and a second.

4 Any further discussion?

5 (No response.)

6 CHMN. CHENAL: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN. CHENAL: Condition 3 -- or I'm sorry,
9 Finding of Fact 3. The Project aids the state in
10 preserving a safe and reliable electric transmission
11 system.

12 MR. BECK: I would say if you change "the
13 state" to "TEP," that would fit well.

14 CHMN. CHENAL: With that change, is there any
15 further discussion by the Committee?

16 MEMBER PALMER: Motion to approve 3 as amended.

17 MEMBER HAENICHEN: Second.

18 CHMN. CHENAL: We have a motion and a second.

19 All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN. CHENAL: No. 4, I almost regret that I
22 put it in there. I don't think it really has much
23 applicability to the case, and I'd be happy with just
24 withdrawing it.

25 MEMBER HAMWAY: We didn't really hear any

1 testimony.

2 MEMBER WOODALL: Right.

3 CHMN. CHENAL: I think we should just remove 4.

4 MEMBER WOODALL: I defer to your judgment,
5 Mr. Chairman, on that.

6 CHMN. CHENAL: The next finding of fact, I did
7 make a slight change. The Project and the conditions
8 placed on the Project in the Certificate effectively
9 minimize the Project's impact on the environment and
10 ecology of the State.

11 MEMBER HAENICHEN: That becomes 4 now; right?

12 CHMN. CHENAL: Yes, sir.

13 MEMBER WOODALL: I don't think you need
14 "project." I think "and the" -- it's just the condition
15 placed on the project, effectively. I don't understand
16 why we're using "project" twice. So I'm going to vote no
17 on this one.

18 CHMN. CHENAL: I think that's a clear -- it
19 should probably just -- if we just strike the
20 words "project" and "the," the conditions placed on the
21 project.

22 MEMBER NOLAND: I move we adopt it as revised.

23 MEMBER HAMWAY: Second.

24 CHMN. CHENAL: Motion and a second.

25 All in favor say "aye."

1 (A chorus of "ayes.")

2 CHMN. CHENAL: It's now Condition 5 concerning
3 balancing the need.

4 Any further discussion on what's Condition 5?

5 (No response.)

6 CHMN. CHENAL: If not, may we have a motion to
7 approve.

8 MEMBER HAMWAY: Approve Finding of Fact No. 5.
9 Not approve. Move. Sorry.

10 CHMN. CHENAL: May we have a second.

11 MEMBER NOLAND: Second.

12 CHMN. CHENAL: Motion and a second.

13 Any further discussion?

14 (No response.)

15 CHMN. CHENAL: All in favor say "aye."

16 (A chorus of "ayes.")

17 MEMBER WOODALL: Pass.

18 CHMN. CHENAL: And then Finding of Fact which
19 is now No. 6, the last one.

20 Any further discussion?

21 (No response.)

22 CHMN. CHENAL: If not, may I have a motion to
23 approve.

24 MEMBER PALMER: Motion to approve 6.

25 MEMBER HAMWAY: Second.

1 CHMN. CHENAL: We have a motion and a second.

2 All in favor say "aye."

3 (A chorus of "ayes.")

4 MEMBER WOODALL: Pass.

5 CHMN. CHENAL: I'm going to suggest we take a
6 really short break now because when we come back, we've
7 got to get into the handout that's just been passed to us
8 which includes a narrative. And I think we should take a
9 few minutes to review that off the record and then -- and
10 the map, the narrative and the map.

11 So let's take a ten-minute break, and we'll
12 come back and dive into that.

13 (A recess was taken from 2:37 p.m. to
14 3:15 p.m.)

15 CHMN. CHENAL: All right. Let's get back on
16 the record. We have a map and a narrative, and then we
17 have a legal description that's going to come, and we'll
18 have to address that.

19 Mr. Beck, do you want to walk us through what
20 you're proposing.

21 MR. BECK: So, Mr. Chairman, we took the
22 language that was attached to the map that we provided.
23 We got some changes based on some input that we got. And
24 we put all that language in yellow to see where we
25 inserted it.

1 We propose that it goes in right after the
2 project description and alignment.

3 CHMN. CHENAL: Let's leave it there for a
4 second, and let's get it so we have it in context.

5 MEMBER NOLAND: Mr. Beck, the first paragraph
6 down below there, there's going to be an actual
7 metes-and-bounds description that gets attached to
8 Exhibit A; is that correct?

9 MR. BECK: That is correct. And at the end of
10 this section, we say that there will be a map and a legal
11 description attached as Exhibit A.

12 MEMBER NOLAND: Exhibit A. Okay. Thank you.

13 CHMN. CHENAL: So let's look at each paragraph.
14 Maybe if you could scroll up, starting with: The
15 corridor for the project is generally described as.

16 And let's look at each one of them one at a
17 time.

18 So this talks about the portion of the corridor
19 from Irvington to the southeast corner of Littleton Road
20 and Kolb Road. It's a 300-foot-wide corridor centered on
21 the centerline of the proposed transmission line.

22 Now, the proposed transmission line, how do we
23 key it back to the map or the legal description? I think
24 when we say "proposed transmission line," we've got to
25 refer to something. Proposed where?

1 MEMBER NOLAND: As described in Exhibit A.

2 CHMN. CHENAL: Yeah, something like that, I
3 think, would work fine.

4 MR. BECK: And we did put the map on the other
5 screen just to kind of follow along.

6 So that covers the portion, like you said, from
7 Irvington to the corner where we would turn north.

8 CHMN. CHENAL: And the next portion of the
9 narrative is from that point north to the right-of-way of
10 East Old Vail Road, and the centerline -- the corridor
11 will extend east from the centerline of Kolb Road 500
12 feet.

13 Any questions from the Committee on that or any
14 further discussion on that, Mr. Beck? I think that's
15 consistent with what we discussed.

16 MR. BECK: I believe so.

17 CHMN. CHENAL: And then north of that, at this
18 point, the corridor will extend 450 feet to either side
19 of the centerline of the Kolb Road right-of-way for a
20 distance of 1,350 feet.

21 MEMBER HAENICHEN: Isn't that ambiguous?

22 CHMN. CHENAL: I think it has to say "north."
23 The corridor will extend 450 feet to either side of the
24 centerline of the Kolb Road right-of-way north for a
25 distance of 1,350 feet.

1 MEMBER NOLAND: That looks good.

2 CHMN. CHENAL: I'll just throw out for
3 discussion, in the northerly direction, would it be
4 better to put it after the word "extend"?

5 MEMBER NOLAND: No.

6 CHMN. CHENAL: I guess -- it can fit there. I
7 think it's okay. So let's leave it there.

8 Does that adequately -- let me ask the
9 Committee, does that adequately describe, in the
10 Committee's view, that segment?

11 MEMBER WOODALL: Ms. Noland, do you believe
12 that's accurate?

13 MEMBER NOLAND: I do.

14 MEMBER WOODALL: I defer to your infinitely
15 more wise wisdom.

16 CHMN. CHENAL: And then the next segment is:
17 From this point to the Patriot Substation, located on the
18 southeast corner of Escalante Road and Kolb Road, the
19 corridor will be 300 feet centered on the proposed
20 transmission line alignment.

21 Now, do we want again "as described in
22 Exhibit A"?

23 MEMBER HAENICHEN: Mr. Chairman, shouldn't it
24 say "the corridor width will be 300 feet centered on the
25 proposed"?

1 CHMN. CHENAL: And I think that should be
2 included everywhere.

3 So, Ms. DeCorse, if you could put "width" after
4 "the corridor" in all places.

5 MEMBER HAENICHEN: Except lower down, they
6 have: will be 450 feet wide. So at that point, you
7 don't need "width."

8 MEMBER NOLAND: I can't hear, Jack. You're
9 mumbling, eating your cookie.

10 MEMBER HAENICHEN: That's my privilege.

11 CHMN. CHENAL: So we're talking about from the
12 Patriot Substation. And we're referring it to -- we're
13 tying it to the proposed transmission line alignment as
14 described in Exhibit A.

15 Now, could you scroll up to where we first put
16 in the Exhibit A reference.

17 Do we have to put the word "alignment" after
18 the proposed transmission line alignment as described in
19 Exhibit A, Mr. Beck?

20 MR. BECK: We will add that in there.

21 CHMN. CHENAL: Line 20.

22 Is there any area -- is there any description
23 before we get to the next point where we have to get back
24 to Member Haenichen's request that -- we talk about the
25 width of the corridor. Can we go back up to the

1 beginning of the narrative.

2 MEMBER NOLAND: Just after "corridor," put
3 "corridor width"?

4 MEMBER HAENICHEN: Now you emphasize the word
5 "wide."

6 MEMBER HAMWAY: It's either "wide" or "width."

7 MEMBER NOLAND: I think that reads better.

8 CHMN. CHENAL: Yeah.

9 And then the next -- yes, the next -- line 23:
10 The corridor width.

11 Is that an acceptable addition: The corridor
12 width will extend east from the centerline of Kolb Road
13 500 feet?

14 MEMBER NOLAND: Yes.

15 CHMN. CHENAL: And shall we add "width" after
16 the word "corridor" on line 25? The corridor width will
17 extend 150 feet?

18 MEMBER PALMER: Mr. Chairman.

19 CHMN. CHENAL: Yes.

20 MEMBER PALMER: That description to me is a
21 little confusing because it says: The corridor width
22 will extend 450 feet in a northerly direction to either
23 side of the centerline.

24 It almost seems like "northerly direction"
25 should be in a different place.

1 CHMN. CHENAL: I kind of suggested that for
2 that reason, but I don't know if my suggestion -- if I
3 put it in the right place, but I agree with you.

4 MEMBER HAENICHEN: It is confusing.

5 MEMBER PALMER: And extend in a northerly ...

6 MEMBER NOLAND: Extend north.

7 MEMBER PALMER: For a distance of 1,350 feet or
8 something like that.

9 MEMBER NOLAND: Right.

10 MEMBER HAENICHEN: And the word is not
11 "northernly," it's "northerly."

12 MEMBER NOLAND: But take -- after "extend," put
13 "extend north 450 feet."

14 MEMBER PALMER: Except that doesn't read right.

15 CHMN. CHENAL: Because it's 1,350 feet.

16 MEMBER PALMER: I think "north" should be down
17 by the 1,350 feet somewhere.

18 MEMBER NOLAND: Yeah.

19 CHMN. CHENAL: How about if we say something
20 like this: From this point, the corridor width will be
21 450 feet. Strike the word "in a northerly direction."

22 MEMBER NOLAND: On either side of the
23 centerline.

24 CHMN. CHENAL: Of the Kolb Road right-of-way.

25 MEMBER PALMER: And extend north for a distance

1 of 1,350 feet.

2 CHMN. CHENAL: I think that's -- Member Noland.

3 MEMBER NOLAND: Mr. Chairman, after 450 feet,
4 strike that "to" and put "on either side of the
5 centerline."

6 CHMN. CHENAL: Yes. I think that's clearer.

7 All right. Let's go to the next one. From
8 this point to the Patriot Substation located on the
9 southeast corner of Escalante Road-Kolb Road, the
10 corridor width will be 350 feet centered on the proposed
11 transmission line alignment as described in Exhibit A. I
12 think that's clear.

13 MEMBER NOLAND: Yeah.

14 CHMN. CHENAL: Next: From this point east to
15 the intersection of Escalante Road and Pantano Road, the
16 corridor will be --

17 MEMBER HAENICHEN: The corridor width.

18 CHMN. CHENAL: Corridor width will be 250 feet,
19 centered on the Escalante Road centerline right-of-way.

20 Is that acceptable?

21 MEMBER NOLAND: Yes.

22 CHMN. CHENAL: From the intersection of Pantano
23 Road and Escalante Road, the corridor width will be 175
24 feet from the west boundary of the Pantano Road
25 right-of-way extending 25 feet beyond the east boundary

1 of the Pantano Road right-of-way.

2 Should we say "north to 5th Street"? Except as
3 noted below.

4 This -- Mr. Beck, maybe you can walk us through
5 the indented language there.

6 MR. BECK: So that's the jog around the Tucson
7 Meadows development.

8 So East Arizona is not defined as a street or
9 a road. So it is a -- whatever it is, I don't know --
10 It's got a name to it. At the location of Pantano Road
11 and Arizona, the line will change from the existing
12 alignment, and that's where it's going along South
13 Pantano Road.

14 Now, this is one change we've made since we had
15 the discussion earlier today. And that is, as we started
16 to look at that specific reroute, there is no
17 right-of-way on the southern edge of Pantano to allow us
18 to put the pole. And we will have to obtain a piece of
19 private easement or right-of-way in a drainage area right
20 adjacent to the road.

21 So we made that one section around the reroute
22 to be 25 foot on the westerly edge of Pantano beyond the
23 western right-of-way boundary. So that's why there's the
24 140-foot-wide dimension.

25 CHMN. CHENAL: Is there any way we can pull up

1 on the left screen kind of a blow-up of that area?

2 MR. BECK: So in this vicinity, the Pantano
3 Road right-of-way is only 90 feet. And so we put 25 foot
4 to the northeast side of right-of-way as well as 25 feet
5 to the southwest side. And this pole location here will
6 be in a drainage retention area and will be on -- it's
7 outside of road right-of-way. It's probably on private
8 right-of-way, and we'll have to obtain that for that
9 pole. So that's why that odd 140-foot dimension comes
10 in.

11 MEMBER HAENICHEN: Mr. Beck, would that pole be
12 stable being put into a drainage area if there's heavy
13 rains?

14 MR. BECK: Yeah. We'll have a little
15 extra-deep foundation there. It's just a retention
16 basin.

17 CHMN. CHENAL: Let me suggest a little language
18 to clarify this a little and make it consistent with what
19 we've discussed. This is the indented language.

20 So after the word "East Arizona" -- maybe we
21 should spell East instead of just E.

22 MEMBER HAENICHEN: I think that's good.

23 CHMN. CHENAL: Then after the comma, I would
24 say "the proposed transmission line" as depicted in
25 Exhibit A -- or as described in Exhibit A.

1 Will change -- is it from the existing
2 transmission line alignment? Is that when you say
3 existing line -- existing transmission line alignment?

4 MR. BECK: That is correct, yes.

5 CHMN. CHENAL: Then after "corridor," make the
6 "corridor width."

7 MEMBER HAENICHEN: And then below that --

8 CHMN. CHENAL: Hold it. Wait. The corridor
9 width will be 140 feet and strike the word "wide."

10 Now, after South Research Loop Road, should
11 "Road" be capitalized?

12 MEMBER HAENICHEN: Yeah. That same thing has
13 to be done after Research Loop, this 140-foot-wide
14 corridor.

15 CHMN. CHENAL: And I think if we're referring
16 to the South Research Loop Road, should South be
17 capitalized or be spelled out?

18 MR. BECK: So, throughout, we had used the S
19 and the E, so we can spell it out.

20 And the South Research Loop is the name. It's
21 not Road.

22 CHMN. CHENAL: Then we shouldn't have --

23 MR. BECK: So is your preference to spell out
24 South, then?

25 MEMBER NOLAND: No.

1 CHMN. CHENAL: I guess -- I'll take Member
2 Haenichen's advice, and it will be okay.

3 MEMBER NOLAND: It's good.

4 MR. BECK: So I guess relative to the East, we
5 did change and spell it. Should we go back --

6 CHMN. CHENAL: Well, we should probably go back
7 and unchange it.

8 MR. BECK: Okay.

9 CHMN. CHENAL: I would go by what the road sign
10 says, but ...

11 Let's read it and then see if there's --

12 MEMBER HAENICHEN: On that paragraph, the first
13 sentence: East Arizona what? Avenue?

14 MR. BECK: It's not defined as a street or a
15 road. It's just called East Arizona.

16 MEMBER HAENICHEN: It's called East Arizona?

17 MR. BECK: I think it's the development's name
18 for their little access driveway.

19 MS. DECORSE: It looks like it says "Street."

20 MR. BECK: Google Earth calls it Street, but
21 Pima County didn't show that. We can do a little
22 research on that to make sure we get it right.

23 CHMN. CHENAL: Member Noland, does that
24 indented language, does that now -- the way it reads with
25 those changes, is that acceptable to you?

1 MEMBER NOLAND: I'm having problem with the
2 very last words: continue to the existing transmission
3 line corridor. I don't think it's a corridor, is it?

4 MR. BECK: We probably should use transmission
5 line alignment.

6 MEMBER NOLAND: Alignment, yes.

7 CHMN. CHENAL: Good catch. Yes.

8 MR. BECK: We used alignment.

9 MEMBER NOLAND: Then it looks right. That's a
10 tough one.

11 CHMN. CHENAL: Let's look at the last -- or the
12 next -- I guess the last part of the new narrative.

13 From -- should we -- "the intersection," should
14 "the" be before "intersection"? And when we -- and it is
15 East 5th Street. Is that how it was referred to above or
16 is this a new reference?

17 MEMBER NOLAND: That's a new one. Oh, no, it's
18 up there, East 5th.

19 CHMN. CHENAL: Should we put "width" after
20 "corridor"?

21 Should we strike the word "within"? I'm going
22 to defer to others on this. The corridor width will be
23 TEP's existing 50-foot-wide easement.

24 MEMBER NOLAND: I like "within."

25 CHMN. CHENAL: Is it to mean that the corridor

1 width would be the same as? It would be 50 feet, in
2 other words?

3 MS. DARLING: Yes.

4 CHMN. CHENAL: And after "parcel," I think we
5 put "as described in Exhibit A."

6 MR. BECK: The next sentence talks about
7 Exhibit A, but we can add that.

8 MEMBER NOLAND: Well, that wasn't quite as
9 painful as I thought it was going to be.

10 CHMN. CHENAL: It was almost painless.

11 MEMBER NOLAND: Yeah.

12 CHMN. CHENAL: Now let's look at the map and
13 make sure the map is -- Member Noland, I'd kind of like
14 you to make sure that that map is consistent with the
15 narrative or in your understanding of what we've
16 discussed.

17 MEMBER NOLAND: I did go through it
18 step-by-step. And, you know, we aren't showing South
19 Pantano, East 5th, that kind of thing. You might want to
20 conform that with the map if you are doing that. I'd
21 just make those conforming changes to what we did on the
22 description.

23 MEMBER WOODALL: Can we label the map, though,
24 with what it is, put a legend on it saying Corridor for
25 Docket Number, blah, blah, somewhere on the map?

1 MR. BECK: It has Irvington-East Loop
2 Transmission Line. We were going to put Exhibit A down
3 below, Case 186.

4 MEMBER WOODALL: I just -- people looking at
5 it, I don't know if they approved corridors or something
6 on there somewhere, so that people know what they're
7 looking at. That would be my suggestion.

8 MR. BECK: We can put that in the title block
9 if that is acceptable.

10 CHMN. CHENAL: Where would you put it,
11 Mr. Beck?

12 MR. BECK: Right in the title block. Corridor
13 for Irvington-East Loop 138kV Transmission Line. And
14 then right at the bottom, we'll have Exhibit A Case 186.

15 CHMN. CHENAL: So what would be the additional
16 word here, "corridor"?

17 MR. BECK: Approved corridor for.

18 MEMBER DRAGO: Mr. Chairman.

19 CHMN. CHENAL: Yes, Member Drago.

20 MEMBER DRAGO: Lines 21 through 23, I know the
21 emphasis is on 50-foot-wide easement. But can we just,
22 for clarity, on line 21, say the -- whatever
23 100-and-some-foot corridor is? Is it 140 --

24 CHMN. CHENAL: Well, it's 50 feet.

25 MEMBER DRAGO: So it's a 50-foot corridor width

1 in the existing 50-foot-wide easement? Is that what that
2 means?

3 CHMN. CHENAL: I think Member Noland and I kind
4 of differ a little on the language, but I think the point
5 is that the width that we're approving is a 50-foot-wide
6 easement corridor width.

7 MR. BECK: Yes. The corridor and our
8 right-of-way are one and the same.

9 MR. DRAGO: In this case?

10 MR. BECK: In that case.

11 MR. DRAGO: Okay. Thank you.

12 CHMN. CHENAL: Member Haenichen, I think, has
13 comments on --

14 MEMBER HAENINCHEN: On the map --

15 CHMN. CHENAL: -- on the map.

16 MEMBER HAENICHEN: -- in that lower segment.

17 CHMN. CHENAL: And whether or not the word
18 "width" needs to be inserted.

19 MEMBER HAENICHEN: "Wide." "Wide." The word
20 "wide." After 900, 300 and the next 300 and the 500.

21 You need that because the corridor has length and width.

22 MR. BECK: Yes. That's a good add. We can put
23 that in there.

24 CHMN. CHENAL: So I believe it was Member
25 Noland, I forget who -- I think it was you, Member

1 Noland, who suggested that we include on the map any
2 street name that appears in the narrative.

3 MR. BECK: Okay.

4 CHMN. CHENAL: I think that would be helpful.

5 MEMBER NOLAND: So it would just be the
6 directional information except for that Arizona does
7 not -- does that show up?

8 MR. BECK: I don't believe it shows up on this
9 particular map here.

10 CHMN. CHENAL: Well, that creature, the East
11 5th Street or whatever, doesn't show up either. And then
12 there's --

13 MR. BECK: We'll make sure we conform it to
14 match up with the description.

15 MEMBER NOLAND: We know where it is, but
16 somebody else looking at it might go, well, Where is East
17 5th Street and where is Arizona?

18 I think it conforms. I think it's as good as
19 we're going to get it.

20 CHMN. CHENAL: So we'll look for that to see
21 the names on the map to make sure every name that's in
22 the narrative is somewhere on the map as well.

23 MR. BECK: Right.

24 CHMN. CHENAL: All right. So can we look at
25 the language one more time just to see if maybe we've got

1 it right from the beginning?

2 Maybe scroll down a little.

3 Continue to scroll down, Ms. DeCorse.

4 All right. We've had a chance to review it.

5 Any --

6 MEMBER HAENICHEN: Looks good.

7 CHMN. CHENAL: Any comments from the Committee?

8 Any from the applicant and the team in terms of
9 the narrative? Is that clear? Any changes you'd
10 suggest?

11 MR. BECK: I think, from our perspective, it's
12 clear and works well.

13 And if we can take the highlighting off now?

14 CHMN. CHENAL: Yes.

15 MEMBER NOLAND: Mr. Chairman.

16 CHMN. CHENAL: Member Noland.

17 MEMBER NOLAND: I think they did an excellent
18 job with this and with a lot of changes and so on in
19 direction and width and all of that. I think you did a
20 great job. Ms. DeCorse did a great job typing in there
21 everything that we wanted.

22 CHMN. CHENAL: Sure.

23 So let's vote on it. So on Exhibit 23, page 3,
24 lines 16 through 28, and extending on to page 4, lines 1
25 through 25.

1 May I have a motion to approve?

2 MEMBER NOLAND: Mr. Chairman, I move that we
3 approve those lines.

4 MEMBER HAMWAY: Second.

5 CHMN. CHENAL: We have a motion and second.
6 Any further discussion?

7 (No response.)

8 CHMN. CHENAL: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN. CHENAL: Okay. And then the legal
11 description. There will be a legal description which
12 will be in sync with the narrative that's been described;
13 is that correct, Mr. Beck?

14 MR. BECK: That is correct. We have our
15 surveyor working on that as we speak.

16 CHMN. CHENAL: I don't necessarily think we
17 need to address this, but I will throw it out for
18 discussion because this is happening rather quickly. If
19 there were to be a discrepancy between the narrative, the
20 map, the legal description, do we need to address it to
21 say which one would control, or do we not address it
22 because we think that the document in its totality is
23 clear enough?

24 Maybe that's a question also for counsel for
25 the applicant too. I have no feelings on it one way or

1 the other, but maybe the applicant does.

2 MR. BECK: I think the applicant is comfortable
3 with the language that's in here as well as the legal
4 that gets attached and the map.

5 CHMN. CHENAL: So if the applicant would,
6 assuming this gets approved, forward to Member Noland and
7 myself the complete CEC with map and legal description,
8 and then we will confer. I think we've been given the
9 authority to do that by the Committee. We will confer.
10 And once we confer, I would then be in a position to sign
11 and file the CEC.

12 Is that acceptable, Member Noland?

13 MEMBER NOLAND: Yes.

14 CHMN. CHENAL: Is that acceptable to the
15 Committee?

16 MULTIPLE MEMBERS: Yes.

17 MEMBER PALMER: Do you need a motion,
18 Mr. Chairman, to include the map, or is that as attached
19 in Exhibit A?

20 CHMN. CHENAL: I think we should do that to
21 make sure we're clear on it.

22 MEMBER PALMER: I would make a motion that we
23 include the map as described in Exhibit A that is
24 attached with the noted additions of the street names
25 that we talked about.

1 CHMN. CHENAL: And does your motion also
2 include the legal description that would be attached?

3 MEMBER PALMER: And the legal descriptions that
4 will be attached.

5 MEMBER HAMWAY: Second.

6 CHMN. CHENAL: We have a motion and a second.
7 Any further discussion?

8 (No response.)

9 CHMN. CHENAL: All in favor say "aye."
10 (A chorus of "ayes.")

11 CHMN. CHENAL: All right. Can we go back to
12 the beginning of the CEC.

13 I think we need to fill in the miles. We can't
14 fill in the vote yet. We haven't voted, but we can fill
15 in the miles.

16 MR. BECK: We're ready to fill in the miles
17 with the assumption that you will vote to approve the
18 preferred corridor.

19 CHMN. CHENAL: Well, unless someone wants to
20 change the narrative, I think that is the preferred
21 route; right?

22 MR. BECK: Correct. So it is 12.78 miles,
23 which we have.

24 Mr. Chairman, we did have the addition of the
25 docket number, if you wanted to look at that and approve

1 that.

2 CHMN. CHENAL: For the map?

3 MR. BECK: For the notice -- or the
4 notification.

5 MS. DECORSE: Signs.

6 MR. BECK: So it had the signage and then also
7 the website link to the ACC website.

8 CHMN. CHENAL: Oh, yes. Let's add that.

9 MEMBER WOODALL: They did.

10 MR. BECK: So that's been added in purple. We
11 just wanted to show that to you.

12 CHMN. CHENAL: So that's a modification to
13 Condition 11. So may I have a motion and a second to
14 approve that.

15 MEMBER HAMWAY: So moved.

16 MEMBER HAENICHEN: Second.

17 CHMN. CHENAL: We have a motion and a second.
18 All in favor say "aye."

19 (A chorus of "ayes.")

20 CHMN. CHENAL: And page 2, we filled in the
21 mileage; is that correct?

22 MR. BECK: Yes. 12.78.

23 CHMN. CHENAL: Is there anything we're missing?
24 Maybe we should scroll through the CEC, TEP Exhibit 23,
25 and see if there's anything that -- from the beginning,

1 from the caption, if there's anything that we've
2 forgotten before we do the whole vote.

3 So if we could just scroll down and just keep
4 scrolling down as we read through it.

5 MEMBER HAENICHEN: Why is my name underlined?

6 MEMBER HAMWAY: And mine. Because it just
7 didn't find it in the dictionary.

8 CHMN. CHENAL: Okay.

9 If we go to page 3.

10 I notice we spell out East 5th Street on line
11 8. We've gone to just the letter E.

12 MR. BECK: We could change it for consistency
13 or --

14 CHMN. CHENAL: Well, I'm a spell-out guy, but I
15 know some of the members of the Committee prefer just the
16 letter, and I will bow to the wishes of the Committee.

17 MEMBER WOODALL: Just make it consistent.

18 MEMBER NOLAND: E.

19 CHMN. CHENAL: Okay. Just keep scrolling as
20 you read it.

21 You can just keep scrolling as you review it.

22 Okay. That's the end of it.

23 MEMBER NOLAND: Mr. Chairman.

24 CHMN. CHENAL: Member Noland.

25 MEMBER NOLAND: Mr. Chairman, I move that we

1 approve the CEC as modified with the Exhibit A on Case
2 No. 186.

3 MEMBER HAENICHEN: Second.

4 CHMN. CHENAL: We have a motion and a second.
5 Any further discussion?

6 (No response.)

7 CHMN. CHENAL: May we have a roll call vote,
8 starting with you, Member Noland.

9 MEMBER NOLAND: Thank you, Mr. Chairman.

10 Just a couple of things. First of all,
11 Mr. Beck, we're going to miss you. You and I have been
12 doing cases for at least ten years. And although we
13 didn't always agree on everything, a lot of things, but
14 we were never disagreeable in doing it. And I always
15 knew you would tell us straight. Your presentations have
16 always been the best. I appreciate it.

17 MR. BECK: Thank you.

18 MEMBER NOLAND: Having said that, one point I
19 want to make about your use of existing lines. I
20 understand that, and I applaud that. I think that's a
21 great way to do it. If not, I would have definitely
22 preferred the Pantano Wash alignment.

23 And to me, as far as the weighting goes on
24 these -- weight, w-e-i-g-h-t -- the view of the
25 residents, to me, should have a higher weight than

1 viewers that are recreational and using something
2 occasionally. I mean, you've got people who are there
3 every day, and I think their view should carry more
4 weight than an occasional user.

5 But having said that, I think you used the best
6 route, the preferred route, and used, where you could,
7 the current transmission line alignments. And you also
8 always have been good about the width of your corridors.
9 And I've said that before, and I'll say it again. I
10 think TEP has been one of the best in presenting only
11 what they really need for corridors, not 1,000 feet or
12 1,500 feet or whatever.

13 So I appreciate that, and I'm very happy to be
14 able to vote aye.

15 MEMBER WOODALL: Aye.

16 MEMBER HAMWAY: Aye.

17 MEMBER HAENICHEN: Aye.

18 MEMBER DRAGO: Aye.

19 MEMBER RIGGINS: Aye.

20 MEMBER PALMER: Aye.

21 CHMN. CHENAL: I also want to thank Mr. Beck
22 for your years of great service. You're a tremendous
23 witness, and no one ever doubted for a moment anything
24 you've ever said. Everyone knew it was absolutely
25 trustworthy.

1 And I'd like to thank the other witnesses as
2 well. Their testimony was very good, as usual.

3 Counsel, Ms. DeCorse, Mr. Derstine, excellent
4 presentation, as usual.

5 I want to thank the Committee for their usual
6 attention and good judgment.

7 And the court reporter, Carolyn, thank you.

8 And I vote aye as well.

9 So when you get the -- all your homework
10 assignments completed and get it to Member Noland and
11 myself, we'll review it. And if everything is in order,
12 I'll sign it and we'll get it filed.

13 So thank you very much for your excellent
14 presentation.

15 MR. BECK: Thank you. And I'd like to thank
16 the Committee also for all the time that we've worked
17 together. It's been fun. Not always enjoyable, but it's
18 been fun.

19 (The hearing concluded at 4:00 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
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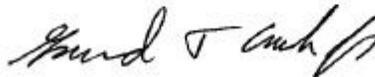
9 I CERTIFY that I am in no way related to any of
10 the parties hereto nor am I in any way interested in the
11 outcome hereof.

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and ACJA
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,
15 this 2nd day of March, 2020.

16
17 

18 _____
19 CAROLYN T. SULLIVAN, RPR
20 Arizona Certified Reporter
21 No. 50528

22 I CERTIFY that COASH & COASH, INC., has complied
23 with the ethical obligations set forth in ACJA
24 7-206(J)(1)(g)(1) through (6).

25 

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