

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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22 COASH & COASH, INC.
23 Court Reporting, Video & Videoconferencing
24 1802 North 7th Street, Phoenix, AZ 85006
25 602-258-1440 staff@coashandcoash.com

24 By: Carolyn T. Sullivan, RPR
25 Arizona Certified Reporter
 Certificate No. 50528

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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 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.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9

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

23

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

 25

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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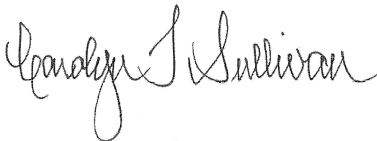
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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the foregoing pages are a full,
5 true, and accurate record of the proceedings, all done to
6 the best of my skill and ability; that the proceedings
7 were taken down by me in shorthand and thereafter reduced
8 to print under my direction.

9 I CERTIFY that I am in no way related to any of
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 6th day of August, 2018.

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CAROLYN T. SULLIVAN, RPR
Arizona Certified Reporter
No. 50528

26 I CERTIFY that COASH & COASH, INC., has complied
27 with the ethical obligations set forth in ACJA
28 7-206(J)(1)(g)(1) through (6).

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COASH & COASH, INC.
Arizona Registered Firm
No. R1036