

1 BEFORE THE ARIZONA POWER PLANT
2 AND TRANSMISSION LINE SITING COMMITTEE
3 IN THE MATTER OF THE APPLICATION) DOCKET NO.
4 OF TUCSON ELECTRIC POWER COMPANY,) L-00000C-18-0283-00181
5 IN CONFORMANCE WITH THE)
6 REQUIREMENTS OF A.R.S § 40-360,)
7 et seq., FOR A CERTIFICATE OF) LS CASE NO. 181
8 ENVIRONMENTAL COMPATIBILITY)
9 AUTHORIZING THE SONORAN)
10 SUBSTATION TO WILMOT ENERGY)
11 CENTER 138 kV TRANSMISSION LINES)
12 AND ASSOCIATED FACILITIES)
13 ORIGINATING AT THE SONORAN)
14 SUBSTATION, SECTION 02, TOWNSHIP)
15 16 SOUTH, RANGE 14 EAST, AND)
16 TERMINATING AT THE CISNE)
17 SWITCHYARD, SECTIONS 14 AND 15,) PREHEARING CONFERENCE
18 TOWNSHIP 16 SOUTH, RANGE 14 EAST,)
19 EACH LOCATED WITHIN PIMA COUNTY,)
20 ARIZONA.)
21 _____)

13
14 At: Phoenix, Arizona
15 Date: September 18, 2018
16 Filed: September 21, 2018

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18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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INTERESTED PARTIES:	
1	Mr. Eric Raatz Engineer, Transmission Planning Tucson Electric Power Company
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3	
4	Ms. Melissa Morales Compliance Coordinator Tucson Electric Power Company
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6	Ms. Renee Darling Ms. Jasmine Rucker Land Resources Department Tucson Electric Power Company
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9	Ms. Ranie Rozenberg, Paralegal Snell & Wilmer, L.L.P.
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11	Ms. Marie Elena Cobb Assistant to Chairman Chenal
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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 1:06 p.m. on the 18th day of September, 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
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17 and
18 SNELL & WILMER, L.L.P.
19 Mr. J. Matthew Derstine
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21 Suite 1900
22 Phoenix, Arizona 85004
23
24 INTERESTED PARTIES:
25 Mr. Lawrence V. Robertson, Jr.
South Wilmot Land Investors, LLC
Mr. Christopher A. Schmaltz
Tucson Airport Authority
Mr. Ed Beck
Director, Transmission Development
Tucson Electric Power Company

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1 CHMN. CHENAL: This is the time set for the
2 prehearing conference for CEC application 181, the TEP
3 Sonoran to Wilmot Energy Center project.
4 May we have appearances, please.
5 MR. BECK: Ed Beck, Director of Transmission
6 Development for Tucson Electric Power.
7 MR. DERSTINE: Matt Derstine of Snell & Wilmer
8 on behalf of the applicant, Tucson Electric Power.
9 MS. DECORSE: Megan DeCorse, attorney for
10 Tucson Electric Power.
11 MR. RAATZ: Eric Raatz, transmission planning
12 engineer with Tucson Electric Power.
13 MS. MORALES: Melissa Morales with Tucson
14 Electric Power, compliance coordinator.
15 MS. DARLING: Renee Darling, Tucson Electric
16 Power, Land Resources Department.
17 MS. RUCKER: Jasmine Rucker, Tucson Electric
18 Power, Land Resources Department.
19 MS. ROZENBERG: Ranie Rozenberg, paralegal
20 Snell & Wilmer.
21 MR. SCHMALTZ: Christopher Schmaltz, Deputy
22 General Counsel, Tucson Airport Authority.
23 MR. ROBERTSON: Lawrence V. Robertson, Jr., of
24 counsel to the law firm of Munger Chadwick, PLC,
25 appearing on behalf of the prospective intervenor South

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1 Wilmot Land Investors, LLC.
2 MS. COBB: Marie Cobb, assistant to Chairman
3 Chenal.
4 CHMN. CHENAL: So, by my count, there are two
5 potential parties that would like to intervene.
6 Mr. Schmaltz, your client is Tucson Airport
7 Authority?
8 MR. SCHMALTZ: Correct.
9 CHMN. CHENAL: And, Mr. Robertson, you,
10 likewise, filed a application to intervene on behalf of
11 South Wilmot Land Investors?
12 MR. ROBERTSON: That's correct.
13 CHMN. CHENAL: You both know that these
14 applications are decided by the Commission. It's not a
15 matter of right, but I think it's safe to say we've had a
16 liberal policy with respect to allowing intervention by
17 parties that are interested. We'll take that up at the
18 hearing; but as we proceed, let's assume that you will be
19 part of the hearing. I'll make that assumption today,
20 although we'll have to make that formal decision at the
21 beginning of the hearing.
22 What I'd like to know from both of the
23 intervenors is your respective positions with respect to
24 the application. If we could just talk about that for a
25 moment, I think that would help me understand.

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1 I think I heard from Mr. Robertson the last
2 time. I'd like to be refreshed on that. But,
3 Mr. Schmaltz, when I read the filings and the testimony
4 and such, I took away from it, frankly, that the Airport
5 Authority could be impacted by this, but I didn't get a
6 sense of any position, if you will, being in favor of it
7 or opposition to it or any route that you're in favor or
8 opposed to.
9 MR. SCHMALTZ: Mr. Chair, I think we've
10 articulated it and probably articulated it last time.
11 We're entering into a lease agreement with TEP on the
12 substation on TAA land. And we have a preferred route of
13 what's labeled as, I think, Northern 2 in their
14 application. It is the northern route that is the
15 easternmost route away from Swan. That is our preferred
16 location. We don't have any objections to the substation
17 itself or the line, but we certainly have a preferred
18 route, which is that easternmost northern route.
19 CHMN. CHENAL: Okay. May I have a copy of the
20 map that is being distributed.
21 MR. BECK: I would like to point out,
22 Mr. Chairman, that these routes are not identified on the
23 map itself. They're down in the legend as to the
24 Northern 1, Northern 2, Southern 1, Southern 2 by color
25 and by -- you'll see that the green on the north end is

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1 what we're calling Northern 1 and the red is Northern 2,
2 which is the applicant's preferred alignment.
3 And then, for the southern, Southern 1 is the
4 blue line going along Swan. Southern 2 is the
5 orange-colored line going to the east. And in this case,
6 the Southern 1 is the applicant's preferred alignment.
7 CHMN. CHENAL: Do you have an extra copy we can
8 mark as an exhibit?
9 We'll mark that as Exhibit 1 to the prehearing
10 conference.
11 (Prehearing Exhibit 1 was marked for
12 identification.)
13 Q. BY MS. DECORSE: So, Mr. Schmaltz, your client
14 would be in favor of the project and would prefer, as
15 part of that, that what's marked on Exhibit A -- or
16 Exhibit 1 as Northern 2, which is in red, be the route
17 that you would support; is that correct?
18 MR. SCHMALTZ: That is correct.
19 CHMN. CHENAL: Thank you.
20 And, Mr. Robertson.
21 MR. ROBERTSON: Chairman Chenal, if I may
22 approach you, as the background for my comments --
23 CHMN. CHENAL: Certainly.
24 MR. ROBERTSON: -- that is a copy of what I
25 docketed with the Corporation Commission today that would

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1 be proposed Exhibit SW-1. It's also a copy of the map
2 that was attached to our application for leave to
3 intervene. And yesterday, I emailed that to all known
4 and potential parties.
5 The background here that I think is relevant --
6 if you look at the bottom of this map, you'll see the
7 words Verano Property.
8 And at one point in time, the Verano property
9 consisted of what's shown on proposed Exhibit SW-1 as the
10 South Wilmot Land Investors land, 700 acres plus or minus
11 to the west and 1,237 acres plus or minus to the east,
12 plus the property that is shown in green as the Wilmot
13 Energy Center.
14 And South Wilmot Land Investors actually sold
15 that property to Next ERA for the development of the
16 Wilmot Energy Center.
17 CHMN. CHENAL: Which Energy -- what's marked in
18 green on --
19 MR. ROBERTSON: Marked in green. And that's
20 where I believe it is the Cisne Switchyard would be
21 located. I'm looking to Mr. Beck for confirmation.
22 MR. BECK: That's correct.
23 MR. ROBERTSON: In that area.
24 So against that background, we have no
25 objection to the project at all. Had we had it, the land

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1 would not have been sold to Next ERA for the intended
2 purpose.
3 Now, what I would like to do is take your
4 attention here from SW-1 and have you look at the map
5 that was just marked for an exhibit here. And what you
6 see in the top part of SW-1 that is bordered on both
7 sides by the South Wilmot Land Investors' property is
8 that same area in the center that you see on this exhibit
9 that was passed out a few moments ago.
10 Was this marked as Prehearing Exhibit 1?
11 CHMN. CHENAL: Yes.
12 MR. ROBERTSON: If we look at Prehearing
13 Exhibit 1 and if we look at what is identified as
14 Southern 1 preferred transmission line, which is the blue
15 line coming from the Sonoran Substation down to the Cisne
16 Switchyard, you will see, going along Swan Road, it will
17 actually be bordering on the South Wilmot Land Investors'
18 property to the west, the 700 plus or minus acres.
19 If you would look at the other line shown here
20 as Southern 2 on Prehearing Exhibit 1 coming from the
21 Sonoran Substation down to the Cisne, you'll see it would
22 also go on south Wilmot line on the eastern acreage that
23 you've got here.
24 So, as between those two and because Swan Road
25 is already developed and the Verano project has been

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1 approved for zoning for residential, commercial, and
2 industrial, our preference between the two is Southern 1
3 or the preferred route. And TEP, in their application,
4 correctly states and represented that that is our
5 preference, and we do support that as between the two.
6 We would oppose Southern 2 as a route. It's
7 longer than the Southern 1, and it's more expensive than
8 the Southern 1.
9 Is that a sufficient --
10 CHMN. CHENAL: More expensive for TEP?
11 MR. ROBERTSON: But the point is that that's
12 one of the considerations that the Siting Committee takes
13 into account, and that's the reason I address that.
14 CHMN. CHENAL: So, if I understand as between
15 the intervenors, if the applicant's northern preferred
16 route and southern preferred route are adopted,
17 eventually, both intervenors would -- that would be the
18 best scenario for the intervenors; is that correct?
19 MR. SCHMALTZ: Yes for Tucson Airport
20 Authority.
21 MR. ROBERTSON: And yes for South Wilmot.
22 CHMN. CHENAL: Okay. Thank you.
23 Now, Mr. Beck, if you would just kind of, with
24 that as a background -- I'm sure you knew that. I just
25 wanted to make sure it was in the record and make sure

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1 our understanding was correct.
2 If you could address the project very
3 generally, and then we'll go through a checklist of items
4 as is typical in these hearings.
5 MR. BECK: Right.
6 Mr. Chairman, if I may, there was one other
7 party that has raised issues with alignments on this
8 project, and that is Pima County. And they had concerns
9 about the applicant's preferred alternative 2 along the
10 east-west portion on the north edge of this map.
11 CHMN. CHENAL: Northern 2?
12 MR. BECK: Yes. And they would have preferred
13 the Northern 1, which went along Swan Road.
14 After extensive discussions with Pima County,
15 their concern was a future Sonoran Corridor that is
16 intended to connect I-10 to I-19 in the future. And Pima
17 County specifically has a preference for it to go along
18 Old Vail Road, which is the road that's along that
19 northern edge in this boundary of what's called the
20 Sonoran Corridor.
21 After extensive discussions, our CEO agreed
22 with the County manager that TEP would pick up any costs
23 of relocating that east-west portion of the alignment for
24 preferred 2 in the future if the Sonoran Corridor
25 ultimately selected by ADOT encroaches along the lines.

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1 I believe Pima County's concern was they didn't
2 want additional cost of relocation of our lines to sway
3 any decision on that Sonoran Corridor. So with the
4 agreement that we would pay for that relocation in the
5 future, should it be needed, Pima County then agreed that
6 the preferred 2 was acceptable to them, and we'll have an
7 extensive discussion about that in the hearings.
8 But just, for the record, that is a third party
9 that had some issues. We think we've resolved them.
10 They're obviously not at the table, but I did want to
11 point that out.
12 CHMN. CHENAL: So if that were to occur, where
13 preferred 2 were adopted in the CEC and the Sonoran
14 Corridor were developed in the future I guess by ADOT and
15 the lines would have to be relocated, the northern
16 portion of what's termed Northern 2 preferred running
17 east-west, would those lines then be moved south?
18 MR. BECK: That is something that would have to
19 be determined as part of that corridor development
20 process. I think the likelihood is that they would move
21 south, which I'm sure TAA would have some concerns with
22 that.
23 CHMN. CHENAL: That's why I'm asking.
24 MR. BECK: Whether there's enough trade-off
25 getting that corridor through there to assist TAA that

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1 they can support a relocation to the south remains to be
2 seen. It's a future issue. Likely would be at this
3 point I believe more than three spans, so likely would
4 require a re-siting of that portion, and we'd go through
5 that process in the future.

6 There may be an alternative to push it to the
7 north. If that's more acceptable to parties, that could
8 also be the alternative that could come about.

9 So the project that we're here to discuss is
10 being driven by what's referred to as the Wilmot Energy
11 Center on the south edge of the map. On our Exhibit 1,
12 it's the cross-hatched yellow portion. That's the
13 property that Mr. Robertson indicated South Wilmot had
14 sold to Next ERA.

15 Next ERA was responding to an RFP from TEP for
16 solar development in the area. They were selected as the
17 successful vendor for TEP. They chose this property,
18 they purchased the property, and then they approached TEP
19 to interconnect this facility, which will be 100
20 megawatts of solar plus 30 megawatts of battery, to the
21 TEP system.

22 As we set out to determine the best way to
23 connect that to our system, we determined that putting
24 the Sonoran Substation on the north end, which is the
25 triangle that's within the Tucson Airport Authority that

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1 separates the north and the south portions of the
2 project; we would build a substation there that would tie
3 the three existing lines from the north all together.
4 Today, they're individual lines. They'll all be tied at
5 that substation. And then from that substation, we'll
6 extend a line down to what we're calling the Cisne Sub,
7 which will be on the Wilmot Energy Center property, and
8 that will provide the interconnection back to TEP's
9 system. All of these lines would be at 138kV.

10 Through our public process, we identified the
11 two alternatives for both the north and the south, and we
12 went back and forth to which would be the preferred to
13 where we're at today, where we think we have the majority
14 of the parties in support of our preferred alternative.

15 CHMN. CHENAL: A couple questions: Why is
16 Northern 2 preferred when, to use Mr. Robertson's
17 argument, on the south side, it looks like it's longer?

18 MR. BECK: Again, very specifically to the
19 property owners' preferences, TAA has real concerns about
20 impact to development along Swan Road. And I think they
21 felt that that would have more impact to them than the
22 alternative 2, which goes along Old Vail Road. And so
23 that's what swayed us to that decision for our preferred.
24 Realizing it's slightly longer, there's not a lot of cost
25 difference on the northern alternatives because they're

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1 fairly close in distance, but it's probably slightly more
2 expensive.

3 On the southern portion, again, largely driven
4 by South Wilmot Land Investors' concerns about the length
5 of encroachment upon their property, we ultimately chose
6 what is the lower cost route, the least impact to South
7 Wilmot, and that's how we chose that alternative.

8 CHMN. CHENAL: And in looking at the Prehearing
9 Exhibit 1 with the southern preferred route in blue, I
10 note that as it heads south along Swan, for a portion of
11 the property -- a portion of the distance, excuse me,
12 it's on the east side of Swan on TAA property, but then
13 it crosses over to South Wilmot property on the west side
14 as it proceeds south along Swan.

15 Is this going to be the request of the
16 applicant, to place it in that fashion as depicted on the
17 map?

18 MR. BECK: Yes, it will. So the portion --
19 that small northern portion would be on the property that
20 TEP would ultimately own. So we would be in control of
21 that on the east side of Swan Road.

22 As we get down to where the property line --
23 where it divides and we would either be on private
24 properties or on South Wilmot, we are proposing to go to
25 the west side of the alignment, and that is because there

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1 is an existing distribution line along Swan that would
2 force us to go even further into the residential
3 properties.

4 On the portion -- that smaller portion on the
5 north where we're on the east, since that property will
6 be controlled by us, we can actually move the line
7 further away from Swan Road alignment, and it doesn't
8 impact the distribution line.

9 CHMN. CHENAL: Now, I need some help picturing
10 something here. I'm remembering this from the
11 application, and I just don't see it and the maps don't
12 explain it. It's basically paragraph 2 of your
13 introduction.

14 It says: The project will consist of two
15 distinct portions, a northern portion and a southern
16 portion.

17 And here's the part where I'm a little
18 confused: The northern portion will connect three
19 existing 138kV transmission lines into and out of the
20 planned Sonoran Substation.

21 The rest, I believe I understand.

22 It's the fact that there are three existing
23 transmission lines that -- I don't know where they go or
24 where they're coming from, but they're going to be
25 rerouted, I guess, into that substation. And if you

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1 could explain that a little and help me out, that would
2 be appreciated.
3 MR. BECK: Yes, Mr. Chairman.
4 Today, we have three lines that come down the
5 Swan Road alignment from the north. And it's not
6 actually shown on this map. We'll have better depictions
7 as we get into our actual presentations.
8 But one of those lines comes down Swan and
9 turns west along the south side of Old Vail Connection
10 Road. Two of those lines, as they come down Swan, they
11 turn east along Old Vail and head further east.
12 CHMN. CHENAL: Okay.
13 MR. BECK: We're going to bring all three of
14 those technically in and out of the new substation. So
15 they'll -- if you consider a line segment, you break that
16 line segment. You have the one side comes into the sub,
17 and then the other side also comes into the sub. So for
18 that one line, there's two lines associated with the new
19 substation replicated three times on three individual
20 towers; therefore, three circuits -- well, six lines
21 coming in on three sets of towers.
22 CHMN. CHENAL: And one is actually coming in,
23 and one is actually --
24 MR. BECK: Going back out.
25 CHMN. CHENAL: -- going back out.

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1 MR. BECK: Correct.
2 CHMN. CHENAL: And then once they go -- okay.
3 Once -- to be in layman's terms, once they cross Old Vail
4 and come down to the Sonoran Substation and then the
5 lines that go, then, back out will then resume, the one
6 line heading west along Old Vail and two lines heading
7 east along Old Vail?
8 MR. BECK: Correct.
9 CHMN. CHENAL: Now I understand better. And
10 you'll have maps?
11 MR. BECK: We'll have some pretty good visuals
12 during our PowerPoint.
13 CHMN. CHENAL: Which reminds me, I reviewed an
14 email from a member on the Committee whose first name is
15 Laurie, noting a dearth of larger detailed route maps.
16 So just a heads-up that I think that's something that
17 you'll hear about.
18 MR. BECK: And I think we may have
19 inadvertently left one map out of the application, which
20 we're supplementing, so that might have helped that
21 issue.
22 CHMN. CHENAL: Okay. I just want to give you a
23 heads-up.
24 MR. BECK: I appreciate that.
25 CHMN. CHENAL: It will be -- there will be

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1 questions about it. So that had been helpful.
2 Thanks. I now have a much better understanding
3 of the three -- and, of course, when I thought I would go
4 to the pictures and the illustrations of what it was
5 going to look like, that didn't help either. Then --
6 okay. I've got to ask the question. Maybe a map on that
7 or something to help explain that would be good.
8 MR. BECK: Yeah.
9 CHMN. CHENAL: Okay. Anything further on
10 positions of the parties?
11 Mr. Robertson.
12 MR. ROBERTSON: One point, to be clear, I
13 believe it is from the wording of the application, but
14 South Wilmot's ability to be supportive, if you will, of
15 southern route 1 is with the understanding that the
16 encroachment onto South Wilmot's land to the west of Swan
17 Road would be within a 100-foot right-of-way. There
18 would not be any further encroachment.
19 I believe the application makes that clear, but
20 in the spirit of full disclosure, I wanted to be sure
21 there was that understanding.
22 CHMN. CHENAL: Well, I should -- I appreciate
23 that, and I should also note that we just had a hearing
24 this past week, and I think -- I think there is a keen
25 interest by the Committee to be the least intrusive of

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1 property owners' rights with corridors and such as
2 possible.
3 So I don't know -- I can't remember exactly
4 what the applicant's proposing for that portion of it,
5 but I would expect that there will be some discussion
6 about that; and how that's addressed by the applicant may
7 allay some concerns that might otherwise come up.
8 MR. BECK: We recognize that, Mr. Chairman,
9 and, in fact, I think we are adjusting what we will be
10 requesting as far as that -- it's a 500-foot-wide
11 corridor, but at least at this point, we're proposing
12 from centerline of Swan Road to the west, at least on the
13 very southern portion. But then we would be very clear,
14 we only intend to use a 100-foot right-of-way within
15 that, and we'll stay adjacent to the road right-of-way as
16 much as possible subject to any design issues we run
17 into.
18 CHMN. CHENAL: Yeah. An interesting concept,
19 if you will, was adopted at the last hearing on that very
20 issue with regard to corridors versus language that would
21 require the right-of-way to abut -- except for
22 engineering reasons, it's not possible -- but to abut the
23 right-of-way alignment for roads that are going to be
24 built in that area.
25 So there was a -- an interesting discussion

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1 between the two concepts of having a corridor or
2 requiring -- without a corridor, requiring that the lines
3 be placed within a narrow corridor or right-of-way area
4 that would abut the existing right-of-way.
5 Of course, we kind of adopted both. We kept
6 with the corridor but required as much as possible that
7 the line abut the road right-of-way. And the applicant
8 in that case was fine with it.
9 So I think that's what generated some
10 discussion along these lines.
11 MR. BECK: Mr. Chairman, I was actually reading
12 that this morning, the decision you're referring to, and
13 I believe it was different than we've had in the past.
14 CHMN. CHENAL: That was basically requested by
15 the applicant. But, again, it just kind of generated
16 some discussion on the issue of trying not to encumber
17 the landowners if there's a way to avoid it.
18 But we'll have that discussion. It's your
19 application. We'll deal with your application as you see
20 fit. And any issues that are raised by that, we'll
21 address.
22 So I'm not suggesting there's an approach that
23 TEP needs to take in this case. I just think it's
24 probably a good idea to read the transcript in that case,
25 and that was some of the discussion.

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1 MR. DERSTINE: I think we're still toying with
2 the idea of just asking for a corridor as wide as we
3 think we need using good generally accepted engineering
4 principles and not defining it. I'm joking.
5 CHMN. CHENAL: I was going to say, go ahead and
6 try it.
7 MR. ROBERTSON: If that was a trial balloon, it
8 didn't go well.
9 MR. SCHMALTZ: I thought it was hilarious.
10 MR. DERSTINE: I heard something of an
11 undefined corridor discussion in the last -- in that SRP
12 hearing, and it didn't sound like it went very far.
13 MS. COBB: Are you a fan of Led Zeppelin by any
14 chance?
15 MR. DERSTINE: I am.
16 CHMN. CHENAL: All right. Let's go through my
17 checklist and make sure we're ready for the hearing.
18 So apart from the intervenors of Pima County,
19 you're not aware of any other potential interest as far
20 as this project goes?
21 MR. BECK: No, Mr. Chairman. Those are the
22 parties that have had extreme interest. General public,
23 we had limited comments, which you'll hear about.
24 CHMN. CHENAL: I see you complied with the
25 Notice to Affected Jurisdictions.

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1 MR. BECK: Yes. We did. We notified Pima
2 County and the City of Tucson. And then, in addition, we
3 actually sent notice to South Wilmot, TAA, and Next ERA,
4 who is the Wilmot Energy Center owner.
5 CHMN. CHENAL: Very good. And have you
6 complied with the posting and publishing requirements in
7 the Procedural Order?
8 MR. BECK: Yes. We did, we published in the
9 Arizona Daily Star on both August 26th, a Sunday, and
10 August 27th, a Monday, and that's referenced in TEP
11 Exhibit 9.
12 CHMN. CHENAL: And posting as well, posting of
13 signs?
14 MR. BECK: Yes. Signs were posted on
15 August 23rd of this year as shown on TEP Exhibit 10, and
16 there's a map on page 3 of Exhibit 10 that shows the
17 locations.
18 CHMN. CHENAL: And you'll have testimony and
19 exhibits with respect to the publishing and posting?
20 MR. BECK: Yes, we will.
21 CHMN. CHENAL: Very good.
22 Do any of the potential parties or TEP have any
23 additions to the agenda? It's a pretty standard agenda.
24 But if we need to make changes, obviously, we've got to
25 make them now.

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1 (No response.)
2 CHMN. CHENAL: Okay. The hearing.
3 The hearing will commence September 24th at the
4 DoubleTree Hotel in Tucson at 1 p.m. And we'll generally
5 conclude around 5 p.m.
6 And that day, on the 24th, at 5:30, we'll have
7 an evening session for public comment, and we'll also
8 take public comment throughout the hearing as a courtesy
9 to those people who want to show up and provide public
10 comments as much as we can.
11 If a tour is taken, it will be the next day,
12 the 25th, at 9, or some alternative day. But we have it
13 set now at 9 for Tuesday. I suspect we will be taking a
14 tour.
15 And then the hearing will continue until it's
16 concluded. If necessary, I think we have it through
17 September 27th.
18 MR. BECK: That's correct. We have the rooms
19 as well as the meeting rooms through the 27th.
20 CHMN. CHENAL: And what do you anticipate the
21 time will take for this hearing?
22 MR. BECK: I would anticipate we could be done
23 Wednesday afternoon. I think it's subject to the
24 deliberations on conditions. The conditions that we'll
25 be proposing in the CEC are basically from our last case,

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1 which we had kind of tried to set the bar for conditions,
2 with a couple minor changes to that, one specific to Pima
3 County. I don't see deliberations even on the CEC taking
4 too long.
5 And we had set the fourth day when we had not
6 resolved the issues that we had that popped up with TAA
7 and then subsequently with Pima County, but I think we've
8 resolved those.
9 CHMN. CHENAL: We'll have a sign-in form for
10 the hearing for public comment to include the name,
11 address, and email?
12 MS. DECORSE: Yes.
13 CHMN. CHENAL: It doesn't seem like there's any
14 need for security in this case.
15 MR. BECK: We don't anticipate any.
16 CHMN. CHENAL: Will there be a Google Earth
17 flyover?
18 MR. BECK: Yes. We'll present all four
19 alternatives for the Committee to see. Anticipate trying
20 to do that Monday afternoon in preparation of the tour on
21 Tuesday.
22 CHMN. CHENAL: Let's talk about that.
23 MR. BECK: So the tour leaving on
24 September 23rd -- 25th. Head down to the location in TEP
25 Exhibit 8. We have a proposed route map as well as a

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1 description of the stops, which I believe also are in the
2 application -- or in my direct testimony, I believe.
3 And we'll at least show the alignments. I'm
4 not sure if we have validated whether Old Vail Road is
5 open yet.
6 MR. RAATZ: We haven't validated yet.
7 MR. BECK: We had intend to go down to show a
8 little bit of that northern alignment, and that road was
9 closed as of a couple weeks ago. They were doing
10 pipeline work. It's just a matter of whether that road
11 reopens before the hearings or not. I think we can still
12 see enough even if we can't get down Old Vail Road, but
13 our intent is to try and go down Old Vail Road to the
14 extent it is open.
15 Curiously enough, we have run into a little bit
16 of an issue getting a bus because the bus companies don't
17 like to go on dirt roads, which is interesting for Tucson
18 because we have a lot of dirt roads; but we think we've
19 found another provider that will provide the tour bus for
20 us.
21 CHMN. CHENAL: And we can put on the record at
22 the beginning of the tour kind of the proposed route
23 based on the best information that you have at that time
24 just so that if anyone wants to follow the tour, they'll
25 know where we're going.

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1 MR. BECK: That was our intent. To the extent
2 we have to make any changes, we would do it prior to
3 leaving so it's on the record.
4 CHMN. CHENAL: All right. We'll have breaks
5 about every 90 minutes during the hearing for the benefit
6 of the court reporter and everybody else.
7 As usual, we would appreciate robust Wi-Fi.
8 Will you have the crack Men in Black team this
9 time?
10 MR. BECK: We will.
11 CHMN. CHENAL: Any other issues regarding the
12 hearing itself that anyone wants to raise?
13 (No response.)
14 CHMN. CHENAL: Mr. Schmaltz, will you be here
15 for the hearing?
16 MR. SCHMALTZ: Yes.
17 CHMN. CHENAL: I guess I'd never asked that
18 question before with intervenors, but in the last case,
19 we had two people that filed motions or applications to
20 intervene; and lo and behold, the hearing started, and no
21 one was there on behalf of those two parties. So,
22 denied, and they were not provided intervention status.
23 So I just -- we try to use relaxed rules of evidence in
24 the hearing, but some are kind of basically fundamental.
25 If you ain't there, you're not going to get to play.

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1 How are we with filing an exchange of witness
2 summaries or testimony? I know I've seen it for the
3 intervenors.
4 MR. ROBERTSON: Yes. I indicated when I
5 exchanged our one exhibit, which I contemplate -- at this
6 point yesterday, that I did not contemplate South Wilmot
7 needing or calling a witness. I think I can develop what
8 I need for the record through cross-examination of other
9 parties' witnesses.
10 CHMN. CHENAL: And have the intervenors
11 received the testimony and exhibits from the applicant?
12 MR. ROBERTSON: Yes.
13 MR. SCHMALTZ: Yes.
14 CHMN. CHENAL: Very good.
15 Exhibits as well? Testimony and exhibits?
16 MR. ROBERTSON: Yes.
17 MR. SCHMALTZ: Yes.
18 MR. ROBERTSON: For which we are appreciative.
19 MR. SCHMALTZ: Well, you are.
20 MR. ROBERTSON: I just wanted -- we could move
21 to strike that.
22 MR. SCHMALTZ: That's fine.
23 MR. ROBERTSON: We've not met before, so none
24 of this is rehearsed. It's all spontaneous.
25 CHMN. CHENAL: Somehow I think your paths have

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1 crossed in the past.
2 MR. ROBERTSON: No. We actually met for the
3 first time down in the lobby.
4 CHMN. CHENAL: All right. Financial
5 arrangements with the Corporation Commission. It's the
6 usual question I have. Have you conferred with the
7 Corporation Commission to provide assurances that the
8 cost of the line siting proceedings would be covered by
9 the applicant?
10 MR. BECK: We have paid the requisite filing
11 fee, and we'll adjust as needed as the Commission
12 identifies more.
13 CHMN. CHENAL: I don't believe -- and, Marie,
14 correct me if I'm wrong, we haven't received the normal
15 letter from the ACC that we receive in response to our
16 request?
17 MS. COBB: I don't think so, no.
18 CHMN. CHENAL: I don't think I've seen that.
19 MR. BECK: Mr. Chairman, I exchanged emails
20 today with the Staff engineer assigned to our project,
21 and she indicated that they, of course, would not be here
22 today, which, obviously, they aren't. And she said that
23 she had provided a letter to Eli, so she expected it to
24 be filed soon. She was in Hawaii today, so I don't know
25 whether she gave it to him at the beginning of the week

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1 or the end of last week. So if we don't see something in
2 Docket, we'll probably reach out to Eli just to make sure
3 it's coming.
4 CHMN. CHENAL: Okay. Good. Because we always
5 typically, and I'd like to in this case, make that letter
6 an exhibit.
7 MR. BECK: She did indicate in her email that
8 there was really no reason for Staff to intervene, so I
9 think they will be supportive of the project.
10 CHMN. CHENAL: Okay.
11 I have not had an opportunity to review the
12 proposed CEC. I don't know if the intervenors have or if
13 they have any objections or not to the language that's
14 proposed.
15 MR. BECK: So, again, Mr. Chairman I think the
16 most critical piece in the CEC will be the conditions.
17 We based the conditions basically on our previous case.
18 We are going to review and compare against anything that
19 might have been in the SRP if they were different. I
20 think it got docketed today or yesterday so --
21 MS. COBB: Yesterday.
22 MR. BECK: We just saw it today. So we'll do a
23 comparison to that.
24 We eliminated one condition from our previous
25 case that was specific to that case, which was, if you

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1 recall, the Sierra Court Community and working with them.
2 We don't have that particular group in this case.
3 As a result, a couple of the end numbers got
4 changed, and then we added one new condition, 24, which
5 is regarding the Pima County concerns, in which case
6 we're basically stating that the company has agreed to
7 fund any relocation along Old Vail Road. If that is the
8 selected alternative, we would fund that in the future.
9 CHMN. CHENAL: Very good.
10 MR. ROBERTSON: Mr. Chairman.
11 CHMN. CHENAL: Mr. Robertson.
12 MR. ROBERTSON: Just so the record is clear,
13 while I do not anticipate at this juncture a problem with
14 the language of the suggested CEC, I've not yet had an
15 opportunity to review it.
16 CHMN. CHENAL: Certainly. No waiver of right
17 to contest anything that's in or not in the CEC, the
18 proposed CEC.
19 MR. ROBERTSON: Thank you.
20 CHMN. CHENAL: Could you comment, Mr. Beck, on
21 the status of any permits that are necessary for this
22 line to be constructed apart from the CEC.
23 MR. BECK: There are the typical permits that
24 are required. There is some work we're doing with the
25 FAA. That's in process to make sure there are no issues

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1 there.
2 We'll have dust control, storm water
3 prevention. Some of those permits that are typical with
4 construction that occur post CEC.
5 And there's no federal land requirements for an
6 EIS- or EA-type permit process.
7 CHMN. CHENAL: Are there any -- because this
8 came up in the last hearing where the line is in
9 proximity of the Phoenix-Mesa Gateway Airport. Do the
10 height of the proposed structures implicate any necessary
11 approvals by the FAA in this case to anyone's knowledge?
12 MR. SCHMALTZ: Mr. Chair, that is the exact
13 purpose of the 7460 process that they're going through
14 right now, to identify whether it creates a hazard during
15 approach or takeoff from either runway of the airport
16 that we currently have.
17 And I think it will be compared and tested
18 against what the expanded plan is for the second runway
19 as well. At least we'll make sure that it is. So that
20 process is ongoing.
21 CHMN. CHENAL: We heard extensive testimony
22 from an expert in the previous case. If there is a -- if
23 the height of the towers is such -- the proposed height
24 of the structures is such that it would implicate the --
25 the approach patterns, would the towers be lowered -- the

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1 structures be lowered to a sufficient degree to get in
2 underneath the approach altitudes?
3 MR. BECK: Mr. Chairman, we'd have to look at
4 the specifics of anything that comes back from our
5 review. And one of the obvious potentials is the need to
6 lower structures, and we would work to do that as needed.
7 We don't anticipate any issues, considering the
8 fact that we have three existing lines that we're just
9 extending to the south. And where those existing lines
10 are, they're actually a little closer to the existing
11 runways. So if the new structure is going to be an
12 issue, we've already got issues along that whole
13 corridor.
14 CHMN. CHENAL: And these structures will be the
15 same height as the existing structures?
16 MR. BECK: These will probably be slightly
17 shorter because they'll be monopole versus other
18 construction.
19 CHMN. CHENAL: Okay. Makes sense.
20 Will the applicant have iPads for Committee
21 members as in the previous case?
22 MR. BECK: Yes, we will.
23 CHMN. CHENAL: That's very useful for the
24 Committee members. More and more, I've seen this. This
25 last hearing, we had a Surface as opposed to the iPad,

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1 but you probably have the iPad, and they're very useful.
2 MR. BECK: We have a source for them, yes.
3 CHMN. CHENAL: It's hot this time of year.
4 This time, I'm not going to forget it. I wrote it down.
5 Business casual.
6 Mr. Derstine, you're not going to object to
7 that, are you?
8 MR. DERSTINE: No.
9 CHMN. CHENAL: You know, I still don't have a
10 way to remember, Der-STINE or Der-STEEN?
11 MR. DERSTINE: I don't either.
12 CHMN. CHENAL: Okay. One of these days, you'll
13 give me a clue there.
14 So let's be business casual. There's no need
15 to have suits and ties in Tucson during the middle of the
16 summer. I just don't think that's necessary.
17 MR. BECK: Appreciate that.
18 CHMN. CHENAL: If we have a hearing in
19 November or December, I'll say, It's Tucson. There's no
20 need to have a suit or tie in November or December in
21 Tucson. So let's do business casual.
22 All right. Are there any other matters or
23 concerns or issues that we should discuss before we
24 adjourn?
25 Mr. Robertson.

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1 MR. ROBERTSON: I thought I would mention one
2 thing. In the event that South Wilmot is granted
3 intervention -- and I wanted to give Ed and Megan and
4 Matt a heads-up. Ed, if you'll take a look at page 4 of
5 your application -- or I can read it to you -- there's a
6 section there called Project Purpose. And I'll
7 extrapolate the part I would refer to.
8 It says: The purpose of the project is -- and
9 then it gives three purposes.
10 And the third one is: Meet projected future
11 energy needs in the area, including development along the
12 aerospace parkway and ADOT's future Sonoran Corridor that
13 is planned to connect Interstate 19 and Interstate 10.
14 And then in the next paragraph, it says, again
15 on page 4: The planned Sonoran Substation will provide
16 additional capacity to the area around the substation,
17 add contingency support, operational capacity and
18 flexibility, and support economic development in the area
19 by having infrastructure that can quickly support such
20 development.
21 The background of Verano project -- and I know
22 Ed and the people at TEP know it -- it's very close to
23 this area of impending development. And so one of the
24 things that incents them to be supportive of the Wilmot
25 Energy Center and this project is that it will make

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1 electricity extension into the Verano property or South
2 Wilmot easier.
3 So I may ask you some questions if you could
4 comment on that in the hearing, and I wanted to give you
5 an opportunity to be thinking about it in advance.
6 MR. BECK: I appreciate that. And we actually
7 will have some presentation regarding all the way over to
8 Old Nogales Highway and how that would support that area.
9 MR. ROBERTSON: That would be terrific. Thank
10 you.
11 CHMN. CHENAL: That's all I have, ladies and
12 gentlemen.
13 MR. ROBERTSON: Mr. Chairman, I have just one
14 question. Do you anticipate that all the members of the
15 Siting Committee will be in attendance for this hearing?
16 CHMN. CHENAL: I anticipate that they will not
17 be all in attendance. In fact, it's going to be a little
18 bit of a smaller group. There will be a quorum, but it's
19 going to be a little tighter this time. But that's just
20 the way it turned out.
21 We did our best to find a time that would suit
22 the applicant's timelines. And as you may know, we had a
23 hearing a week ago, and then we're having this one. And
24 then we're going to have another one the following
25 week -- two weeks from now in Wickenburg. So they've

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1 been busy, and we try to get the schedules to mesh with
2 as many people as possible, all hands-on deck.
3 But I think we're just going to have six people
4 for this hearing, which is a quorum. But we're going to
5 be making sure that everyone is there. And we've done
6 every recent follow-up. And with the hearing last week,
7 people have all committed that they would be there.
8 Now, if, for any reason, someone is delayed, I
9 believe we could get them on the phone and establish a
10 quorum for purposes of starting the hearing and to make
11 sure that they're there at the conclusion to vote and
12 that we could still comply with the legal requirements.
13 But that's a very good question, Mr. Robertson,
14 because if there's any question about that, if someone
15 were not present during the -- I believe to open it and
16 to do the final vote, there absolutely would have to be a
17 quorum. But how important is it to have a full quorum
18 present during the period in between? I guess that's
19 maybe a question we ought to look at.
20 I think we're okay, but I haven't done the
21 research on it to be absolutely sure. I'm not expecting
22 we're going to have anybody not there, but it's just
23 we've got a close margin. And who knows, if someone gets
24 sick or something like that, I just want to make sure
25 we're not in trouble.

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1 MR. ROBERTSON: Mr. Chairman, since you raise
2 that point -- and I forget the case now. It would be
3 during the period when Jennifer Boucek was serving as the
4 Committee chairman. But we had a case where all the
5 members were not there. And when they voted, it was like
6 a 5-2 decision, which was a majority vote of those in
7 attendance.
8 But then Janice Alward, who was at that time
9 chief counsel at the Commission, opined that there had
10 have to be at least six, which would be a majority of the
11 total members of the Committee, to have a legally
12 sufficient vote. So we actually convened another open
13 meeting in Phoenix for the limited purpose of having the
14 Siting Committee members vote, and the chairman reversed
15 her previous negative vote to get the six.
16 So I offer that for what it's worth. There's
17 some precedent out there.
18 CHMN. CHENAL: Mr. Robertson, was your
19 recollection -- because if the vote was 5 to 2, there
20 were seven members of the Committee present.
21 MR. ROBERTSON: But five did not constitute a
22 majority of the 11 members who were on the Committee.
23 That was her reasoning that I recall.
24 CHMN. CHENAL: So her opinion was that there
25 not only had to be a quorum in attendance, but there had

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1 to be a quorum in voting to approve the CEC?
2 MR. ROBERTSON: That's correct. That's my
3 recollection.
4 CHMN. CHENAL: Mr. Schmaltz.
5 MR. SCHMALTZ: Chairman, I would offer that I
6 don't think the case law -- there may be a quirk in the
7 language of the statute related to your Line Siting
8 Committee itself in terms of majority of the members. It
9 might be worded that way. It might be statutory
10 language.
11 I don't think the open meeting law requires
12 that, having practiced in this area for a long time. If
13 you have a quorum and can conduct a meeting, the majority
14 of those that are eligible to vote can pass a motion.
15 CHMN. CHENAL: That's precisely my
16 understanding, in general, of open meeting situations.
17 MR. ROBERTSON: And my comment -- I don't
18 disagree with Mr. Schmaltz -- did not go to open meeting
19 law. It went to the interpretation of the siting
20 statute.
21 CHMN. CHENAL: Well, I'm confident we're going
22 to have six people. And the oddity of the statute is
23 that there's 11 positions called out in the statute,
24 including the Governor's Energy Department, which has
25 been abolished. But let's -- to be conservative, I would

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1 say we have an 11-member Committee with ten members, and
2 a majority would be six of 11. So I'm confident we'll
3 have six to start; and I'm confident, come hell or high
4 water, we'll have six when we do a vote.
5 What I can't guarantee is that we'll have six
6 throughout the interim period. For example, there would
7 definitely be some Committee members who won't take a
8 tour. Well, there may be Committee members who don't
9 take a tour. There may be some who just aren't there for
10 part of a day.
11 I'm not troubled by it, but I think it's --
12 maybe it's a question -- if there's an issue about it,
13 maybe we should know about it at the beginning of the
14 hearing, and then we can, as necessary, delay the hearing
15 until everyone's there or postpone -- not postpone the
16 date, but delay the hearing until we have everyone there.
17 I guess that's maybe the only suggestion I
18 might have for the applicant to take a look at that and
19 just satisfy yourselves that that's not going to be an
20 issue. I doubt it will be. I'm not concerned, but let's
21 not have an ugly surprise.
22 This is not going to be a contentious hearing.
23 It's not going to take four days. If there's any
24 question about it, we can slow the play and make sure we
25 have everyone available.

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1 MR. BECK: Okay.
2 CHMN. CHENAL: All right. Any other matters we
3 should discuss before we adjourn?
4 MR. DERSTINE: Do we have reservations for any
5 or all of the Committee members at the hotel?
6 MS. DARLING: I do have reservations for all
7 but one. So if people are not going to be there, if we
8 could get their names, I'll cancel their reservations.
9 MS. COBB: As far as I know, they were all
10 coming except Mr. Villegas that canceled at the last
11 minute.
12 CHMN. CHENAL: And I apologize, I'm thinking of
13 the following week in Wickenburg that we're going to be
14 tight. So I'm very sorry. I apologize.
15 MS. COBB: As far as I know.
16 CHMN. CHENAL: We're going to have a full
17 house.
18 MS. COBB: Except for Mr. Villegas.
19 CHMN. CHENAL: We will have a full team with a
20 bench. The following week is where we're a little tight,
21 but that's basically two half days.
22 Who's the person other than Mr. Villegas?
23 Everyone else has made a reservation?
24 MS. DARLING: Yes.
25 CHMN. CHENAL: Anything else we need to talk

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1 about?
2 MR. SCHMALTZ: Mr. Chair, I'd like to ask a
3 question in terms of process. I submitted yesterday a
4 potential witness. Could I ask what the timing of that
5 might be? Because our vice president is not available on
6 Tuesday, and he would be our primary -- the witness that
7 I would sort of call if it was going to be Monday or if
8 it bled over into Wednesday. But he's not available on
9 Tuesday. So I don't know what the schedule might be or
10 how that timing might work. But we'll have both
11 available Scott, as well as Mike Smejkal, in terms of
12 timing.
13 CHMN. CHENAL: How long do you think your
14 witness will take?
15 MR. SCHMALTZ: Half hour. Less than an hour
16 for sure.
17 CHMN. CHENAL: Given Monday, dealing with some
18 procedural issues, opening statements, things like that,
19 a tour Tuesday morning, do you believe your testimony
20 will conclude Tuesday?
21 MR. BECK: Late Tuesday or --
22 MR. DERSTINE: It might roll into Wednesday. I
23 mean, my suggestion would be -- I don't know if your
24 preference would be to have your witness testify after
25 we've put on all of our witnesses, but I'm happy to

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1 accommodate and fit in your witness however you want to
2 do it.
3 MR. SCHMALTZ: I don't have a preference. It
4 can certainly work after you're finished.
5 CHMN. CHENAL: Well, here's -- and that could
6 be the way it works. But if this thing moves more
7 quickly than we anticipate and we're finished on Tuesday,
8 then your witness -- if we conclude the hearing Tuesday
9 and begin deliberations, then your witness may not get on
10 Wednesday. We could carry it over to Wednesday.
11 Alternatively, we could take your witness out of order
12 Monday afternoon as another possibility.
13 MR. SCHMALTZ: Mr. Chair, that was the purpose
14 of listing two potential witnesses. Because if Mike
15 Smejkal, our VP, is not available and our opportunity to
16 present a witness comes up on Tuesday, our senior
17 planner, Scott Robidoux, would be able to do that. So we
18 can accommodate -- if things move forward quickly, we can
19 accommodate Tuesday as well.
20 CHMN. CHENAL: All right. We're not going to
21 finish Tuesday, it doesn't sound like. So we might
22 finish the testimony. But if we're going to go into
23 Wednesday and we're talking about a half hour to an hour,
24 we could allow your witness to testify Wednesday. So I
25 don't think it's going to be a problem.

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1 MR. SCHMALTZ: Thank you.
2 CHMN. CHENAL: They always take a little longer
3 than you think.
4 MR. DERSTINE: And there's probably a couple
5 hours of Mr. Robertson's cross-examination that we need
6 to build into the timeline as well.
7 MR. ROBERTSON: On a good day.
8 CHMN. CHENAL: That will take some time.
9 Anything further?
10 (No response.)
11 CHMN. CHENAL: All right. We'll adjourn and
12 look forward to seeing you on Monday.
13 (The prehearing conference concluded at
14 2:02 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,
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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 19th day of September, 2018.

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