

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

3

4    IN THE MATTER OF THE                                    )  
5    APPLICATION OF TUCSON                                    )    DOCKET NO.  
6    ELECTRIC POWER COMPANY FOR                                    )    TBA  
7    THE SONORAN SUBSTATION TO                                    )  
8    WILMOT ENERGY CENTER PROJECT.                                    )    PREFILING CONFERENCE  
9    \_\_\_\_\_ )

7

8    At:                    Phoenix, Arizona

9    Date:                August 1, 2018

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13                                    REPORTER'S TRANSCRIPT OF PROCEEDINGS

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25                                    Arizona Certified Reporter  
                                         Certificate No. 50528



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 OFFICES OF THE ATTORNEY GENERAL, 15  
5 South 15th Avenue, Phoenix, Arizona, commencing at  
6 11:08 a.m. on the 1st day of August, 2018.

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8 BEFORE:            THOMAS K. CHENAL, Chairman

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10 APPEARANCES:

11 For the Applicant Tucson Electric Power Company:

12                    TUCSON ELECTRIC POWER COMPANY  
13                    Ms. Megan J. DeCorse  
14                    Regulatory Counsel  
15                    88 East Broadway Boulevard  
16                    Tucson, Arizona 85701

17 and

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

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24 INTERESTED PARTIES:

25                    Mr. Lawrence V. Robertson, Jr.  
                     South Wilmot Land Investors, LLC  
                     (Present telephonically)

                     Mr. Ed Beck  
                     Director, Transmission Development  
                     Tucson Electric Power Company

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1 INTERESTED PARTIES:

2 Mr. Eric Raatz  
3 Tucson Electric Power Company

4 Ms. Ranie Rozenberg, Paralegal  
5 Snell & Wilmer, L.L.P.

6 Mr. Scott Robidoux  
7 Tucson Airport Authority

8 Ms. Marie Elena Cobb  
9 Assistant to Chairman Chenal

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1            CHMN. CHENAL:      So this is the time set for  
2      prefiling conference in the -- I don't know. We're going  
3      to have to shorten the name -- the TEP Sonoran to Wilmot  
4      project. We'll come up with something snazzy.

5            Let's have appearances, please.

6            MR. BECK:      Ed Beck on behalf of Tucson Electric  
7      Power.

8            MR. DERSTINE:      Matt Derstine, Snell & Wilmer.

9            MS. DECORSE:      Megan DeCorse with Tucson Electric  
10      Power.

11           MR. RAATZ:      Eric Raatz from Tucson Electric  
12      Power.

13           MS. ROZENBERG:      Ranie Rozenberg, paralegal at  
14      Snell & Wilmer.

15           MS. COBB:      Marie Cobb, assistant to Chairman  
16      Chenal.

17           MR. ROBERTSON:      Lawrence V. Robertson, Jr., on  
18      behalf of the South Wilmot Land Investors, LLC.

19           CHMN. CHENAL:      Okay. We have paper placemats,  
20      if you will, a map of -- it's probably the project that  
21      Mr. Beck will discuss.

22           MR. BECK:      This is actually Mr. Robertson's  
23      document.

24           CHMN. CHENAL:      All right. Very good. Let's  
25      mark this Exhibit 1 to the prefiling conference, and

1 we'll, I'm sure, be able to refer to this throughout the  
2 matters we cover today.

3           MR. ROBERTSON: Mr. Chairman, if I might inquire  
4 of you, to be sure I'm following correctly, you referred  
5 to a placemat, and then Mr. Beck spoke up and said this  
6 is Mr. Robertson's. Is that the map that I sent in by  
7 email to Ms. Cobb I believe it was yesterday, or is it a  
8 different document?

9           MS. COBB: That is correct, Mr. Robertson, it is  
10 the same document.

11          MR. ROBERTSON: Okay. Thank you very much.

12          CHMN. CHENAL: So it's -- at the bottom of  
13 Exhibit 1, it's entitled Verano Property. And it has the  
14 South Wilmot Land Investors parcels noted, Wilmot Energy  
15 Center property noted, and it has Wilmot Road noted. So  
16 that's Exhibit 1.

17          MR. ROBERTSON: Very good. Thank you, sir.

18          CHMN. CHENAL: All right. So let's discuss the  
19 project. I don't know -- Mr. Derstine or Ms. DeCorse or  
20 Mr. Beck, who wants to -- just feel free to -- let's get  
21 a narrative of what the project is and ...

22          MR. DERSTINE: Matt Derstine. I'll defer to  
23 Mr. Beck to kind of give you an overview of the project,  
24 and that will give -- we'll hand you a map of the routes  
25 for the project. And that will give probably some

1 greater understanding and significance to Mr. Robertson's  
2 Exhibit 1, which is, I think, the land ownership of his  
3 client.

4 CHMN. CHENAL: And we'll mark this map  
5 Exhibit 2.

6 (Prefiling Exhibits 1 and 2 were marked for  
7 identification.)

8 MR. ROBERTSON: Mr. Chairman, if I might  
9 inquire, Ms. DeCorse yesterday very thoughtfully sent me  
10 a map that says in the lower left-hand corner TEP, Tucson  
11 Electric Power, Land Resources, Sonoran Substation to  
12 Wilmot Energy Center and then Project Stakeholders.

13 And this map that I'm looking at shows the  
14 various alternative routes that are being proposed by the  
15 company together with land ownership. Is that what you  
16 have just marked as Exhibit 2?

17 CHMN. CHENAL: Yes.

18 MR. ROBERTSON: Okay. Thank you.

19 MR. BECK: Okay. So regarding the project, TEP  
20 is developing -- having a third party develop a solar  
21 facility which is on the southern edge of this map within  
22 what's called the Wilmot Energy Center, LLC, property.

23 There's going to be 100 megawatts of solar and  
24 30 megawatts of battery storage at that location.

25 Tucson Electric has signed a purchased power

1 agreement for the output of that plant. The developers  
2 requested interconnection to TEP's system, and TEP  
3 identified connection to our 138kV system as critical to  
4 make this project work.

5            We have three existing lines. And we've got  
6 more detailed maps, but I'm not sure that it's worth  
7 confusing everybody with those detailed maps.

8            So just explaining, along the top edge of this  
9 map, the Old -- East Old Vail Connection Road, there are  
10 existing transmission lines running east and west, and  
11 they also go north along South Swan Road.

12            Our intent is to bring those three lines into a  
13 new substation called the Sonoran Substation, which will  
14 be the green triangle that's about a quarter down the  
15 middle of the map. And this was -- this actual drawing  
16 was intended just to show property owners and  
17 stakeholders, but it is probably a real good explanation  
18 of the project, and that's why we don't have the Sonoran  
19 Sub name on there.

20            To get to the Sonoran Substation, we've worked  
21 with TAA, who's the property owner up in that area.  
22 That's the Tucson Airport Authority. The airport is to  
23 the northwest of this map location. And they have  
24 indicated that the best site from their perspective was  
25 further south and over to the east as far as we could go.

1    And so that green triangle is where we could place the  
2    substation from a terrain and land use perspective.

3            You can see a little bit of disturbed soil.  
4    There's a lot of rock quarries and sand pits in the area.  
5    So we couldn't locate the substation on the northern part  
6    where those are located. Our best site is where the  
7    triangle is.

8            TAA agreed with that, and so we looked at  
9    options of how we could tie the three existing  
10   transmission lines down to that site. We came up with  
11   two alternative paths, the red and the green lines on the  
12   northern portion of the project. And TAA has indicated  
13   their preference for the red line.

14            You'll hear when we present our case, Pima  
15   County came in with a letter actually this week  
16   indicating their preference would be for the green line.  
17   And their reasoning is that along East Old Vail  
18   Connection Road, there will be a lot of future  
19   development, possibly a tie between Interstate 10 and  
20   Interstate 19, as well as a corridor that the County  
21   wants to develop called the Sonoran Corridor. They want  
22   to relocate the railroad into that same path. And so  
23   they're concerned that if we put lines there, it could  
24   interfere with their development.

25            But our intent, if we end up with the red

1 alignment, would be to work with the County and the State  
2 and all parties to make sure there's no interference,  
3 we'd be far enough south of the East Old Vail Connection  
4 Road.

5            When we had discussions with the South Wilmot  
6 Land Investors, their preference for that substation put  
7 it as far east as we could on the TAA property. Again,  
8 that green triangle is as far east as we could go without  
9 having a lot of environmental land use issues, terrain  
10 issues.

11            So the southern half of our project now is the  
12 connecting line that will go from the Sonoran Substation  
13 down to the Wilmot Energy Center.

14            We have two alternative paths shown for that,  
15 the blue line and the orangish-yellow line, one on either  
16 side of the development area in the middle.

17            In our original discussions with South Wilmot  
18 Land Investors, we got the feeling that they had a  
19 preference for that orangish line. This week, we've  
20 gotten indication from them that they actually prefer the  
21 Swan Road alignment.

22            CHMN. CHENAL: Which is which one?

23            MR. BECK: The blue line. So the Swan Road  
24 alignment is north and south along that blue and green  
25 line.

1            CHMN. CHENAL:    And just to be clear, we're  
2 talking about connecting to what's marked as the Planned  
3 Cisne Switchyard facility?

4            MR. BECK:    That's correct.

5            We just named that substation, in fact,  
6 yesterday, the final name.    That's along Swan Road.  
7 Typically, we name our substations with physical features  
8 in the area, like a road name.    We already have a Swan  
9 Road Substation that's a 46kV, so one of our systems  
10 personnel came up with the idea, Well, let's use "swan"  
11 in Spanish.    So that's what "cisne" is.    So that's the  
12 name of the yellow triangle.    That will be the new  
13 substation tying the solar facility into our system.

14           We had indication that TAA might show up today.  
15 I don't know if you had any --

16           MS. COBB:    No, I did not.

17           MR. BECK:    So you had no contact from them.

18           We'll be working with them, discussing that they  
19 can provide public comment and so on, short of actually  
20 intervening.    And I'm not sure if they'll choose to  
21 attempt to intervene or not.

22           Those are the two primary landowners that had  
23 interest in this project or locational interest in this  
24 project.

25           The Next ERA people, who are the developers for

1 the Wilmot Energy Center, they're providing the site for  
2 the Cisne Substation. And at this point, I don't know  
3 that they have a preference for either one of those  
4 lines. As long as it gets connected, I think they're  
5 happy.

6 CHMN. CHENAL: So let me just see if I can  
7 summarize in terms of preferred routes based on your  
8 understanding so far. And, of course, we'll hear from  
9 Mr. Robertson in a moment.

10 But your understanding, Mr. Beck, so far, is  
11 that, basically, a Swan Road alignment seems to be the  
12 preferred route for the affected parties so far?

13 MR. BECK: For the southern portion.

14 CHMN. CHENAL: For the southern.

15 And the northern portion -- I guess I  
16 misunderstood. I thought the preferred route was the  
17 green.

18 MR. BECK: On the north portion, at this point,  
19 we had -- up till yesterday, we had identified the red  
20 route would be our preferred based on TAA input.

21 We got a letter from the County. We still think  
22 the red line will be our preferred route. We haven't  
23 finalized that. We'll produce or introduce the position  
24 of the County during the case. We'll talk to why we  
25 don't think it's an issue. So we'll have two parties

1    that probably have divergent comments relative to which  
2    one they would prefer.

3            CHMN. CHENAL:    Because TAA, you believe, prefers  
4    now the green route?    Did I understand that correctly?

5            MR. BECK:    No.    My understanding is TAA still  
6    prefers the red route.    It's the County that prefers the  
7    green route.

8            CHMN. CHENAL:    Got it.

9            MR. BECK:    And on the southern portion, I'll  
10   defer to Mr. Robertson, but I believe that South Wilmot  
11   Land Investors now prefers -- or definitely prefers the  
12   Swan Road alignment versus -- the blue route versus the  
13   orangish route.

14           MR. DERSTINE:    And we don't know TAA's position  
15   on the southern portion.

16           MR. BECK:    Right.    We specifically asked TAA  
17   this morning did they have a position on the southern  
18   route, and they have not made a commitment yet.  
19   Previously, they indicated they didn't really care.    But  
20   I think, because they are now considering intervention,  
21   they're reconsidering whether they're going to have a  
22   position on that or not.

23           CHMN. CHENAL:    Okay.    So I should have taken  
24   notes.    County, green; TAA, red for the northern route.

25           For the southern route, Wilmot Land Investors is

1    the blue route?

2            MR. BECK:    I believe so.

3            CHMN. CHENAL:    And we'll hear from  
4    Mr. Robertson.

5            MR. BECK:    Yeah.

6            So we did provide what Mr. Robertson had  
7    provided, which is now Exhibit 1. We had provided him  
8    that land ownership map for his purposes so that he had  
9    that in front of him.

10           CHMN. CHENAL:    Okay.

11           MR. BECK:    The northern location, Sonoran, will  
12    be a substation. The southern, Cisne, will actually be a  
13    switchyard. I think I did refer to it as a substation.  
14    It actually will be a switchyard at this time. It's  
15    strictly to interconnect the solar facility to our  
16    facilities. It doesn't preclude in the future that it  
17    may become a substation, but right now, it would be a  
18    switchyard.

19           CHMN. CHENAL:    Okay.

20           MR. BECK:    And slight nuance between the  
21    substation and switchyard in a siting process, just so  
22    we're clear of it. One's a substation, and one will be a  
23    switchyard.

24           We are in the process with the Sonoran  
25    Substation of going through the City of Tucson SELUP

1    process, which is a Substation something Land Use Plan.

2                    So we're going through that permitting process  
3    now. And the City will hold a public meeting. I believe  
4    we're scheduled for August 18th. And then we assume that  
5    they will approve that.

6                    CHMN. CHENAL:    Okay.

7                    MR. DERSTINE:    I think it's Special Exception  
8    Land Use Permit.

9                    MR. BECK:        That's it. Special Exception Land  
10    Use Permit.

11                   CHMN. CHENAL:    Very good. Are there any other  
12    approvals that are needed besides the CEC and the special  
13    land use planning?

14                   MR. BECK:        No. Just the minor typical  
15    construction dust control and so on permits.

16                   CHMN. CHENAL:    So what's your timeframe for  
17    construction and putting into --

18                   MR. BECK:        The plan is for the facility to be in  
19    operation in 2020, the solar facility. And, therefore,  
20    we would have to have these facilities in by -- probably  
21    by the summer of 2020 so that they can do their testing,  
22    whatever their requirements are.

23                   CHMN. CHENAL:    And how long are the --  
24    generally, the routes we're talking about here?

25                   MR. BECK:        Do you recall, Eric?

1                    MR. RAATZ:    I think --

2                    CHMN. CHENAL:    Speak up a little louder,  
3    Mr. Raatz.

4                    MR. RAATZ:    The routes range, I believe, from  
5    1.49 to 4.05.

6                    MR. BECK:    Yeah, I believe that's the case.

7                    CHMN. CHENAL:    And, again, Next ERA is the  
8    merchant developer for the solar plant?

9                    MR. BECK:    That is correct, yes.

10                   CHMN. CHENAL:    Okay.

11                   MR. BECK:    And Next ERA indicated they might  
12    have interest -- they indicated they might show up today.  
13    I'm not sure where that went.    And, potentially, I guess  
14    they could intervene.    In that case, we will be  
15    suggesting that public comment is probably sufficient for  
16    them, but we'll be working with them to determine that.

17                   CHMN. CHENAL:    Okay.    Anything else in terms of  
18    background and description before we hear from  
19    Mr. Robertson?    We have a lot of issues to go through,  
20    but just project narrative.

21                   MR. DERSTINE:    No.

22                   CHMN. CHENAL:    Okay.    Mr. Robertson, what's your  
23    client's position in all this?

24                   MR. ROBERTSON:    Thank you, Mr. Chairman.

25                   By way of background, let me start off by having

1    you refer to Exhibit 1, which is the map that I emailed  
2    to Ms. Cobb and to the company yesterday.

3                    South Wilmot Land Investors -- and, for  
4    simplicity, I will use the acronym SWLI -- owns both the  
5    areas of acreage shown on Exhibit 1, the plus or minus  
6    700 acres on the west side of Swan Road and then the plus  
7    or minus 1,237 acres shown on the east side of the map as  
8    well as that horizontal part that interconnects those two  
9    immediately above the Wilmot Energy Center property.

10                   Now, SWLI originally also owned the Wilmot  
11    Energy Center property, which they sold to Next ERA. And  
12    this entire area, including the Wilmot Energy Center  
13    property, when originally acquired and begun in  
14    development by SWLI, was known as the Verano Project.  
15    And that's why the name Verano appears at the bottom of  
16    the map you have in front of you.

17                   And this area has had some development changes  
18    occur as a result of the development of the Sonoran  
19    Corridor that I believe Mr. Beck referred to a few  
20    moments ago and also the rapidly expanding aerospace  
21    complex south of the Tucson International Airport. As  
22    you can see from Exhibit 2, the SWLI property is in very  
23    close proximity to the Tucson International Airport, and  
24    it's not that far from Raytheon as well.

25                   So it currently has entitlements, I'm told, to

1 do residential development, to do commercial development,  
2 and to do industrial development on various parts of the  
3 currently held SWLI property. And also, several years  
4 ago, we arranged for Red Rock Utilities Water Company to  
5 obtain a Certificate of Convenience and Necessity, so it  
6 has now been authorized to serve that property, and it  
7 has drilled two large wells.

8            SWLI is supportive of the concept that otherwise  
9 the Wilmot Energy Center project that is being developed  
10 by Next ERA or one of Next ERA's affiliates -- and we're  
11 not sure exactly which it will be -- we believe that it  
12 will contribute to strengthening the electric grid in  
13 TEP's service area and in increasing the reliability of  
14 the system.

15            At the same time, because of SWLI's intended  
16 development plans with regard to their remaining acreage,  
17 they, on the one hand, are desirous of having electric  
18 system infrastructure close to the property, which will  
19 facilitate development in the future. But as I'm sure  
20 everyone can understand, they don't want that  
21 infrastructure intruding upon the property or encroaching  
22 it in a way that could set back development.

23            So against that background, as between the two  
24 routes shown on Exhibit 2, SWLI would have less  
25 opposition or prefer -- they're not opposing the project,

1    and I want to make that very clear.    But they would have  
2    less opposition or concern with regard to the blue route,  
3    which would, once it reached Swan Road, as we understand  
4    it, proceed down the west side of Swan Road, which would  
5    put it on SWLI's property, until it turned over into the  
6    substation that will be developed on the Wilmot Energy  
7    Center property.

8            In that regard, it is the understanding of  
9    SWLI's representatives who have been dealing with the  
10   company that the electric transmission facilities coming  
11   down the west side of Swan Road, or the blue alignment,  
12   would be within a 100-foot right-of-way as measured from  
13   Swan Road, and then it would not encroach any further  
14   onto SWLI's property to the west or what is indicated on  
15   Exhibit 1 as the plus or minus 700 acres.

16            SWLI is definitely opposed to the orange route  
17   that is indicated on Exhibit 2 because it not only would  
18   encroach on SWLI property possibly for twice the distance  
19   that the blue route would, but it comes down into the  
20   center of the property, and it's not following the  
21   section lines once it starts heading west at the southern  
22   end of the orange route and then heading westwards going  
23   to link up with the new substation.

24            To my knowledge -- and I spoke with one of  
25   SWLI's representatives, Robert Tucker, who has been

1    working with TEP I think throughout -- SWLI never  
2    intended to suggest they were supportive of the orange  
3    route and appreciated the opportunity to clarify that  
4    earlier this week. That if there is going to be a  
5    transmission line on their property, it should be on the  
6    blue alignment and not the orange alignment.

7                    So let me conclude with those introductory  
8    comments for a moment and see if there are any questions  
9    of me.

10                   CHMN. CHENAL: No, I don't have any.

11                   The applicant doesn't. That was very clear.

12                   MR. ROBERTSON: In that regard, Mr. Chairman, as  
13    I believe you're aware and I know that the applicant is  
14    because Ms. DeCorse and I have spoken several times -- in  
15    fact, Mr. Beck and Ms. DeCorse and I have spoken several  
16    times in recent weeks -- SWLI will be filing an  
17    application in the forthcoming siting proceeding with the  
18    intent of participating as a party. If that application  
19    is granted -- and that is discretionary with you and the  
20    members of the Siting Committee under the statute -- we  
21    do not at the present time anticipate calling any  
22    witnesses. We might have occasion to ask questions of  
23    witnesses called by the company but more than likely, for  
24    clarification purposes, based on our current  
25    understanding of what the company is proposing.

1                    CHMN. CHENAL:    Okay.    Very good.

2                    What's the level of public interest so far,  
3 Mr. Beck?

4                    MR. BECK:    We have had very little public input.  
5 We've had a couple of public meetings.    A handful of  
6 people showed up for each of those public meetings.    And  
7 I believe we're in the range of 20 public comments so  
8 far.    And some of them not specific to routes or the  
9 project.    Kind of more general comments regarding the  
10 future of energy.

11                   CHMN. CHENAL:    Okay.    Given what you know of  
12 what public interest there is in the project,  
13 Mr. Robertson's intent to intervene but not really have  
14 witnesses, TAA either intervening or not, you maybe  
15 mentioned another as well, how long do you think this  
16 hearing will take?

17                   MR. BECK:    We're slotting three days at the  
18 DoubleTree again.    We've lined that up.    I'm not sure  
19 that it will go a full three days.    It could be a  
20 two-day, day-and-a-half hearing.    Again, if we have the  
21 field trip the second day, that will maybe take the  
22 morning out of that.    No more than three days.

23                   CHMN. CHENAL:    Okay.    Three days or less.

24                   I'd say so far, the estimates made by  
25 applicants, their attorneys, and their primary witnesses

1    are batting about zero.    But I'm prepared to be amazed  
2    and astounded that we'll get it done in a day and a half.  
3    One of these days, someone's going to come in and build a  
4    little time into that and hedge the bet a little.

5            MR. BECK:    Yeah.

6            CHMN. CHENAL:    Three days sounds like -- with a  
7    tour, with a beginning -- we usually start, as you know,  
8    for the out-of-town hearings, like 1:00 in the afternoon,  
9    something like that.    Maybe we can revisit that when we  
10   talk about times and such.    If there's more likelihood  
11   that we can get it done in two days, maybe we start  
12   earlier on the first day.    I suspect a lot of out-of-town  
13   people come in the night before.    There's some state  
14   employees, though, that I think drive down.    So it's just  
15   more as a convenience for them.    But I think most  
16   out-of-town people come in the night before, especially  
17   the ones that live kind of far away.    But we'll talk  
18   about that.

19            So, you know, we'll figure on -- we have three  
20   days.    We figure with luck, we'll get done in two.    If  
21   not, we'll fall over into the third day.

22            Let's talk about dates.

23            MR. BECK:    So we have tentatively set  
24   September 25th, 26th, and 27th for the hearing dates.  
25   That's a Tuesday, Wednesday, Thursday.    And we checked

1    with Marie. I think she queried the Committee, and  
2    everything was available.

3            MS. COBB: Yes. Everybody was available.

4            MR. BECK: And the hotel was available as well  
5    as our illustrious Men in Black for the audiovisual.

6            CHMN. CHENAL: Well, September 26 is a  
7    Wednesday, according to my calendar here.

8            MR. BECK: Correct.

9            CHMN. CHENAL: I thought you said Tuesday,  
10   Wednesday, and Thursday.

11           MS. DECORSE: So Tuesday, September 25th.

12           CHMN. CHENAL: I wrote down 26, 27, 28.

13           MR. BECK: 25th, 26th, and 27th, which would be  
14   Tuesday, Wednesday, and Thursday.

15           CHMN. CHENAL: Okay.

16           And that's fine. We have availability then.

17           Let's talk about publication requirements. We  
18   had a snafu on a recent case.

19           MR. BECK: We heard there was an issue.

20           CHMN. CHENAL: I want to make sure we're on the  
21   same page here.

22           I don't have the statute in front of me, but  
23   I've looked at it enough to know 40-360.04. And the rule  
24   that accompanies that applicable to siting committees  
25   talks about the chairman, which we know, by convention,

1 is the applicant, will provide public notice within ten  
2 days of when the chairman receives a copy. And I'm going  
3 to use the filing dated because that's always when I get  
4 the copy from the applicant.

5            So within ten days of when we say the filing  
6 date, public notice has to be given. Public notice is  
7 defined as two publications. Going forward -- and I'll  
8 put this in the procedural order. I just think we need  
9 to be careful so no one questions this, and I think this  
10 is for everyone's benefit.

11            Ten days. I don't see anything in the rules  
12 applicable to our Committee specifically defining how to  
13 calculate days. There is a rule that says that if  
14 something falls on a Saturday, Sunday, or holiday, you go  
15 to the next day. But in the absence of a rule, specific  
16 rule, you divert to the Rules of Civil Procedure. So  
17 Rule 6 of the Rules of Civil Procedure says that if  
18 something is less than 11 days, which ten days is, then  
19 you basically are business days. You don't count  
20 weekends or holidays.

21            So the long way to come to a conclusion, and the  
22 procedural order will make this clear and I just want to  
23 make it clear on the record, within ten business days,  
24 not including weekends or holidays, there should be two  
25 publications in a newspaper of the hearing.

1            So I just think that's the most conservative --  
2            MR. DERSTINE:    Within ten days of the filing of  
3 the application?

4            CHMN. CHENAL:    Yes.    Ten days of the filing of  
5 the application.    And that's essentially two weeks.    But  
6 I know that there have been cases in the past with  
7 different applicants where the first publication has been  
8 completed within that timeframe and the second hasn't.  
9 And I'm not sure, if that were tested, where we would  
10 come out on that.    I'm not sure that there's a unanimity  
11 of opinion on that issue between the Corporation  
12 Commission and my view of it.

13            But I think the most conservative and defensible  
14 position -- and this is for the applicant.    You don't  
15 want somebody contesting this later.    It doesn't sound  
16 like this is going to be that type of a project.    But I  
17 think for applicants going forward, it's the most  
18 defensible CEC that we can have in terms of making sure  
19 that the requirements are met, there's a good record and  
20 that's defensible and can't be attacked because of some  
21 allegation that the requirements were missed.

22            So I think the most conservative reading of the  
23 statutes and rules -- and I'm open to discussion on this,  
24 but I think, having looked at it pretty carefully now, I  
25 think the most conservative reading is that two

1    publications occur within a ten-day period, given --  
2    which is ten business days, makes the most -- I think is  
3    the most defensible position.    And I'm going to ask that  
4    we do that in the procedural order, which is more for  
5    your benefit.

6            MR. DERSTINE:    So if we're looking to file on  
7    August the 15th, it looks like we would need two  
8    publications between the 15th and 29th.

9            CHMN. CHENAL:    Yes.    And I don't think that  
10   should be hard because I think The Daily Star is a daily;  
11   right?

12           MR. DERSTINE:    And the company always makes an  
13   effort to try to select days in which the papers are more  
14   widely read, like a weekend, Sunday, or a Wednesday,  
15   where there's more readership.    And so we can certainly  
16   build into that ten-business-day timeframe two  
17   publication dates to do our best to maximize the -- or  
18   pick the editions that are going to have the most  
19   viewership.

20           MR. BECK:    So as long as it's ten business days.  
21   We were concerned that it would be ten days, which would  
22   be tough for us to get -- we wouldn't hit the Sunday  
23   paper, which is the larger circulation, and we'd really  
24   like to get it in the Sunday paper.    But if it goes ten  
25   business days to the 29th, we're fine with that.    It does

1    put pressure on the fact that we need to get the signed  
2    notice -- I think right now, we're planning that we would  
3    need it by Monday, the 20th.

4            CHMN. CHENAL:    I'll have it for you, if not the  
5    same day, the next day.    And we'll have it emailed to you  
6    so you'll have it.    As usual, you'll provide a draft to  
7    work on, but I will absolutely make sure you have it  
8    within a day or two of when you file it, so you'll have  
9    it before that weekend.    Because I understand you need  
10   that in order to meet this deadline.    So it's going to  
11   take both of us working together.

12            MS. DECORSE:    And my question would be -- I  
13   print out the hard copy of the Notice of Hearing to bring  
14   to this meeting, but do you prefer it just in Word  
15   version after this meeting, or do you want me to continue  
16   to bring --

17            CHMN. CHENAL:    You can give us the hard copy,  
18   but also send it to us in Word if you don't mind.  
19   Because we'll work on it, and if we see anything in there  
20   that we want to change, we'll redline it back to you.  
21   And the other parties that we believe are intervening --  
22   potential parties, at this point, parties in interest, so  
23   they have an opportunity to see it as well.    But I don't  
24   think we've yet had an issue by any party about the  
25   Notice of Hearing that's been submitted by the applicant.

1    So assuming that's pretty -- that's a ministerial act,  
2    we'll get it back to you so you have it.

3            In fact, I'd like to have it -- and we've kind  
4    of discussed this in light of a recent case -- we will  
5    have -- the goal here is to have four things ready to go  
6    at the time of the filing by our office. One will be the  
7    Notice of Hearing, one will be the agenda, one will be  
8    the procedural order, and one will be a letter that I  
9    traditionally send to the Corporation Commission asking  
10   for their input. So we want to have those four things  
11   ready to go at the time of filing because, obviously, the  
12   deadlines won't be met. We need to have that to you  
13   right away.

14           But I'm thinking this shouldn't be a problem if  
15   you have the Notice of Hearing right away to meet  
16   two-week -- basically a two-week, ten business days, with  
17   a daily, I mean -- you want to have a Sunday publication.  
18   I understand that. But to comply with the statute,  
19   theoretically, you could have them in two days, and they  
20   could be back to back if you ran into a problem for any  
21   reason.

22           MR. BECK:    Yeah.

23           MR. DERSTINE:    Yeah.

24           MR. BECK:    That time won't be an issue for us.

25    It was just if it was going to be ten days, that might

1    have been a problem.

2            CHMN. CHENAL:    Calendar days versus business  
3    days, yeah.

4            MR. BECK:    Yeah.    Part of our issue is it's not  
5    the easiest thing to work with The Citizen.    Even though  
6    it's a daily newspaper, they have a longer lead time as  
7    to when you give them size and requirements as to what  
8    that notice is going to look like or the ad in the paper.  
9    And they require -- I think in this case, we had to have  
10   it by the 20th, a final -- the final version, but we need  
11   to have the near final copy by August 17th so they could  
12   reserve the space.    But I don't think that's going to be  
13   an issue.

14           CHMN. CHENAL:    Just out of curiosity, what days  
15   would it be published, assuming we get the Notice of  
16   Hearing to you right away?

17           MR. BECK:    Probably would be that following  
18   Saturday and Sunday, the week after, roughly

19           CHMN. CHENAL:    The 25th and 26th of August?

20           MS. DECORSE:    Yes.

21           MR. BECK:    Yes.

22           CHMN. CHENAL:    As opposed to the 18th and 19th,  
23   it would be the 25th and 26th?

24           MR. BECK:    Right.

25           CHMN. CHENAL:    Very good.

1            MR. DERSTINE:    Just in terms of the -- I'm  
2 looking at 40-360.04 and requiring notice within ten  
3 days.

4            So the publication -- I mean, I've always -- by  
5 convention as much as anything, I think we've -- the  
6 publication. But is there a statute that requires the  
7 publication? It just says "notice," and I think it's  
8 developed over time that the notice -- I mean, in  
9 addition to what we're publishing, I've always considered  
10 the notice to be the signs that we post, which we'll  
11 discuss here in a minute on your agenda, and getting  
12 those out within the ten days, providing notice of the  
13 hearing, as well as the publication in the newspaper, and  
14 then the certified mail to the stakeholders. I think the  
15 certified mail to the stakeholders is provided for in 04.  
16 But the form of notice to the public really isn't  
17 specified in that statute.

18            CHMN. CHENAL:    So in the rules applicable to the  
19 Siting Committee, not the Corporation Commission --

20            MR. DERSTINE:    There is where it talks about  
21 publication?

22            CHMN. CHENAL:    -- there's a specific rule that  
23 defines public notice. And maybe, Marie, you know the  
24 number offhand. But the statute says that the chairman  
25 will provide public notice. It doesn't say "notice." It

1    says "public notice" in the statute.

2            MR. DERSTINE:    So it's R14-3-208(C).

3            CHMN. CHENAL:    Correct.    And the statute says  
4    public notice will be given within ten days.    The rule  
5    that you're now looking at defines what public notice is.  
6    Public notice is two publications.

7            MR. DERSTINE:    Right.

8            CHMN. CHENAL:    So a conservative reading of that  
9    is two publications within the ten days or you don't meet  
10   the statutory requirement to give that notice.

11           MR. DERSTINE:    Got it.

12           CHMN. CHENAL:    And that's why I think those two  
13   together, that rule and the statute, I think a  
14   conservative reading of that is we get both of them done  
15   within that timeframe.

16           MR. DERSTINE:    And I appreciate that information  
17   because, as you may know, now that Mr. Robertson is  
18   involved in the case, it's going to be very contentious  
19   and heavily litigated, so we want to make sure the notice  
20   is properly given so we're not fighting about that.

21           I'm smiling as I say that, Larry.

22           MR. ROBERTSON:    Well, I'm going to remember  
23   that, Mr. Derstine, and I'm not presuming the chairman's  
24   ruling on our application.

25           CHMN. CHENAL:    Let the games begin.

1            MR. DERSTINE:    Right.

2            MR. ROBERTSON:    Absolutely.

3            CHMN. CHENAL:    All right.    I think we've talked  
4 about publishing.

5            Now, posting.    Let's talk about that.    Because I  
6 don't think that is anywhere in the statutes or rules.    I  
7 think that has been, Mr. Derstine, convention.    It's  
8 something that's been done, and then it's addressed in  
9 the procedural order and at this prefiling conference.

10           MR. DERSTINE:    And I think as chairman, you have  
11 broad discretion to decide what applicants need to do to  
12 provide proper notice.

13           CHMN. CHENAL:    And I can tell you that in all  
14 the cases we've had with TEP -- well, every case, it's  
15 not been an issue.

16           So what do you propose, Mr. Beck, for this case  
17 for posting?

18           MR. BECK:    So for this case, we are proposing  
19 signage --

20           MR. DERSTINE:    There's the notice, I think?

21           MS. DECORSE:    Yes.

22           CHMN. CHENAL:    So I'm now handed a map that's  
23 titled at the top Sonoran Substation to Wilmot Energy  
24 Center 138kV Project Public Notice Signage Locations.

25           MR. BECK:    Right.

1                    CHMN. CHENAL:    And we'll mark this Exhibit 3 to  
2 this prefiling conference.

3                    (Prefiling Exhibit 3 was marked for  
4 identification.)

5                    CHMN. CHENAL:    Mr. Robertson, do you have a copy  
6 of this?

7                    MR. ROBERTSON:   I do not.    But if Ms. DeCorse  
8 could send me one later, that would be fine.

9                    MR. BECK:        So there's not a lot of public access  
10 for this area.

11                    So the East Old Vail Connection Road and Swan  
12 Road is a somewhat major intersection, so we're going to  
13 post a sign there.

14                    We'll post a sign along East Old Vail Connection  
15 Road adjacent to where we would be turning south with our  
16 second option, the red option.

17                    As we come down the Swan Road alignment, we plan  
18 to put one at East Singing Cactus Lane, which we've noted  
19 as No. 2.

20                    And then going a little further south along Swan  
21 Road, one at the intersection of Butterball Road.

22                    And those two -- to get anywhere in that little  
23 development that's between the blue and the orange  
24 alignments, people have to travel along Swan Road, so  
25 they will see signage there.

1                    CHMN. CHENAL:    Okay.    Question:    Where the  
2 orange line is depicted to the east route, if you will --

3                    MR. BECK:    Right.

4                    CHMN. CHENAL:    -- is there a road that comes  
5 down from Old Vail Connection Road that's -- you know, a  
6 road that comes down that then would intersect where the  
7 orange line is?

8                    MR. BECK:    No.    So there's no access from East  
9 Old Vail Connection Road.    You come along Swan, and then  
10 you take these finger roads off, like East Whispering  
11 Sage Road or East Mouse Trail.

12                   MR. ROBERTSON:    Mr. Chairman.

13                   CHMN. CHENAL:    Mr. Robertson.

14                   MR. ROBERTSON:    I wonder if I might, through  
15 you, make a request of Mr. Beck, if any of the  
16 contemplated or proposed posting of sign locations are on  
17 the SWLI property, either that portion on the west side  
18 of Swan Road or that portion on the eastern side where  
19 the orange line is, we would appreciate it very much if  
20 he could check with Robert Tucker as to the precise  
21 locations to be sure there aren't any problems with SWLI.

22                   MR. BECK:    Yes.    We will do that.    We always do  
23 work with the property owner on the location.    And that  
24 is one of our issues on getting the signs out in the  
25 field, is not only getting permission from property

1 owners as well as Blue Stake requirements, to fit that in  
2 in the timeframe that works within the confines of the  
3 requirements.

4            CHMN. CHENAL: Okay. You don't have the benefit  
5 of this, Mr. Robertson, but it looks like the locations  
6 generally are adequate for posting requirements. And the  
7 specific location is certainly something that TEP will  
8 work with your client to make sure the location is  
9 satisfactory. And if there are any issues that develop,  
10 just call me, and we'll sort them out.

11            MR. ROBERTSON: I appreciate that. And I think  
12 so far, the history between the company and my client has  
13 been a very good working relationship, so I'm not  
14 anticipating any problems. I just wanted to be sure to  
15 cover that base.

16            MR. BECK: Specific to the actual signage, we've  
17 brought forth two proposed signs. One we're calling a  
18 simplified sign. One's got a little more detail on it.

19            CHMN. CHENAL: Okay. Let's mark these.  
20 Exhibit 5 will be the proposed Notice of Public Hearing,  
21 which has the larger map. And I don't know any other way  
22 to say it because the language is often the same.

23            And Exhibit 6 will be -- oh, am I off numbers?

24            MR. BECK: We didn't do a 4.

25            CHMN. CHENAL: Exhibit 4 will be the larger map,

1    and Exhibit 5 will be the sign with the smaller map with  
2    a little more text.    Excuse me.

3                    (Exhibits 4 and 5 were marked for  
4    identification.)

5                    MR. BECK:    So the difference between these two,  
6    the one with the larger map, we called it kind of the  
7    simplified.    We based that on discussion at our last  
8    hearing.    We were talking specifically about signage to  
9    be put up to post for the project itself after the  
10   approval of a CEC.

11                   CHMN. CHENAL:    Correct.

12                   MR. BECK:    But we kind of tried to extend that  
13   to this posting of notice and tried to make the map a  
14   little bit bigger, a little bit less text, so that  
15   there's maybe more opportunity for the public to read.

16                   And I will relate one public comment we did get  
17   in this case.    Somebody came to ask about a sign for a  
18   previous project we've got posted.    So it wasn't in this  
19   area.    And once she learned that, she didn't have  
20   anything to say about this project.    She said, Oh, yeah,  
21   because I couldn't read it driving by just because of the  
22   amount of information.

23                   CHMN. CHENAL:    Okay.    And then the Exhibit 5  
24   has, obviously, more text.

25                   MR. BECK:    More of our typical historic notice

1 sign. Talks more about the tour schedule, extension of  
2 hearing days, public comment in that textual section.

3 CHMN. CHENAL: In light of the discussion we had  
4 on the record at the last hearing, I think Exhibit 4 --  
5 although that discussion related to the signage after a  
6 CEC is issued, I think the concept is the same for the  
7 signage to announce the hearing. And I think this is a  
8 good direction to go in. I think I'd like to go in that  
9 direction and use the one on Exhibit 4, the signage  
10 depicted on Exhibit 4. And then, among other things, at  
11 the hearing, we can elicit a little feedback from the  
12 Committee at the hearing and see if they like this as a  
13 model going forward.

14 And then maybe as one of your exhibits when we  
15 get to the discussion of the posting and publication  
16 requirements, perhaps you could include both versions of  
17 this for discussion on the record. It would only take a  
18 few minutes, but I think that's very helpful.

19 MR. BECK: Okay.

20 CHMN. CHENAL: And, Mr. Robertson, you'll see  
21 this when these are provided to you by Ms. DeCorse. And  
22 I think it will be more -- it will be self-explanatory  
23 once you see it.

24 MR. ROBERTSON: All right. Thank you,  
25 Mr. Chairman.

1            CHMN. CHENAL: I think what was referenced is at  
2 the previous hearing, the Committee, when discussing  
3 conditions and signage to post on the route of the line  
4 to advise the public that there would be a route, there  
5 was extended discussion on the signage needed to be --  
6 less is more. And people couldn't read the signs when  
7 they went by, and it really didn't serve the purpose. So  
8 the discussion was to provide much less information but  
9 in a way that it could actually be read as people went  
10 driving by. And that concept is being applied to the  
11 signage for this project.

12            MR. ROBERTSON: Thank you for that background.

13            CHMN. CHENAL: So we'll go with Exhibit 4 as the  
14 signage and locations.

15            Okay. What are the affected jurisdictions or  
16 who are the affected jurisdictions?

17            MR. DERSTINE: Can I make a note on --  
18 Exhibits 4 and 5 have the wrong hearing dates. We'll  
19 certainly make that correction, but we've got 24, 25,  
20 through 27 now. I think what we're slated is to start on  
21 the 26th; correct?

22            MR. BECK: We'll correct Exhibit -- Exhibit 4 is  
23 incorrect.

24            MS. DECORSE: And Exhibit 5 is wrong. A site  
25 tour will take place on the 26th, depending on our

1    discussion.

2            MR. BECK:    We'll get that all updated.

3            CHMN. CHENAL:    We do have a hearing date, right,  
4    projected of 9/25, 9/26, and 9/27; right?

5            MR. BECK:    Yes.

6            CHMN. CHENAL:    And a filing date of 8/15?

7            MR. BECK:    That's correct.

8            MS. DECORSE:    So when I send these to Larry, is  
9    it okay if I update those?

10           CHMN. CHENAL:    Absolutely.

11           So you'll be receiving, Mr. Robertson, basically  
12    the same with the corrected hearing dates.    So it won't  
13    absolutely be identical to Exhibit 4 and Exhibit 5, but  
14    it will have the correct hearing dates.

15           MR. ROBERTSON:    All right.    And if I understood  
16    correctly, the filing date will continue to be  
17    August 15th?

18           MR. DERSTINE:    Yes.

19           MR. ROBERTSON:    Very good.    Thank you.

20           CHMN. CHENAL:    Now, notice to affected  
21    jurisdictions.    And I had asked Mr. Beck who or what are  
22    the affected jurisdictions.

23           MR. BECK:    The two affected jurisdictions are  
24    Pima County and the City of Tucson.

25           CHMN. CHENAL:    Okay.

1                    Evidentiary hearing, we know it will be for  
2 three days at the DoubleTree Inn.

3                    As in previous cases, the applicant will make  
4 arrangements for lodging for out-of-town Committee  
5 members?

6                    MR. BECK:    Yes.

7                    CHMN. CHENAL:    For a tour, we'll ask the  
8 applicant to provide a plan for a tour and present it at  
9 the prehearing conference and file it with Docket  
10 Control.

11                   MR. BECK:    Yes.

12                   CHMN. CHENAL:    And I believe the date for the  
13 tour, as usual, would be the second day in the morning,  
14 the 26th in this case, September 26th.    I think that  
15 would be the most logical.

16                   MR. BECK:    Yes.

17                   MS. DECORSE:    Would you like the tour in the  
18 morning still at 9, or do you think it's --

19                   CHMN. CHENAL:    I think so.    Unless you thought a  
20 different time or -- no.    I think 9:00 in the morning is  
21 good.

22                   All right.    Let's talk about a prehearing  
23 conference --

24                   MR. BECK:    Mr. Chairman, we didn't talk about  
25 starting time.

1                    CHMN. CHENAL:    Okay.    Good point.

2                    MR. BECK:    We had made a presumption 10 a.m. on  
3 the first day, 9 a.m. on the second day based on our last  
4 case.

5                    CHMN. CHENAL:    Yes.

6                    MR. BECK:    And you commented earlier on possibly  
7 an afternoon start.

8                    CHMN. CHENAL:    No.    Let's do it at 10:00 on  
9 September 25th, 9:00 on the other days.

10                   We'll, as usual, have a public hearing in the  
11 evening of the first day.    Let's start that at 5:30.    So  
12 10:00 on Tuesday, September 25th, we'll go to 5 or a  
13 little after.    5:30, we'll see if there's any public  
14 comment.

15                   The next day, we'll start at 9 for a tour.    And  
16 if we don't finish and it goes to the following day,  
17 we'll have a 9:00 start time there as well.

18                   MR. BECK:    Okay.

19                   CHMN. CHENAL:    Okay.    Prehearing conference.

20                   Let's set a day for that.    I like it within ten  
21 days.    It's funny how ten days doesn't always mean ten  
22 days.    I think the ten days for calculating the notices,  
23 I think we've used calendar days.    But let's just do it  
24 within ten calendar days because I think it's good to  
25 have it a little before.    This isn't a contentious

1 hearing, it doesn't sound like, so having it a little  
2 closer, we'll have a little more clarity on which parties  
3 have intervened and which issues still remain.

4            Was there discussion previously about a  
5 potential prehearing date?

6            MS. COBB: We haven't discussed it. I was  
7 looking at having it on I think it was September 18th,  
8 possibly.

9            MR. DERSTINE: 18th, Tuesday?

10           MS. COBB: Maybe at 11.

11           CHMN. CHENAL: That would be fine. Is that okay  
12 with the applicant?

13           Mr. Robertson, how does that look for you?  
14 September 18th at 11 a.m.

15           MR. ROBERTSON: Let me check that very quickly,  
16 Mr. Chairman. I appreciate your asking.

17           I have an Arizona Power Authority meeting that  
18 day starting at 10.

19           CHMN. CHENAL: That won't work for you. How  
20 about a little later in the day?

21           MR. ROBERTSON: That should work fine. Usually,  
22 our meetings are concluded by noon or 12:30 at the latest  
23 and I would be less than a half a mile from your offices,  
24 so I would say anytime after 12:30 would be fine.

25           CHMN. CHENAL: Okay. 1:00? 1 p.m.?

1            MR. ROBERTSON: That would be fine, and I  
2 appreciate the courtesy.

3            CHMN. CHENAL: All right. So we'll have the  
4 prehearing conference on the 18th at 1 p.m.

5            Other than what's been discussed so far, is  
6 there any litigation or any disputes that the applicant  
7 is aware of or Mr. Robertson regarding this project?

8            MR. BECK: None that the applicant is aware.

9            MR. ROBERTSON: None to my knowledge,  
10 Mr. Chairman.

11           CHMN. CHENAL: Okay.

12           MR. ROBERTSON: I do have a question of Mr. Beck  
13 before we conclude.

14           CHMN. CHENAL: Why don't we ask it now because  
15 the rest is going to go pretty quickly.

16           MR. ROBERTSON: It sounded like we have a new  
17 name for what had been the Wilmot Switchyard. And I know  
18 some Spanish, but I don't know the Spanish word for  
19 "swan."

20           MR. BECK: Cisne, c-i-s-n-e.

21           MR. ROBERTSON: Spell it again, please.

22           MR. BECK: C-i-s-n-e.

23           MR. ROBERTSON: I appreciate that.

24           MR. DERSTINE: Larry, I was lobbying heavily for  
25 the Butterball Switchyard because there's the Butterball

1     Road close by, but I lost out.

2             MR. ROBERTSON:    Well, we all have our travails  
3     in life, Matt.    We can't win them all.

4             MR. DERSTINE:    I just want to win one.

5             MS. COBB:    I think Matt had Thanksgiving on the  
6     brain.

7             MR. DERSTINE:    I always do.

8             CHMN. CHENAL:    I'm not sure, Mr. Robertson, if  
9     your shorthand for your client SWLI is going to make it  
10    through the hearing.

11            MR. ROBERTSON:    Well, I think about that each  
12    time I use it because of the proximity to the word  
13    "swill."    Do you have a preference?

14            CHMN. CHENAL:    It's close to some other things  
15    that I can't put on the record, but we'll come up with  
16    something.

17            MR. ROBERTSON:    Well, perhaps South Wilmot or  
18    something else.

19            Since we're talking in a somewhat lighthearted  
20    vein, you were earlier alluding to the fact that maybe  
21    someday, a siting hearing will actually take less time  
22    than the attorneys had estimated instead of more.    And I  
23    thought how could that time be used, and the word  
24    arbitrage came to mind.

25            CHMN. CHENAL:    Yes, exactly.

1            Okay. The application itself, I would ask the  
2 applicant if they're intending to use again the iPads for  
3 the hearing.

4            MR. DERSTINE: Yes.

5            CHMN. CHENAL: The answer is yes. I will  
6 continue to tell you, I think the Committee is very  
7 appreciative of that and use it extensively, as you've  
8 seen. Where, in the past, there would be piles and piles  
9 of these binders and applications and exhibit books, now  
10 people just have the iPad in front of them. And I can  
11 tell you that they're not playing games on them. They're  
12 actually looking at the documents.

13           MR. DERSTINE: Have other applicants used them  
14 in the past cases?

15           MS. COBB: No.

16           CHMN. CHENAL: No, I don't think so. And we've  
17 really encouraged it, because it is helpful. So,  
18 hopefully, that will become more and more of usage. I  
19 hesitate to put it in a procedural order, but it does  
20 make sense.

21           MR. ROBERTSON: Mr. Chairman, on that point,  
22 when I spoke with Ms. DeCorse and Mr. Beck maybe a week  
23 or two ago, I inquired whether, if it wasn't a burden on  
24 them, if I could get a hard copy of the application and  
25 the exhibits. In the event my client is granted

1    intervention, I would appreciate it.    So if that is still  
2    possible against background of your iPad recommendation,  
3    I would appreciate it.

4                    (Mr. Scott Robidoux entered the prehearing  
5    conference.)

6                    CHMN. CHENAL:    Sure.    And, Mr. Beck, and I don't  
7    see that the applicant will have a problem with providing  
8    a hard copy of the application and exhibits for  
9    Mr. Robertson.

10                   MR. BECK:    We will provide it.

11                   CHMN. CHENAL:    Okay.

12                   Sir -- someone just entered the room.    I'd like  
13    you to identify yourself on the record, please.

14                   MR. ROBIDOUX:    Scott Robidoux, senior airport  
15    planner of Tucson Airport Authority.

16                   CHMN. CHENAL:    Okay.    So we have a  
17    representative of Tucson Airport Authority.

18                   And how do you pronounce your last name, sir?

19                   MR. ROBIDOUX:    ROBE-a-doo.

20                   CHMN. CHENAL:    Robidoux?

21                   MR. ROBIDOUX:    Yes.    R-o-b-i-d-o-u-x.

22                   CHMN. CHENAL:    Robidoux.

23                   MR. ROBIDOUX:    Yes.

24                   CHMN. CHENAL:    So, Mr. Robidoux, we've kind of  
25    gone through kind of a background of the project.    We've

1 gone through what we believe to be the preferred routes  
2 of the various parties in interest. We've discussed that  
3 the hearing date -- and this will be on a transcript, but  
4 the hearing date is going to be September 25th, 26th, and  
5 27th at the DoubleTree Inn in Tucson. We've discussed  
6 publication requirements, sign requirements. And we're  
7 just going over some really basic matters that -- and  
8 we're going to be finishing shortly.

9            But before we get into the cleanup -- obviously,  
10 you came up from Tucson to be a part of this hearing. Is  
11 there -- what's your client's position on the proposed  
12 project and the routes that your client would prefer?

13            MR. ROBIDOUX: The Tucson Airport Authority is  
14 in support of this project. We would prefer Alternate 2  
15 and then Alternate B.

16            CHMN. CHENAL: All right. This is what we're  
17 going to do. I'm going to refer to I believe this is  
18 Exhibit 2. It's been marked as Exhibit 2.

19            MS. COBB: Yes.

20            CHMN. CHENAL: And I'd like you to kind of  
21 describe a little more slowly and carefully so we can see  
22 by looking at Exhibit 2 which are your preferred routes.  
23 And you can refer to the colors of the --

24            MR. ROBIDOUX: Okay.

25            CHMN. CHENAL: Wait a second. I'm looking at

1    Exhibit 2.

2            MR. BECK:    That's correct.

3            MR. ROBIDOUX:    I'm looking at that as well.

4            CHMN. CHENAL:    So why don't you describe ...

5            MR. ROBIDOUX:    So the Tucson Airport Authority  
6 agrees with the northern 2 as their preferred.

7            CHMN. CHENAL:    All right.    Northern 2.    One is  
8 green and one is red.

9            MR. ROBIDOUX:    The red.

10           CHMN. CHENAL:    Okay.    So Tucson Airport would  
11 prefer the red route for the north portion.    Okay.

12           MR. ROBIDOUX:    And then we would prefer the  
13 yellow southern 2 preferred portion as well.

14           CHMN. CHENAL:    All right.    And can you give us  
15 the reasons why?

16           Let's start with the northern portion, which is  
17 the red route on Exhibit 2.

18           MR. ROBIDOUX:    It allows the Tucson Airport  
19 Authority to have an easier time to develop the property.  
20 We're also looking at the potential for the Sonoran  
21 Corridor to be in the project area.    But we're really  
22 looking at it from a future development potential.    So  
23 having the line set back further is more beneficial for  
24 us.

25           CHMN. CHENAL:    Okay.    And then let's talk about

1    the southern route of yellow or orange line.  What are  
2    the reasons Tucson Airport Authority would prefer that  
3    route versus the blue route?

4            MR. ROBIDOUX:  I'd say something similar as  
5    well.  It's further back.  It has less chance of  
6    interfering with the aviation operations that are at  
7    Tucson International Airport.  It's further back.

8            CHMN. CHENAL:  Now, this Exhibit 2 does not show  
9    you where Tucson International Airport is, but I  
10   understand it's basically northwest of the area shown on  
11   the map; is that correct?

12           MR. ROBIDOUX:  Yes, that is correct.

13           CHMN. CHENAL:  Now, this map looks like it's  
14   roughly -- the scale at the bottom, it's roughly -- the  
15   scale marker shows roughly a third of a mile.  So how far  
16   away from -- let's say Swan and East Old Vail Connection  
17   Road, that intersection, as the crow flies, how far to  
18   the runway?

19           MR. ROBIDOUX:  We are about, as the crow flies,  
20   maybe three miles away, approximately.

21           CHMN. CHENAL:  That's helpful.

22           Before I forget, I have to advise you -- and  
23   we're pretty strict about this -- for a prefiling  
24   conference like this, we welcome everyone's comment.  But  
25   at the hearing, entities need to be represented by

1 attorneys --

2 MR. ROBIDOUX: Yes.

3 CHMN. CHENAL: -- in order to appear officially  
4 as part of the hearing. So Mr. Robertson is on the phone  
5 today representing the South Wilmot Land Investors, and  
6 we have an attorney here for the applicant.

7 But, so there's no unfair surprises, if Tucson  
8 Airport Authority wishes to intervene in this matter, it  
9 will have to be with an attorney.

10 MR. ROBIDOUX: And the Tucson Airport Authority  
11 is considering filing that to intervene.

12 CHMN. CHENAL: Alternatively, if Tucson Airport  
13 Authority wishes to provide public comment on the first  
14 day of the hearing -- and this will all be on the notices  
15 that you'll receive.

16 But the first night of the hearing,  
17 September 25th, at 5:30, we'll have a hearing  
18 specifically to take public comment. And if any  
19 representatives of Tucson Airport Authority wish to  
20 provide public comment, we'll take their public comment.  
21 It doesn't have to be an attorney. It can be that  
22 evening or even during the hearing itself. Because of  
23 the schedule of one of your representatives or yourself,  
24 if it's easier to provide the public comment during the  
25 hearing, we'll listen to that.

1            And another option available is to provide a  
2 written statement in writing of your position. And  
3 that's basically a third way to do it.

4            So you can either intervene, in which case  
5 you'll need an attorney, or you can provide public  
6 comment or a statement in writing. And we're pretty --  
7 we're much more lax on that and would allow a nonattorney  
8 representative of Tucson Airport Authority to provide  
9 comment that way. So I just want to make sure that  
10 there's plenty of opportunities to get the comment to the  
11 Committee to review this.

12            But if you want to appear and intervene and ask  
13 questions of the witnesses and cross-examine witnesses,  
14 that really has to be done through the intervention  
15 process.

16            MR. ROBIDOUX: All right.

17            MR. ROBERTSON: Mr. Chairman.

18            CHMN. CHENAL: Mr. Robertson.

19            MR. ROBERTSON: I think I need to speak at this  
20 point in light of what Mr. Robidoux just described.

21            If the Tucson Airport Authority decides to  
22 intervene and even if they don't do public comment, they  
23 continue to support the orange route for the southern  
24 part of the project as opposed to the blue route, that  
25 may create some problems for South Wilmot Land Investors.

1            As I indicated in my comments earlier today  
2 during the prefiling conference, my client is very  
3 concerned about the orange route and how much it would  
4 encroach within the South Wilmot Land Investors'  
5 property. And needless to say, looking at Exhibit 2,  
6 there is substantially more of that route on South Wilmot  
7 Land Investors' property than there is of the Tucson  
8 Airport Authority.

9            And if that continues to be the Airport  
10 Authority's position, then I don't know -- I'll have to  
11 confer with my client. We might find it necessary, if  
12 we're granted intervention, to be calling some witnesses  
13 to put on testimony as to why that route would be a real  
14 problem for South Wilmot Land Investors and why they  
15 would be opposing that.

16            So I don't know if that will continue to be  
17 their position or not, but I felt it was incumbent on me  
18 to raise that possibility in light of Mr. Robidoux's  
19 comments of the last few minutes.

20            CHMN. CHENAL: And I think that's a very fair  
21 comment, Mr. Robertson. And you did say that previously  
22 before Mr. Robidoux was -- joined our hearing.

23            If that were the case -- well, two things:

24            Number one, at the conclusion of the hearing, if  
25 you don't have contact information for each other, I'm

1 going to suggest we provide that for each other because  
2 if this can be resolved, obviously, before the hearing,  
3 so much the better. But if we have to get into it at the  
4 hearing, we do have -- and let me make sure that I -- we  
5 didn't really discuss more than three days, the 25th,  
6 26th, 27th. But if this thing gets into a more extensive  
7 evidentiary hearing, do we have the ability to go to the  
8 28th of September if need be?

9           MR. BECK: We will be checking on that this  
10 afternoon. I don't know that there was anything else  
11 scheduled at the DoubleTree, but we'll make sure of that.

12           CHMN. CHENAL: Just to be safe. A lot of these  
13 things are resolved beforehand. But if we actually get  
14 into that disagreement over which route and there's going  
15 to be evidence by Tucson Airport Authority and  
16 Mr. Robertson's client, I can easily see this going into  
17 a fourth day. I'd rather have the days reserved than  
18 not.

19           MR. DERSTINE: Do you want us to tack that next  
20 day onto our notice?

21           CHMN. CHENAL: I think so. I think, just to be  
22 safe, that would -- unless the applicant disagrees and  
23 believes that we can get it all done in three days --

24           MR. DERSTINE: We still think that we can get it  
25 done in a day.

1            CHMN. CHENAL: We might be able to get it done  
2 in a day and a half, but I wouldn't bet on it.

3            But let's just have that last day just in case.  
4 We don't want to be almost complete with the hearing and  
5 then realize we've got to come back and we can't schedule  
6 because of the holidays for a month or two. That just  
7 doesn't serve anyone's interest.

8            Mr. Robidoux, do you have any other comments you  
9 would like to add on behalf of Tucson Airport Authority?

10           MR. ROBIDOUX: I do not.

11           CHMN. CHENAL: Thank you. And thank you for  
12 joining us. It's better to hear this. It's why we have  
13 these hearings.

14           In the future, if you need to join and want to  
15 do it by telephone, we can accommodate that request.  
16 It's good to have you in person, not having met you  
17 before. Mr. Robertson has been part of some previous  
18 hearings. But if you need that accommodation, we can  
19 certainly accommodate that to help you out.

20           Now, at the prehearing conference that we have  
21 set for --

22           MS. COBB: September 18th.

23           CHMN. CHENAL: -- September 18th, we like people  
24 to be here in person because that's on the eve of the  
25 hearing. That's September 18th at 1 p.m., and then the

1    hearing would start September 25th at 10 a.m.

2            Now, there are certain requirements and time  
3    limitations. I would suggest you have an attorney look  
4    at that for the requirements for intervention. And I  
5    just don't want you to be surprised and then decide to  
6    get an attorney and then it's too late to file a motion  
7    to intervene or something like that. There are certain  
8    requirements that have to be met.

9            So I think, since you're going to have to have  
10   an attorney to intervene, just have that worked out ahead  
11   of time and don't wait till the last minute.

12           MR. ROBIDOUX:    Okay.

13           CHMN. CHENAL:    Okay. Just a couple more things,  
14   and then we'll be done.

15           The application. A copy of that will be filed  
16   and a copy provided to Mr. Robertson and the exhibits.

17           We'll have the standard procedural order. I  
18   think I'll add some language regarding the publication  
19   requirements just to make sure that's covered.

20           As in previous cases, I'd like the parties to  
21   provide, you know, and the applicant, at a minimum, a  
22   draft CEC with conditions.

23           One thing I'm going to ask and that we've  
24   started is in previous cases, where a draft CEC condition  
25   is proposed and it's taken from a recent case and we

1    refer to that recent case number, I'd like you to do  
2    track changes.    Because what we've found is some  
3    applicants have modified the language of that previous  
4    CEC without showing it in track changed form by deleting  
5    certain provisions that, you know, may change the intent  
6    or the force of that previous condition.    And I think it  
7    would be better to -- if we show that in track changes.  
8    So if you're going to modify it, just show it in track  
9    changes, additions and deletions.    That would be helpful.

10                    We talked about public comment.

11                    We talked about the permit status that's really  
12    only the two -- the special use --

13                    MR. BECK:    The Special Exception Land Use Permit  
14    as well as the CEC.

15                    CHMN. CHENAL:    We will look forward to robust  
16    Wi-Fi, and we've got the crack crew that we've come to  
17    know and love that's doing the audiovisual work.    They  
18    are top notch.

19                    You'll have iPads for the Committee members.

20                    Of course, if any issues come up between now and  
21    the time of the filing, any issues involving date or  
22    publication, let's just meet, and we can resolve it as  
23    best we can.

24                    MR. BECK:    Okay.

25                    CHMN. CHENAL:    Are there any other issues or

1 matters that we should discuss before we adjourn?

2 (No response.)

3 CHMN. CHENAL: Mr. Robertson, anything that you  
4 would like to add?

5 MR. ROBERTSON: Mr. Chairman, I thought I  
6 understood you to say a moment ago that it might be a  
7 good idea if Mr. Robidoux and I exchange email  
8 information in the event of any desire for a need or  
9 follow-up.

10 CHMN. CHENAL: Right. And I was going to do  
11 that as soon as we got off the record.

12 MR. ROBERTSON: Okay.

13 CHMN. CHENAL: So when we adjourn, you and  
14 Mr. Robidoux can exchange contact information. I don't  
15 know that we need to have that on the record.

16 MR. ROBERTSON: That's fine.

17 CHMN. CHENAL: Are there any other issues that  
18 we should talk about?

19 (No response.)

20 CHMN. CHENAL: If not, I think we'll adjourn.  
21 Thank you for your participation.

22 I'm looking forward and I think the Committee  
23 will look forward to this project and a tour. I think  
24 this will be one where we'll probably look forward to a  
25 tour.

1                    And with nothing further, let's adjourn.

2                    Thank you very much.

3                    (The prefiling conference concluded at

4 12:23 p.m.)

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1    STATE OF ARIZONA      )  
2    COUNTY OF MARICOPA    )

3                    BE IT KNOWN that the foregoing proceedings were  
4 taken before me; that the foregoing pages are a full,  
5 true, and accurate record of the proceedings, all done to  
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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  
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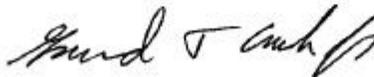
12                   I CERTIFY that I have complied with the ethical  
13 obligations set forth in ACJA 7-206(F)(3) and ACJA  
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,  
15 this 6th day of August, 2018.

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Arizona Certified Reporter  
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