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BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

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

At: Phoenix, Arizona
Date: February 19, 2020
Filed: February 24, 2020

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED	MARKED
1	Hearing schedule	6	6
2	Map of Route Tour	12	13

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee at the OFFICES OF THE ATTORNEY GENERAL, 15
5 South 15th Avenue, Phoenix, Arizona, commencing at
6 1:44 p.m. on the 19th day of February, 2020.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9

10 APPEARANCES:

11 For the Applicant, Tucson Electric Power Company:

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

17 and

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

23

24 INTERESTED PARTIES:

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

28 Mr. Eric Raatz
29 Manager, Operations Planning
30 Tucson Electric Power Company

31

1 INTERESTED PARTIES: (Cont.)

2 Ms. Melissa Morales
3 Regulatory Coordinator
4 Tucson Electric Power Company

5 Ms. Renee Darling
6 Supervisor, Land Resources
7 Tucson Electric Power Company

8 Ms. Marie Elena Cobb
9 Assistant to Chairman Chenal
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1 CHMN. CHENAL: Hi. My name is Tom Chenal.

2 This is the time set for the prehearing
3 conference on the Irvington to East Loop Transmission
4 Line Project.

5 May we have appearances, please.

6 MS. DECORSE: Megan DeCorse on behalf of Tucson
7 Electric Power.

8 MS. DARLING: Renee Daring, Tucson Electric
9 Power.

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

11 MS. MORALES: Melissa Morales, Tucson Electric
12 Power.

13 MR. BECK: Ed Beck, Tucson Electric Power.

14 MR. RAATZ: Eric Raatz, Tucson Electric Power.

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

17 CHMN. CHENAL: All right. First on my list, I
18 want to confirm that lodging arrangements have been made
19 for the Committee members. And I believe the answer to
20 that is yes.

21 MS. DARLING: Yes, they have.

22 CHMN. CHENAL: And I see you have -- maybe we
23 should make it an exhibit just because it's not something
24 we've seen before. This is nice, and maybe we should
25 have it for future hearings. But it's basically the food

1 schedule, breakfast and lunch; and has the tour date;
2 basically, when the hearings start; and the evening
3 hearing on the evening of the first night, Monday,
4 February 24th.

5 So let's mark that as Exhibit 1 to the
6 prehearing conference.

7 (Exhibit 1 was marked for identification.)

8 CHMN. CHENAL: That's nice to have.

9 All right. In terms of parties, it's obviously
10 Tucson Electric Power.

11 I'm unaware of any requests to intervene. Is
12 the applicant or counsel aware?

13 MS. DECORSE: No. We checked Docket before we
14 came, and we haven't seen any and haven't been notified
15 otherwise.

16 CHMN. CHENAL: Okay. And the applicant has
17 filed the Notice of Affected Jurisdictions?

18 MS. DECORSE: Yes.

19 CHMN. CHENAL: And what are the affected
20 jurisdictions?

21 MS. DECORSE: Pima County and City of Tucson.

22 CHMN. CHENAL: We discussed earlier posting and
23 publishing, and I just wanted to ask if the applicant's
24 complied with the posting and publishing requirements of
25 the Procedural Order and the statutes?

1 MS. DECORSE: We have. We can go into greater
2 detail if you like.

3 CHMN. CHENAL: Just generally. I know that's
4 going to be part of your case.

5 MS. DECORSE: All right. So we published --

6 CHMN. CHENAL: Do you have a map that we could
7 refer to, Ms. DeCorse?

8 MS. DECORSE: Yes. It's Exhibit -- in your
9 binder --

10 CHMN. CHENAL: I don't have that with me.
11 Marie has it. I now have it.

12 MS. DECORSE: Exhibit 8A.

13 CHMN. CHENAL: Right.

14 MS. DECORSE: And so I'm going to have Renee
15 speak to the sign locations.

16 CHMN. CHENAL: Just generally, Ms. Darling,
17 because we're going to get into that in the hearing.

18 MS. DARLING: So we posted 11 signs in the
19 project area. So starting with No. 1, which is at the
20 southern end at Littleton and Wilmot. That's along the
21 common route.

22 And No. 2 is also at the common route.

23 No. 3 is at the Patriot Substation.

24 And then 4 and 5 and 6 are on one alternative
25 route.

1 And 7, 8, 9, 10, and 11 are on the preferred
2 common route.

3 And 9 and 4 and 7 also cover the preferred
4 second alternative route.

5 CHMN. CHENAL: So the map on Exhibit 8B -- 8A
6 sets forth where the signs are located.

7 MS. DARLING: Right. And it shows the
8 coordinates and everything --

9 CHMN. CHENAL: Perfect.

10 MS. DARLING: -- and the pictures as well.

11 CHMN. CHENAL: And then the publishing. We'd
12 like to confirm the publishing requirements have been
13 met.

14 MS. DECORSE: And so we published in the
15 Arizona Daily Star on Sunday, January 19th, and
16 Wednesday, January 22nd.

17 And the exhibit for that is 7, TEP-7, in our
18 binder. And it shows the tear sheet as well as the
19 newspaper.

20 CHMN. CHENAL: Okay. I see an ad for Hartford
21 Auto Insurance, it looks like. Sell your Tucson home
22 now. But I see the important part.

23 Okay. Perfect.

24 MS. COBB: Mr. Chairman, would you like me to
25 make a copy of Exhibit 8A and do you want to mark that as

1 an exhibit?

2 CHMN. CHENAL: Nope. No. We've got them in
3 the exhibit book. They'll be in evidence, so that's
4 good.

5 All right. I had filed an agenda. I just
6 wanted to know if there were any changes or corrections
7 that the applicant would note that should be changed.

8 MS. DECORSE: No. We didn't have any.

9 CHMN. CHENAL: All right. Let's talk about the
10 hearing.

11 The hearing will begin on Monday, February
12 24th, at 1 p.m. We'll continue Tuesday, February 25th,
13 through Friday, 28th, as necessary, beginning at 9 a.m.
14 each day, unless a tour is taken.

15 Tour would be set for Tuesday, February 25th,
16 at 9 a.m.

17 And beginning at 5:30 on Monday, February 24th,
18 we'll have public comment taken in the evening.

19 And I think those are the hearing times and
20 dates.

21 Given that there does not appear to be any
22 intervention, any parties who are intervening, what's the
23 applicant's best guess as to how long this hearing will
24 take?

25 MS. DECORSE: Let's defer to Ed and see if he

1 can guess it right.

2 MR. BECK: I expect that you could be into
3 conditions and deliberating by Wednesday afternoon.

4 Monday, I think we'll get through a lot of our
5 testimony. Have the tour on Tuesday morning, finish up
6 testimony Tuesday afternoon. And then Wednesday, maybe
7 all day on the CEC.

8 CHMN. CHENAL: Okay. You know my preference.
9 I've said it before. Afternoon -- I guess if we begin in
10 an afternoon right after lunch, it might work. But on
11 complicated cases, I like to start fresh in the morning,
12 the following morning. It just works a lot better.

13 This case may lend itself to Wednesday --
14 Monday and Tuesday, and then Wednesday deliberations or
15 get into deliberations starting Wednesday morning and
16 finishing up Wednesday in the afternoon.

17 But if it's 2:00 and we haven't really started
18 the deliberations yet, I'm going to push us into the next
19 day. Because it does take time, as we all know, to go
20 through, and it just works better.

21 MR. BECK: We know you did a really good job in
22 the last case on conditions. And since we started there,
23 we expect to be fairly streamlined on that process. But
24 we understand, and we have no issue if it goes into
25 Thursday or Friday.

1 CHMN. CHENAL: Sure. So we'll just see how it
2 goes. There may be questions that delay. Who knows how
3 things delay hearings or drag it out a little bit. We'll
4 see how it goes.

5 MR. BECK: Relative to our cases, there's been
6 very little public opposition to the project in general.
7 There's the typical "not in my backyard," trying to move
8 it off their properties. But we think we'll have a
9 fairly persuasive case for you.

10 CHMN. CHENAL: Well, that goes to the standard
11 and usual good prep that you and the team and the
12 attorneys have put together your cases. So they have
13 gone very well. Could be a surprise. You never know.
14 But not expected.

15 So we'll look to complete this maybe by
16 Wednesday, certainly by Thursday, even though we have the
17 Exhibit 1 takes us into Friday.

18 MR. BECK: We could be available if needed.

19 CHMN. CHENAL: If needed. You never know.

20 All right. We'll have sign-in forms, correct,
21 for anyone who wants public comment?

22 MS. DECORSE: Yes.

23 CHMN. CHENAL: It doesn't look like there's any
24 need for security.

25 MS. DECORSE: Nope.

1 CHMN. CHENAL: Public comment session will be
2 Monday evening starting at 5:30.

3 Let's talk about the tour, and then -- well,
4 let's start with this: You're going to have a Google
5 Earth flyover?

6 MR. RAATZ: Yes. We are going to have a Google
7 Earth flyover. We're hoping to get to that Monday
8 afternoon before the tour Tuesday morning.

9 CHMN. CHENAL: Okay. And it will show each of
10 the alternate routes?

11 MR. RAATZ: Yes, sir.

12 CHMN. CHENAL: Okay. Perfect.

13 And then what about the tour itself? How do
14 you anticipate that will be run and how long will it
15 take?

16 MR. RAATZ: If the Committee requests a tour --

17 CHMN. CHENAL: We're having a tour. If one
18 member wants it, they get it; and you're looking at one
19 that does.

20 MR. RAATZ: All right. Well, here, I'll pass
21 this out to you first.

22 CHMN. CHENAL: We'll make Exhibit 2, then.

23 MR. RAATZ: In the application, it's TEP
24 Exhibit 6.

25 CHMN. CHENAL: All right. Let's make the map

1 Exhibit 2.

2 (Exhibit 2 was marked for identification.)

3 CHMN. CHENAL: And this tour schedule is TEP
4 Exhibit 6?

5 MR. RAATZ: Yes.

6 CHMN. CHENAL: All right. We won't need to
7 make an exhibit of that.

8 So do you just want to give us kind of a
9 summary of -- the tour starts Tuesday at 9 a.m., and then
10 how do you propose the tour will progress?

11 MR. RAATZ: We'll start at 9 a.m., and we'll be
12 starting at the Doubletree. And we'll be proceeding
13 right north on Alvernon to Speedway Boulevard, where
14 we'll be going down to Stop No. 1.

15 And it will be the -- basically, looking upon
16 the East Loop Substation, one of the termination points
17 on the route. So we'll be able to see where Alternative
18 B2 comes in and the transmission corridor in there.

19 And then from there, we'll going to kind of
20 backtrack out the same way we came and go down to Pantano
21 Road. And heading south on Pantano Road along
22 Alternative B2, Stop 2 is in a little strip mall there,
23 allows us the opportunity to see the wash where
24 Alternative C1 is proposed to go.

25 And we'll continue back onto Alternative B2 to

1 Stop 3. And we'll be able to look back and see an area
2 of an existing transmission line that we're proposing to
3 reroute through there.

4 We'll continue on to Stop 4, and that's where
5 the transmission line that we'll be double-circuiting
6 through there will be picking up.

7 And then at Stop 5, we'll be stopping at a gas
8 station there and be able to see the location for the
9 planned Patriot Substation. And we'll be heading back
10 north along Kolb Road, where we'll be able to see
11 Alternatives A and C1.

12 And we'll be making a U-turn at the
13 intersection of Speedway and Kolb and heading back down
14 Kolb to Stop 6, eventually. We'll be passing by our
15 planned Port Substation. And at Stop 6, we'll be able to
16 see some existing distribution, and it's kind of the Port
17 of Tucson area.

18 And we'll be heading back by the Irvington
19 Plant and continue on on South Alvernon Way to
20 Doubletree.

21 CHMN. CHENAL: Okay.

22 MR. BECK: So this case is a little bit unique
23 from other ones we've done where, at least on our
24 preferred alignment, we will be double-circuiting with
25 existing lines, 138kV lines, which, based on our records

1 search, do not have CECs. They were prior to CEC
2 requirements.

3 So we'll be proposing some language in the
4 proposed CEC to reflect the fact that we're
5 double-circuiting with existing lines. So you'll see
6 some language like that when we get to the CEC document.

7 CHMN. CHENAL: But they'll be new poles?

8 MR. BECK: Yes. We will rebuild those sections
9 and then put both circuits onto the new poles.

10 CHMN. CHENAL: Okay.

11 All right. Very good. So how long do you
12 think the tour is going to take?

13 MR. RAATZ: About three hours.

14 CHMN. CHENAL: Okay. So that's basically the
15 morning, Tuesday morning, and we have lunch. And then we
16 have the afternoon.

17 So let's talk about, just generally, witnesses
18 and how long you think the witnesses will take. Panels;
19 right? So who do you believe you'll start with?

20 MS. DECORSE: You can --

21 MS. DARLING: Okay.

22 CHMN. CHENAL: Not to hold you to this. This
23 is just -- you can change it. Just general thought of
24 what your order of witnesses are going to be.

25 MR. DERSTINE: I think we're going to present

1 the testimony as a panel. So it would be Mr. Beck,
2 Ms. Darling, Mr. Raatz, who you see here in front of you.

3 But rather than having a chunk with
4 Ms. Darling -- there will be some of that, but they will
5 be testifying on some topics together as a panel covering
6 different aspects. And so we'll -- the plan is to
7 introduce the panel, have them testify to their prefiled
8 direct testimony, and then move on to -- Mr. Beck will
9 start with kind of an overview of the TEP system and its
10 customers, and then we'll move into a project overview
11 and proceed in that manner.

12 So I think we're getting through that first day
13 up to the point of the flyover. Ms. Darling is going to
14 do some on the alternative route analysis and then do the
15 flyover.

16 So we're hoping to give the Committee enough
17 information to understand the flyover and make a judgment
18 and understand what we're going to look at on the route
19 tour the next morning.

20 CHMN. CHENAL: That sounds perfect.

21 And then Tuesday afternoon?

22 MS. DARLING: It will be an overview of the
23 planning process and all of the studies that we conducted
24 and the public engagement process and then our
25 conclusions.

1 CHMN. CHENAL: Probably would be good to show
2 the Google flyover again when we come back from the tour.
3 I find that's very helpful.

4 We just completed a project, 100-plus miles,
5 basically, from Delaney to Blythe. And some of us took
6 the tour, some didn't. But we had the flyover before we
7 went. And then we had the real flyover in the
8 helicopters, and then we came back. But when we did the
9 flyover again, the Google flyover, it was really amazing
10 how it brought everything together. And it was really
11 important, I think, to have that second flyover, and I
12 think that's a good way to go.

13 And I know this isn't quite the same, but we've
14 got options here. And sometimes, when you see these
15 stops and you see things, you need to pull it together
16 again after you've seen these -- you know, you've got to
17 connect the dots again and see it again. When you've
18 lived it and you see it and you know it, it's one thing.
19 But when you're just seeing it for the first time and
20 you've got this bus tour, I guess it will be important to
21 see it again. Anyway, we'll do that. That won't take
22 but a little while.

23 MR. BECK: There is a possibility that,
24 depending on how long the tour actually takes -- we've
25 slotted three hours, but we may get done in two. So

1 there's potential to come back and just do the Google
2 flyover again before lunch when it's fresh in everybody's
3 mind.

4 CHMN. CHENAL: Yeah. We'll do that or we'll do
5 it right after lunch. That will be good.

6 Well, it sounds like it really is possible to
7 finish up and have final comments, arguments Wednesday
8 morning, and get into the deliberations maybe by late
9 morning, if not before, and then complete it Wednesday.
10 It won't break my heart if it goes to Thursday; but
11 Wednesday, that would be fine too.

12 We'll obviously break every 90 minutes, as we
13 normally do.

14 We'll look forward to robust WiFi.

15 MR. BECK: So the same location Doubletree that
16 we've been in before. And they've been doing remodeling,
17 but we assume that they've at least improved, so it would
18 be better than before.

19 CHMN. CHENAL: What's being remodeling?

20 MR. BECK: I think the whole place. They've
21 done rooms. I understand they did the pool. They've
22 done the actual conference room. So they're working
23 their way through that whole complex.

24 Now, contrary to what we saw on the website
25 when we were looking at checking in, they've told us that

1 the water will not be shut off on the hearings, which
2 they indicated on their website it could be during that
3 period. So we're supposed to have water. They were
4 going to shut it off for a couple hours in the middle of
5 the day originally.

6 CHMN. CHENAL: Every day?

7 MR. BECK: That's what they originally said,
8 yes.

9 MS. DARLING: I called, and they said they're
10 done with that work. We'll be fine.

11 CHMN. CHENAL: Good. Because it's just a
12 matter of, you know, biology and things.

13 MR. BECK: Every 90 minutes.

14 CHMN. CHENAL: Mark that. I'm going to impeach
15 Mr. Beck with that when he's on the stand.

16 You filed a witness summary; is that correct?

17 MS. DECORSE: Yes.

18 CHMN. CHENAL: I've seen the witness summaries;
19 the exhibits I've been provided a copy of.

20 There's no legal issues we have to discuss.

21 There's no intervenors to question whether
22 they've complied with the Procedural Order.

23 The applicant has complied in all respects with
24 the Procedural Order; is that correct?

25 MS. DECORSE: Yes.

1 One clarification on the spreadsheet that you
2 requested in your Procedural Order on the matrix.

3 CHMN. CHENAL: Well, that's -- you know what,
4 have you prepared anything on that?

5 MS. DECORSE: We did, and it's an actual
6 exhibit to the application.

7 MR. BECK: That's our standard process, is to
8 have that.

9 CHMN. CHENAL: Yes.

10 MS. DECORSE: So we didn't file that because
11 there wasn't any comments between when we filed our --
12 when we filed yesterday. We have received now three, I
13 think you said, public comments.

14 MS. DARLING: From the hearing postcard.

15 MS. DECORSE: But we will file those closer to
16 the hearing.

17 CHMN. CHENAL: You're talking about the public
18 comment matrix?

19 MS. DECORSE: Yes.

20 CHMN. CHENAL: Because in some cases, I've
21 asked for a matrix of the route where there's been a lot
22 of controversy and have each party make a position
23 statement for each segment of the route so we have
24 basically kind of a graphic view of who thinks what about
25 segments. But this is the public comment. I'm sorry.

1 My checklist refers to the segment matrix and
2 you were talking matrix, and then I'm thinking segment
3 versus the public comment.

4 MS. DECORSE: Sorry. Okay.

5 CHMN. CHENAL: Perfect.

6 Member Gentles is very keen on asking for that.
7 It comes up in every hearing. I think it's a good way to
8 do it.

9 Does Tucson Electric keep generally a log of
10 public comment activity?

11 MS. DARLING: That's J5 of the application,
12 yes.

13 CHMN. CHENAL: I think most applicants do.

14 I know Tucson Electric complies, it provides --
15 let me start over.

16 Tucson Electric approaches the Corporation
17 Commission to discuss financial arrangements for the cost
18 of the hearing and will pay for the cost of the hearing
19 that's over and above the deposit fee; is that correct?

20 MS. DECORSE: Yes.

21 CHMN. CHENAL: Is there any litigation related
22 to the project?

23 MS. DECORSE: No.

24 CHMN. CHENAL: Is there any threatened
25 litigation related to the project?

1 MS. DECORSE: No.

2 CHMN. CHENAL: All right. The proposed CEC.

3 Mr. Beck, you had mentioned there's going to be
4 some language that addresses the existing lines that were
5 not subject to a CEC because it predated the statute.

6 MR. BECK: Right. And at this point, it's not
7 in the exhibit that's been provided. So we'll be adding
8 probably a sentence or two into the exhibit just to make
9 clear that we are incorporating those existing lines into
10 this new line.

11 CHMN. CHENAL: And will you provide a copy of
12 that to Ms. Cobb in Word format?

13 MR. BECK: Yes. There's already been some
14 correspondence about that.

15 CHMN. CHENAL: Very good.

16 This does not cross federal land, does it?

17 MS. DARLING: There's DOD land.

18 CHMN. CHENAL: Does it have to go through some
19 NEPA process?

20 MR. BECK: It's Davis-Monthan Air Force Base.

21 And they've worked with us. They're aware of the
22 project. In fact, there's a letter of support.

23 You'll hear throughout the case part of the
24 reasoning for our timing for the line is to meet some DM
25 needs. So whether it's federal land -- there is a little

1 bit of federal land, right, Renee? But they're leasing
2 it from the City, a large part of that land. But there
3 probably are little pieces of federal. But it's all
4 related to the Department of Defense and Davis-Monthan.

5 CHMN. CHENAL: I guess the point I'm getting at
6 is, was there any kind of a NEPA --

7 MS. DARLING: There's no NEPA required for the
8 project.

9 CHMN. CHENAL: And I'm curious now, why is that
10 if it is potentially federal land? I always thought what
11 triggered that was federal land.

12 MS. DARLING: There was a very small piece, so
13 I guess they determined that it falls under the threshold
14 of requiring any kind of NEPA. And it's literally right
15 on the edge of the AMARG.

16 MR. BECK: So that's the Boneyard that's down
17 there. There's two different missions, and the AMARG is
18 one mission of Department of Defense, which you'll hear
19 during the hearing. So they've got a little piece of
20 federal land.

21 CHMN. CHENAL: Okay. Thank you.

22 What permits are required in addition to the
23 CEC for this project?

24 MS. DARLING: The Patriot Substation will
25 require a special exception land use permit from the City

1 of Tucson. And then just standard stormwater permits
2 during construction, but no other land use permits are
3 required. And we'll do the FAA obstruction evaluation as
4 well.

5 CHMN. CHENAL: Has that been done?

6 MS. DARLING: No. We've done preliminary
7 coordination with Davis-Monthan Air Force Base, but we
8 haven't gone -- till we have an approved route. That's
9 when we'd actually file the FAA forms.

10 MR. BECK: And we've done our own analysis. We
11 don't see any issues with the FAA as well as with DM, but
12 we have to officially make that application to the FAA.
13 And rather than doing three alternatives, two of which
14 won't be going forward, we would wait till then to do
15 that.

16 MS. DARLING: And they're so specific in the
17 lat/long. They'd want to know the exact lat/long. So
18 until we have the actual route and do the engineering of
19 the final design so we know the specific locations of
20 every pole, that's when we would file.

21 But, again, we've gone through the whole
22 coordination process with Davis-Monthan Air Force Base.
23 We'll get into it in the hearing, but we've worked it out
24 so that we're not impacting their flight plans at all.

25 CHMN. CHENAL: Okay. Perfect.

1 All right. Notebooks. There will be iPads for
2 Committee members?

3 MS. DECORSE: Yes.

4 CHMN. CHENAL: Preloaded with all the good
5 stuff?

6 MS. DECORSE: Absolutely.

7 MR. BECK: So we would anticipate we have the
8 exhibits, the application, and likely the Google movie
9 flyover.

10 Is there anything else we're putting on the
11 iPad? That's it right now unless there's something else
12 you'd like to see.

13 CHMN. CHENAL: And the testimony.

14 MR. BECK: Yes.

15 MS. DECORSE: Everything that's been filed will
16 be on there.

17 MR. DERSTINE: Do you want a Netflix link?

18 CHMN. CHENAL: Narcos, new season.

19 MR. DERSTINE: Good show.

20 CHMN. CHENAL: You've already submitted the
21 application that's been filed.

22 I don't know if there's a need for this, but
23 let's talk about it. Having notebooks, paper copies, if
24 you will, of the exhibits for the Committee members.
25 What was your thought on that?

1 MS. DECORSE: I think we're planning to have
2 those.

3 MR. BECK: We typically do provide them. It's
4 another volume of paper, but we have them there.

5 CHMN. CHENAL: Have you already prepared those?

6 MS. DECORSE: Do you mean the --

7 MR. BECK: The exhibit book.

8 CHMN. CHENAL: It's not that bad. If you
9 already have them --

10 MR. BECK: But did we make ones to have next to
11 each position?

12 MS. DARLING: We didn't make extras. We filed
13 30 --

14 MR. BECK: So we have not printed them yet.

15 MR. DERSTINE: So the filing that we make both
16 with the application and with the exhibits that were
17 filed yesterday, we're obligated to provide 25-plus
18 copies. Those get mailed to members of the Committee by
19 Docket now.

20 At the time of the hearing, we typically bring
21 extra copies. If you want us to have a whole set of
22 copies for everyone again, we're happy to do that. You
23 just tell us what you want.

24 CHMN. CHENAL: Here's the overview: Some
25 hearings ago, there were problems with having the

1 applicant have to file the exhibits. So I revised the
2 Procedural Order just to require the applicants to file
3 the testimony and not the exhibits. Technically, the
4 procedural orders don't require all the exhibits to be
5 filed; so in most cases, they're not. And the -- well,
6 I'm -- look at it. I hope I'm not wrong. Now that
7 you're looking at me like that, I'll have to verify.

8 MS. DARLING: Not that you're saying anything
9 wrong.

10 CHMN. CHENAL: That's how it's been handled
11 lately. We've had a discussion of how many paper
12 notebooks to bring in addition to iPads. And I always
13 suggest that you bring three or four binders of the paper
14 because most people don't use the paper anymore. They
15 use what's in the iPad. Member Woodall, of course, will
16 want paper. But she's usually about the only one, and
17 the others don't. But in this case, it isn't extensive
18 like in some of the other cases we've had recently.

19 But if you've already filed them, then I don't
20 think there's any need to. I'm assuming these people are
21 going to get this. Maybe bring an extra one just to have
22 it available.

23 Someone else is apparently here in the lobby
24 for this hearing.

25 MS. DARLING: Do we know who?

1 MR. DERSTINE: Maybe it's staff.

2 CHMN. CHENAL: Let's go off the record for a
3 second.

4 (Off the record from 2:14 p.m. to 2:17 p.m.)

5 CHMN. CHENAL: We're back on the record, and it
6 turns out it was a false alarm. The person who was in
7 our lobby was here for another meeting.

8 Okay. So notebooks for Committee members. The
9 applicant has filed the 25-plus copies of the exhibits,
10 so those will have been mailed to the Committee members
11 by Docket. So we do appreciate that there will be iPads
12 with the application and filings on it.

13 I'm pretty much finished with what's on my
14 checklist. Is there any other issue we need to discuss?

15 MS. DECORSE: We just have one question.

16 MR. BECK: So regarding notice to
17 jurisdictions, Docket Control insists that they actually
18 file notice with the jurisdictions, and they do that
19 regardless of whether we have.

20 So our question is, on a go-forward basis, does
21 it make sense for the applicant to be doing that notice
22 if Docket Control actually does it in every case?

23 CHMN. CHENAL: You mean as opposed to having
24 applicant prepare the notice and file it with Docket
25 Control?

1 MR. DERSTINE: We do prepare the notice and
2 file it with Docket Control, and then Docket takes it
3 upon themselves and requires that they send it out. And
4 if you look in the docket, then they have their
5 certificates of mailing, the cards come back, and they
6 file it with Docket. So Docket believes it's their
7 obligation to do it. We do it as well because the
8 Procedural Order indicates we should. So we're both
9 doing it.

10 And we don't mind. We just wanted to bring it
11 to your attention. Docket insists that it's their
12 obligation, and we do it as well.

13 CHMN. CHENAL: So I could change the Procedural
14 Order to provide that the applicant prepares the notice
15 to affected jurisdictions and file that notice with the
16 requisite copies to Docket Control. And then Docket
17 Control will, in turn, send those out.

18 MR. DERSTINE: That's how it works.

19 CHMN. CHENAL: I guess the only question in my
20 mind is the notice has to be -- and the statutes and the
21 rules refer to time limit when that has to be done. So I
22 guess if the applicant files it and Docket Control delays
23 in getting the notice out, it could violate the time
24 requirements through no fault of the applicant. And
25 someone, an intervenor or party, I guess, could make --

1 could try to invalidate the hearing or try to delay the
2 hearing because of that.

3 And I just -- part of me thinks it's better
4 that that process still be in the applicant's control
5 even if the affected jurisdictions get two notices
6 because that way, the applicant will make sure it's done
7 in a timely fashion and will remove that as a potential
8 impediment later to a party that opposes the application.
9 I'm just thinking out loud. But if I were the applicant,
10 I'd rather have some control over that to make sure it's
11 done timely rather than ceding it to Docket Control. And
12 I thought it required the chairman, the presiding
13 officer.

14 And I'm not sure if the rules presume that it's
15 Docket Control. But in any event, this may be one where
16 there's a conflict between the rules and the statutes.
17 I'd have to look at that. But I don't think I would like
18 to change it at this point because I still would like the
19 applicant to retain control over the timing when that
20 notice is given because there is a time limit that is
21 imposed by statutes. I just think it's safer. So what
22 if the City of Tucson gets a second notice.

23 MR. BECK: Okay.

24 CHMN. CHENAL: Well, Mr. Derstine, do you have
25 a thought on that?

1 MR. DERSTINE: No. I think it's -- we wanted
2 to bring it to your attention, but I think it is --
3 certainly the fact that the applicant does it is a backup
4 to what Docket does. Docket insists that it's their
5 obligation to do it, and we say, Well, no, we're going to
6 do it. And they go, No, no, we're doing it.

7 CHMN. CHENAL: Not a bad fight to have.

8 MR. DERSTINE: I don't want you to be caught
9 off guard in terms of -- we mentioned legal issues.

10 You may or may not know that Mr. Beck is
11 winding down his career, and this might be one of his
12 last, if not his last, case he's going to testify to.
13 And we were going to use this as an opportunity not only
14 to say congratulations and have fun in the afterlife, but
15 I think to make a record and maybe a little more of a
16 detailed record on TEP's approach, which you're well
17 aware of and understand about not including substations
18 formally in the application and why TEP does that.

19 And so you will see in our PowerPoint testimony
20 that Mr. Beck is going to give some testimony and make a
21 record on how that position has come about and his view
22 of the interpretation of the statute and why it's our
23 view. And there is an exhibit that he came across, I
24 think it's TEP 15 in the book, which is a letter which
25 would probably be -- well, I would have to work to find

1 the various hearsay exceptions that it would fall under,
2 but it's a letter that we would propose to introduce that
3 addresses kind of the intent in the drafting of the
4 statute to include switchyards but not substations.

5 So I just wanted you to not be caught off guard
6 and bring that to your attention.

7 I don't think -- given how the Committee has
8 dealt with our applications and other applications, it
9 doesn't change what we're doing in this case in any way,
10 and I don't think it changes in any way how the Committee
11 considers this or any other application.

12 In the TEP cases where they have not included
13 them, you considered our applications and issued CECs
14 when you thought appropriate; and then, for other
15 applicants where they have included substations, you've
16 done the same thing.

17 So we thought maybe this was appropriate and Ed
18 thought it was appropriate because it's an important
19 issue for Tucson Electric Power to make a record of that
20 in case he's not around to speak to that in the future.

21 CHMN. CHENAL: Well, I actually had heard that.
22 It's a big loss, no question. I wouldn't use the word
23 "afterlife."

24 MR. BECK: Yeah.

25 CHMN. CHENAL: I think that's a good discussion

1 to have because we had a recent case where we got into
2 that discussion. And it was the Mesa data center, and I
3 thought it was a very good discussion. And there may be
4 people on the Committee that disagree with that approach,
5 with that thought, but I think it would be a good
6 discussion to have. And I think that's a great idea, and
7 I think your thoughts on it, Mr. Beck, will be important.

8 MR. BECK: Good.

9 CHMN. CHENAL: So I think that's a good way to
10 address it.

11 Now, that might extend the hearing to Thursday.

12 MR. BECK: Possible. Just gives me more time.

13 CHMN. CHENAL: Good. I'm looking forward to
14 this.

15 I just can't help myself, but I did say at the
16 last hearing, the gold standard for tours now is the
17 helicopter.

18 MR. DERSTINE: It's hard to beat that.

19 CHMN. CHENAL: And I said, even for an 8- or
20 10-mile line, even for our next hearing. And I noticed
21 one of our members thought I was being serious about
22 that. I wasn't.

23 MR. BECK: We were concerned in this case that
24 if you were trying to do that, the Department of Defense
25 might take exception.

1 CHMN. CHENAL: Good. I'm looking forward to
2 this hearing. So if there's anything else that comes up,
3 let me know. Otherwise, we'll look forward to seeing you
4 Monday in Tucson and start the hearing at 1:00.

5 All right. So we'll be adjourned. Thank you.

6 (The prehearing conference concluded at
7 2:26 p.m.)

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2 COUNTY OF MARICOPA)

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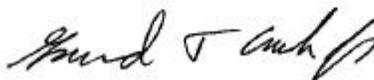
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