

1 BEFORE THE ARIZONA POWER PLANT
2 AND TRANSMISSION LINE SITING COMMITTEE
3 IN THE MATTER OF THE APPLICATION)
4 OF SOUTHLINE TRANSMISSION,)
5 L.L.C., IN CONFORMANCE WITH THE)
6 REQUIREMENTS OF ARIZONA REVISED)
7 STATUTES 40-360, ET SEQ., FOR A) DOCKET NO.
8 CERTIFICATE OF ENVIRONMENTAL) L-00000AAA-16-0370-
9 COMPATIBILITY AUTHORIZING) 00173
10 CONSTRUCTION OF THE NON-WAPA-)
11 OWNED ARIZONA PORTIONS OF THE)
12 SOUTHLINE TRANSMISSION PROJECT,)
13 INCLUDING A NEW APPROXIMATELY) CASE NO. 173
14 66-MILE 345-KV TRANSMISSION LINE)
15 IN COCHISE COUNTY FROM THE)
16 ARIZONA-NEW MEXICO BORDER TO THE)
17 PROPOSED SOUTHLINE APACHE) AMENDMENT TO
18 SUBSTATION, THE ASSOCIATED) DECISION NO. 75978
19 FACILITIES TO CONNECT THE)
20 SOUTHLINE APACHE SUBSTATION TO)
21 THE ADJACENT AEP CO APACHE)
22 SUBSTATION, AND APPROXIMATELY 5) At: Tucson, Arizona
23 MILES OF NEW 138-KV AND 230-KV)
24 TRANSMISSION LINES AND) Date: December 3, 2020
25 ASSOCIATED FACILITIES TO CONNECT)
26 THE EXISTING PANTANO, VAIL,) Filed: December 8, 2020
27 DEMOSS PETRIE, AND TORTOLITA)
28 SUBSTATIONS TO THE UPGRADED)
29 WAPA-OWNED 230-KV APACHE-TUCSON)
30 AND TUCSON-SAGUARO TRANSMISSION)
31 LINES IN PIMA AND PINAL COUNTIES)
32 _____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME III

(Pages 348 through 474)

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Court Reporting, Video & Videoconferencing
1802 N. 7th Street, Phoenix, AZ 85006
602-258-1440 Staff@coashandcoash.com

By: Kathryn A. Blackwelder, RPR
Certified Reporter
Certificate No. 50666

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at the DoubleTree Hotel, 445 South Alvernon
5 Way, Tucson, Arizona, commencing at 9:45 a.m. on the
6 3rd of December, 2020.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9 PATRICIA NOLAND, Public Member
10 JACK HAENICHEN, Public Member
11 JAMES PALMER, Agriculture
12 LEONARD DRAGO, Department of Environmental Quality
(Until Page 459)
13 MARY HAMWAY, Cities and Towns (Videoconference)
14 ZACHARY BRANUM, Arizona Corporation Commission
(Videoconference)
15 JOHN RIGGINS, Arizona Department of Water Resources
(Videoconference)
16 KARL GENTLES, Public Member

15

16 APPEARANCES:

17

For Joint Applicant Tucson Electric Power Company:

18

19 Snell & Wilmer
20 Mr. J. Matthew Derstine
21 One Arizona Center
22 400 East Van Buren Street, Suite 1900
23 Phoenix, Arizona 85004

24 For Joint Applicant Southline Transmission, L.L.C.:

25

26 Osborn Maledon
27 Ms. Meghan H. Grabel
28 2929 North Central Avenue, 21st Floor
29 Phoenix, Arizona 85012

25

1 CHMN. CHENAL: Good morning, everyone. Let's
2 start the morning session of the hearing. Apologize
3 for the delay. We had a few technical issues and a
4 conference with counsel regarding some matters with the
5 form of the CEC, which will come up later in the
6 hearing. I thought I'd bring it up with them to kind
7 of streamline the process later.

8 So are there any housekeeping items we need
9 to address before we get on with the testimony?

10 MS. GRABEL: I don't believe so.

11 CHMN. CHENAL: Ms. Grabel.

12 MS. GRABEL: I don't believe so,

13 Mr. Chairman.

14 CHMN. CHENAL: Mr. Derstine, any housekeeping
15 items we need to address before we continue with the
16 evidentiary portion of the hearing?

17 MR. DERSTINE: Good morning. No, I think
18 that we're ready to proceed.

19 CHMN. CHENAL: Can I just confirm that the
20 other Members of the Committee -- who the Members of
21 the Committee are that are appearing by Zoom?

22 MS. DARLING: John Riggins, Mary Hamway, and
23 Zachary Branum.

24 CHMN. CHENAL: Okay, very good. Thank you.

25 Sorry, Members, we got a little of a late

1 start here, but I think the time was well spent and
2 we'll complete it more efficiently.

3 So Mr. Derstine, is it -- up in the queue
4 with your witness now?

5 MR. DERSTINE: I think I am up in the queue.
6 One matter. We ended yesterday with Mr. Beck's
7 testimony on noise and EMF. Member Haenichen had a
8 question about -- there were some slides that showed
9 comparison of EMF between a 230 kV line and a 115 kV
10 line, and I think Member Haenichen asked in terms of
11 what those -- the diagrams were based on in terms of
12 flow. Do I have that right? And Mr. Beck is going to
13 respond to Member Haenichen's question.

14 MR. BECK: Yes, Mr. Chairman, Member
15 Haenichen, the numbers were run based on maximum
16 potential flow on the conductors. So the likelihood of
17 ever reaching that level is relatively low.

18 MEMBER HAENICHEN: Thank you.

19 MR. DERSTINE: We're now transitioning back
20 to the last section in our environmental witness panel
21 discussion; that's land use. Ms. Bellavia is going to
22 handle that last section, I believe. Can we bring her
23 in?

24 There you are. I see you.

25 MS. BELLAVIA: I see you.

1 CHMN. CHENAL: Good morning.

2 MS. BELLAVIA: Good morning.

3

4 CARA BELLAVIA (VIDEOCONFERENCE),

5 called as a witness on behalf of the Joint Applicant,

6 having been previously affirmed by the Chairman to

7 speak the truth and nothing but the truth, was examined

8 and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MR. DERSTINE:

12 Q. Land use. You know, one of the typical
13 sections and requirements for a CEC application is to
14 examine the land use that will be impacted by the
15 proposed project. I know, Ms. Bellavia, you've covered
16 that. You're going to deal with jurisdiction,
17 ownership, land use plans, et cetera. So please
18 proceed.

19 A. Yes. Thank you, Mr. Derstine. I think I can
20 get through this fairly efficiently, as I believe many
21 of these things have been covered both in Mr. Beck's
22 testimony and to some degree by the flyover. So I will
23 kind of run through these at a clip; but if you think
24 I'm moving too quickly, just let me know.

25 As we discussed previously and as seen on the

1 slide here, the Vail to Tortolita project crosses the
2 jurisdiction of two counties, both Pima and Pinal, and
3 two cities or towns, the city of Tucson and Town of
4 Marana. In terms of land ownership, you can see here
5 on the screen, we considered a study area in the
6 Supplement to the Application, which was a 1-mile
7 buffer, and that's what you see reflected on the left
8 column. And on the right you can see land status for
9 the right-of-way.

10 I would add that you see that 484 acres of
11 private land are in the right-of-way, and that is
12 primarily the existing WAPA right-of-way for which WAPA
13 either owns that land or has easements with private
14 landowners. So just take note that those private lands
15 are primarily in the existing WAPA right-of-way.

16 As we've discussed previously and in
17 Mr. Beck's testimony, other landowners for the four
18 areas outside the WAPA right-of-way -- at the Vail
19 lateral, at the Vail substation connection, that's
20 primarily State lands, as he discussed yesterday, as
21 well as the one parcel owned by El Paso Natural Gas.
22 And then, of course, UniSource or TEP owns the land at
23 the substation.

24 Along Old Vail Road on the north side, that's
25 really a combination of Arizona State Land Department

1 land, as well as Tucson Airport Authority. Within
2 Tumamoc Hill, as the line is intended to be shifted but
3 still within the preserve of Tumamoc Hill, that's
4 primarily Pima County and State land. And then the
5 alignment -- or, realignment near the Marana Airport is
6 also State land. So, again, primarily WAPA easements
7 across these lands and then a combination of State
8 lands and El Paso, Tucson Airport lands elsewhere.

9 Moving on to the next slide, that's really
10 just this map that you see on your left screen. So I
11 won't linger there, but it really just shows the areas
12 we've been discussing.

13 In terms of existing land uses, again,
14 Mr. Beck has covered much of this in his testimony with
15 the flyover and Ms. Knoblock addressed some of this in
16 her simulations. But as we've seen, land uses in the
17 area include existing transmission and distribution
18 lines, both WAPA's and TEP's lines. There are some
19 undeveloped State lands, as we've seen, for example,
20 around the Vail substation. There's agricultural use
21 on State lands, for example, around the Marana Regional
22 Airport. Of course, the line goes through urban
23 Tucson. We skirt the prison, state federal prison
24 complex south of -- well, adjacent to or south of
25 several airports, Tucson, Pinal Airpark, and Marana.

1 There's industrial uses across the line, commercial and
2 office. Of course, a number of roadways and highways.
3 And finally, many residential areas, as we've seen,
4 again, in some of the simulations and through the
5 flyover and heard from the public.

6 Next, I'll just touch on some of the areas --
7 some of -- really all of the areas that align -- where
8 the line gets within essentially 550 or 600 feet of a
9 residence. And after looking at the 64 miles,
10 approximately 18 and a half of those 64 are within
11 about 550 to 600 feet of an existing residence or
12 residential area. There's 11 areas that get -- that
13 are adjacent to residential areas. Nine of those are
14 where the existing right-of-way goes through a
15 neighborhood, again, as we've seen. And I can talk
16 about -- I'll show you how two of the reroutes are also
17 adjacent to a residential area, but it's just sort of a
18 modification of what the existing conditions are.

19 Q. Ms. Bellavia, I think the testimony in the
20 record before the Committee is that, at least with
21 regard to those nine areas identified on your Slide 84,
22 those homes, those residences came to be after the WAPA
23 line was in existence; is that an accurate statement?

24 A. I would say it's generally accurate. I don't
25 know for sure, for example, if there are historic homes

1 in some of those areas. But in general, I would say
2 the line predates many of those residential areas.

3 Q. And the project, in terms of impact on
4 residences, in terms of new construction or moving --
5 well, bringing the line to a residence or a residential
6 area, those occur, I gather, in two spots on the
7 reroutes, and you're going to discuss those?

8 A. That's right. And I think, again, as
9 Mr. Beck has testified and some members of the public
10 have noted, you know, any of those residential areas --
11 during construction there would likely be some noise
12 and dust from construction traffic and activity, and of
13 course where some of those utilities, as one of the
14 members of the public commented the first day, are
15 encroaching in that WAPA right-of-way, so those will
16 have to be avoided and/or addressed. But really most
17 of the impacts to the residential areas would be fairly
18 short-term during construction. Of course, during the
19 operations phase, Ms. Knoblock discussed the visual
20 changes from that H-frame to monopole and then Mr. Beck
21 has discussed the changes from noise and EMF.

22 Q. All right. Thank you. Proceed.

23 A. Thank you. So here really, as I said, there
24 are about 11 areas along the line that are adjacent to
25 or going through a residential area. If we're starting

1 at the east end of the project at the Vail substation,
2 really between Vail and this area south of the Tucson
3 Airport there are no residential areas within about 550
4 or 600 feet of the line.

5 This is the first area here along Old Vail
6 Road. Again, Mr. Beck has addressed some of this in
7 his testimony. So the green line on the screen is the
8 existing WAPA right-of-way and the purple is the
9 proposed realignment that we've been discussing. Based
10 on my review, it looks like the existing WAPA
11 right-of-way crosses over or through the property of
12 about 15 or 20 residences. With the realignment, that
13 line would not go over and through that neighborhood.
14 It would be on the north side of Old Vail Road and,
15 depending on where it is ultimately located within that
16 corridor on the north side of Old Vail Road, could
17 still be within proximity of -- about 1.7 miles of that
18 realignment would be within 500 feet of some
19 residences. So this is an area where I meant -- where
20 I indicated that there would be sort of a change to
21 impacts to residences. So it's still close to this
22 neighborhood to some degree, but not crossing over
23 those residences in Summit.

24 CHMN. CHENAL: Can you remind me which is
25 existing? Purple is the existing or green?

1 MS. BELLAVIA: That's a good question. The
2 green is the existing and the purple would be the
3 shift.

4 CHMN. CHENAL: Okay. I think we had
5 different colors yesterday, the purple was WAPA. So in
6 this slide the purple is the new build?

7 MS. BELLAVIA: Yes. I apologize for the
8 confusion.

9 CHMN. CHENAL: No problem.
10 Member Haenichen.

11 MEMBER HAENICHEN: I'm curious. On the
12 changed route, the purple route, why is it only
13 500 feet from some houses? Why didn't you go another
14 500 feet upward?

15 MS. BELLAVIA: 500 feet further to the north?

16 MEMBER HAENICHEN: Yeah.

17 MS. BELLAVIA: Mr. Derstine, I don't know if
18 that's a question you'd like to pose to Mr. Beck.
19 Really that is an area we're considering a corridor,
20 and I understand there are other potential or future
21 uses in that area, but perhaps Mr. Beck could address
22 those.

23 BY MR. DERSTINE:

24 Q. Either Mr. Beck or Mr. Patterson, because I
25 assume that that alignment in that location came about

1 through the NEPA process?

2 A. I would say the alignment that came up during
3 the NEPA process was fairly big, which is to say it was
4 just meant to be along Old Vail Road. Where exactly it
5 was located, in terms of a corridor, was not
6 necessarily defined, because WAPA intended to define
7 that through design. So during the EIS process it was,
8 you know, just meant to be along this road, likely the
9 north side, because there's residences there. And then
10 the point of the realignment -- for example, you can
11 see that green line as it angles north across Old Vail
12 Road. Really why the County wanted to shift the line
13 down along Old Vail was to allow that area to be used
14 for future development.

15 So maybe I've answered my own question and
16 Member Haenichen's question, but I believe if you move
17 that line further north into that area you're not
18 necessarily solving the problem that Pima County
19 requested be solved, which was to shift that line out
20 of the area and allow future development.

21 Q. And what I gather from your testimony,
22 Ms. Bellavia, is that the primary objective in the
23 shift that we're seeing on Slide 85 of your
24 presentation was to move the line, the green line, out
25 away from that residential subdivision so that it was

1 no longer bisecting and cutting through the corner of
2 the subdivision, move it along so it was in -- parallel
3 to the road alignment. And I think Member Haenichen's
4 question was, why didn't it shift further away from the
5 road alignment. And I think what you just testified
6 and indicated was that if you moved it further away
7 from the road alignment, it would impact land use in
8 that area. I don't know if Mr. Beck or Mr. Patterson
9 have anything they want to add to that.

10 MEMBER HAENICHEN: Before they answer.

11 MR. DERSTINE: Yes.

12 MEMBER HAENICHEN: I'm not talking about a
13 major movement north; just 500 feet. And if they're
14 talking about development of that northern area north
15 of the road that's for miles and miles, then I can't
16 see how 500 feet would be that big of a difference.

17 MR. BECK: Member Haenichen, to your point,
18 it could be moved potentially 500 feet to the north;
19 but typically, as this project is being developed, the
20 closer you are to that existing road alignment without
21 disturbing that other property and future uses is
22 better. And I understand it would move it further away
23 from the existing residential areas, but we don't know
24 what that development on the north side could be there.
25 Could be some future residential there. We know there

1 will be commercial development; that's the plan Pima
2 County has is a lot of economic development in the
3 area. So they were trying to keep all of that land
4 open, and that's really their impetus originally for
5 getting the Western alignment off of the diagonal was
6 to move it down in the vicinity of existing
7 infrastructure and free up all of that open space for
8 that future development.

9 MEMBER HAENICHEN: Okay.

10 MS. BELLAVIA: Have we answered Member
11 Haenichen's question, Mr. Derstine?

12 BY MR. DERSTINE:

13 Q. I think we've answered it as best we can.

14 A. Okay. The second of the 11 areas, this is
15 really only about four tenths of a mile northwest of
16 where we just were, and this is where the existing WAPA
17 line crosses over, I think it's Old Nogales Highway.
18 And you can see here the line is crossing over a
19 parking lot, but is within about 200 to 250 of some
20 existing residences, which look like manufactured
21 homes, both north and south of that parking lot. And
22 that's about 500 feet of that WAPA right-of-way across
23 through that parking lot.

24 Q. So this slide, Slide 86 in the aerial photo
25 image there, shows the existing line. And what you're

1 showing is that the line, as it sits today, crosses
2 those homes or is in that proximity to those homes
3 here, the South Nogales Highway, and once upgraded, the
4 line is going to still remain in that alignment?

5 A. That's correct. This is not an area where
6 there would be a change other than the poles.

7 Okay. The next area is similar to the last
8 in that this is not an area that would be realigned or
9 shifted. It is depicting approximately six tenths of a
10 mile of the existing right-of-way really east of I19,
11 north of Valencia Road, and south of Los Reales Road.
12 And this is about 3 miles sort of up the line from
13 where we just were as the line was crossing Old Nogales
14 Highway, just to orient yourself. And here you can see
15 this is an area where, in particular on the east side
16 of I19, the existing right-of-way is adjacent to a
17 residential neighborhood, again, for a stretch of about
18 six tenths of a mile. And again, this is an area where
19 poles would be replaced, but the right-of-way would not
20 be realigned.

21 Moving on, this is the fourth of 11 areas.
22 And this is just a bit north of where we just were
23 looking at. And again, the existing WAPA right-of-way,
24 no realignment planned, just the pole replacement. But
25 you can see there's a stretch here of about 1 and a

1 quarter miles of the existing highway -- I'm sorry --
2 existing right-of-way, not highway, that are within --
3 in this area it's quite tight. This area of the line
4 is actually within about 50 feet, in some cases, of the
5 backyards of some of the residences through here. But
6 I believe as Mr. Beck and Mr. Patterson have testified,
7 WAPA has looked at this area and believes they can
8 accommodate the new poles within this current
9 right-of-way.

10 Next slide.

11 Here we are having moved further up the
12 line. This is really the fifth of the 11 areas.
13 This is actually the area that the member of the public
14 was commenting on on the first day. It's this area
15 south of Starr Pass Road and north of 44th Street along
16 San Joaquin Avenue. She commented on this area, this
17 exact area. And this is about 1.5 miles of the
18 existing line. Again, no planned realignment through
19 this area, but it is within 50 to a hundred feet of
20 some residences or backyards along this stretch for
21 about 1 and a half miles, again, between 44th Street
22 and Starr Pass Road.

23 Working our way north of where we just
24 were looking at. To further confuse you, I know
25 Mr. Chairman asked about my map colors on the Old Vail

1 Road slide, here I've depicted both in green. But the
2 thinner green line is the existing WAPA right-of-way
3 around Tumamoc Hill, and then you can see the proposed
4 realignment where it's east/west along Starr Pass,
5 north/south along Greasewood, and then again east/west
6 along Anklam where it sort of rejoins the right-of-way
7 at the tip of Tumamoc Hill.

8 This area here, you can see the north half of
9 Greasewood Road; that's about maybe seven tenths of a
10 mile. That line, as we've seen in the visual
11 simulation and in the flyover, would be closer to that
12 residential area than it is currently on Tumamoc Hill.
13 It would be on the east side of Greasewood Road, still
14 within Tumamoc Hill. And as we saw in the simulations,
15 there is an existing TEP distribution line along
16 Greasewood, which would have to be accommodated.

17 At its closest point, the current WAPA
18 right-of-way is about 1,300 feet from that residential
19 area that's located on the west side of Greasewood.
20 With the realignment, the line would be, at its
21 closest, 50 to a hundred feet from those residences.

22 And this, again, is an area where those
23 residential folks or residences can see the line on
24 Tumamoc now, but it will obviously look quite different
25 as it's realigned, again, as shown in Ms. Knoblock's

1 testimony.

2 Moving north. The rest of these areas I'll
3 go through, seven, eight, nine, 10, and 11, are all
4 just the existing -- almost all, sorry, I forgot we had
5 Marana at the north end -- almost all the existing WAPA
6 right-of-way. This is one of those -- this is about
7 1.65 miles of the existing right-of-way. It's really
8 just where we -- we're just north of Tumamoc Hill
9 here, so we're going along -- well, really it's south
10 of Grant Road and north of St. Mary's. And again,
11 this is about 1.65 miles of the existing right-of-way
12 that's within 50 to a hundred feet of residences or
13 backyards.

14 As we continue to move north, this, I
15 believe, is an area we were looking at yesterday. This
16 is the eighth of the 11 areas that get close to
17 residential areas, and this is east of Silver Bell and
18 west of I10. And this is about 1 and a half miles of
19 the existing right-of-way, again, are within 50 to a
20 hundred feet of residences.

21 Moving north, this is the ninth of 11 areas.
22 We're still east of Silver Bell and west of I10 and
23 really north and south of Sunset Road in this area.
24 And this is a 2-and-a-half-mile stretch of that
25 existing right-of-way where you can see there are

1 residences on the west side of the existing
2 right-of-way. Here they're not as close. Here we're 4
3 to 500 feet -- 400 to 500 feet from the existing
4 right-of-way.

5 Tenth of 11 areas. This is another stretch
6 west of I10. We've moved north now between Ina Road on
7 the south and Twin Peaks Road to the north. And this
8 is a longer stretch, about 5 miles, of the existing
9 WAPA right-of-way. Again, similar to the last slide we
10 looked at here, the existing right-of-way is 4 to
11 500 feet from existing residences.

12 And the last area, Number 11. Here we're
13 south of Twin Peaks Road and west of Silver Bell Road.
14 This is just under a mile of the existing right-of-way
15 on the south side of the road. Here you can see it.
16 And here, on that south side, you're within 4 to
17 500 feet of those residences.

18 So that's a review of really the existing
19 land use, in particular a discussion on the residential
20 uses in the area. We did also review relevant land use
21 plans. Obviously, the BLM Resource Management Plan was
22 reviewed and detailed during the EIS, and we reviewed
23 it again here to ensure that there are no updates. The
24 same for the rest of these plans, Pima County
25 Comprehensive Plan, Sonoran Desert Conservation Plan,

1 Pinal Airpark Master Plan, et cetera.

2 These were all reviewed, and letters were
3 also sent to contacts for these stakeholders to request
4 if any additional information not shared or shown in
5 their land use plans was relevant. We only received
6 responses, formal written responses, from the Tucson
7 Airport, who indicated that the proposed realignment
8 along Old Vail Road was consistent with their planned
9 uses in that area. And then the Town of Sahuarita was
10 contacted, as Mr. Beck testified yesterday, only to say
11 they're not close enough and they weren't interested in
12 responding.

13 Although we only received two written
14 responses, TEP held numerous one-on-one stakeholder
15 meetings with members of Pima, Pinal County, Town of
16 Marana, et cetera. And Mr. Derstine, I believe those
17 can be found in one of the exhibits introduced
18 yesterday, Exhibit TEP-8.

19 Q. Yeah. TEP-8 is a supplement to Exhibit J to
20 TEP-21, which is the supplement. And the additional
21 stakeholder communications and outreach are summarized
22 in Exhibit J to 21 as well.

23 A. Yes. Moving on to the next slide.

24 After reviewing these plans and the
25 discussions with stakeholders, the project would

1 conform with land use plans in this area primarily
2 because of the existing right-of-ways and existing use
3 that has been in use since the 1950s, but also the
4 three realignment areas were developed in response to
5 stakeholder requests and their desired future plans for
6 those areas, the Tucson Airport along Old Vail Road,
7 Pima County, and U of A at Tumamoc Hill, and then the
8 Marana Regional Airport on the north end. So in
9 general, as I said, the existing right-of-ways and
10 existing use, which most of those plans acknowledge,
11 and then the realignments, were addressed to enable
12 conformance, essentially.

13 Next slide. Next slide. There we go. Thank
14 you.

15 In terms of zoning, I will just do a quick
16 review here of the...

17 MR. DERSTINE: Did we lose her feed?

18 MS. DARLING: She froze, yeah.

19 MS. BELLAVIA: You lost me for a second.

20 BY MR. DERSTINE:

21 Q. You're back.

22 A. Okay. Sorry about that.

23 I think I started to talk about zoning when I
24 heard myself get cut off, so I'll start here. Is that
25 appropriate, Mr. Derstine?

1 Q. Yes. You were just moving on to Slide 99 and
2 I think indicated you were going to do kind of a
3 high-level review of the zoning in the various segments
4 of the project.

5 A. Yes. You can see here this is zoning for --
6 I'm really only going to focus on the four areas that
7 are not in the current WAPA right-of-way, because those
8 are the only areas that really need to be considered in
9 terms of zoning, again, because the rest of the
10 right-of-ways are the existing use.

11 At the Vail connection in and out of the
12 substation, that area is zoned as rural homestead.
13 This is State land in this area, however, but this is
14 zoned as rural homestead, so it's possible a rezoning
15 would likely need to be considered here.

16 If you move on to the next slide.

17 Along Old Vail Road this is sort of a
18 combination of zoning, but you can see it's also rural
19 homestead, heavy industrial, general industrial, and
20 park industrial on the north side there. So this
21 alignment is a combination of State and Tucson Airport
22 Authority lands; but again, zoned for sort of a combo
23 industrial and rural homestead. The rural homestead
24 being really the south side of the road, not where we
25 were looking at earlier on the north side.

1 Can you move on to the next slide.

2 This is the Tumamoc Hill realignment. This
3 is a combination of sort of low-density residential
4 zoning, which I sort of found interesting and was
5 curious because this is an area that's the preserve, at
6 one time owned by the State of Arizona and purchased by
7 the County -- most of the green area purchased by the
8 County a couple of years ago.

9 And so I thought it was strange that it was
10 zoned for residential. And after poking around, it
11 looks like that was by design a couple decades ago,
12 when the County and City were trying to purchase that
13 land as part of the preserve. And in an effort to
14 preserve it, they zoned it as very low-density
15 residential, from what I can gather, in an attempt to
16 make it less lucrative to residential developers who
17 might also be interested in purchasing it from the
18 State.

19 But again, this is an area that's sort of a
20 combination of Pima County and U of A lands and was
21 developed at the request of those stakeholders.

22 And then the last one, next slide.

23 This is up by Marana, and that realignment is
24 located entirely on Class C or large lot zones, as is
25 the rest of the line. So really that would be working

1 with the State on that realignment, but unlikely to
2 require a rezoning effort.

3 Next slide.

4 Really, in summary, as I stated, the project
5 does not conflict with planned uses in the two counties
6 or cities. It's -- you know, 52 of the 64 miles are
7 within an existing WAPA right-of-way, which has been in
8 use since the '50s. And then those three areas, three
9 alignments were developed to accommodate the Sonoran
10 corridor and plans in that area and for the Aerospace
11 Parkway plans by the County and the University of
12 Arizona to expand and preserve Tumamoc Hill and that
13 landmark and desert laboratory, and then of course
14 plans by the Marana Regional Airport to expand into the
15 future.

16 And then the next slide. I got ahead of
17 myself. One more slide. 104, there we go.

18 I already touched on this, which is to say we
19 contacted stakeholders this fall just to make sure we
20 weren't missing anything in a review of their plans
21 that needed to be considered in terms of this project,
22 and I already detailed the limited responses we
23 received in writing. But again, TEP met with many of
24 these stakeholders one on one.

25 Mr. Derstine, I just have two more quick

1 slides to talk about recreation, which is loosely
2 related to land use.

3 Q. And recreation is the section that's a
4 requirement under the Rules of Procedure before the
5 Siting Committee to assess whether there's any impacts
6 on recreational use by the proposed project, in this
7 case, an existing transmission line. So why don't you
8 cover that section as well, please.

9 A. You bet. So if you want to go to the next
10 slide.

11 In terms of recreation, we've looked at many
12 of these through the flyover, and Ms. Knoblock covered
13 these in several of her reviews of visual simulations.
14 The existing right-of-way crosses Tumamoc Hill, Tucson
15 Mountain Park, Christopher Columbus Park, Joaquin
16 Murrieta Park, Kennedy Park, and Santa Cruz River Park.
17 Again, this is the existing right-of-way. Only at
18 Tumamoc Hill, as we've discussed at length, would there
19 be a change in where the right-of-way is located, but
20 would still be located within that preserve. Though
21 the right-of-way does not cross through Silver Bell
22 Municipal Golf Course, it is adjacent to it.

23 And as you can see on the screen here,
24 although the scale is tiny, if you could zoom in you
25 might be able to see it a little better, you can see

1 really where the existing WAPA right-of-way is crossing
2 through those parks is in the better part of urban
3 Tucson. I think there is another map showing the north
4 end of the project, but you can't really see -- there
5 aren't any parks in that north end. This is really the
6 heart of it here.

7 So these are existing uses that people, you
8 know, using those parks are accustomed to with that
9 line in the park. Of course, there would be new poles
10 that would look different.

11 Q. I see you have reached the end of the
12 environmental slide deck. Do you want to take us
13 through kind of -- and remind the Committee, kind of at
14 a high level, of the conclusions from the environmental
15 studies that were performed not only during the EIS
16 process, and we've covered those -- you've summarized
17 the EIS process, all the various studies that were
18 performed, the outreach, the environmental studies, the
19 refresh that was done this year in connection to
20 support the hearing before the Committee on the
21 application to amend, as well as the outreach that was
22 conducted this year for this hearing. So take us
23 through those final conclusions.

24 A. Yes. So we've discussed this several times.
25 I know I've mentioned it, as did Ms. Knoblock. There

1 were over 350 mitigation measures or, as we call them
2 in the EIS and in the agency decisions, PCEMs, over 350
3 of them required by both agencies, BLM and WAPA, that
4 apply to the whole of the project. They covered things
5 like visual resources, vegetation, cultural resources,
6 wildlife, et cetera. And again, those can be found in
7 TEP -- Exhibit TEP-14.

8 Those PCEMs are also very consistent with the
9 conditions in this case from 2017. After looking again
10 at that decision, there were, for example, requirements
11 to comply with the Arizona native plant law, also
12 required in the BLM and WAPA RODs. For example, there
13 were Arizona Game and Fish Department handling
14 guidelines for wildlife, a requirement to comply with
15 the Avian protection standards both from 2006 and 2012,
16 a requirement to minimize impacts to wildlife, to
17 consult with the State Historic Preservation Office, et
18 cetera. So really with the application of all those
19 measures and the conditions originally set for this
20 project.

21 If you want to flip to the next slide.

22 And in addition to those mitigation measures
23 and because 52 of the 64 miles are in an existing
24 right-of-way where there's an existing use, combined
25 with that three of those four areas that are outside

1 the WAPA right-of-way were developed in response to
2 stakeholder requests, really the project overall, while
3 there are not no impacts, of course, there are, on the
4 balance, sort of minimal impacts thinking about planned
5 land use, recreation, cultural and biological
6 resources.

7 Q. Does that conclude the testimony on the
8 environmental matters, the public outreach, the other
9 matters that SWCA handled in support not only of the
10 prior EIS process, but also the environmental study
11 work and outreach that you did in support of this
12 hearing?

13 A. Yes, it does.

14 MR. DERSTINE: Thank you.

15 Are there questions from the Committee of
16 Ms. Bellavia before we...

17 CHMN. CHENAL: Doesn't look like there's any
18 questions.

19 MR. DERSTINE: All right. With your
20 indulgence, I know we had discussed off the record we
21 wanted to get before the Committee the maps that we
22 would propose to use that would identify the project.
23 And we've crafted and been working on revising language
24 that we would -- the applicants would propose would be
25 the changes to CEC 173 that the Committee could

1 consider in terms of its findings and conclusions. But
2 if we could have a short break, that would give us an
3 opportunity to make sure we have that all together and
4 ready to present in an efficient manner.

5 CHMN. CHENAL: Sure. We can take a 10-minute
6 break, 15-minute break. What would you like?

7 MR. DERSTINE: 15 would be good.

8 CHMN. CHENAL: 15-minute break.

9 Thank you, Ms. Bellavia, for your testimony,
10 and we'll take a 15-minute break. Thank you.

11 (Off the record from 10:26 a.m. to
12 11:26 a.m.)

13 CHMN. CHENAL: Let's go back on the record.
14 I want to apologize to the Committee Members who are
15 remote. We had some technical issues, let's put it
16 like that right now, a few technical issues that caused
17 a delay, but we used the time well and worked with the
18 applicant to revise some language for the CEC, and we
19 can explain that in a few minutes.

20 But I think right now we want to go back and
21 finish up the testimony and introduce -- you know, get
22 the exhibits into evidence. So Mr. Derstine, if you
23 want to proceed.

24 MR. DERSTINE: All right. Can we do a check
25 just to make sure the Committee Members who are

1 appearing by Zoom can hear us, maybe by a thumbs up.

2 Looks good. All right.

3 We've got a few house -- not housekeeping,
4 but a few issues to address through Mr. Patterson and
5 Mr. Beck, and I think this is the time to do that.
6 Then we'll move on and make sure that we've admitted
7 all the appropriate exhibits and then walk through the
8 redline, similar to what we had done yesterday with CEC
9 173, as a way to illustrate the changes, proposed
10 changes to CEC 173 that will be voted on by the
11 Committee and incorporated into the Recommended Opinion
12 and Order that would ultimately go up to the
13 Corporation Commission.

14 So having said all that, I think there's a
15 matter that Mr. Patterson wants to address involving
16 testimony yesterday.

17 MR. PATTERSON: Thank you. Mr. Chairman,
18 this goes back to the discussion around the area and
19 the comment related to the National Guard in the
20 Silver Bell air and the height of the towers. And I
21 had pointed the Committee to the PCEM table and said
22 that we'd get back to you, and I had that wrong. That
23 was -- this particular PCEM, it does reference tower
24 height in a military training route, but it's in
25 another area. I thought it applied to this area, but

1 it does not, and this area is actually outside of the
2 Vail to Tortolita area. I can confirm, though,
3 however, that there have been multiple discussions
4 about this issue with WAPA, they're aware of it, and
5 are incorporating it into the preliminary design in
6 order to make sure that the tower heights would be at
7 100 feet in that area, have been all the discussions
8 that we've been a part of.

9 CHMN. CHENAL: Well, thank you for that,
10 Mr. Patterson. I guess, when we go through the CEC,
11 I'll ask the Committee if they would like to add a
12 condition regarding that or not. Because I guess
13 that's not technically an FAA regulation, it's more of
14 a request from the Air National Guard there to keep the
15 poles to no more than a hundred feet in that area
16 because of their helicopter operations. And I'm
17 familiar with that facility, and they do a lot of night
18 operations and, you know, special ops.

19 Shout out to Member Riggins, who was in
20 Special Forces. So he may have a particular interest
21 in that as well.

22 But let's talk about that. We'll talk about
23 that, if we want to add a condition, but I appreciate
24 getting back on that.

25 MR. BECK: Mr. Chairman, just to touch on

1 that issue, I believe that when TEP has taken a look
2 out in that area relative to FAA requirements, we were
3 seeing a hundred-foot limitation already through the
4 FAA process, so that will be consistent with the
5 requests of the heliport.

6 CHMN. CHENAL: You have a tremendous
7 credibility with this Committee, Mr. Beck. And based
8 on your assurance there and adding language that the
9 applicant will comply with all FAA regulations, maybe
10 that's sufficient. So we can address it when we get to
11 that FAA added language. But if you're saying that
12 would require TEP to keep it to a hundred foot in that
13 area, then it's probably good enough with me, but thank
14 you for that.

15 MR. DERSTINE: Mr. Beck, did you have any
16 cleanup, any corrections, any issues you wanted to
17 address before we move into your kind of summary, final
18 talking points?

19 MR. BECK: No, I do not.

20 MR. DERSTINE: Let's start this last section,
21 the summary, the final talking points from both
22 applicants, Southline and TEP. And Mr. Patterson,
23 would you like to start?

24 MR. PATTERSON: Sure, thank you. So I guess
25 just in summary, I'd just like to thank you all for

1 your time in this difficult period. This is an
2 important effort. Vail to Tortolita is an important
3 project. It's good for Tucson; it's good for the
4 region; it's good for Arizona. And Southline is
5 pleased to have played a role in helping facilitate
6 this effort.

7 I think we've heard a lot about the project.
8 I think it's also interesting or important to note what
9 we haven't heard, and we haven't heard -- we've heard
10 very good comments, and there's been some good comments
11 that have come in, but we haven't heard an enormous
12 amount of opposition. And I think that really reflects
13 the level of effort and coordination that's been done
14 in the past and really the evolution of this project to
15 try to really meet a need in a way that can minimize
16 impacts.

17 And I think that one of the main drivers is
18 we're essentially dealing with -- most of the entities
19 involved with this are willing participants. You have
20 TEP and WAPA and Southline, and there was a lot of
21 coordination with entities. All of those route
22 variations were a response to a lot of coordinated
23 outreach and engagement, really all three of the ones
24 that we've reviewed, and even the fourth. The Vail
25 connection essentially was one initially responding to

1 TEP's interest in connecting to and working -- and
2 working to upgrade the WAPA line.

3 So I just -- you know, just to recap, the
4 Vail to Tortolita project improves reliability and
5 power delivery, and the Southline project provides
6 opportunity to access renewable resources. Amending
7 CEC 173 really allows this high-priority portion of the
8 original Southline project, Vail to Tortolita, to move
9 to construction while preserving the ability of the
10 rest of Southline to move ahead.

11 And we fully acknowledge that this is a
12 different form of the procedure, and appreciate your
13 accommodation to consider this different request, and
14 it will really help maintain the schedule goals of all
15 parties. Approval will really enable an important
16 investment in infrastructure that will allow Arizona --
17 or, help enable further Arizona economic growth in a
18 thoughtful, low-impact, and planned fashion. Just in
19 closing, I appreciate the time and hope to see you all
20 soon, but hopefully on another project.

21 CHMN. CHENAL: Thank you, Mr. Patterson.

22 MR. DERSTINE: Mr. Beck.

23 MR. BECK: Yes. Just in closing, I think
24 through this presentation you've heard that the project
25 provides a cost effective new 230 kV circuit for TEP

1 that will improve the TEP operational parameters, as
2 well as reliability. The project was fully vetted
3 through the Southline Transmission EIS; and further,
4 TEP had SWCA perform additional reviews, as well as we
5 performed additional public outreach to solicit input
6 on the project, and the environmental reviews were
7 consistent with the ACC siting requirements. We feel
8 the project balances the environmental impact against
9 need for the line.

10 You heard about the newsletter insert from
11 Western that was included with the TEP newsletter that
12 was sent out; one thing that we didn't really touch on
13 in the testimony, but that was going to be used by
14 Western to gauge public interest in the project to
15 determine if they needed to do any further work under
16 their EIS. And as you've seen, there's been very
17 little input received back from that, so I think that
18 basically will satisfy Western that they're done with
19 that portion of the EIS work.

20 And in the end, the applicants request the
21 Committee approve a proposed Recommended Order and
22 Opinion for this case to modify Case 173 CEC
23 accordingly as we go through those changes.

24 And I'd also like to give my thanks to the
25 Committee for its participation and for its willingness

1 to continue on this morning even with our technical
2 difficulties.

3 CHMN. CHENAL: Thank you, Mr. Beck.

4 Any closing comments?

5 MR. DERSTINE: Before we get to the closing,
6 I --

7 CHMN. CHENAL: We need to get the exhibits
8 in, of course.

9 MR. DERSTINE: Get the exhibits in, and I
10 don't know if you want to spend the time looking at the
11 redline before we close the case.

12 CHMN. CHENAL: Let's do that. Let's start
13 with your exhibits.

14 MR. DERSTINE: Yes, please. So Mr. Patterson
15 sponsored his slides, TEP-2; those were admitted on our
16 first day of hearing.

17 Mr. Beck sponsored his slide set; that's TEP
18 Exhibit 1. Mr. Beck also testified concerning noise
19 and EMF; those studies are included in Exhibit I to the
20 Supplement to the Joint Application to Amend, which was
21 marked as TEP Exhibit 21. TEP-7 is a supplement to
22 that. TEP-11, Mr. Beck testified to, that's the
23 affidavit of publication of the notice of hearing in
24 the newspapers. TEP-12 was the evidence of the posting
25 of signs along the route. TEP-13 was the proof of the

1 service to the affected jurisdictions. TEP-18 was the
2 ACC Staff letter dated November 24, and Mr. Beck
3 provided additional testimony on the Staff letter that
4 was submitted in the original Case 173. TEP-19 is the
5 redline that we looked at yesterday. We'll spend some
6 more time with that. We made revisions to 19. We'll
7 ultimately make that revised version 19A. But those
8 are the exhibits that Mr. Beck sponsored. That's
9 TEP-1, TEP-7, 11, 12, 13, 18, and 19. So I would move
10 the admission of those identified exhibits.

11 CHMN. CHENAL: Okay. So TEP-1 -- 2 has
12 already been admitted -- 7, 11, 12, 13, 18, and 19?

13 MR. DERSTINE: Correct.

14 CHMN. CHENAL: Any objections?

15 (No response.)

16 CHMN. CHENAL: Hearing none, TEP-1, 7, 11,
17 12, 13, 18, and 19 are admitted.

18 (Exhibits TEP-1, TEP-7, TEP-11, TEP-12,
19 TEP-13, TEP-18, and TEP-19 were admitted into
20 evidence.)

21 MR. DERSTINE: Thank you. Our environmental
22 witnesses, Ms. Bellavia, Bellavia -- boy, if she's on,
23 she cringed again -- Bellavia and Theresa Knoblock,
24 they sponsored their slide presentation, which was
25 TEP-3. They also testified extensively to the exhibits

1 and the component parts of TEP-21, which is the
2 Supplement to the Joint Application. The exhibits to
3 TEP-21, the Supplement to the Joint Application, were
4 further supplemented by TEP exhibits: TEP-4, which is
5 additional information that would go under Exhibit C on
6 biological wealth of the area; TEP-5, which is a
7 supplement to Exhibit E concerning visual impacts;
8 TEP-6, which is a supplement to Exhibit H; TEP-8, which
9 is a supplement to Exhibit J concerning public
10 outreach; I missed also TEP-6a, which is a stakeholder
11 engagement letter; TEP-9, which were the virtual open
12 house slides used for the virtual open house
13 presentation that was done in support of this hearing,
14 as well as the transcript from that virtual open house;
15 TEP-10 was the newsletter that was sent out to
16 approximately 38,000 recipients within the 1 mile of
17 the line; TEP-14 were the PCEMs that you've heard
18 extensive testimony about, and we included those as
19 TEP-14; TEP-17 is the spreadsheet that collected the
20 various public comments that were received on this
21 latest round of outreach. I think Ms. Knoblock
22 testified concerning those comments. Some of those --
23 all of the comments incorporated everything we've
24 heard, including some of the ones -- folks who had
25 taken the time to submit written comments prior to the

1 hearing.

2 So with that, I would move the admission of
3 TEP-3, TEP 21, and then TEP-4, 5, 6, 8, 9, 10, 14, and
4 17.

5 CHMN. CHENAL: All right. It's been moved to
6 admit TEP-3, 4, 5, 6, 8, 9, 10, 14, 17, and 21. Any
7 objections?

8 (No response.)

9 CHMN. CHENAL: Hearing none, TEP-3, 4, 5, 6,
10 6a, 8, 9, 10, 14, 17, and 21 are admitted.

11 (Exhibits TEP-3, TEP-4, TEP-5, TEP-6, TEP-6a,
12 TEP-8, TEP-9, TEP-10, TEP-14, TEP-17, and TEP-21 were
13 admitted into evidence.)

14 MR. DERSTINE: Thank you. There were a few
15 additional exhibits that we had marked for
16 identification; they're included in the exhibit binder.
17 Some of those are simply part of the record and we
18 thought it would be helpful for the Committee to have
19 those.

20 So TEP-15, we haven't referred to it or
21 utilized it, but it's a matter of you could take
22 judicial notice of these documents as part of the
23 Committee. It's Decision 75978, which included a copy
24 of CEC 173. That's TEP-15.

25 TEP-16 was Decision 77755, that's the

1 decision from the Corporation Commission that referred
2 the applicant's Application to Amend back to this
3 Committee for this proceeding.

4 CHMN. CHENAL: Okay. 15 and 16 we'll just
5 take judicial notice of. I don't think it's necessary
6 to admit them.

7 MR. DERSTINE: 20 will be the Recommended
8 Opinion and Order that we will mark for identification,
9 and ultimately -- I don't know how you want to handle
10 that. Typically, you'll mark a Chairman's version of
11 the CEC. We can -- at least for identification, the
12 ROO that I assume the Committee will deliberate over at
13 some point would be marked as TEP-20.

14 I think that covers all of the exhibits that
15 are set forth on the applicant's list.

16 CHMN. CHENAL: Okay. Very well. What's been
17 discussed off the record, and I think makes the most
18 sense, is the following. We'll go through --

19 I should ask if there's any further comment
20 from Ms. Grabel or Mr. Derstine. We won't close the
21 record. We'll go through the CEC; I'll explain that
22 process in a minute. But if you have any further
23 questions -- or, I mean, things that you think we ought
24 to cover, your statements.

25 MR. DERSTINE: I don't think we have anything

1 of an evidentiary nature. I think Ms. Grabel has a few
2 comments to make in closing.

3 MS. GRABEL: Actually, Mr. Patterson did such
4 a nice job, I would probably just be redundant, so I
5 think we're fine.

6 MR. DERSTINE: I'll submit on Mr. Beck's
7 comments as well.

8 CHMN. CHENAL: Well, let's do this. Let's go
9 through the CEC. I'll explain the process briefly.
10 And if you want to make a comment at some later point,
11 you'll have the opportunity to do it. So this is what
12 I think will make the most sense, and I have discussed
13 this with counsel off the record.

14 We're going to go through -- okay. At the
15 end of the day what we're being asked to approve is a
16 Recommended Order, which in this case will take the
17 place of a CEC, because this is really a motion to
18 amend 173, CEC 173. The Recommended Order will
19 basically order or recommend changes to the CEC that we
20 issued in 173. So that's kind of a backwards way of
21 doing it.

22 What we're going to do is we're going to go
23 to the CEC and we're going to kind of talk about
24 changes to the CEC issued in 173 so it would be
25 consistent with what we've heard, the way we'd like it

1 to end up. And then at the lunch break, counsel will
2 go back and modify the Recommended Order to make it
3 conform to the CEC changes that we'll be discussing
4 right now. Does that make sense to everybody?

5 (No response.)

6 CHMN. CHENAL: Okay. And I don't think the
7 changes are going to be all that extensive. The major
8 change, just to give everyone a heads up, is the
9 following. The original CEC 173 defined the CEC route
10 very specifically as being that new build section in
11 eastern Arizona and a few miles of interconnection
12 lines between the WAPA line and some substations in the
13 upgrade section. So it was very specifically limited
14 to, you know, 72, 74 miles in Arizona.

15 What we need to do is to redefine the CEC
16 route to now include the 64-mile Vail to Tortolita
17 segment. So that's the major change. Because when you
18 read the CEC, the conditions apply to construction in
19 the CEC route. So what's absolutely essential, I
20 think, is that the CEC route now include that -- the
21 segment that we've been discussing for days now.

22 So those are the changes that you'll be
23 seeing, and there's a few other minor changes that
24 we'll go through and look at. So basically, that's an
25 overview of what we'll be doing.

1 So if we could go on the screen and look.
2 And off the record we've had discussions with some
3 recommended language to facilitate that; that's why the
4 delays we had were put to good use. So I don't know
5 if -- maybe we just scroll through as we normally do.
6 We don't have to go through, as we normally would, and
7 change and go through every line. I think we can do
8 this in a more narrative fashion, if that's okay with
9 the Committee. I had asked you as homework to look at
10 the CEC because I knew this is what we'd be doing, and
11 I don't think it's necessary we go through every line
12 like we normally do. We will do that with the
13 Recommended Order, the shorthand for which is a ROO.

14 But let's go to the first change, if that's
15 okay. And you'll see on Page 3 -- and what exhibit
16 should we refer to this? I'll ask counsel.

17 MR. DERSTINE: So we looked at a redline,
18 similar document, yesterday that was marked as
19 Exhibit 19, and that's been admitted. So if we can
20 refer to this as 19A.

21 CHMN. CHENAL: That's fine. So Exhibit 19A,
22 Page 3, you'll see on Line 22 that we're changing it
23 from 72 miles to 136 miles. And this is --

24 Bear with me one moment. Let me catch up
25 with everybody here.

1 This is the -- we're talking in the CEC about
2 the overview of the project description. So the CEC
3 approved route is now going to be the 72 -- and
4 Ms. Grabel and I had to refer to longhand mathematics.
5 We took 72 and added 64 and came up with 136, so that's
6 the first change.

7 Go to the next change. You'll see in the
8 next section, under the Approved CEC Route Corridor and
9 Route Description, again, back to the basic concept
10 here, we're just trying to include now the 64-mile
11 segment. So on Line 3 we change it to 136 miles; we do
12 the same in Line 6.

13 And then on Line 6 we redefine "The CEC route
14 consists of approximately 67 miles of the new build
15 section" -- that was in the old case -- "approximately
16 64 miles of the upgrade section between the Tucson
17 Electric Power Company ("TEP") Vail and Tortolita
18 substations" -- now defined as the CEC Vail to
19 Tortolita upgrade route -- "and approximately 5 miles
20 of the upgrade section," which was addressed in the old
21 CEC.

22 So I think that now, with that definition,
23 now picks up and redefines the CEC route as including
24 what was in the old CEC, I'll refer to it as 173, and
25 the new Vail to Tortolita segment, which is an

1 additional 64 miles. Does that make sense to the
2 Committee? Because I think this is the major change,
3 and everything else after this is simply ministerial
4 cleanup of this concept. So if we're good with that,
5 let's continue with the language to the next change.

6 We now are on Line 15. We've defined TEP
7 above, so there's a -- refer to it as TEP.

8 Now, there's the new -- the Upgrade Route
9 Corridor. So now we have to -- okay. We've got a
10 hundred -- the old CEC referred to a 150-foot-wide
11 right-of-way. And we know in this case there's going
12 to be basically a hundred-foot-wide right-of-way. So
13 we have to now have maps that depict the Vail to
14 Tortolita upgrade segment, so now that's depicted in
15 this language. "A 100-foot-wide right-of-way is
16 approved within the corridor depicted on the CEC maps
17 (Exhibit A, Maps 1 through" -- wait a second. Let me
18 see the full...

19 MR. BECK: So Mr. Chairman, Exhibit A were
20 the original maps.

21 CHMN. CHENAL: Exactly.

22 MR. BECK: And we were thinking that we would
23 insert a new section for the Vail to Tortolita, so it
24 would probably be Exhibit C in that location.

25 CHMN. CHENAL: That's exactly right. The old

1 map -- the old CEC was Exhibit A, Maps 1 through 8.
2 And what I saw in some of the revisions that were
3 presented to us is the Vail to Tortolita segment would
4 be depicted on Exhibit C, Maps 1 through -- maybe help
5 me out here, Counsel.

6 MR. BECK: Actually, that would be 1 through
7 8 for Exhibit C, and I think Exhibit A had up to maybe
8 14 maps.

9 CHMN. CHENAL: Okay. That's what's throwing
10 me.

11 MS. GRABEL: So I think we just need to
12 change Line 1 --

13 CHMN. CHENAL: "A" to "C".

14 MS. GRABEL: Right.

15 CHMN. CHENAL: Okay. Thank you. That makes
16 sense now.

17 Now, let's go back a second. Line 2, where
18 it says, "four segments of the CEC upgrade route," I
19 think that now should be five. It's the four original
20 ones plus the new CEC Vail to Tortolita upgrade
21 segment.

22 MEMBER NOLAND: What?

23 CHMN. CHENAL: Line 2, Member Noland, it used
24 to read, "The width of the certificated corridor varies
25 for each of the four segments," and that was for the

1 four interconnections between the substations and the
2 WAPA line. Now, we're now including the 64-mile
3 segment, so now that's the fifth segment.

4 MEMBER NOLAND: Thank you.

5 CHMN. CHENAL: So I think we scroll down to
6 where we address the Vail to Tortolita upgrade route.

7 Oh, okay. Sorry about that. On Line 10
8 we've changed the corridor. The suggested change for
9 the corridor is from 600 feet to 3,350 feet. I think
10 we've discussed that.

11 And then we scroll down to Line 18, which is
12 now the fifth segment of the upgrade route, which is
13 the Vail to Tortolita upgrade route. And it's as
14 depicted on Exhibit C, Maps 1 through 8, so I think
15 we're now consistent with the previous reference to the
16 maps.

17 Move down to the next reference to the CEC
18 upgrade route. We now -- on Line 5, we've now added
19 "Exhibit C, Maps 1 through 8" to the previous maps that
20 were depicted in the former -- in the old version of
21 173.

22 And you'll see that now the CEC upgrade route
23 includes the 5 miles plus the 64 miles, so we -- in
24 Line 9 we've added the 64-mile Vail to Tortolita
25 upgrade route as part of the discussion under this --

1 in this section. I think that makes sense.

2 So if we scroll down, then. And consistent
3 with that, we now pick up, on Line 19, the CEC Vail to
4 Tortolita upgrade route.

5 MR. BECK: Mr. Chairman.

6 CHMN. CHENAL: Yes.

7 MR. BECK: I believe you had suggested we
8 scratch the "5" in front of that. But based on, I
9 think, the way it fits in, that was the fifth segment,
10 and that's why that "5" was in there.

11 CHMN. CHENAL: Well, and I agree with you,
12 Mr. Beck, but the four previous segments didn't have
13 numbers.

14 MS. GRABEL: Ed, it went from 3, defining CEC
15 upgrade route, and then the other ones just were left
16 without a numeric identification.

17 CHMN. CHENAL: If you scroll up, you'll see
18 there's no Number 4 there, which --

19 MR. BECK: Well, above there is a Number 4,
20 which was the CEC upgrade route.

21 CHMN. CHENAL: That is the CEC upgrade route,
22 but the CEC upgrade route will now include -- this is
23 the fifth segment of the CEC upgrade route. So we
24 either have to number all five of these or we don't
25 number any of them. So if we take out the "5," I think

1 we now have consistency with how part of the segments
2 are referred to. So if you'd scroll back down to that
3 language.

4 MEMBER NOLAND: Mr. Chairman.

5 CHMN. CHENAL: Yes, Member Noland.

6 MEMBER NOLAND: They just need to bold it so
7 it conforms with the other headings.

8 CHMN. CHENAL: Yes, Line 19. Excellent.

9 Now, let's review that carefully.

10 MR. BECK: And Ranie, if you could just go
11 ahead and accept that format change so that it gets
12 back wider. Yeah.

13 CHMN. CHENAL: Now, I think Lines 20 through
14 23 should not be accepted. That's additional. That
15 should be redlined. There we go.

16 Let me read that into the record. I think
17 it's just important. And there's very few other
18 changes after this. So starting at Line 20, "The CEC
19 Vail to Tortolita upgrade route consists of a 64-mile
20 segment of the 121-mile upgrade section that extends
21 between TEP's Vail and Tortolita substations as
22 depicted on Exhibit C, Maps 1 through 8. The CEC Vail
23 to Tortolita upgrade route is a double-circuit
24 transmission line constructed to allow operation at
25 230 kV jointly owned by TEP and WAPA. WAPA will own

1 the right-of-way for the 64-mile segment. WAPA and TEP
2 will each own their respective circuits (conductor,
3 insulators, and associated hardware) and be responsible
4 for maintenance costs on their respective circuits.
5 WAPA and TEP will share the ownership of the structures
6 supporting the circuits and share the cost of
7 maintenance for the structures as well as the
8 right-of-way."

9 And I know we had some discussion yesterday,
10 I believe, that previously there was a reference to TEP
11 owning and operating the 230 kV circuit. And I believe
12 it was Member Noland who raised the issue that that's
13 probably not comprehensive enough, because we're also
14 talking about the poles and facilities and all the
15 other stuff associated with it. So I think this
16 language now captures that and also defines the
17 ownership and maintenance responsibilities. I just
18 want to make sure the Committee is comfortable with
19 that language.

20 (No response.)

21 CHMN. CHENAL: Okay. Again, we paused on
22 this, but this is probably -- we're through with
23 95 percent of the proposed changes, so we'll move
24 quickly through the rest.

25 So if we can move to the next change.

1 So let me just stop and just say, if you see
2 each of these conditions, almost all of them refer to
3 the CEC route. For example, Number 4, "Applicant shall
4 design the transmission line for the CEC route to
5 incorporate measures to minimize impact to raptors."
6 So that's why I think it was essential that the CEC
7 route be defined to now include the Vail to Tortolita
8 upgrade route.

9 So if we could go down to the next proposed
10 change. For Number 11, this deals with the PCEMs.
11 "TEP for the CEC Vail to Tortolita upgrade route and
12 applicant for the balance of the CEC route shall
13 construct, operate, and maintain all facilities,
14 improvements, and structures in the CEC route in
15 conformity with" -- and then there's the additional
16 language, in accordance with the RODs and the PODs and
17 PCEMs.

18 Then it continues on Line 15, "TEP for the
19 CEC Vail to Tortolita upgrade route and applicant for
20 the balance of the CEC route shall retain independent
21 third-party compliance inspection contractor," et
22 cetera. And I think that's just their agreement as to
23 who would be responsible for what. And I think that
24 came up in the context of our hearing and it was
25 unanswered, and I think this does answer some of the

1 questions we had and kind of fleshes that out. So I
2 just ask the Committee if there's any concerns or
3 questions about this additional language?

4 (No response.)

5 CHMN. CHENAL: Doesn't look like there is.

6 So if we can continue to go to the next
7 change. I might be looking at it, but I don't see it.
8 Oh, right, Line 20 and 21. "A description of the work
9 performed by the compliance inspection contractor and
10 any instances of material noncompliance by applicant
11 and TEP, as applicable, shall be included in the annual
12 compliance certification letter." That's still part of
13 Condition 11. That seems to make sense.

14 Now, to Number 20. Condition 20 deals with
15 compliance with WECC and NERC standards. And I thought
16 it was appropriate, since now -- as we remember, old
17 173 did not go anywhere near airports. Well, this one
18 does. This one goes by -- could be impacted by three
19 airports, including the Marana Airport, which is where
20 the Air National Guard conducts helicopter operations.
21 So I suggested language, "and shall comply with all
22 Federal Aviation Association regulations." I think
23 it's important to have that language in here just
24 because we will be -- will be impacted by the three
25 airports, the project.

1 To Mr. Beck's point previously, there was
2 the comment in the comment section by the commander of
3 the Air National Guard facility at the Marana Airport
4 base that he requested the poles be limited to a
5 hundred feet because of their low-level helicopter,
6 especially night operations. Mr. Beck has testified
7 that TEP is -- you know, that the FAA regulations
8 require that the poles in that location be no more than
9 a hundred feet, so that would be in compliance with FAA
10 regulations.

11 Do we need any additional language to address
12 the Air National Guard facility or is this sufficient?
13 I'm satisfied it is based on Mr. Beck's testimony. But
14 if anyone has any different thoughts, let's talk about
15 it now.

16 (No response.)

17 CHMN. CHENAL: Okay. It doesn't look like
18 there are.

19 So let's go forward and see if there are any
20 other changes. I think there's one on the infamous
21 Condition 31, which conditioned the CEC on WAPA owning
22 all of the upgrade section. Well, now it won't, so
23 there's now going to be additional language. "This
24 Certificate is conditioned on WAPA owning and operating
25 all of what is described in the application as the

1 upgrade section with the exception of what is described
2 as the CEC upgrade route" -- and it says "and." I
3 think the word "and" should be "including," because the
4 CEC upgrade route includes the CEC Vail to Tortolita
5 upgrade. So I think it should be -- "and" should be
6 changed to "including the CEC Vail to Tortolita upgrade
7 route."

8 Then Line 25 says, "TEP is authorized to
9 construct, own, and operate one of the two 230 kV
10 circuits in the CEC Vail to Tortolita upgrade route."

11 Now, I'm back to Member Noland's question the
12 other day, is TEP only going to own the circuit, or are
13 they also going to own some of the poles and
14 facilities. And I think the testimony was they're
15 going to own at least 50 percent, or some amount,
16 because that's necessary for the TEP ratemaking
17 process. And is this -- is the applicant, TEP,
18 comfortable enough with this language? To me, I think
19 I'd prefer to see some additional language in there,
20 because circuit to me is different than the poles. But
21 I guess this is the applicant's call.

22 MR. BECK: Mr. Chairman, I think, as the
23 applicant, we are comfortable with that. The
24 interpretation of that circuit, that circuit has to be
25 held up in the air by something. So it kind of

1 implicates the fact that there are structures involved.
2 And we will have a very strong standalone contract with
3 Western spelling out exactly what each of us own and
4 control and operate.

5 CHMN. CHENAL: Member Noland, I think that
6 was an issue you raised as to whether "circuit" was
7 sufficient. You wanted to include some additional
8 language, but it seems like TEP -- maybe we need to
9 hear from Mr. Derstine, but it seems like Mr. Beck at
10 least is saying he's okay with just leaving it as is
11 with just the word "circuit."

12 MEMBER NOLAND: I'm not completely
13 comfortable with that. I think it should mention
14 structures.

15 MR. BECK: Mr. Chairman, I think that was our
16 attempt earlier where we added a little bit more
17 description and definition of what TEP and WAPA would
18 have. We thought maybe it fit in there and that would
19 answer the concerns.

20 MEMBER NOLAND: Well, yes, and it is very
21 good. But again, what's the harm in putting in
22 "structures"?

23 MR. DERSTINE: I don't think there's any
24 harm, Member Noland, Chairman. I think if we can add
25 some language, in terms of general language, "and

1 associated structures" or -- if that covers it.

2 MR. BECK: Yeah, that's fine.

3 MEMBER NOLAND: I like that.

4 CHMN. CHENAL: That sounds good.

5 We're fighting hard for you, Mr. Beck.

6 MR. BECK: Appreciate that.

7 CHMN. CHENAL: In the room I was advised that
8 because of an issue, there's no TEP representatives in
9 the room right now. There are just hired guns.

10 MR. BECK: That's true.

11 CHMN. CHENAL: So I feel a duty to protect
12 TEP at this point, so I think Member Noland does too.
13 So I think we're comfortable with adding that
14 additional language, and of course Mr. Derstine.

15 So any other discussion on that language?

16 (No response.)

17 CHMN. CHENAL: If not, let's move on to the
18 rest. And I don't know if there are any other changes.
19 Let's see.

20 MEMBER NOLAND: Mr. Chairman.

21 CHMN. CHENAL: Member Noland.

22 MEMBER NOLAND: I had a question, and perhaps
23 Len could add something to the question about whether
24 the CEC covers the dust and construction -- the
25 construction dust and so on that was mentioned by the

1 member of the public.

2 MEMBER DRAGO: Mr. Chairman.

3 CHMN. CHENAL: Yes, Member Drago.

4 MEMBER DRAGO: Thank you, Member Noland.

5 Mr. Beck, I remember you had mentioned that
6 you would follow all the dust control permitting
7 requirements. In looking up the Pima County
8 Environmental Department's requirements, it appears
9 that when you do construction on a monopole that you
10 would probably have to have a dust permit, so we just
11 wanted to make sure that we added that in here.

12 And I understand in the CEC we do cover a lot
13 of the environmental regulations at large, that you
14 would comply with those, but I think in this case,
15 since it was a comment from the public, it might be
16 good that we just go ahead and add that specific
17 regulation in here to follow, if, Chairman, you're okay
18 with that.

19 CHMN. CHENAL: Okay. Mr. Beck, do you want
20 to respond to that? I note that the PCEMs will apply
21 to now this segment, and I believe there's some
22 extensive provisions that govern that.

23 So, Member Drago, are there any specific --
24 what would be the language of the condition you'd add?

25 MEMBER DRAGO: Well, I haven't come up with

1 the language, but there's very specific dust control
2 permitting requirements that you need to do in order to
3 do that type of construction activity. And because it
4 was a comment from the public, we thought we would
5 include it. However, I do understand that our CEC
6 covers the environmental regulations at large and that
7 that would probably cover it.

8 CHMN. CHENAL: Well, we want to make sure it
9 does. And I wonder if the PCEMs, and we can look at
10 them, have a specific PCEM that makes the applicant
11 build it in accordance with the regulations you're
12 addressing.

13 MEMBER DRAGO: We can take a look at that.

14 CHMN. CHENAL: But if it doesn't, and you'd
15 like to add some additional language, this is the time
16 we can do it.

17 MEMBER DRAGO: Okay. Is it okay, Mr. Beck,
18 if -- well, go ahead.

19 MR. BECK: Mr. Chairman, Member Drago, the
20 overarching condition that I see covering that issue is
21 Condition Number 1, which says that the "Applicant
22 shall comply with all existing applicable statutes,
23 ordinances, master plans, and regulations of any
24 governmental entity having jurisdiction during the
25 construction of the CEC route." So that's kind of the

1 big general catchall, and Pima County and City of
2 Tucson are both named.

3 But specifically to this case, as the
4 Chairman pointed out, the PCEMs, there's specific
5 language in there regarding dust control. There's also
6 the Plan of Development, which lays out the
7 requirements during construction. And I know
8 specifically in there it talks about soil piles and so
9 on being watered daily and kept under control.

10 So there's a lot of documentation behind it
11 that's in the application that commits to that. If the
12 Committee feels the need to add another condition,
13 that's fine, but we think it's fully covered, and
14 especially with Number 1 being a catchall.

15 MEMBER DRAGO: Yeah. Thank you, Mr. Beck. I
16 think with that said, Mr. Chairman, we're probably okay
17 and we're covered. But I just wanted to have that
18 discussion to make sure that the final CEC covers that
19 particular concern from the public.

20 CHMN. CHENAL: Can you remind me,
21 Member Drago, which regulations are impacted?

22 MEMBER DRAGO: It's under Pima County
23 Environmental Department, and it's on dust control
24 permitting. And I can get you the actual reference if
25 you give me a moment.

1 CHMN. CHENAL: Maybe if I could ask the
2 applicant to look at the PCEMs and see if there's one
3 that's directly on point.

4 MR. BECK: Yes. Mr. Chairman, on the PCEMs,
5 which are TEP Exhibit 14 -- I again apologize it didn't
6 have the divider marking Exhibit 14 -- but Table 2-8 on
7 Chapter 2, Page 104, in the bottom left corner, there's
8 a whole section, about an inch down in that table, air
9 quality and climate change, and all of the requirements
10 that must be met by the companies building this
11 project. And it's specifically on the second
12 requirement, "An erosion, dust control, and air quality
13 plan would be prepared as part of the final Plan of
14 Development." And as I mentioned, I've seen in the
15 Plan of Development, I think that's already in there,
16 and it talks about the watering and so on for dust
17 control.

18 CHMN. CHENAL: And actually, if you look down
19 a little further under AIR Number 1, it references
20 "Dust control measures consistent with all applicable
21 state and local standards, as outlined in the erosion,
22 dust control, and air quality plan, would be
23 implemented; these include," and then they go into
24 frequent watering, et cetera.

25 MEMBER DRAGO: That would cover it. Yeah, I

1 think we're fine. So thank you, Mr. Beck, for looking
2 that up.

3 MEMBER NOLAND: Mr. Chairman, thank you. And
4 thank you, Member Drago, because you're the expert on
5 this.

6 MEMBER DRAGO: Thank you, Mr. Chairman.

7 CHMN. CHENAL: Yeah, thank you.

8 When we broke off from the -- when we broke
9 off from the CEC, we didn't look at the rest of it, but
10 there weren't any additional changes, so I don't think
11 we need to go back to it. I think we covered all the
12 changes.

13 So I guess -- I mean, we kind of went through
14 this in a narrative fashion. Are there any other -- so
15 what's going to happen is when we break, the counsel is
16 going to put together a Recommended Order. You saw the
17 example that had already been provided in draft form,
18 but they're going to revise that to pick up the changes
19 we just made or just reviewed on the CEC.

20 So when we come back, we'll have the two
21 screens. We'll have the ROO on one screen, we'll have
22 the CEC on the other screen, and we'll make sure that
23 they both track the changes we just reviewed.

24 I kind of like the idea of having the CEC,
25 when we're done, as an exhibit to the ROO, just because

1 it's just one more check, you know, as to what the
2 Committee's intent is.

3 So everything that's going to happen from
4 here on out is going to be consistent with the form of
5 the CEC that we just reviewed. Normally, we vote on
6 these things. But we're actually not voting on a CEC;
7 we're voting on a ROO.

8 So I guess I have to ask a general question:
9 Are we comfortable proceeding like that? Would it be
10 better to do kind of a vote to approve the form of the
11 CEC and ask the applicant then to make the ROO
12 consistent with what we've just reviewed?

13 Member Noland.

14 MEMBER NOLAND: Mr. Chairman, this is weird.
15 This is the first time we've ever done this, and I've
16 been on this Committee for 12 years. So it's kind of
17 new territory.

18 One thing I would like to have is, if you can
19 and you have the ability, I would like to have the new
20 redlined CEC for my copy and to put up against the
21 order. But perhaps because we have that redline copy,
22 we should adopt that redline CEC, as well as the order
23 that amended it, not go through section by section,
24 just as amended by the order. But I'm not sure; that's
25 just my take on it.

1 CHMN. CHENAL: I think when we come back
2 we'll go through the ROO, which won't take long, I
3 don't think. And I think there we go through it like
4 section by section, but I don't think it will take
5 long. We've seen it, and I think it just summarizes
6 the procedural aspects of where we are. I think the
7 important thing in the ROO is to make sure that the
8 order will require changes to the CEC, and we've got to
9 make sure those are consistent. I think that's what's
10 going to take the counsel a few minutes, to revise
11 that.

12 Let me put it like this. Does anyone have
13 any objection to the form of the CEC? We're not voting
14 on it. But any objection to the form of the CEC as
15 we've modified it? Any of the Members have any
16 objections?

17 (No response.)

18 CHMN. CHENAL: We went through it kind of
19 quickly. We'll go through it again, and maybe at that
20 point we vote and approve as to form and do the same
21 with the ROO. Because it's possible -- I guess what --
22 I'm thinking out loud. I'm thinking out loud as I'm
23 speaking. It's possible that when counsel goes through
24 and actually creates the ROO to conform to the CEC,
25 they may find some other scrivener errors or other

1 little minor things that they'll include in the ROO.
2 So let's wait until they come back and we go through
3 it, and then we can vote as to the form and then the
4 final approval of the ROO. Does that make sense to
5 everybody?

6 MEMBER HAENICHEN: Yes.

7 MEMBER NOLAND: Yes.

8 CHMN. CHENAL: So at this point, is there
9 anything we need to discuss? If not, I guess we can
10 break for lunch and give Ms. Grabel and Mr. Derstine
11 time to kind of wordsmith the ROO consistent with the
12 CEC that we just reviewed. Does that make sense?

13 MEMBER HAENICHEN: Makes sense.

14 MR. DERSTINE: Yes. I think the plan would
15 be we'll print what you've just worked through, which
16 will be marked as 19A, make all the conforming changes
17 from 19A, the redline changes you just did on the
18 screen, incorporate those into the ROO, and have those
19 two sets of documents in paper form, and we'll put them
20 up on the screen when we get back from lunch.

21 CHMN. CHENAL: How much time do you think
22 you'll need?

23 MR. DERSTINE: We'll be ready.

24 CHMN. CHENAL: Hour?

25 MR. DERSTINE: Give us an hour for lunch and

1 we'll be back. I know we've said that before and we've
2 had some delays and breaks in the proceeding, and we
3 appreciate your patience.

4 CHMN. CHENAL: Well, that's fine. I think
5 the breaks have allowed us to kind of efficiently deal
6 with the language and conceptually how to deal with
7 this, so I think this is going to go quickly.

8 So unless there's anything else, let's take
9 an hour break for lunch, and we'll come back here at
10 about 1:20. Thanks, everybody.

11 (Off the record from 12:20 p.m. to 1:47 p.m.)

12 CHMN. CHENAL: All right. Let's pick up the
13 afternoon session of the hearing. It took a little
14 longer to get accomplished what we had talked about
15 before the break, but it's been accomplished. I would
16 like to compliment counsel and staff for doing a great
17 job of taking the changes we discussed and
18 incorporating them into the ROO, which we'll go through
19 in just a moment.

20 And I'm going to need, at some point, a
21 motion to approve conforming changes and scrivener's
22 errors. Because what was explained to me, it should be
23 obvious, but once you're alerted to it, is we're going
24 to be going through a redline version of a CEC and a
25 ROO that's going to talk about certain lines and pages.

1 When we're finished, the CEC changes will be accepted,
2 and that will change the page and line numbers. So
3 even though we will approve, if you will, a ROO with
4 certain page and line numbers, those are all actually
5 going to have to change when the final documents are
6 submitted to me for signature, assuming we approve it.
7 So that's a type of a conforming change that we're
8 going to have to make.

9 MEMBER NOLAND: Mr. Chairman.

10 CHMN. CHENAL: Member Noland.

11 MEMBER NOLAND: I move that we authorize you
12 to make any conforming or scrivener error changes.

13 MEMBER HAENICHEN: Second.

14 CHMN. CHENAL: We have a motion and a second.
15 All in favor say aye.

16 (A chorus of ayes.)

17 CHMN. CHENAL: And thank you for that.

18 So we'll wait just a minute until

19 Mr. Derstine has finished handing out documents and is
20 back at the table.

21 MR. DERSTINE: You can proceed.

22 CHMN. CHENAL: Okay. Ms. Grabel, do you want
23 to kind of set the stage? On one side we're going to
24 have a CEC and on the other side we're going to have a
25 ROO, the two screens.

1 MS. GRABEL: Certainly, Chairman; although, I
2 think we agreed to look at the maps first.

3 CHMN. CHENAL: Oh, excuse me. Excuse me.
4 Exactly. We're going to look at the maps, because we
5 have not seen those yet. We're going to look at maps.
6 So if you want to give us kind of an overview of that,
7 Exhibits A and C.

8 MS. GRABEL: Sure. So my understanding is
9 that Exhibit A is going to be reflected -- is it going
10 to be on the left side of the screen -- or, the left
11 screen?

12 AV TECHNICIAN: At this time, both screens
13 will be the Zoom feed, since I'm not adding any
14 documents from this end.

15 MR. BECK: Mr. Chairman, we would bring up
16 over Zoom the maps. And we intended to start with A
17 and do the two changes in A. I believe it's Pages 10
18 and 14. And then we'll go on to what we're proposing
19 as Exhibit C, which is Maps 1 through 8 which reflects
20 the full Vail to Tortolita segment.

21 CHMN. CHENAL: Perfect.

22 MR. BECK: So Eric, can you bring up the A-10
23 map?

24 I do apologize. I know it's difficult to
25 see. We got these maps kind of completed this morning,

1 so we didn't have a chance to print them yet. But what
2 we're reflecting on the map is the change in the
3 corridor from the, I believe it was 600 feet
4 originally, to go up to the 3,350 feet. It's tied to
5 the section line on the east side of that corridor and
6 then will extend 3,350 feet to the west. We need to
7 work on the dimensions to make them a little bigger.
8 Right up at the top they're just very hard to read.
9 And that would be a substitution for Page 10 of
10 Exhibit A in the original CEC.

11 CHMN. CHENAL: Mr. Beck, just so I know,
12 we're looking at -- the two screens actually have the
13 same -- the same thing on the screens. So it looks
14 like -- are there two different maps that are next to
15 each other, is that what we're looking at, two
16 different pages?

17 MR. BECK: Yes. In the original Exhibit A
18 there were two pictures on that page. And we're
19 changing the one that's related to Vail, which is on
20 the left-hand side of the map. So it's just a
21 substitution of that Page 10 with the changes to the
22 Vail location, and it would be marked as A -- Exhibit
23 A-10 revised.

24 CHMN. CHENAL: Okay. Thank you.

25 MR. BECK: Eric, could you go to, I believe

1 it was, 14.

2 This is just another depiction that was in
3 that original Exhibit A, and we're just adjusting again
4 to be the 3,350-foot corridor versus the narrower
5 600-foot corridor.

6 CHMN. CHENAL: And is that a page -- what
7 page is that of Exhibit A?

8 MR. BECK: Page 14, I believe, of Exhibit A.

9 CHMN. CHENAL: The other document had
10 Page 10, I believe, of 14, and this doesn't -- I don't
11 see it anyway if it has Page 14 of 14. Oh, yeah. So
12 the previous document was 10 of 14. Does this have
13 anywhere reflected on it 14 of 14?

14 MR. BECK: Well, it will ultimately. I'm not
15 sure if it has it on this version, but it will be
16 marked so it matches exactly, and it would be --
17 exactly for except for it will have the word "revised"
18 behind the number.

19 CHMN. CHENAL: Member Noland.

20 MEMBER NOLAND: Thank you, Mr. Chairman.

21 Mr. Beck, remind me what your proposed
22 right-of-way will be within that corridor.

23 MR. BECK: 150 feet is what's called out in
24 the text in the CEC.

25 MEMBER NOLAND: Thank you.

1 MR. BECK: So just to be very clear for the
2 record, in the end we would have a 150-foot
3 right-of-way extending from Vail substation down to the
4 Western right-of-way located somewhere in that
5 corridor, and then effectively the corridor has no
6 value once that right-of-way has been obtained.

7 CHMN. CHENAL: Okay. So was it 100 feet or
8 150 feet?

9 MR. BECK: 150 feet is what was defined and
10 described in the CEC for the connecting lines, so those
11 four segments -- three segments, the one at Vail, the
12 one at DMP, and the one at Tortolita. So that was what
13 was in the original CEC, and we've stayed with that.
14 It's in the text of the CEC document.

15 CHMN. CHENAL: All right. Thank you. So the
16 Committee has now seen the two map changes of Exhibit
17 A, which was the original route, modified for the Vail
18 connection, Vail substation connection. Any issues,
19 problems, concerns with those maps?

20 (No response.)

21 CHMN. CHENAL: Doesn't appear to be any.

22 So I guess, Ms. Grabel, we're now going to go
23 to Exhibit C, which is the Vail to Tortolita upgrade
24 route.

25 MR. BECK: Yes, Mr. Chairman.

1 So Eric, if you could bring up Map 1 of our
2 proposed Exhibit C.

3 So this is starting at the north end of the
4 project. In the upper right-hand corner of that map is
5 the Tortolita substation tie-in link or corridor, and
6 there's a blowup of that down below that has the
7 dimensions of a 300-foot corridor identified for that
8 portion or that corridor.

9 And then the corridor for the existing
10 alignment is shown on the maps, and we would be
11 sticking with that existing alignment and that
12 right-of-way of 100 feet.

13 Go to Map 2.

14 This is just extending -- again, as we're
15 heading in a southeasterly direction, right at the
16 bottom edge of this map is the proposed relocation for
17 around the Marana Airport, and it will show up in more
18 detail on the next screen.

19 So as we move on to the next map, this is the
20 reroute area in the upper left corner of the map now,
21 and this is the blowup of that area. We have the
22 dimensions. I believe -- I can't see it from here, but
23 I believe it's 150 foot on either side of this line
24 here, which is a section line. And then the other
25 portion of the corridor is defined by the existing

1 center line, a straight line from the WAPA alignment to
2 come up and intersect with that. And there's some
3 dimensions shown from that line right there.

4 Next map, Eric.

5 Going to the next screen, and I believe this
6 is now Number 4, it's just existing WAPA alignment
7 coming down, just identifying it on the map.

8 Next map.

9 This is as we're coming down and crossing
10 Interstate 10 and coming into the Tucson station, as
11 well as where the DMP station is, and then continuing
12 in a southerly direction until we get to the Tumamoc
13 Hill area, and we have a blowup of that. And that is
14 showing a 250-foot-wide corridor off of the center line
15 of the road, the three roads, Anklam, Greasewood, and
16 Starr Pass.

17 MEMBER NOLAND: Mr. Chairman.

18 CHMN. CHENAL: Member Noland.

19 MEMBER NOLAND: Mr. Beck, 250 feet from the
20 center line east?

21 MR. BECK: Yes. Correct. Well, east of
22 Greasewood, yes, and south of Anklam, north of Starr
23 Pass.

24 MEMBER NOLAND: But it's not -- the corridor
25 is not going over to the other side of the right-of-way

1 of Greasewood, is that correct?

2 MR. BECK: That's correct. We're staying on
3 the Tumamoc property side of the roadway.

4 MEMBER NOLAND: Thank you.

5 MR. BECK: Then continuing on, coming down
6 from Tumamoc, we come down the existing alignment, hit
7 the Tohono O'odham reservation and come down to the
8 bottom of that.

9 Next map.

10 This one we have a couple of details on.
11 Again, we come off the reservation, cross the Old
12 Nogales Highway, and turn this little corner. The
13 existing line is the straight line on the diagonal.
14 The reroute is the purple line here. We're asking for
15 a 300-foot corridor on the western portion of that
16 alignment and going up to -- I believe it's 775 -- yes,
17 775 feet on this portion of the alignment. And that's
18 just related to the infrastructure of existing lines,
19 as well as the planned roadway in there.

20 Then as we turn the corner down, it's a
21 300-foot-wide corridor back down to where it joins the
22 Western alignment. And it's based off of the section
23 line and through this area here.

24 And then this is the last map as we come
25 down. Again, you've got -- in the upper left corner is

1 the relocation related to Vail Road alignment, and then
2 we head in a southeasterly direction until we join up
3 with the corridor up into Vail. And again, the
4 dimensions are shown in that detail up there. When you
5 see the map, it becomes more legible, but it shows the
6 3,350 foot with it being offset, I believe 220 feet off
7 of that section line on the right-hand side. So it's
8 tied to a section line.

9 And that's what we propose is the description
10 for the corridor for the project.

11 CHMN. CHENAL: Thank you.

12 Does the Committee have any questions or
13 concerns or any further discussion regarding Exhibit C
14 consisting of Map Pages 1 through 8?

15 (No response.)

16 CHMN. CHENAL: Okay. I think -- Ms. Grabel,
17 I think we're satisfied with the map changes.

18 MR. BECK: Mr. Chairman, I do have one
19 correction to what I stated. On the north end, where
20 the Tortolita segment is, coming into the Tortolita
21 site, it's actually described as a thousand-foot-wide
22 corridor in the CEC, and so we didn't change that.

23 CHMN. CHENAL: So what does the map reflect,
24 Mr. Beck?

25 MR. BECK: It reflects the thousand foot.

1 That's why it looked wider on that map.

2 So Eric, can you bring up that Map Number 1?

3 And that is reflecting a thousand-foot-wide
4 corridor in the map.

5 CHMN. CHENAL: All right. Any Committee
6 Members have any questions, concerns about that?

7 MEMBER NOLAND: Mr. Chairman.

8 CHMN. CHENAL: Yes, Member Noland.

9 MEMBER NOLAND: I'm not seeing a thousand
10 feet on there.

11 MR. BECK: It is in the text in the CEC. And
12 if we don't have it on there, we can add it to the map.

13 MEMBER NOLAND: I think it helps if you add
14 it to the map so that you're not always going back and
15 forth trying to figure out what the corridor is, what
16 the right-of-way is supposed to be.

17 MR. BECK: Absolutely. I agree with that.

18 CHMN. CHENAL: Let's go back to that. So
19 again, I mean, I think actually it shows 500 feet.

20 MEMBER NOLAND: 300 feet. It shows 300 feet.

21 CHMN. CHENAL: Okay. So that would be then
22 changed to a thousand on the map?

23 MR. BECK: It will be a thousand foot wide.
24 It may be 500 foot off of a center line on each side,
25 but it will be a thousand foot. So that map originally

1 came from the original CEC, so I think it was
2 mislabeled there.

3 CHMN. CHENAL: All right. So just make a
4 note of that when I'm -- when the original -- when you
5 submit it to me for signature.

6 MR. BECK: Yeah, we have our own scrivener's
7 errors we need to fix.

8 CHMN. CHENAL: So with that, Ms. Grabel,
9 should we dive into the CEC and the ROO?

10 MS. GRABEL: Yes, sir. Let me ask
11 Mr. Derstine if they're ready for that.

12 MR. DERSTINE: We'll need to switch from the
13 Zoom feed of the maps over to our local feed.

14 MEMBER NOLAND: Mr. Chairman.

15 CHMN. CHENAL: Member Noland.

16 MEMBER NOLAND: So the Committee Members via
17 Zoom, I want you to be warned, we're seeing you in big,
18 big color right now on the screen.

19 CHMN. CHENAL: Huge.

20 MEMBER NOLAND: There you are.

21 CHMN. CHENAL: It's huge.

22 MEMBER PALMER: Wave and say high to
23 everyone.

24 CHMN. CHENAL: You reach about 3 feet by
25 3 feet.

1 MS. GRABEL: Okay. So just to set the stage
2 for everybody in the room and on Zoom, on the left side
3 of the screen we have the redline of CEC 173 that we
4 walked through earlier this afternoon. That makes all
5 the changes that the Committee discussed at that time.
6 And on the right screen we have a modified Recommended
7 Opinion and Order, which I believe is marked as TEP
8 Exhibit 20 -- but it's been modified, so it is not
9 exactly what was reflected there. But that
10 incorporates the changes that were made from the
11 original ROO that was a part of Exhibit TEP-20 and
12 includes the new changes that we made this afternoon.

13 And so what we will do is walk through, and
14 I'll turn the table over to Mr. Derstine to do this,
15 but we will walk through the CEC that you all agreed
16 upon earlier today and show how it conforms to the
17 Recommended Opinion and Order on the right side of the
18 screen.

19 CHMN. CHENAL: All right. So just for ease
20 of reference, we'll say the CEC we'll be referring to
21 on the left screen is TEP Exhibit 19A. And then you
22 can say Recommended Order or ROO will be what's on the
23 right screen, just so we can --

24 MS. GRABEL: Certainly.

25 CHMN. CHENAL: -- make it easier to refer to

1 these.

2 And then 19A will become -- when we're
3 finished with it, we probably want to make it a new
4 exhibit number.

5 MR. DERSTINE: We can, yes.

6 CHMN. CHENAL: I don't know if that's
7 necessary in this case. Whatever ends up being the
8 final will be 19A.

9 MR. DERSTINE: We have handed out, marked as
10 19A, the redline that incorporated the changes that the
11 Committee discussed and made prior to the lunch break.
12 I note, Mr. Chairman, you have a few edits and changes
13 to that.

14 CHMN. CHENAL: So when we finalize that,
15 let's make that 19B.

16 MR. DERSTINE: Correct. That would be fine.
17 For clarity of the record, we'll make that 19B, what we
18 end up with on the left screen.

19 CHMN. CHENAL: Perfect.

20 MR. DERSTINE: So in terms of just orienting
21 you to the two documents, what we did was we took all
22 of the changes to the left screen, the redline 19A,
23 copied them into the ROO, into the order section of the
24 ROO. So the order section of the ROO should track the
25 changes that were made prior to our lunch break to 19A,

1 and we can revise that language on either side as we
2 move along. Whatever changes we're going to make to
3 19 -- what will become 19B need to be made to the ROO
4 on the right screen. And I think we just proceed as we
5 did before the lunch break; that is, move to the first
6 change, see if we've captured what's on the left
7 screen, 19A, see if we have captured that in the ROO,
8 and just step by step.

9 CHMN. CHENAL: Very good.

10 MR. DERSTINE: So I think Ms. Rosenberg is
11 getting us staged to capture the first redline change
12 to Exhibit 19A and see if we've captured it in the ROO
13 on the right screen.

14 CHMN. CHENAL: Is there any way to blow up
15 the two documents?

16 MS. GRABEL: Sure. So it's the bottom of
17 Page 3, beginning at Line 22. And as you will see,
18 that corresponds with what's in Ordering Paragraph A,
19 modified at Page 3, starting at Line 22, to state --
20 and the change was changing 72 miles to 136 miles. Is
21 that sufficient, or would you like me to read the full
22 sentence?

23 CHMN. CHENAL: No, I don't think that's
24 necessary.

25 MS. GRABEL: Okay. So the second change,

1 there you go, is at Page 4, starting at Lines 2 through
2 16. And you'll see that reflected on the left screen
3 on Exhibit 19.

4 CHMN. CHENAL: I'm going to ask, on the left
5 screen, that we make it bigger. It's not necessary to
6 get it all on the screen at one time. It's hard to
7 read. Because I've got some changes.

8 MS. GRABEL: And the changes here -- as
9 you'll see on Line 3, it again changes 72 miles to 136
10 miles, does the same thing on Line 6, as well as adds
11 Exhibit C, which are the new maps that we just reviewed
12 and approved, and then it adds the definition of the
13 Vail to Tortolita substation that we discussed earlier
14 and incorporates that into the definition of the CEC
15 upgrade route on Lines 8 through 10. And that is all
16 reflected, as you'll see, in Paragraph B of the
17 ordering paragraph of the ROO.

18 CHMN. CHENAL: All right. One change I think
19 we've got to consider. And I'll talk about the left
20 screen, the CEC. If you look at Lines 2 through 5 --
21 or, 3 through 5 you'll see that the upgrade route goes
22 through BLM, Department of Defense, Arizona State Land,
23 and private landowners. It now goes through the Tohono
24 O'odham reservation, and I just -- I think we should
25 add that before maybe private landowners. I want to

1 make sure counsel agree with me.

2 MS. GRABEL: I'm comfortable with that. I
3 was maybe thinking we could be more vague; rather than
4 saying the Tohono O'odham Nation, tribal lands,
5 something like that. But if you'd rather be more
6 specific, that's okay.

7 CHMN. CHENAL: We can say tribal lands. Does
8 the Committee have a preference?

9 MEMBER NOLAND: I do.

10 CHMN. CHENAL: Yes.

11 MEMBER NOLAND: Of course. I think it should
12 say Tohono O'odham.

13 MS. GRABEL: Okay, that's fine.

14 MEMBER NOLAND: There's some Yaqui Indian
15 land that's close to the substation on the other side
16 of I10 and Grant, but -- so I think you need to call it
17 out.

18 CHMN. CHENAL: Okay. So Tohono O'odham will
19 be a change.

20 MS. GRABEL: I just didn't know how to spell
21 that, so I thought maybe our scrivener didn't either.

22 MEMBER NOLAND: O, apostrophe. Then there's
23 another O, small O.

24 MR. DERSTINE: The rest of that phrase,
25 tribal lands --

1 MS. GRABEL: I think we're not saying tribal
2 lands. I think we're saying Tohono O'odham
3 reservation.

4 CHMN. CHENAL: Is that spelled correctly?

5 MEMBER GENTLES: Mr. Chairman.

6 CHMN. CHENAL: Yes, Member Gentles, why don't
7 we have you spell it out with your microphone.

8 MEMBER GENTLES: My grandson is part Tohono
9 O'odham, so let's get it right. It's O, apostrophe,
10 O-D-H-A-M.

11 CHMN. CHENAL: And is the O after the
12 apostrophe capitalized?

13 MEMBER GENTLES: No.

14 CHMN. CHENAL: So is that correct now,
15 Member Gentles?

16 MEMBER GENTLES: As far as I can see. I
17 can't see that far. It looks correct.

18 CHMN. CHENAL: Okay. I think we have that.

19 MS. GRABEL: And then we want a comma after
20 the word "reservation."

21 MEMBER GENTLES: I would say Indian Nation.

22 MS. GRABEL: Oh, nation?

23 MEMBER GENTLES: In fact, Mr. Chair, I would
24 suggest you go through the document and where it says
25 "reservation" change that to "nation."

1 CHMN. CHENAL: And I think, Member Gentles,
2 this is probably the only place.

3 MS. GRABEL: So we're changing "reservation"
4 to "nation."

5 MR. DERSTINE: Did we get that right?

6 MS. GRABEL: Okay.

7 CHMN. CHENAL: All right. If we could go to
8 the left screen and just scroll down some. There we
9 go.

10 MS. GRABEL: And the change on Line 15 only
11 reflects the fact that we've already defined TEP, so we
12 don't need to do it twice.

13 CHMN. CHENAL: Correct.

14 So does Paragraph B of the ROO now
15 incorporate those changes?

16 MS. GRABEL: Yes, sir, it does.

17 CHMN. CHENAL: Okay, good. I'll turn it back
18 to you, Ms. Grabel.

19 MS. GRABEL: Okay. Shall I go to our next
20 change?

21 CHMN. CHENAL: Yes, please.

22 MS. GRABEL: Looks like it is at Page 4 of
23 Exhibit 19B, what will be 19B, starting at Lines 26
24 through 28. So you'll see that this adds the
25 additional ROW that's required to accommodate the TEP

1 Vail to Tortolita route. And the language in Ordering
2 Paragraph C is identical to what is in the modified
3 version of 19B on the left side of your screen.

4 CHMN. CHENAL: Good, thank you.

5 MS. GRABEL: Okay. Moving on to Ordering
6 Paragraph D, which directs you to Page 5 of Exhibit
7 19B, starting at Lines 8 through 10.

8 CHMN. CHENAL: That looks accurate, except
9 the 3,350 versus the 600-foot corridor.

10 MS. GRABEL: That's correct. And you'll see
11 also on that page, Line 18 through 19, it adds the CEC
12 Vail to Tortolita upgrade route width of the approved
13 corridor that we went over earlier today. And in
14 Ordering Paragraph E the language is identical to what
15 you discussed this morning and what is reflected in
16 Exhibit 19B on the left screen.

17 CHMN. CHENAL: Thank you.

18 MS. GRABEL: Moving on to Ordering Paragraph
19 F of the ROO, this directs you to Page 7 of Exhibit 19B
20 on the left side of your screen beginning at Lines 4
21 through 10. This adds the additional maps that you
22 approved earlier today and adds, in the definition or
23 description of the CEC upgrade route, the inclusion of
24 now the approximately 64-mile CEC Vail to Tortolita
25 upgrade route, which are the changes we discussed this

1 morning on 19B. And you'll see that the language here
2 is reflected in Ordering Paragraph F in the ROO.

3 CHMN. CHENAL: Okay. That looks accurate.

4 MS. GRABEL: Okay. So we'll move on to
5 Ordering Paragraph G, which takes us to Page 8 of
6 Exhibit 19B starting at Lines 19 through 28. And this
7 is where we went through the more detailed description
8 of the CEC Vail to Tortolita upgrade route. And really
9 the entirety of this section is new and is repeated in
10 its entirety in the ROO. I can't remember what --

11 Ranie, can you move up a little bit so I know
12 what ordering paragraph we're on? Is it F?

13 CHMN. CHENAL: G.

14 MS. GRABEL: G.

15 CHMN. CHENAL: Can we scroll down on the left
16 screen?

17 Member Noland, is that language acceptable?

18 MEMBER NOLAND: Yes.

19 CHMN. CHENAL: That looks accurate.

20 MS. GRABEL: Can you scroll down on Ordering
21 Paragraph G just to make sure we get it. I think
22 there's an extraneous quotation mark at the end of
23 that.

24 CHMN. CHENAL: Oh, yes. Oh, god.

25 MS. GRABEL: That bothers me. I was an

1 English major.

2 CHMN. CHENAL: I understand the concern.

3 Strike the quotation mark. Okay.

4 MS. GRABEL: Okay. Now, we are on to the
5 conditions. The first condition -- and if we could
6 move down on the ROO to, I think we are at H. So this
7 takes us to Page 12, starting at Lines 10 through 21,
8 and it modifies Condition 11 to include TEP's
9 accountability for following the CEC conditions for the
10 CEC Vail to Tortolita upgrade route and Southline's
11 accountability, similarly, for the balance of the CEC
12 route and makes conforming changes to that paragraph.
13 And as you'll see, the language contained in Ordering
14 Paragraph H is identical to the modified language in
15 Exhibit 19B on the left screen. And I don't know if
16 you want to scroll down on both to see the rest.

17 CHMN. CHENAL: Can you scroll up on the ROO
18 side, on the right side of the screen? Just scroll up
19 a little to the title of that.

20 We're dealing with Page 12 and Page 15, but
21 is that correct, Page -- isn't it...

22 MS. GRABEL: No, that's not correct.

23 MEMBER NOLAND: Thank you, Mr. Chairman,
24 because that wasn't making sense to me.

25 CHMN. CHENAL: If I asked every time

1 something didn't make sense to me, I'd spend my whole
2 day asking the question, but that one I thought I
3 should ask.

4 So I think we're good with --

5 MS. GRABEL: And it actually should be
6 through 23. Some of this is because we made additional
7 changes, so the line numbers moved in between when we
8 first did the ROO. So those would be the conforming
9 changes that you have scrivener's authorization to --

10 CHMN. CHENAL: Because all of these are going
11 to change.

12 MS. GRABEL: Right.

13 CHMN. CHENAL: Once the changes are accepted,
14 it's going to renumber the lines. So I see we're
15 making changes in the ROO to refer, instead of to the
16 decision, to the CEC 173. I think that's easier to
17 follow.

18 I'm sorry. Were we on F?

19 MS. GRABEL: No. I think we were on I. I
20 think we just finished H.

21 CHMN. CHENAL: Oh, okay. I thought we had
22 passed that.

23 MS. GRABEL: Yes. So we'll go now to Page 14
24 of Exhibit 19B, or maybe now it's on Page 15. So
25 modified to Page 15 starting, it looks like, on Lines 3

1 through 6.

2 CHMN. CHENAL: Yes.

3 MS. GRABEL: And here is where we added
4 compliance with all Federal Aviation Association
5 regulations to account for the fact that this project
6 runs by airports, whereas Southline previously did not.
7 And you'll see that the language in Condition
8 Number 20, as modified, is reflected verbatim in
9 Ordering Paragraph I. And again, we'll change the page
10 numbers and line numbers.

11 CHMN. CHENAL: Yeah, I think we do a little
12 of that right now. Because the way it exists now, it's
13 Page -- so next to I --

14 MS. GRABEL: Although, Chairman, all of these
15 are going to change because we're going to be referring
16 to the original CEC document.

17 CHMN. CHENAL: Okay. But I think we should
18 have it consistent with what we're looking at as a
19 starting point. Yeah. Otherwise, it's going to be
20 helplessly lost if someone is going to try to go back
21 and make sense of these documents. Let's keep it
22 consistent.

23 So we've covered I, which picks up the FAA
24 regulations.

25 MS. GRABEL: Correct. We then go to Ordering

1 Paragraph J, which is Condition 31, a condition that
2 brings us here today. And in this condition, as you'll
3 see, it picks up the changes that authorizes TEP to
4 construct the CEC Vail to Tortolita upgrade section.
5 And it should, if you move down to Page 18 of the ROO,
6 include reference not just to one of the two 230 kV
7 circuits, but also associated structures, as we
8 discussed earlier this afternoon. And so this is on
9 Page 17 of Exhibit B, beginning on Lines 25 through
10 Page 18, Line 2.

11 CHMN. CHENAL: Could I ask us to scroll down
12 on the right side of the screen just a little just to
13 pick up the last -- okay. All right. Good. Are those
14 all of the changes?

15 MS. GRABEL: Those should be all of the
16 changes.

17 CHMN. CHENAL: All right. So what we've just
18 ended up with, unless there's any other changes, will
19 become Exhibit 19B, so the record is clear, and that's
20 the CEC as revised. And I think it's picked up the
21 changes that we've talked about, incorporates the maps
22 that we've reviewed.

23 And I think -- at this point, I think we go
24 through the ROO. And we can quickly go through the
25 changes, because we've already done that, but I think

1 the prefatory language we need to go through to make
2 sure it's accurate, and then we can very quickly go
3 through the ordering paragraphs that we just reviewed.
4 So if we could go to the beginning of the ROO.

5 MS. GRABEL: And just for the Committee's
6 background on this, the first portion of the ROO
7 discussing the procedural posture of this case was
8 taken from Staff's recommendation to have the Line
9 Siting Committee rehear evidence in this case. So a
10 lot of that is just verbatim reproducing of what Staff
11 has already published.

12 CHMN. CHENAL: And before I forget it, I
13 think -- we'll have the Committee decide this, but I
14 think my preference would be that we attach the final
15 CEC with the changes as an exhibit to this ROO. So
16 we're going to have to add language, at some point, to
17 make that happen, if the Committee agrees with me on
18 that.

19 Let's go through this, and we can go pretty
20 quickly, but point by point. And I have not done this
21 previously, but I want to be, again, mindful of the
22 change we made to the CEC to define the CEC route as
23 including now this -- the Vail to Tortolita upgrade.
24 And I want to be careful, as we go through the ROO kind
25 of introductory paragraphs here, that there's nothing

1 inconsistent with that. I don't know that there is,
2 but I just want to be clear on that.

3 So if we can go maybe paragraph by paragraph
4 and just review these. And I think this one we can do
5 as we normally do. So I'd ask the Committee to review
6 Paragraph 1 of the findings of fact under background
7 and procedural history.

8 MR. DERSTINE: And Mr. Chairman, you'll note
9 the Footnote 1 there on the Heading A.

10 Ranie, if we can scroll down to the footnote,
11 please.

12 It says, "Paragraphs 1 through 6 are from
13 Decision 77755." So the decision from the Commission
14 in response to the Joint Application to Amend that sent
15 this matter back to you folks, to the Line Siting
16 Committee, those Paragraphs 1 through 6 are verbatim, I
17 believe, from that Decision 77755. So those were
18 findings made by the Commission in sending this matter
19 back to you; and so those were not necessarily your
20 words, but came from that decision.

21 CHMN. CHENAL: Sure. And unlikely that we're
22 going to change anything, but maybe there's a
23 definitional change or something.

24 MEMBER NOLAND: Mr. Chairman.

25 CHMN. CHENAL: Yes, Member Noland.

1 MEMBER NOLAND: I don't think that I can go
2 through that and verify the dates and everything else.
3 I think where we need to start is with B, the hearing
4 before the Line Siting Committee. Because the rest of
5 that, like Mr. Derstine said, is from the Commission
6 reviewing that history. And that really isn't
7 something we can change or we should change.

8 MR. DERSTINE: I think Member Noland is
9 correct. But you are also correct, Mr. Chairman, in
10 that to the extent there was something in those first
11 six paragraphs that would conflict or is out of line
12 with what we've done in the ordering paragraphs
13 throughout, I think we can look at that. I would say
14 that having -- being familiar with that decision, it
15 didn't reflect any of the terminology. It talks about
16 the procedural history in getting here, but does not
17 deal with any of the terminology or the issues that you
18 have heard through the testimony or presented in this
19 case. But we can certainly review it and review it
20 with a lens of is there something there that conflicts
21 with what we've done or is there terminology there that
22 would create confusion.

23 CHMN. CHENAL: Yeah. Frankly, I'm more
24 looking at the definitions. If we define something in
25 our document a certain way, and differently than in

1 these six paragraphs, I think we should adopt our
2 definition. But let's just go through them quickly. I
3 don't think there's going to be any problem.

4 Does anyone have any concerns about
5 Paragraph 1?

6 (No response.)

7 CHMN. CHENAL: Let's move to Paragraph 2.

8 All right. Any concerns about Paragraph 2?

9 (No response.)

10 CHMN. CHENAL: Move to Paragraph 3. Nope.

11 All right. There we go.

12 MR. DERSTINE: That would be there on that
13 line in terms of reference -- so that terminology, "the
14 circuit or Vail to Tortolita upgrade route," that was
15 terminology used in the Application to Amend, but we
16 can -- CEC Vail to Tortolita upgrade route, I think
17 that conforms to the terminology we're now using.

18 CHMN. CHENAL: I think it does, and I think
19 that's consistent with what I read with how we've
20 revised the CEC. So I'm good so far with that. I'm
21 concerned more about how things are defined, that we're
22 not inconsistent.

23 So are there any concerns with Paragraph 3?

24 (No response.)

25 CHMN. CHENAL: Let's go to Paragraph 4 of the

1 ROO. And unless anyone disagrees, I think Paragraph 4
2 is consistent with what we are considering. So unless
3 there's any further discussion on 4, can we look at
4 Paragraph 5.

5 (No response.)

6 CHMN. CHENAL: I mean, I don't have any
7 concerns on Paragraph 5, unless someone else does.
8 Again, this talks in terms of the circuit. And I know
9 we've kind of pushed the document to expand that to
10 circuit and other structures, but -- you know, again,
11 these are adopted from the Order referring this matter
12 back to us, so I don't see a need to change it unless
13 some other Committee Member thinks we should.

14 MS. GRABEL: And Chairman, it also is
15 actually just clarifying what the application stated,
16 and what the application stated did just refer to the
17 circuit.

18 CHMN. CHENAL: Okay. Good. And I think the
19 same with Number 6, that's consistent with what the
20 testimony is and what the application stated.

21 So unless there's any questions with
22 Paragraph 6, can we move to Paragraph 7.

23 (No response.)

24 CHMN. CHENAL: Can counsel vouch for the
25 dates that are set forth in Paragraphs 1 through 8?

1 MS. GRABEL: Yes, sir.

2 CHMN. CHENAL: Sorry, Ms. Grabel?

3 MS. GRABEL: I believe those are accurate.

4 Mr. Derstine is checking it right now.

5 CHMN. CHENAL: The decision numbers and the
6 dates.

7 MR. DERSTINE: October 2, 2020 in Paragraph 7
8 is correct. October 23 in Paragraph 8, for the date of
9 filing of the Supplement, is also correct.

10 CHMN. CHENAL: I'm going to ask if -- because
11 I think we're going to ask the Committee to adopt this
12 language as we would a normal CEC, but I'm going to ask
13 the applicants to, as kind of a conforming change or
14 scrivener change, to go back and just double-check all
15 of the dates in Paragraphs 1 through 8 and the decision
16 numbers. To Member Noland's point, we're taking it
17 partially on faith that these are the correct dates and
18 decision numbers; so that if there is a change that has
19 to be made, we can make that change.

20 MS. GRABEL: We can do that, Chairman.

21 CHMN. CHENAL: And I think we've reviewed, if
22 we haven't, Paragraph 8. No, let's go back to
23 Paragraph 8. Any further discussion on Paragraph 8?

24 (No response.)

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

1 approve the language as to form for Paragraphs 1
2 through 8?

3 MEMBER PALMER: Mr. Chairman, I would move
4 that we approve the Findings of Fact A, Background and
5 Procedural History, Paragraphs 1 through 8, as reviewed
6 here.

7 MEMBER HAENICHEN: Second.

8 CHMN. CHENAL: We have a motion and a second.
9 Any further discussion?

10 (No response.)

11 CHMN. CHENAL: All in favor say aye.

12 (A chorus of ayes.)

13 CHMN. CHENAL: And I saw the lips move of the
14 three Members. I hope they're not on mute. At least
15 when they give their answer, could you take the mute
16 off so we can hear your voices?

17 All right. Let's go to Paragraph B, Hearing
18 Before the Line Siting Committee.

19 MEMBER NOLAND: Mr. Chairman, I move that we
20 adopt B(9) with the addition of the date of
21 December 3rd. So it would be just the hearing
22 December 1st, 2020 through December 3rd, 2020.

23 CHMN. CHENAL: We have a motion. May I have
24 a second?

25 MEMBER HAENICHEN: Second.

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

2 Any further discussion?

3 (No response.)

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Paragraph 10.

7 MEMBER NOLAND: Mr. Chairman.

8 CHMN. CHENAL: Member Noland.

9 MEMBER NOLAND: I move that we adopt
10 Paragraph 10 as presented.

11 CHMN. CHENAL: May I have a second?

12 MEMBER GENTLES: Second.

13 CHMN. CHENAL: Motion and a second. Any
14 further discussion?

15 (No response.)

16 CHMN. CHENAL: If not, all in favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: Thank you. Let's move to
19 Paragraph 11.

20 MEMBER PALMER: Move approval of
21 Paragraph 11.

22 MEMBER HAENICHEN: Second.

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

24 Can't we have some more further discussion on
25 that? Isn't there something controversial about that?

1 All right. All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Paragraph 12.

4 MEMBER NOLAND: Mr. Chairman, maybe we can
5 come back to this and put in the vote.

6 CHMN. CHENAL: Yes. But as to the language,
7 other than the votes --

8 MEMBER NOLAND: And adding in December 3rd.

9 CHMN. CHENAL: Okay. So we'll come back and
10 add the vote. But may I have a motion to approve the
11 language?

12 MEMBER HAENICHEN: So moved.

13 MEMBER NOLAND: Second.

14 CHMN. CHENAL: Motion and a second. All in
15 favor say aye.

16 (A chorus of ayes.)

17 CHMN. CHENAL: Thank you. Paragraph C, Line
18 Siting Committee Findings of Fact and Conclusions of
19 Law.

20 MEMBER NOLAND: Mr. Chairman, did you forget
21 13?

22 CHMN. CHENAL: I did forget 13.

23 MEMBER NOLAND: That's why I'm here.

24 CHMN. CHENAL: "The Committee's Recommended
25 Opinion and Order included Findings of Fact and

1 Conclusions of Law are set forth below." May I have a
2 motion to approve?

3 MEMBER NOLAND: So moved.

4 MEMBER GENTLES: Second.

5 CHMN. CHENAL: We have a motion and a second.
6 All in favor say aye.

7 (A chorus of ayes.)

8 CHMN. CHENAL: Now, to C, Paragraph 14. May
9 I have a motion to approve?

10 MEMBER PALMER: Move approval of 14.

11 MEMBER NOLAND: Second.

12 CHMN. CHENAL: We have a motion and a second.
13 Any further discussion?

14 (No response.)

15 CHMN. CHENAL: All in favor say aye.

16 (A chorus of ayes.)

17 CHMN. CHENAL: May I have a motion to approve
18 15?

19 MEMBER HAENICHEN: So moved.

20 MEMBER PALMER: Second.

21 CHMN. CHENAL: We have a motion and a second.
22 Any further discussion?

23 (No response.)

24 CHMN. CHENAL: All in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Paragraph 16. May I have a
2 motion to approve?

3 MEMBER NOLAND: So moved.

4 MEMBER HAENICHEN: Second.

5 CHMN. CHENAL: We have a motion and a second.
6 Any further discussion?

7 (No response.)

8 CHMN. CHENAL: All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: Paragraph 17. May I have a
11 motion to approve?

12 MEMBER PALMER: Motion to approve 17.

13 CHMN. CHENAL: May I have a second?

14 MEMBER NOLAND: Second.

15 CHMN. CHENAL: We have a motion and a second.
16 Any further discussion?

17 (No response.)

18 CHMN. CHENAL: All in favor say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: And Paragraph 18. May I have
21 a motion to approve, please?

22 MEMBER GENTLES: Mr. Chairman, I move
23 approval of 18.

24 CHMN. CHENAL: I'm going to have to ask your
25 microphone to be closer, Member Gentles. Sorry.

1 MEMBER GENTLES: Mr. Chairman, I move
2 approval of 18.

3 MEMBER HAENICHEN: Second.

4 CHMN. CHENAL: We have a motion and a second.
5 All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: Conclusions of Law,
8 Paragraph 1. May I have a motion to approve?

9 MEMBER NOLAND: So moved.

10 MEMBER GENTLES: Second.

11 CHMN. CHENAL: We have a motion and a second.
12 All in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: Paragraph 2.

15 MEMBER PALMER: Motion to approve 2.

16 MEMBER DRAGO: Second.

17 CHMN. CHENAL: We have a motion and a second.
18 Any further discussion?

19 (No response.)

20 CHMN. CHENAL: All in favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Paragraph 3. May I have a
23 motion to approve?

24 MEMBER HAENICHEN: I move 3.

25 MEMBER PALMER: Second.

1 CHMN. CHENAL: We have a motion and a second.
2 Any further discussion?

3 (No response.)

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: And Paragraph 4. May I have a
7 motion to approve, please?

8 MEMBER NOLAND: So moved.

9 MEMBER GENTLES: Mr. Chairman, I move
10 approval.

11 CHMN. CHENAL: Member Noland approved -- made
12 a motion and Member Gentles seconded. All in favor say
13 aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Okay. Now, two things. One,
16 I want to specifically adopt the maps. I don't know if
17 we've done that. We've done it generally, but I don't
18 think we've done a motion and a second to adopt the
19 maps. So may I have a motion and a second to approve
20 the maps, Exhibit A with the two pages that were
21 changed that was reviewed by Mr. Beck, and Exhibit C
22 consisting of eight pages? May I have a motion to
23 approve the maps as attachments to the CEC?

24 MEMBER NOLAND: So moved.

25 CHMN. CHENAL: May I have a second?

1 MEMBER PALMER: Second.

2 CHMN. CHENAL: CEC and to the Recommended
3 Order.

4 We have a motion. May I have a second?

5 MEMBER PALMER: Second.

6 CHMN. CHENAL: We have a second. All in
7 favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: I just need to ask counsel.
10 We've talked about the Attachments A and C to the CEC,
11 but will they also be an attachment to the ROO? I
12 think they should be.

13 MR. DERSTINE: I think they should be.

14 CHMN. CHENAL: So is there language in here
15 where the maps are attached to the ROO? It is in the
16 CEC, but is there language in the ROO that --

17 MEMBER NOLAND: Mr. Chairman, if you look at
18 E on Page 7, we could add attached in A.

19 MEMBER PALMER: D and E, I think, pick that
20 up.

21 CHMN. CHENAL: Yes, I think Paragraphs D and
22 E pick that up.

23 MEMBER NOLAND: And also C, I think.

24 CHMN. CHENAL: Actually, C would be the place
25 to do it. So when we get to C, maybe we need to modify

1 that language a little to make that clear.

2 And then the other thing is, I'd like
3 somewhere in the ROO to actually attach the CEC as an
4 exhibit, and I don't know where to put that. I'll ask
5 you to think about that.

6 MR. DERSTINE: Can we make an effort at
7 finding the right place and incorporate those as
8 conforming changes when we send you back the revision,
9 or do you want to find a place now? We can do it.

10 CHMN. CHENAL: If we see it, let's add it
11 here. It's just one less -- we have a lot of people
12 looking at it, and I think we'll come up with some
13 language pretty quickly.

14 So let's go through the -- we've already
15 reviewed these ordering paragraphs, so let's go to
16 Paragraph A under Order. Any further discussion?

17 (No response.)

18 CHMN. CHENAL: If not, may I have a motion to
19 approve?

20 MEMBER NOLAND: So moved.

21 MEMBER HAENICHEN: Second.

22 CHMN. CHENAL: Motion and a second. All in
23 favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Under B. We've already

1 revised this language a little to add the Tohono
2 O'odham Nation. So any further discussion?

3 (No response.)

4 CHMN. CHENAL: If not, may I have a motion to
5 approve Paragraph B?

6 MEMBER PALMER: I move approval of
7 Paragraph B.

8 MEMBER GENTLES: Second.

9 CHMN. CHENAL: We have a motion and a second.
10 All in favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Now, on Paragraph C, let's
13 wordsmith some language so that the maps that are
14 attached -- we attach the maps.

15 MR. DERSTINE: So is it simple enough to
16 simply indicate at the end of the reference to
17 Exhibit A, Maps 10, 11, 13 through 16?

18 MEMBER NOLAND: Mr. Chairman. I can't hear
19 you, Mr. Derstine.

20 MR. DERSTINE: I'm sorry. Is it enough to
21 reference, at the end of that first sentence, "attached
22 hereto"? So the first sentence of Paragraph C would
23 read, "A 150-foot-wide right-of-way is approved for the
24 CEC upgrade route within the corridor depicted on the
25 CEC Maps (Exhibit A, Maps 10, 11, 13 through 16,

1 attached hereto)."

2 CHMN. CHENAL: I think that's okay.

3 MEMBER NOLAND: Yeah.

4 CHMN. CHENAL: And we'll do the same thing a
5 sentence later for Exhibit C, right?

6 MR. DERSTINE: There's only two, though.

7 MR. BECK: Mr. Chairman, just to be clear, in
8 Exhibit A we were only going to provide two maps.

9 MR. DERSTINE: Well, then, we have the wrong
10 language there.

11 MS. GRABEL: No. I think this language
12 doesn't reflect all of the changes we've made; some of
13 the language is from the original CEC. And so that
14 150-foot-wide ROW is from Exhibit A, Maps 10, 11, 13
15 through 16 of CEC 173. The additional change is to the
16 next sentence, this is new language, and I think
17 "attached hereto" would fit just fine --

18 MR. DERSTINE: At the end of the second
19 sentence.

20 MS. GRABEL: -- at the end of the second
21 sentence, but not the first.

22 CHMN. CHENAL: So how do we -- okay. So
23 after the reference to Exhibit C and the upgrade route,
24 "attached hereto" makes sense. But how do we pick up
25 the two pages that we changed regarding Exhibit A?

1 MR. BECK: Isn't there another location where
2 we say the change to 10 and 14?

3 CHMN. CHENAL: I think the next paragraph, in
4 D. If you scroll down to Paragraph D of the Order.

5 MR. DERSTINE: So, yeah, D carries out the
6 two-map change, Exhibit A, Maps 10 and 14. I think we
7 need to -- should we reflect that as revised?

8 MR. BECK: Right. It would be 10 revised and
9 14 revised, yes.

10 MS. GRABEL: Can I just throw out an
11 alternative suggestion, gentlemen? Would it be easier
12 to state in a finding of fact that during the hearing
13 that TEP presented revised maps and they're attached
14 hereto as Exhibits X and Y, whatever they are? And
15 that way you don't have to worry about it in the
16 ordering paragraph; you can just do it in a finding of
17 fact?

18 CHMN. CHENAL: That might be cleaner.

19 MR. DERSTINE: Well, in Paragraph C the map
20 set -- that new map set that's correct, C, 1 through 8,
21 that's a standalone set right there, so I think that
22 works. It's just a matter of do we want to go back and
23 change any language in Ordering Paragraph D to pick up
24 the revised reflection and then include the language
25 "attached hereto," or do you want to do it in a whole

1 separate sentence?

2 CHMN. CHENAL: Well, we could do it two ways.
3 We could do it as -- put a comma, "attached hereto," in
4 Paragraph C to pick up -- yeah, "Exhibit C, Maps 1
5 through 8, attached hereto." And then in Ordering
6 Paragraph D, that's where we could pick up Exhibit A,
7 Maps 10 and 14. So that's one way to do it, to use
8 "attached hereto" to those two paragraphs.

9 Alternatively, Ms. Grabel's suggestion, we do
10 a paragraph in the findings of fact, as she stated.

11 MR. DERSTINE: Whatever the Committee
12 prefers.

13 CHMN. CHENAL: Does the Committee have a
14 preference? Does Ms. Grabel have a preference?

15 MS. GRABEL: The reason I suggested that was
16 because we're actually modifying the language of CEC
17 173 in here to say "attached hereto," and I'm not sure
18 that that's done anywhere else in CEC 173, as opposed
19 to if you state finding of fact, then you're attaching
20 it to the Recommended Opinion and Order.

21 CHMN. CHENAL: I like that.

22 MS. GRABEL: And that's something we can do
23 as a kind of a conforming change, if it's easier, since
24 the Committee has already gone through.

25 CHMN. CHENAL: Yeah. Too many conforming

1 changes, it gets -- I think our minds are zeroing in on
2 that topic right now, and I think --

3 MEMBER NOLAND: Mr. Chairman, I can't hear
4 you. I'm sorry.

5 CHMN. CHENAL: My apologies.

6 So I kind of like the finding of fact --
7 adding a finding of fact that says we've reviewed
8 additional maps and they're attached hereto and
9 identify them in a finding of fact, but I don't want to
10 do that as just a conforming change. I think we should
11 come up with the language now at least in the CEC, and
12 you can -- so we know exactly what the language is and
13 where it is, and then you can consider it a conforming
14 change on the ROO when you get it to me, okay. We
15 don't have to do that language right now, I guess.
16 That might simplify it here today.

17 MR. DERSTINE: I'm fine with either way.

18 CHMN. CHENAL: Go back to Page 5 and add a
19 Finding of Fact and Conclusion of Law 19. Will that
20 work?

21 MS. ROSENBERG: Am I deleting out "attached
22 hereto" into Paragraph C? For "Exhibit C, Maps 1
23 through 8, attached hereto," am I deleting that now?

24 MR. DERSTINE: Yes.

25 (Member Drago exited the hearing.)

1 CHMN. CHENAL: So if we can scroll down to 17
2 and 18 and maybe add 19, is that the place to do it?
3 Maybe it's not the place to do it. Maybe there's a
4 better place to do it.

5 MR. DERSTINE: It just seems that the
6 reference to maps is an odd finding of fact and
7 conclusion of law.

8 CHMN. CHENAL: Yep. Maybe we're back to
9 Paragraph C and D.

10 MS. GRABEL: I defer to Mr. Derstine on this.
11 That's fine with me.

12 CHMN. CHENAL: It seems like it would --
13 there's two ways to do it. It seems like in the Order
14 where we were looking at adding "attached hereto"
15 would --

16 MR. DERSTINE: I think it's more organic to
17 reference the maps in association with the language
18 that refers to the maps.

19 CHMN. CHENAL: And then the CEC that will be
20 an exhibit to the ROO will have all the correct maps.

21 MR. DERSTINE: The redline CEC?

22 CHMN. CHENAL: Yeah.

23 MR. DERSTINE: Yes.

24 CHMN. CHENAL: We'll attach the correct maps
25 to that 19B.

1 MR. DERSTINE: And I think it's probably both
2 places. So the ROO standalone will contain those maps,
3 because it has the language that amends CEC 173, and
4 our 19B should have that as well.

5 CHMN. CHENAL: So I guess we go back to
6 the -- sorry to go back to the CEC and the ROO.

7 MR. DERSTINE: So we're back at Paragraph C
8 on Page 7 of the ROO.

9 CHMN. CHENAL: Yeah.

10 MR. DERSTINE: After the first reference to
11 "the CEC Maps (Exhibit A, Maps 10, 11, 13 through 16,
12 attached hereto)," I think we decided that works. Oh,
13 wait. No, I'm sorry. That's the one that doesn't
14 work. Skip that one. But the second reference to "the
15 Exhibit C, Maps 1 through 8, attached hereto." And
16 then the revised maps are in Paragraph D, and we just
17 need to insert the word "revised" after Map 10, and 14
18 revised. "Attached hereto" at the end of that sentence
19 is probably sufficient.

20 CHMN. CHENAL: Then let's go to the CEC. And
21 I saw some language added, "attached hereto," and I
22 want to make sure that's correct.

23 MR. DERSTINE: Ranie, would you put the
24 "revised" in parentheses?

25 MS. ROSENBERG: I can't hear you.

1 MR. DERSTINE: I'm sorry. Can you put the
2 "revised," both of those, in parentheses?

3 CHMN. CHENAL: Can I ask you to scroll up on
4 the left screen?

5 Does that make sense?

6 (No response.)

7 CHMN. CHENAL: So the Vail substation with
8 the maps attached is addressed in Paragraph D of the
9 ROO, and the Exhibit C maps are addressed in
10 Paragraph C of the ROO.

11 I guess I want to make sure the CEC has the
12 exhibit language that addresses Exhibit C. Got it.

13 Okay. So where did we leave off in terms
14 of --

15 MEMBER PALMER: Did we put "attached hereto"
16 in the CEC side as well for Vail to Tortolita?

17 CHMN. CHENAL: I think we did. I think it's
18 right here.

19 MEMBER PALMER: Where it says, "Vail to
20 Tortolita." Down further. Scroll down.

21 MEMBER NOLAND: Which one?

22 CHMN. CHENAL: On the left screen?

23 MEMBER PALMER: Yes.

24 CHMN. CHENAL: So keep scrolling down,
25 please.

1 MEMBER PALMER: Keep scrolling down. There.
2 Does that need to say "attached" or not?

3 MS. GRABEL: I don't think we need to do it
4 more than once if we've already done it the first time.

5 MEMBER NOLAND: Yeah. Mr. Chairman, the
6 language that's in the Order is going to be what goes
7 finally into the revised redline CEC, 19B.

8 CHMN. CHENAL: Right.

9 MEMBER NOLAND: Really that's something that
10 can be a conforming change. If we're approving it on
11 the ROO, it's going to be in the CEC.

12 CHMN. CHENAL: Yes. Is the language in the
13 CEC correct now for both the Exhibit C and Exhibit D
14 and is that reflected properly in the ROO?

15 MS. GRABEL: Yes, I think we picked those up
16 in Ordering Paragraph C and D.

17 CHMN. CHENAL: Okay. Did we actually approve
18 C and D?

19 MEMBER PALMER: I would move approval of C as
20 modified.

21 CHMN. CHENAL: Can we scroll back to C on the
22 ROO, please?

23 MEMBER NOLAND: Second.

24 CHMN. CHENAL: We have a motion and a second.
25 Any further discussion on Paragraph C of the ROO?

1 (No response.)

2 CHMN. CHENAL: If not, all in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Paragraph D of the ROO.

5 MEMBER NOLAND: Mr. Chairman, I move

6 Paragraph D as revised.

7 MEMBER HAENICHEN: Second.

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

9 Any further discussion?

10 (No response.)

11 CHMN. CHENAL: All in favor say aye.

12 (A chorus of ayes.)

13 CHMN. CHENAL: Paragraph E of the ROO. Any

14 further discussion?

15 (No response.)

16 CHMN. CHENAL: May I have a motion to

17 approve?

18 MEMBER HAENICHEN: I move.

19 MEMBER PALMER: Second.

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

21 All in favor say aye.

22 (A chorus of ayes.)

23 CHMN. CHENAL: Paragraph F.

24 MEMBER NOLAND: I move Paragraph F.

25 MEMBER HAENICHEN: Second.

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

2 All in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Paragraph G, please.

5 MEMBER PALMER: Move approval of Paragraph G.

6 MEMBER HAENICHEN: I second.

7 CHMN. CHENAL: Can you scroll down so we can
8 finish?

9 So we have a motion and a second. All in
10 favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Paragraph H.

13 MEMBER NOLAND: I move we adopt Paragraph H.

14 MEMBER HAENICHEN: I second.

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

16 All in favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: Paragraph I. Any further
19 discussion?

20 (No response.)

21 CHMN. CHENAL: If not, may I have a --

22 MEMBER HAENICHEN: I move. I move I.

23 MEMBER GENTLES: Second.

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

25 All in favor say aye.

1 (A chorus of ayes.)

2 CHMN. CHENAL: Paragraph J.

3 MEMBER HAENICHEN: I move.

4 MEMBER PALMER: Second.

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

6 Any further discussion?

7 (No response.)

8 CHMN. CHENAL: All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: Any further discussion

11 regarding the remaining language in the ROO that's on

12 the right side of the screen?

13 MEMBER NOLAND: No. And Mr. Chairman, I move

14 that we adopt the Recommended Opinion and Order

15 amending Decision No. 75978 as revised.

16 MEMBER HAENICHEN: I'll second that.

17 CHMN. CHENAL: Okay. We have a motion and a

18 second.

19 Let's make sure we have this covered. Is

20 there anything that we're forgetting here? Frankly, I

21 got a little confused with the attachment stuff, and

22 that's going to be sorted out, I think, when you look

23 at it and get it to me. So at the end of the day, the

24 revised maps for Exhibit A and the new Exhibit C, Maps

25 1 through 8, will be attached to the ROO and they will

1 also be attached to the CEC.

2 I think we have one more thing. We've got to
3 have language in the ROO that attaches the CEC as an
4 exhibit. We want this ROO to have the CEC attached,
5 and I've got to find somewhere just to put "a copy of
6 the CEC 173 as revised is attached hereto as Exhibit
7 E."

8 MR. DERSTINE: One suggestion. Not
9 necessarily the right way to do it, but one way to do
10 it could be on Page 6 under the Order where it says,
11 "It is therefore ordered that Decision 75978 is
12 modified to revise CEC 173 as follows," we could place
13 a footnote there, after "follows," and indicate that
14 "For purposes of clarity and to avoid any" -- yeah,
15 "For purposes of clarity, a redline of CEC 173
16 incorporating the changes adopted in this Recommended
17 Opinion and Order is attached hereto as" whatever
18 exhibit we're on, or as Exhibit 1, use a number that's
19 not a letter so it's not confused with the map
20 references.

21 CHMN. CHENAL: I like that idea. Committee
22 okay with that?

23 MEMBER HAENICHEN: Yeah.

24 MEMBER PALMER: Yes.

25 CHMN. CHENAL: So we could add that. We

1 don't have to do it right now.

2 MR. DERSTINE: And it doesn't have to be even
3 a reference. It could just say it's attached hereto,
4 that's enough.

5 CHMN. CHENAL: Sure. After 173 let's say,
6 "with the recommended changes" or "revisions." What
7 would be the correct word?

8 MR. DERSTINE: We've used modifications, so
9 modifications.

10 CHMN. CHENAL: Maybe before "redlined" the
11 "the" should be "a."

12 MR. DERSTINE: Instead of "the," "a"?

13 CHMN. CHENAL: "For purposes of clarity, a
14 redlined," instead of "the redlined." I think that's
15 good.

16 MR. DERSTINE: I think that works.

17 CHMN. CHENAL: Committee good with that?

18 MEMBER NOLAND: So Mr. Chairman, I would
19 modify my motion to include that footnote.

20 MEMBER HAENICHEN: Second.

21 CHMN. CHENAL: We have a motion and a second.
22 Any further discussion?

23 (No response.)

24 CHMN. CHENAL: Let's take a roll call vote,
25 starting with Member Noland, please.

1 MEMBER NOLAND: Mr. Chairman, I vote aye.

2 MEMBER HAENICHEN: Mr. Chairman, I vote aye.

3 MEMBER PALMER: Aye.

4 MEMBER GENTLES: Aye.

5 CHMN. CHENAL: Member Hamway.

6 MEMBER HAMWAY: Yes, I vote aye.

7 CHMN. CHENAL: Member Branum.

8 MEMBER BRANUM: Aye.

9 CHMN. CHENAL: Member Riggins.

10 MEMBER RIGGINS: I vote aye.

11 CHMN. CHENAL: Okay. And I vote aye as well.

12 So good. So as cleanup, I'll wait to receive

13 the Recommended Order with the CEC attached with

14 maps -- revised maps attached to both and any

15 scrivener's errors or anything that needs to be cleaned

16 up with conforming changes.

17 Anything else?

18 MR. DERSTINE: We will give it a careful

19 review, make sure we have the --

20 MS. ROSENBERG: Matt, do we need to go back

21 to 12? Did that ever get approved?

22 MR. DERSTINE: Oh, you're right.

23 Ms. Rosenberg is noting that we never filled in the

24 vote on Paragraph 12.

25 CHMN. CHENAL: Well, I think that's a matter

1 of record, so we can fill that in when we get the
2 revised --

3 MR. DERSTINE: Okay. We'll fill it in. We
4 heard the vote and we'll fill it in.

5 CHMN. CHENAL: Are there any other changes
6 that need to be addressed or issues to be addressed?

7 MR. DERSTINE: No.

8 MS. GRABEL: Mr. Chairman, I don't know if
9 you want to reflect for the record, but Member Drago
10 was here throughout the proceedings, but unfortunately
11 missed the vote, so I don't know how that gets
12 reflected in vote count.

13 MEMBER NOLAND: Mr. Chairman, didn't he leave
14 you his proxy vote?

15 CHMN. CHENAL: He left me a note that said he
16 votes to approve CEC --

17 MS. GRABEL: Well, there you go.

18 CHMN. CHENAL: -- 173 as amended. So let's
19 include him as an aye vote. He was here for the entire
20 hearing and just left a minute before the vote because
21 he had a very important phone call to take, but left a
22 handwritten note, and I have it right here, so I think
23 that's an affirmative vote.

24 MEMBER NOLAND: And he verified that with a
25 couple different of us.

1 CHMN. CHENAL: Yes. So I think we're -- I
2 think we're finished. I just have a feeling that
3 there's something we've forgotten, and I can't place my
4 finger on it.

5 MR. DERSTINE: Well, I hope that's not the
6 case. I don't think so.

7 I just want to say, I hope COVID-19 is not
8 here forever. I hope that masks are not a thing that's
9 here forever. My sense is that hybrid hearings will be
10 here probably for the foreseeable future. I know we
11 faced a number of hurdles and challenges from an audio
12 visual standpoint.

13 I certainly appreciate the Members of the
14 Committee in this room who participated here live, as
15 well as the Committee Members who joined virtually. I
16 know at times we had challenges in the room with some
17 audio, we had challenges at times with the Zoom meeting
18 feed.

19 I think what I've learned from all this, it's
20 easier to draft a CEC originally than to amend a prior
21 one, that that takes a fair amount of work and finesse
22 and careful thought; you folks gave it that. So on
23 behalf of certainly Tucson Electric Power Company, and
24 I don't think I'm overstepping my bounds to indicate on
25 behalf of Southline, both applicants, we really

1 appreciate your time and your attention. Your job here
2 was different. It was not giving us a new CEC, it was
3 amending a prior CEC, but the work that you did here
4 was the same. You listened carefully to the evidence,
5 you asked hard questions, good questions, and at the
6 end you made a decision and ruled based on whether or
7 not this project was in the public interest. And
8 again, we appreciate it and thank you.

9 CHMN. CHENAL: Thank you for -- this is
10 always a little complicated. Congratulations to the
11 applicants. I know it was quite a road to get here,
12 but I did promise that we would hear this as quickly as
13 possible, and I think we've met the time frame for your
14 project. And congratulations and I really appreciate
15 the efforts of the applicants, and especially counsel
16 and staff, to help with putting this together,
17 especially here at the last minute when we decided to
18 plow ahead with the hearing in spite of difficulty and
19 get it done. So yeoman's work to get that completed as
20 we did. That was quite a task, and normally we would
21 have waited until tomorrow. But for reasons that I
22 think are appropriate, it was good to get it finished
23 today and we did.

24 So I want to thank the applicants, counsel,
25 staff, AV, of course our erstwhile court reporter, and

1 Members of the Committee for sticking it out and paying
2 attention and being excellent participants.

3 Unless there's any further comments, this is
4 adjourned. Thank you.

5 (The hearing concluded at 3:16 p.m.)

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1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

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

10 I CERTIFY that I am in no way related to any
11 of the parties hereto nor am I in any way interested in
12 the outcome hereof.

13 I CERTIFY that I have complied with the
14 ethical obligations set forth in ACJA 7-206(F)(3) and
15 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,
16 Arizona, this 7th day of December, 2020.

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KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

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