

1 BEFORE THE ARIZONA POWER PLANT
2 AND TRANSMISSION LINE SITING COMMITTEE
3 IN THE MATTER OF THE APPLICATION)
4 OF TUCSON ELECTRIC POWER COMPANY)
5 FOR A CERTIFICATE OF)DOCKET NO.
6 ENVIRONMENTAL COMPATIBILITY)L-00000C-11-0400-00164
7 AUTHORIZING THE CONSTRUCTION OF A)
8 138kV TRANSMISSION LINE AND)CASE NO. 164
9 ASSOCIATED FACILITIES FROM THE)
10 PROPOSED TORO SWITCHYARD,)
11 SECTION 29, TOWNSHIP 17 SOUTH,)
12 RANGE 14 EAST TO THE ROSEMONT)
13 SUBSTATION, SECTION 30,)
14 TOWNSHIP 18 SOUTH, RANGE 16 EAST,)
15 EACH LOCATED WITHIN PIMA COUNTY,)
16 ARIZONA.)

11 At: Tucson, Arizona
12 Date: December 12, 2011
13 Filed: December 20, 2011

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS
16 VOLUME I
17 (Pages 1 through 236)

19 ARIZONA REPORTING SERVICE, INC.
20 Court Reporting
21 Suite 502
22 2200 North Central Avenue
23 Phoenix, Arizona 85004-1481

22 By: COLETTE E. ROSS
23 Certified Reporter
24 Certificate No. 50658
25 and
26 Prepared for: GARY W. HILL
27 Certified Reporter
28 Certificate No. 50812

1	PUBLIC COMMENT	PAGE
	Daytime Session	79
2	Evening Session	220

3 INDEX TO EXAMINATIONS

4	WITNESSES	PAGE
5	ED BECK, LAUREN WEINSTEIN and CHELSEA JOHNSON	
6	Direct Examination by Mr. Derstine	91

7 INDEX TO EXHIBITS

8	NO.	DESCRIPTION	IDENTIFIED	ADMITTED
9	Com-1	Limited Appearance Statement of Paula Perrara	86	86
10				
11	Com-2	Limited Appearance Statement of J.J. Lamb	86	86
12	Com-3	Limited Appearance Statement of James Pepper	86	86
13				
14	TEP-1	CEC Application	93	99
15	TEP-2	Place Mat	99	99
16	TEP-3	Prefiled Direct Testimony of Ed Beck	94	99
17	TEP-4	PowerPoint Presentation of Ed Beck	96	99
18				
19	TEP-5	Google Earth Presentation	192	193
20	TEP-6	Prefiled Direct Testimony of Lauren Weinstein	190	192
21	TEP-7	PowerPoint Presentation of Lauren Weinstein	191	192
22				
23	TEP-10	Proposed Maps for CEC	182	not offered
24	TEP-12	Letter from Mr. Olea, 12/5/11	179	180
25	TEP-13	Letter from Santa Rita Experimental Range, 12/2/11	83	180

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 Holiday Inn Tucson Airport North, 4550
5 South Palo Verde Road, Tucson, Arizona, commencing at
6 9:37 a.m. on the 12th of December, 2011.

7

BEFORE: JOHN FOREMAN, Chairman

8

DAVID L. EBERHART, Arizona Corporation
Commission

9

BRET PARKE, Department of Environmental
Quality

10

JACK HAENICHEN, Governor's Office of Energy
Policy

11

MICHAEL J. LACEY, Arizona Department of Water
Resources

12

JEFF McGUIRE, Agriculture, Appointed Member

13

F. ANN RODRIGUEZ, Counties, Appointed Member

DAVID RICHINS, Cities/Towns, Appointed Member

14

PAUL WALKER, Public Member

PATRICIA NOLAND, Public Member

15

MICHAEL PALMER, Public Member

16

17 APPEARANCES:

18 For the Applicant:

19

ROSHKA DeWULF & PATTEN, PLC

By Messrs. Jason D. Gellman and John Matthew

20

Derstine

One Arizona Center

21

400 East Van Buren Street, Suite 800

Phoenix, Arizona 85004

22

and

23

TUCSON ELECTRIC POWER

24

By Mr. Marc Jerden, Senior Counsel

One South Church Avenue, Suite 200

25

Tucson, Arizona 85701

1 APPEARANCES:

2 For the Tohono O'odham Nation:

3 OFFICE OF THE TOHONO O'ODHAM NATION ATTORNEY GENERAL
4 By Ms. Laura Berglan, Assistant Attorney General
5 P.O. Box 830
6 Sells, Arizona 85634

7 For Elizabeth Webb:

8 In Propria Persona
9 P.O. Box 952
10 Vail, Arizona 85641

11 For Marshall Magruder:

12 In Propria Persona
13 P.O. Box 1267
14 Tubac, Arizona 85646

15 For Rosemont Copper Company:

16 FENNEMORE CRAIG
17 By Messrs. Norman D. James and Patrick J. Black
18 3003 North Central Avenue, Suite 2600
19 Phoenix, Arizona 85012

20 For Save the Scenic Santa Ritas Association, Sky Island
21 Alliance, Center for Biological Diversity, and Tucson
22 Audubon Society:

23 LAWRENCE V. ROBERTSON, JR., ESQ.
24 Of Counsel to Munger Chadwick
25 P.O. Box 1448
26 2247 E. Frontage Road
27 Tubac, Arizona 85646

28 and

29 MUNGER CHADWICK
30 By Mr. Robert J. Metli
31 2398 East Camelback Road, Suite 240
32 Phoenix, Arizona 85016

33

34 COLETTE E. ROSS
35 Certified Reporter
36 Certificate No. 50658

GARY W. HILL
Certified Reporter
Certificate No. 50812

1 CHMN. FOREMAN: Let's see if we can go on the
2 record now.

3 My name is John Foreman. I am the Chairman of
4 the Arizona Power Plant and Transmission Line Siting
5 Committee. This is a meeting of that Committee to
6 consider the application of Tucson Electric Power
7 Company for a certificate of environmental compatibility
8 to build a 138 kilovolt transmission line from a
9 proposed Toro switchyard to a proposed Rosemont mine.

10 There are members of the public here and we have
11 a variety of other folks here. We are going to work our
12 way through some procedural matters here initially. For
13 those members of the public, I want to let you know that
14 there is a public comment session that is scheduled for
15 6:00 p.m. this evening back in this room. If you would
16 like to make a public comment, please sign up. And I
17 believe we have sign-up sheets near the door. Give us
18 your name and address. And if you want to put contact
19 information down, that would be great.

20 If there is anybody who cannot come to the
21 evening session, that's cannot rather than would like
22 not to come to the evening session, see me at a break
23 and we will see if there is sometime this afternoon
24 where we might be able to work a brief public comment
25 in. But today's presentation at the Committee is going

1 to be pretty packed, I think, at least until mid to late
2 afternoon.

3 Let's get started by checking and seeing who all
4 is here. I think I am going to start with something
5 that I usually forget, which is to take a roll of my own
6 Committee. This is something of an inside Committee
7 joke where sometimes I end up taking roll call on the
8 second day of the hearing, or at least late in the
9 afternoon. So I am trying to -- this is a matter of
10 personal growth for me today, taking the roll call at
11 the beginning of the hearing.

12 All right. Member Eberhart is not here yet. I
13 do expect him later.

14 Member Haenichen.

15 MEMBER HAENICHEN: Here.

16 CHMN. FOREMAN: Member Lacey.

17 MEMBER LACEY: Here.

18 CHMN. FOREMAN: Member McGuire.

19 MEMBER MCGUIRE: Here.

20 CHMN. FOREMAN: Member Noland.

21 MEMBER NOLAND: Here.

22 CHMN. FOREMAN: Member Palmer.

23 MEMBER PALMER: Here.

24 CHMN. FOREMAN: Member Parke.

25 MEMBER PARKE: Here.

1 CHMN. FOREMAN: Member Richins.

2 MEMBER RICHINS: Here.

3 CHMN. FOREMAN: Member Rodriguez.

4 MEMBER RODRIGUEZ: Here.

5 CHMN. FOREMAN: And Member Walker.

6 MEMBER WALKER: Here.

7 CHMN. FOREMAN: Very good. We will hope that
8 Member Eberhart makes his way through the weather to be
9 here also.

10 Let me now go to the folks who have expressed an
11 interest in being a party in this matter or who are
12 already a party to this matter. We will start with the
13 applicant.

14 MR. DERSTINE: Good morning, Mr. Chairman,
15 members of the Committee. Matt Derstine and Jason
16 Gellman from the law firm of Roshka, DeWulf & Patten
17 appearing on behalf of the applicant, Tucson Electric
18 Power Company.

19 CHMN. FOREMAN: All right. Now, next I want to
20 go to -- and I am doing this because of the way the
21 statute is written -- I want to go to an intervenor of
22 right, a group of organizations, Save the Scenic Santa
23 Ritas Association, Sky Island Alliance, Center for
24 Biological Diversity, and Tucson Audubon Society.

25 MR. ROBERTSON: Good morning, Mr. Chairman,

1 members of the Committee. On behalf of the four
2 organizations you mentioned, which collectively I will
3 refer to as Scenic Santa Ritas, I would like to enter
4 the appearances of Robert J. Metli, who is seated to my
5 right, of the law firm of Munger Chadwick, and myself,
6 Lawrence V. Robertson, Junior. I am of counsel to the
7 Munger Chadwick law firm.

8 Thank you.

9 CHMN. FOREMAN: Next I want to go to entities
10 that have expressed an interest in intervening. And
11 their right to intervene is one that is conditional, so
12 the Committee will have to make its decision initially
13 as to whether their right to intervene should be allowed
14 or they should be allowed to intervene.

15 And I want to start with the Tohono O'odham
16 Nation.

17 MS. BERGLAN: Good morning, Mr. Chairman,
18 members of the Committee. Laura Berglan from the Tohono
19 O'odham office of attorney general, on behalf of the
20 Tohono O'odham Nation.

21 CHMN. FOREMAN: Okay. Then I would like to go
22 to the Rosemont Copper Company.

23 MR. BLACK: Good morning, Chairman, members of
24 the Committee. Patrick Black and Norm James with the
25 law firm Fennemore Craig, on behalf of Rosemont Copper

1 Company.

2 CHMN. FOREMAN: All right. Elizabeth Webb.

3 MS. WEBB: Good morning, Mr. Chairman, members
4 of the Committee. Elizabeth Webb pro per.

5 CHMN. FOREMAN: Okay. And Marshall Magruder.

6 MR. MAGRUDER: Good morning, Mr. Chairman,
7 Marshall Magruder.

8 CHMN. FOREMAN: Mr. Magruder, is it necessary
9 for your presentation to wear your western hat during
10 the hearing?

11 MR. MAGRUDER: It is off.

12 CHMN. FOREMAN: Okay, very good. I am just
13 unaccustomed to having people appear before me in their
14 western hats. So just as a -- so thank you very much
15 for that.

16 Let's go to the question of intervention. And I
17 will start with Ms. Berglan and the Tohono O'odham. Am
18 I correctly pronouncing -- is it Tohono O'odham Nation?

19 MS. BERGLAN: Tohono O'odham.

20 CHMN. FOREMAN: O'odham Nation.

21 Could you just briefly summarize for the
22 Committee the reason why you would like to intervene on
23 behalf of your client.

24 MS. BERGLAN: Thank you, Mr. Chairman, members
25 of the Committee. The Nation is respectfully requesting

1 intervention in this matter. We have an interest from a
2 cultural standpoint in the area that's known by the
3 O'odham word Ce:wi Duag. We proposed it to the Forest
4 Service as a traditional cultural property. There are
5 numerous cultural resources that are ancestral to
6 O'odham in that area, and Tohono O'odham members
7 continue to use that area.

8 Unfortunately, the line siting statutes don't
9 provide the Nation the opportunity to intervene as a
10 right, and provides only for municipal governments,
11 state agencies, and county agencies to intervene as a
12 right. However, the Nation does have a very significant
13 interest in this, in this particular area. And thus we
14 believe we are an appropriate party to intervene in this
15 matter and we request intervention.

16 CHMN. FOREMAN: Okay. Does the applicant have a
17 position on the application of the Tohono O'odham
18 Nation?

19 MR. DERSTINE: No objection.

20 CHMN. FOREMAN: Okay. Does any member of the
21 Committee have a question, or is there any discussion
22 that you would like to take part?

23 (No response.)

24 CHMN. FOREMAN: Do I hear a motion then to
25 approve the request of the Tohono O'odham Nation to

1 appear as a party in this matter pursuant to A.R.S.
2 Section 40-360.05.A.4?

3 MEMBER WALKER: So moved.

4 CHMN. FOREMAN: Okay. We have a motion by
5 Member Walker, a second by Member Richins. Is there any
6 discussion?

7 (No response.)

8 CHMN. FOREMAN: All in favor signify by saying
9 aye.

10 (A chorus of ayes.)

11 CHMN. FOREMAN: Opposed no.

12 (No response.)

13 CHMN. FOREMAN: There are no noes. Unanimously
14 the Tohono O'odham Nation's request to intervene is
15 granted.

16 Let's go now to the Rosemont Copper Company.
17 Counsel, could you briefly tell us why you would like to
18 intervene in this matter.

19 MR. JAMES: Thank you, Mr. Chairman, Committee
20 members. Is this on?

21 CHMN. FOREMAN: No. Hopefully it will be soon.
22 There we go, now it is really on. See if we can find a
23 Goldilocks solution here.

24 MR. JAMES: Mr. Chairman, Committee members,
25 again Norm James with Fennemore Craig representing

1 Rosemont Copper. Rosemont has requested leave to
2 intervene in this proceeding because Rosemont has a
3 direct and substantial interest in the application, and
4 that interest will be affected by the outcome of the
5 Committee's decision in this case.

6 Rosemont is developing a copper mine. It has
7 requested utility service from Tucson Electric, the
8 applicant in this case. As you will hear evidence today
9 during the course of this proceeding -- is it still not
10 working?

11 CHMN. FOREMAN: All right. Go ahead.

12 MR. JAMES: So again, as I was indicating,
13 Rosemont has a direct and substantial interest in this
14 proceeding. Rosemont is developing a copper mine. It
15 has requested utility service from Tucson Electric. It
16 is in Tucson Electric's certificated service area.

17 The line itself that you are going to hear about
18 during the course of this proceeding is essentially a
19 service line. It is a radial transmission line that
20 will go to Rosemont's property to provide service.
21 Rosemont is also going to be paying all the costs
22 associated with constructing the line.

23 So therefore, given Rosemont's interest as a
24 person who has requested service, as an entity that will
25 be paying the cost to construct the facilities and

1 therefore the route chosen obviously makes a big
2 difference, Rosemont has unique interests, and therefore
3 requests leave to intervene in order to ensure that
4 those interests are adequately represented during the
5 course of this proceeding.

6 CHMN. FOREMAN: And if I remember the
7 application correctly, the applicant has indicated that
8 the providing of electrical power to the Rosemont Copper
9 Mine is the sole reason for the application, is that
10 correct?

11 MR. DERSTINE: Mr. Chairman, that's correct.

12 CHMN. FOREMAN: And that's your understanding
13 also, Mr. James?

14 MR. JAMES: That's correct, Mr. Chairman.

15 CHMN. FOREMAN: All right. Is there any
16 discussion, any questions?

17 (No response.)

18 CHMN. FOREMAN: Do I hear a motion then with
19 regard to the application?

20 MEMBER McGUIRE: I move that Rosemont be allowed
21 to be an intervenor.

22 MEMBER WALKER: Second.

23 CHMN. FOREMAN: All right. A motion by Member
24 McGuire, second by Member Walker to authorize the
25 request or to grant the request of Rosemont Copper

1 Company to appear as a party in this matter. Is there
2 any further discussion?

3 (No response.)

4 CHMN. FOREMAN: All in favor signify by saying
5 aye.

6 (A chorus of ayes.)

7 CHMN. FOREMAN: Opposed no.

8 (No response.)

9 CHMN. FOREMAN: Again we have no noes, so the
10 Committee has unanimously granted the request of
11 Rosemont Copper Company to appear as an intervenor.

12 Now, let me go to Elizabeth Webb. Ms. Webb,
13 could you briefly indicate to us your reason for wanting
14 to intervene as a party in this matter.

15 MS. WEBB: Thank you, Mr. Chairman. I am trying
16 to think of a way to do this briefly.

17 Long time resident of southeast Arizona. I have
18 appeared multiple times in front of the Line Siting
19 Committee. I am real familiar with the 40-30 -- 360
20 through 360.1. I strongly believe, actually, in
21 comparison on the other cases I have been involved with,
22 that the impacts from this proposed transmission line
23 are actually much more significant than any other case
24 that I have been involved with.

25 I think that the reason behind why this

1 Committee was set up in the first place is, I fit that
2 to a T. I have a long history of being involved in a
3 variety of different environmental issues in my
4 community, and I think that I would offer a lot to this
5 Committee in regard to this process.

6 CHMN. FOREMAN: Ms. Webb, I have previously
7 offered to you and will again formally on the record
8 offer to you the opportunity to present material that
9 would be other than public comment, would actually be a
10 part of the record that the Committee can consider as it
11 makes its decision in this matter. Do you still feel
12 that your participation as a party in this case is
13 important?

14 MS. WEBB: Yes, I do.

15 CHMN. FOREMAN: And why?

16 MS. WEBB: I believe I am more intimately
17 familiar with the transmission line project. I believe,
18 as a resident that's on the east side of the Santa Ritas
19 part of this project, that has not been fully
20 investigated. I offer a different perspective from
21 everyone else. I am the one from the beginning that has
22 been strictly involved in the transmission line aspect
23 of this project. I believe I am intimate with the full
24 workings, the overall capacity of this entire project as
25 a whole, and I believe that I have something to offer

1 that no one else does.

2 CHMN. FOREMAN: Are you willing to follow the
3 procedural orders and rules that have been set forth by
4 statute and by the Chair in this matter?

5 MS. WEBB: Yes, Mr. Chairman.

6 CHMN. FOREMAN: And I would just indicate for
7 the record that Ms. Webb has made a good faith attempt
8 to conform to the procedural order that I previously
9 issued.

10 Is there any discussion or any question?

11 MEMBER WALKER: Mr. Chairman.

12 CHMN. FOREMAN: Yes, Member Walker.

13 MEMBER WALKER: I have no idea how to turn this
14 on, so I will talk loudly.

15 How far do you live from the proposed
16 transmission line, Ms. Webb?

17 MS. WEBB: My community's outside edge is
18 approximately, according to the application, about two
19 miles from the detailed study area. I am not going to
20 say exactly where I live. I have some concerns for my
21 safety. As a public lands user I am immediately
22 adjacent to the proposed transmission line.

23 MEMBER WALKER: So the community you live in is
24 two miles away from the edge of the project study area?

25 MS. WEBB: The detailed project study area. My

1 community was in the original study area.

2 MEMBER WALKER: Okay. Thank you.

3 CHMN. FOREMAN: Any other questions?

4 (No response.)

5 CHMN. FOREMAN: All right. Is there a motion
6 with regard to Ms. Webb's participation as a party in
7 this matter?

8 MEMBER HAENICHEN: So moved.

9 CHMN. FOREMAN: Motion by Member Haenichen. Is
10 there a second?

11 MEMBER NOLAND: I will second it.

12 CHMN. FOREMAN: Okay, second by Member Noland.
13 Is there further discussion?

14 (No response.)

15 CHMN. FOREMAN: Let me just say that Ms. Webb --
16 and we will, I am sure, have a similar discussion with
17 Mr. Magruder when he appears -- has appeared before in
18 front of the Committee. We have had ups and downs. She
19 has made a good faith effort to try to do what it is I
20 have asked her to do in order to participate effectively
21 in the proceedings.

22 I still am not clear what it is that
23 participation in the Committee brings beyond the ability
24 to present into the record evidentiary material that the
25 Committee actually can consider, which is something that

1 I have offered to allow her to do in any event. But so
2 long as she will follow the procedural rules that have
3 been set down, it is not clear to me that her
4 participation will create significant other problems for
5 us.

6 Member Haenichen.

7 MEMBER HAENICHEN: Thank you, Mr. Chairman. I
8 would just hope that Ms. Webb will be brief with her
9 discussion of the matter.

10 CHMN. FOREMAN: And I promise that I will
11 encourage all of the parties to be succinct in their
12 presentations.

13 All right. No further discussion, all those in
14 favor of authorizing Ms. Webb's appearance as a party
15 signify by saying aye.

16 (A chorus of ayes.)

17 CHMN. FOREMAN: Opposed no.

18 (No response.)

19 CHMN. FOREMAN: The ayes have it. It will be
20 ordered authorizing Ms. Webb to appear as a party.

21 Now, Mr. Magruder, tell us why you would like to
22 be a party in this matter.

23 MR. MAGRUDER: Mr. Chairman, Committee, and some
24 of you I recognize from previous appearances before the
25 Committee, my name is Marshall Magruder. I live in

1 Tubac, Arizona in Santa Cruz County. From 2001 to 2008
2 I was a member of the joint City of Nogales, Santa Cruz
3 County Energy Commission. And in that role I reported
4 to the board of supervisors and the city council in our
5 county on various energy matters.

6 In 2007, Rosemont Copper submitted its mine plan
7 of operations that included a preferred transmission
8 line alternative. That preferred alternative was to tap
9 the new 138 kilovolt line between Tucson and Nogales,
10 and required our generators in Nogales to make up the
11 additional electricity required for the mine to operate.
12 That was the preferred alternative.

13 CHMN. FOREMAN: Mr. Magruder, the question
14 before you --

15 MR. MAGRUDER: That got my attention.

16 CHMN. FOREMAN: Mr. Magruder, one thing we are
17 going to have to have an understanding with between you
18 and me is that it is my legal responsibility to run this
19 meeting. You understand that?

20 MR. MAGRUDER: Yes, I understand.

21 CHMN. FOREMAN: All right. So this is not a
22 debate between you and me or you and anybody else. What
23 I would like for you to do is address the issue that's
24 before us. And that issue is what is your interest in
25 this application, why is it you want to become a party

1 as opposed to somebody who can just present evidence to
2 the Committee in this matter.

3 MR. MAGRUDER: Mr. Chairman, Committee, over the
4 years, the original proposal has made major changes. I
5 participated in those changes. I have been a member of
6 the Rosemont Copper stakeholders working group. I
7 attended all but the last meeting because I had an
8 obligation someplace else and was out of town. I have
9 made comments that are reflected in the present proposal
10 before you. Particularly routes 2 and 3 sort of came
11 from me initially. I would like to continue that role.
12 In particular I have many questions from the application
13 that I would like to ask in cross-examination. And if I
14 am not a member, if I am not a party, I cannot
15 cross-examine. And that, I think, is an important role.

16 CHMN. FOREMAN: Okay. Is there any discussion
17 amongst Committee members?

18 CHMN. FOREMAN: Member Walker.

19 MEMBER WALKER: I just have a question for the
20 applicant. I don't want to get into a debate on the
21 facts that are being alleged here, but Mr. Derstine, did
22 routes 2 and 3 in the application come from
23 Mr. Magruder? Was he the genesis of those routes?

24 MR. DERSTINE: I just wanted to confirm with
25 Mr. Gellman. I think that the development of the

1 preferred route and all of the routes contained in the
2 application came about through an extensive and ongoing
3 public process. I will say also that Mr. Magruder was
4 invited to be part of the stakeholder committee and did
5 provide a fair amount of input as to the development of
6 the application, along with the other stakeholder
7 members, along with the public. And so there was an
8 extensive public process that was utilized to develop
9 the various routes that came forward. There were other
10 links and other routes that were studied and looked at
11 from early on in the process.

12 So I would say that it probably is fair for
13 Mr. Magruder to say that he certainly had input, and
14 fair amount of input, as to the development of some of
15 the routes.

16 MEMBER WALKER: Thank you.

17 CHMN. FOREMAN: Any other discussion?

18 (No response.)

19 CHMN. FOREMAN: Is there a motion with regard to
20 Mr. Magruder appearing as a party?

21 MEMBER WALKER: So moved.

22 CHMN. FOREMAN: Second?

23 MEMBER NOLAND: Second.

24 CHMN. FOREMAN: Okay, motion by Member Walker,
25 second by Member Noland that Marshall Magruder's request

1 to appear as a party in this matter be granted. All
2 those in favor signify by saying aye.

3 (A chorus of ayes.)

4 CHMN. FOREMAN: Opposed no.

5 (No response.)

6 CHMN. FOREMAN: The ayes have it.

7 Now, let's move on to some other preliminary
8 matters. First of all, I have, as I requested at the
9 prehearing conference on Thursday, exhibit lists from
10 the Tohono O'odham Nation, from the Scenic Santa Ritas,
11 and Ms. Webb. I do not have a list from -- and I have a
12 list from the applicant, which appears in their
13 notebook. I do not have a list from Rosemont, nor from
14 Mr. Magruder. Will a list be forthcoming?

15 MR. BLACK: Chairman, members of the Committee,
16 Rosemont does not intend to call a witness or use
17 exhibits during this hearing.

18 CHMN. FOREMAN: Very good.

19 Mr. Magruder.

20 MR. MAGRUDER: Mr. Chairman, before the meeting,
21 again, beside each person's notebook on the Committee I
22 left a list of my exhibits and a copy of the exhibits.

23 CHMN. FOREMAN: Ah.

24 MR. MAGRUDER: The list was the first page. And
25 it continues to the back side.

1 CHMN. FOREMAN: I have it now. Very good. One
2 of the jobs that I have is to try and manage the paper
3 flow in this case. And since the paper flows toward us
4 in uneven undulations from time to time, I will ask your
5 assistance in making sure that I have everything that we
6 need.

7 And I see, Mr. Magruder, you have used the
8 exhibit numbering system of MM-1 rather than M-1.

9 MR. MAGRUDER: Mr. Chairman, if you don't mind,
10 during the prehearing conference I said I had already
11 prelabeled them MM.

12 CHMN. FOREMAN: Yes.

13 MR. MAGRUDER: You implied MM would be okay.

14 CHMN. FOREMAN: Yes.

15 MR. MAGRUDER: I don't mind using M.

16 CHMN. FOREMAN: No, no. I just, we have so many
17 alliteration, so many examples of alliteration here, you
18 and your Ms and Mr. Robertson and his Ss, this is going
19 to be a pronunciation lesson for me in addition to
20 everything else.

21 Let's go now to the ruling on a motion that was
22 previously made with regard to whether or not this
23 hearing would consider testimony that relates to the
24 environmental impact of the proposed mine, Rosemont
25 Copper Mine, as opposed to the transmission line. The

1 line is the subject of the application.

2 I went ahead and ruled on that on Thursday in
3 order to avoid the situation where parties or persons
4 who might eventually become parties would bring
5 witnesses in for the hearing and in that way incur
6 unnecessary expense. I thought it was only fair to
7 them. And then also I wanted the parties to be able to
8 plan their presentations in advance and know what was
9 appropriate and what was not appropriate.

10 I believe I circulated to the Committee the
11 ruling that I made, which basically is that the
12 Committee is a creature of statute. The Arizona
13 statutes do not allow for the Line Siting Committee to
14 go beyond the application. The application is for a
15 transmission line. It doesn't relate to the use to
16 which the electrical energy that goes through the line
17 is to be made. There are other governmental processes
18 both at the state and federal level that are involved in
19 the approval of the mine. And so the decision that I
20 made was that the Arizona law does not allow us to
21 consider that.

22 Now, I have received a significant amount of
23 material from the public indicating that the public
24 tends to see this as an application about the mine
25 rather than an application that relates to the

1 transmission line. So I wanted to explain that up front
2 to those folks who perhaps haven't heard about the
3 ruling. I will explain it again before the public
4 comment session tonight. But I wanted to make sure that
5 my Committee members had received information about it
6 and, if any of you have a question, that we discuss it
7 now.

8 And the record should reflect the presence of
9 Member Eberhart now. Member Eberhart, we are glad you
10 are safely here.

11 All right. Anybody have any questions about the
12 ruling?

13 MEMBER PARKE: Mr. Chairman.

14 CHMN. FOREMAN: Yes, Member Parke.

15 MEMBER PARKE: I don't know if this is the
16 appropriate time, but you are discussing your ruling. I
17 wondered based on the motions, is there going to be --
18 of the parties -- is there going to be a motion before
19 the Committee with regard to that ruling, or how do you
20 see that procedurally?

21 CHMN. FOREMAN: No, I don't think there is. But
22 by the same token, I am not a judge instructing a jury.
23 I am -- I mean no disrespect to anybody here, but I
24 sometimes analogize myself to being the chief cat
25 herder. That's one hat that I wear, where I try and get

1 things organized and I make rulings with regard to what
2 is admissible as evidence and what is not.

3 And I will go ahead and touch on a topic that I
4 was going to touch on in just a moment anyway. And that
5 is that I have allowed the parties -- everyone now is a
6 party -- to present offers of proof concerning the mine.
7 Because there is no -- the environmental impact of the
8 mine. Because there is no direct legal authority on
9 this point, and because this is a matter of contention
10 that I anticipate will be discussed in the future, I
11 want the record in this case, or at least the expanded
12 record in this case, to have what we call in the legal
13 business an offer of proof.

14 And that is, if I hadn't made the decision that
15 I just made to preclude evidence with regard to the
16 environmental impact of the mine, the parties have a
17 right to summarize what it is they would have been able
18 to present so the Corporation Commission and/or the
19 courts later on will be able to see what was involved in
20 that, what would have been presented to the Committee
21 had I not made that decision. And so in that way there
22 will be in, I guess you would call it, the expanded
23 record, not the record that Committee makes its decision
24 from, but from the expanded record in the case, some
25 material relating to the environmental impact of the

1 mine.

2 Member Parke.

3 MEMBER PARKE: Thank you, Mr. Chairman. That's
4 exactly the issue that I am kind of getting at, was your
5 role as presiding officer here and the procedural
6 admission of evidence, material evidence as you put in
7 your ruling, as opposed to the motions, which seem to --
8 I don't know what the motion practice is or if that is
9 not covered by the rules, but they appear to ask the
10 Chairman and the Committee. So I didn't know if there
11 was an issue with regard to the motions and the request
12 for the Committee action.

13 CHMN. FOREMAN: Well, the answer to your
14 question, simple answer is the statutes are silent. The
15 rules of procedure are silent on this. And I am
16 presuming from the fact that the statutes place the
17 responsibility on me to be the presiding officer that it
18 is my responsibility to make those judgments.

19 Now, can I tell members of the Committee what
20 they can and cannot base their decisions on? No. The
21 only thing I can tell the members of the Committee is
22 that the law requires the Committee to make its decision
23 based upon evidence in the record, evidence that comes
24 from sworn testimony before a court reporter. And
25 that's about the limit of the guidance that I can give

1 you with regard to your decision.

2 And as I said, I am not a judge instructing a
3 jury. I am a member of a Committee whose responsibility
4 it is to see that the trains run on time and that the
5 case proceeds in an appropriate way. So obviously there
6 is a lot of play in that. And where to draw the line I
7 don't know exactly. And I am real uncomfortable with
8 trying to draw it too carefully, because I just, you
9 know, I don't think it is helpful to go much beyond
10 where I have gone.

11 MEMBER PARKE: Well, given that, I would like to
12 make a motion to the Committee that the Committee
13 determine that it is not appropriate to present evidence
14 on the environmental impact of the mine in this hearing.

15 CHMN. FOREMAN: Okay. Is there a second?

16 MEMBER WALKER: I will second that,
17 Mr. Chairman.

18 CHMN. FOREMAN: All right. Is there further
19 discussion then?

20 MEMBER WALKER: Mr. Chairman, I would like to.

21 CHMN. FOREMAN: Member Walker.

22 MEMBER WALKER: My habit is to read the
23 application and then to reread the statutes in their
24 entirety. And when I did that, what struck me was the
25 same thing that Mr. Black and Mr. James highlighted,

1 page 11 of their brief on the question of the mine. And
2 that's 40-360.12, which says that nothing in this
3 article shall confer upon the Commission the power or
4 jurisdiction to regulate or supervise any person that is
5 not otherwise a public service corporation regulated and
6 supervised by the Commission. Nothing contained in this
7 article shall confer upon the Commission the power or
8 jurisdiction to regulate or establish the rates,
9 regulations, or conditions of service of any such
10 person.

11 I don't know how you can read that to allow the
12 Line Siting Committee or the Commission to broaden its
13 authority on its own motion. As one of the parties
14 repeatedly points out in its brief, the Commission and
15 Committee, in their opinion, should adopt on its own
16 this notion of connected actions. And I don't see how
17 we read the statute, where it very explicitly limits us,
18 and then decide we are going to adopt a motion and a
19 theory that allows us a broad expanse such that we can
20 decide what land use should occur regardless of what
21 other state or federal agencies or local jurisdictions
22 decide or what use the power should be put to. So I
23 think we should most definitely follow the statute and
24 exclude evidence regarding the mine.

25 CHMN. FOREMAN: Anybody else want to be heard on

1 this?

2 Member Richins.

3 MEMBER RICHINS: Most of the times when we hear
4 these it is a power line connecting existing
5 subdivisions, and there is a greater public need for the
6 power or the upgrade to power that's typically existing.
7 And I don't know how to separate the purpose of need.
8 We have to have a finding of need for this power line.
9 How do you separate the finding of need for the power
10 line from if the mine doesn't exist you don't need the
11 power line? So how do we separate that need finding
12 from a mine that -- whether a mine that may or may not
13 exist in the future.

14 CHMN. FOREMAN: Are you addressing that question
15 to me?

16 MEMBER RICHINS: Yes, just generally.

17 CHMN. FOREMAN: I think it is a fairly simple,
18 straightforward thing. I think you have to separate it
19 from need. The question is one of electrical load. And
20 it doesn't make any difference whether there is a copper
21 mine, whether there is a subdivision, whether there is a
22 coal-fired plant. What is on the other end of that
23 line, does it need electricity? If it needs
24 electricity, then there is a legal responsibility for
25 the entity, the utility that's regulated that's required

1 to provide that electricity, to provide the electricity.

2 Now, let's remember that line siting authority
3 is strictly statutory. And the line siting authority is
4 statutory for both the Committee and the Commission.

5 But the Commission has other powers. And if the
6 Commission wants to get into the business of regulating
7 what is on the end of the line, then that's their
8 business.

9 I am looking at what our business is. And our
10 business is to make a determination of whether there is
11 need, not what the need is, not is it a good need or a
12 bad need, but is there a need, and, if so, balancing the
13 environmental impact of the line against that need, does
14 that militate in favor of granting the application.
15 That, to me, is the heart of the statutory system that
16 is there.

17 And I followed exactly the line of thinking that
18 you have articulated. And it occurred to me that if we
19 start down the slippery slope of determining the merit
20 of that which produces the need, then we get into the
21 business of determining should there be a Tucson, should
22 there be a Yuma, should there be a portion of Yuma
23 that's fed by an electrical line. We get into that
24 business of doing things that obviously are way, way
25 beyond our legal authorization to do something.

1 And so I think statutory authority is supposed
2 to be strictly limited authority. And although there is
3 lots of vagueness in exactly how we calculate and there
4 is certainly a tremendous amount of vagueness as far as
5 what weight we give to the environmental factors that we
6 consider in balancing against need, when it comes to
7 talking about what need is and when it comes to talking
8 about what it is we can and cannot approve, then I think
9 the statute is pretty strict and that we ought to limit
10 ourselves to what it is that the statute says we can do.
11 And we are going to get into this. One of the other
12 motions that we are going to talk about in a little bit
13 is going to deal a little bit about that issue.

14 But as I said, I went down the same thinking
15 trail that you have just articulated. But I just really
16 think it is a bad idea for this Committee to try and go
17 beyond evaluating the environmental impact versus the
18 need of a line and get into the business of determining
19 the merit of the need. And that, I think, is what you
20 were talking about.

21 MEMBER RICHINS: So in the past we haven't
22 considered a new shopping mall or a subdivision or new
23 resort that might be going in. It is just the line
24 itself that we are really focusing in on and not --

25 CHMN. FOREMAN: We have considered new shopping

1 malls, we have considered subdivisions and so on in the
2 sense that we have considered the environmental impact
3 of the line on those new -- that new development. But
4 we have not considered, and I yield to those who have
5 greater experience on the Committee than I, but so far
6 as I know from reviewing the prior CECs, the Committee
7 has not gotten into the business of determining the
8 merit of the need as opposed to the environmental impact
9 of the line.

10 MEMBER RICHINS: And there is a process under
11 way that is determining the environmental impact of the
12 need?

13 CHMN. FOREMAN: Yes.

14 MEMBER RICHINS: So that's why, you know, I read
15 in one of the briefs somebody characterized this hearing
16 as a little NEPA, and I really bristled at that
17 argument, thinking that that's not what we are about.
18 We are, you know, we are looking at the environmental
19 impact of the line itself. So I just wanted to make
20 sure that was fully vetted and understood.

21 CHMN. FOREMAN: We had some very creative legal
22 pleadings that were presented to us. And it is
23 certainly a legitimate argument to try and analogize
24 this process to the NEPA process. And it is, I think,
25 absolutely true that the statute was drafted in response

1 to NEPA. But it is not, I do not believe, and I in my
2 ruling indicated that I do not believe, that it is a
3 federal statute or an attempt to incorporate the federal
4 statute into Arizona law. The Arizona law is a specific
5 attempt to localize decisions about power plant and
6 transmission line siting in the State of Arizona.

7 MEMBER RICHINS: Thank you.

8 CHMN. FOREMAN: Member Haenichen.

9 MEMBER HAENICHEN: I see a possible conundrum
10 coming in this case in the following way. We are asked
11 in all of these cases to balance the environmental
12 effects of our ruling versus the need. And that's the
13 basis of our whole process here. So let's say just
14 hypothetically now that we listen to all the proceedings
15 carefully and we find a majority agrees to the need and
16 the need for a CEC on this case. Now, we understand
17 that the mine itself is undergoing probably more
18 elaborate environmental evaluation. And let's say they
19 fail in that and it is not granted. Does the CEC that
20 we granted still stand, or not?

21 CHMN. FOREMAN: My understanding of the
22 application and the language in the proposed CEC
23 explicitly says that TEP will not build the line unless
24 there is a favorable outcome on the federal siting with
25 regard to the mine. So -- and I guess it would be --

1 well, I guess they could --

2 MEMBER HAENICHEN: Is that binding?

3 CHMN. FOREMAN: Well, if we put it in the CEC it
4 sure as heck is.

5 MEMBER HAENICHEN: That's what I was trying to
6 get at.

7 CHMN. FOREMAN: Am I correctly articulating the
8 position of TEP on this, Mr. Derstine?

9 MR. DERSTINE: Yes, Mr. Chairman, you are. We
10 have an opportunity -- we have submitted in our exhibit
11 binder a proposed CEC. One of the conditions contained
12 in the proposed CEC is language that conditions the
13 construction of the line upon the approval of the mine.

14 CHMN. FOREMAN: Okay.

15 MEMBER HAENICHEN: Thank you.

16 CHMN. FOREMAN: Member Palmer.

17 MEMBER PALMER: Thank you, Mr. Chairman. If the
18 connected action argument has merit, the Committee would
19 be empowered to nullify the local authority, state
20 authorities, and federal authorities by denying the
21 line, which prevents the operation of the facility.
22 So --

23 CHMN. FOREMAN: Yes.

24 MEMBER PALMER: -- I see no merit to the
25 connected action argument. It was not included in

1 statute and it is an inappropriate empowerment to this
2 Committee.

3 CHMN. FOREMAN: But it is, you know, kind of a
4 nice fantasy to have that we might be able to overrule
5 the federal government.

6 MEMBER PALMER: Good luck with that, sir.

7 CHMN. FOREMAN: All right. Any other
8 discussion? Well, you know -- any other discussion on
9 the motion?

10 (No response.)

11 CHMN. FOREMAN: All right. All in favor of the
12 motion which would, I guess --

13 I am sorry. Member Eberhart.

14 MEMBER EBERHART: I was going to suggest a roll
15 call vote.

16 CHMN. FOREMAN: Okay, very good.

17 MEMBER NOLAND: Would you restate the motion,
18 though. You were in the middle of that.

19 CHMN. FOREMAN: Yes. Member Parke, as I
20 understand it, the motion that you made is that the
21 Committee not consider the environmental impact of the
22 mine as a part of its consideration of the environmental
23 impact of the transmission line that's set forth in the
24 application. Is that --

25 MEMBER PARKE: Yes, Mr. Chairman. Thank you.

1 CHMN. FOREMAN: All right. And not that I have
2 a personal stake in this, but this would be the quickest
3 affirmation that I have ever had in my legal career.
4 All -- yes, I think a roll call vote is appropriate.

5 Member Eberhart.

6 MEMBER EBERHART: Aye.

7 CHMN. FOREMAN: Member Haenichen.

8 MEMBER HAENICHEN: Aye.

9 CHMN. FOREMAN: Member Lacey.

10 MEMBER LACEY: Aye.

11 CHMN. FOREMAN: Member McGuire.

12 MEMBER McGUIRE: Aye.

13 CHMN. FOREMAN: Member Noland.

14 MEMBER NOLAND: Aye.

15 CHMN. FOREMAN: Member Palmer.

16 MEMBER PALMER: Aye.

17 CHMN. FOREMAN: Member Parke.

18 MEMBER PARKE: Aye.

19 CHMN. FOREMAN: Member Richins.

20 MEMBER RICHINS: Nay.

21 CHMN. FOREMAN: Member Rodriguez.

22 MEMBER RODRIGUEZ: Aye.

23 CHMN. FOREMAN: Member Walker.

24 MEMBER WALKER: Aye.

25 CHMN. FOREMAN: All right. And the Chair votes

1 aye. So by a vote of ten to one the Committee has, I
2 guess, confirmed the ruling that I have made that the
3 Committee will not consider the environmental impact of
4 the mine in determining the impact of the proposed
5 transmission line as a part of this application.

6 Now, let me go on to something that is actually
7 sort of a logical progression from this, and that is
8 what exactly are we considering as a part of the
9 transmission line.

10 I was struck, as I am sure other members of the
11 Committee were struck, when I began reading the
12 application with statements -- I think there are, it is
13 stated two or three times -- the Rosemont substation is
14 part of Rosemont's mining operation and is not a part of
15 this application.

16 A.R.S. Section 40-360 defines a transmission
17 line as a series of structures erected above ground
18 supporting conductors designed for the transmission of
19 electrical energy at nominal voltages of 115,000 volts
20 or more and all switchyards to be used therewith and
21 related thereto.

22 I raised on Thursday this question and asked
23 exactly what was it that was -- was the Rosemont
24 substation a part of the application. And in response
25 to that I noticed that there was a new schematic of the

1 Rosemont substation that shows that portion which will
2 be completed by TEP and that portion which will be
3 completed by Rosemont Copper Mine.

4 Now, as we sit here today, are the parties still
5 in the same position, that there will be -- well,
6 Mr. Derstine, on behalf of the applicant, what part of
7 the Rosemont substation will TEP be constructing and
8 what is a part of this application?

9 MR. DERSTINE: Mr. Chairman, TEP will not be
10 constructing any part or portion of the Rosemont
11 substation. The substation, as we indicated in the
12 application, is part of the mining operations, the mine,
13 covered by the mine plan of operation, which is the
14 subject of the ongoing NEPA process.

15 The end of the line, as you will hear from the
16 testimony from Mr. Beck, is a switch -- or a smaller
17 switchyard, smaller than the beginning point of the line
18 where it interconnects on the South to Green Valley
19 line. So this line will terminate at a switch and a
20 breaker as indicated in the application, and at that
21 point, that is what is covered by the application.

22 CHMN. FOREMAN: Let me stop you there to ask a
23 clarifying question.

24 Is the land upon which the TEP termination
25 facility, as you have described it in your diagram,

1 federal land or state land?

2 MR. DERSTINE: I think it is, I believe it is
3 privately owned by Rosemont, Mr. Chairman.

4 CHMN. FOREMAN: So that would be state land,
5 correct?

6 MR. DERSTINE: Well, I believe it is private
7 property. It is not Arizona state land.

8 CHMN. FOREMAN: I am sorry. And I had phrased
9 that poorly and thank you for that clarification. It is
10 not land over which the federal government exercises
11 siting jurisdiction, is that true?

12 MR. DERSTINE: I would say that it is land over
13 which the federal government exercises siting
14 jurisdiction pursuant to their NEPA process. The siting
15 of the substation as well as the other mine plan of
16 operations, and I think Mr. James can probably speak to
17 this better than I, but it is certainly my understanding
18 that the substation associated with the mine is governed
19 by the NEPA process and is being analyzed, and the
20 impacts of substations along with the other components
21 of the mine plan of operation are part of that ongoing
22 NEPA process.

23 CHMN. FOREMAN: Okay. Mr. James or Mr. Black,
24 one of you want to address that?

25 MR. JAMES: Thank you, Mr. Chairman. Hopefully

1 this is working. There we go.

2 Yeah, it gets a bit confusing. The Rosemont
3 project itself consists of about a thousand acres, in
4 round numbers, of private land that Rosemont Copper
5 owns. There is an additional 3,000 or so acres of
6 Coronado National Forest land. Under the Forest
7 Service's regulations and under federal law, mining is
8 permitted -- there we go -- mining is permitted on
9 national forest system land, but the use of the Service
10 is subject to reasonable regulation. And the Forest
11 Service has promulgated regulations that address mining
12 activities. One of the requirements is that a person
13 proposing a mine obtain a plan of operations.

14 Now, in this case, because the project is a
15 mixture of private land and federal land within a
16 national forest, the analysis that's going forward is
17 looking at all of Rosemont's proposed operations on a
18 combined basis. Now, it just happens in this particular
19 case that the substation that will be constructed, and I
20 believe there is a diagram that you will see that Tucson
21 Electric is going to sponsor, will show the substation
22 in relation to Rosemont's other facilities and
23 equipment, which includes a crusher concentrator,
24 conveyor belts, et cetera, that most of that is actually
25 on private land. I believe the substation is on private

1 land. But from the standpoint of the analysis that's
2 being done under NEPA, it is all treated as a single
3 project.

4 CHMN. FOREMAN: Okay. Now, and I am asking
5 these questions not because I want to suggest that the
6 Committee wants to get into the business of siting mines
7 but because I want the record to be absolutely crystal
8 clear about what is covered in the application and what
9 isn't.

10 Now, do you agree, then, that the State of
11 Arizona through the Arizona Power Plant and Transmission
12 Line Siting Committee has the jurisdiction to site land
13 or site a transmission line within the meaning of the
14 statute on the land on which the substation is built?

15 MR. JAMES: I -- that question has several
16 different -- several nuances onto it --

17 CHMN. FOREMAN: Does it?

18 MR. JAMES: -- Mr. Chairman, because first of
19 all it gets back to the line siting statutes themselves.
20 I believe actually Mr. Walker quoted from A.R.S.
21 40-360.12, which excludes regulation of entities that
22 are not public service corporations or otherwise engaged
23 in generating or transmitting power. And Rosemont is
24 not engaged in generating or transmitting power.

25 The way we look at it, Your Honor, we are not a

1 utility. We are not providing any service. We are
2 receiving service from TEP, as I indicated earlier when
3 we moved to intervene. So under these circumstances, I
4 don't believe the Siting Committee does have
5 jurisdiction over that substation.

6 CHMN. FOREMAN: That's not the question I asked.

7 MR. JAMES: I apologize.

8 CHMN. FOREMAN: The question I asked was whether
9 the land upon which the substation is being built is
10 land that the State of Arizona has jurisdiction to
11 exercise siting authority over.

12 MR. JAMES: Okay. I think the answer to that
13 would be yes. But, again, I don't think that, for the
14 reasons I have indicated, Mr. Chairman, I don't think it
15 turns on simply the jurisdiction over the land.

16 CHMN. FOREMAN: I am sure you are going to have
17 an opportunity to make that argument much more fully in
18 another forum. I don't want to go down that road. My
19 desire in bringing this up now is to alert the Committee
20 to the issue and to let everybody know that I think our
21 job ends where the TEP, the applicant's, line ends. And
22 we are going to discuss in a moment a motion that
23 Mr. Magruder made to force the mine to become a
24 co-applicant in this case. We are not in the position
25 of legally determining whether or not the substation

1 ought to be a part of this application. Our business is
2 to determine the legal appropriateness of the
3 application as it is written.

4 What I want to make sure is that the
5 application, that the CEC, which is the document that we
6 generate ultimately, is precise and that the record of
7 this hearing let's everybody know how far we have gone
8 and where we have stopped.

9 Now, to that end, I wanted to, as I said, I want
10 to bring this up so if anybody had any questions we
11 could get those out and get them discussed now.

12 Member Palmer.

13 MEMBER PALMER: Thank you, Mr. Chairman. I
14 wanted to defer to Mr. McGuire who is a senior on the
15 Committee by three or four years.

16 I am sure you remember, Jeff, we made
17 distinctions between switchyards and substations based
18 on the fact that a substation is a terminus, it is the
19 end of the line, and a switchyard is a conveyance where
20 power passes through and is then -- that becomes an
21 integral part of the transmission line system switchyard
22 as opposed to a substation. Do you recall that.

23 MEMBER MCGUIRE: Yes, I do.

24 MEMBER PALMER: And I think there were a number
25 of cases that we made that distinction.

1 MEMBER McGUIRE: I believe you are right.

2 CHMN. FOREMAN: So, good, there is some
3 historical precedent. As I said, this is the first time
4 that I have addressed this issue or where there has been
5 a need to discuss it precisely. And so, again, my
6 desire here is to make sure the record is crystal clear.

7 And let me move on to Mr. Magruder's motion. I
8 denied it. Again, I do not believe that this Committee
9 has the power, nor do I as the Chair of this Committee
10 have the power, to force the applicant to rewrite the
11 application in a way that we would like, that's
12 different than the way it was written. We can deny the
13 application that's written and say that. And in that
14 way, if the applicant wants to modify it, fine; if they
15 don't want to modify it, then we do our job. But I
16 don't believe that we legally have the authority to
17 force the mine to become a co-applicant in this matter.

18 So I wanted again to bring this up just to let
19 you know what an interesting afternoon I had on
20 Thursday. But it seems to me that these are challenging
21 legal issues. There are issues that I spent some time
22 wrestling with. They have merit. And I just wanted to
23 make sure that the Committee was on the same wavelength
24 that I have been on and that you understand the rulings
25 that I have made.

1 Are there any questions that any of the members
2 of the Committee have? Is there anything that we need
3 to further explain?

4 (No response.)

5 CHMN. FOREMAN: All right. Good. We have --

6 MEMBER PARKE: Mr. Chairman, if I may clarify.

7 CHMN. FOREMAN: Yes.

8 MEMBER PARKE: Thank you, Mr. Chairman. I am
9 just reading this. So to clarify Mr. Palmer's comment
10 and this precedent with regard to the breaker, the
11 project overview and the introduction says Rosemont
12 intends to construct a substation that will connect to
13 the breaker, which, as I understand from this
14 discussion, is the scope of the application. The
15 terminus for the scope of this application is that
16 breaker.

17 CHMN. FOREMAN: Yes.

18 MEMBER PARKE: And the Rosemont substation is
19 part of Rosemont's mining operation and is not a part of
20 this application?

21 CHMN. FOREMAN: Yes. That's the very language
22 that caught my eye --

23 MEMBER PARKE: Thank you, Mr. Chairman.

24 CHMN. FOREMAN: -- caused me to go down this
25 tortured legal path. But I have asked for TEP -- I

1 believe Mr. Beck in his testimony will discuss a new
2 diagram that will provide us with some definitive
3 knowledge on that.

4 All right. Any other issues then?

5 (No response.)

6 CHMN. FOREMAN: Now, there are, for the first
7 time in my experience, some limited appearance
8 statements that have been made. We have three limited
9 appearance statements. The limited appearance procedure
10 is one whereby a member of the public can submit a
11 statement in advance of the hearing that then goes into
12 the evidentiary record, that is to say the record that
13 the Committee can consider in making its decision.

14 Public comment -- as I indicated earlier and
15 will again indicate -- this evening is not something
16 upon which the Committee can base its decision. But the
17 Committee can take public comment and use public comment
18 to inform its questioning and, in that way, take issues
19 that are raised during public comment and put it into
20 the evidentiary record that actually is considered by
21 the Committee.

22 In any event, there are three limited appearance
23 statements that have been made, and I will circulate
24 those at our break, which is going to be coming up
25 shortly.

1 I think we are going to start with opening
2 statements after this break, but I want to go around and
3 see if there are any preliminary matters that the
4 applicant or other parties want to raise now before we
5 go into opening statements. Anything from the
6 applicant?

7 MR. DERSTINE: I don't believe, Mr. Chairman.

8 CHMN. FOREMAN: Okay. Anything from the Nation,
9 Tohono O'odham?

10 MS. BERGLAN: No, Mr. Chairman.

11 CHMN. FOREMAN: Anything from Rosemont?

12 MR. BLACK: No, Chairman.

13 CHMN. FOREMAN: From Scenic Santa Ritas?

14 MR. ROBERTSON: Thank you, Mr. Chairman. I
15 would just like to confirm my understanding that the
16 offer of proof I intend to make is something that can be
17 done during my opening statement.

18 CHMN. FOREMAN: Yes. And as I indicated on
19 Thursday, I will give you -- I gave you a couple options
20 for dealing with the offer of proof. I will allow a
21 brief oral summary of the offer of proof, just saying I
22 am making an offer of proof. And there is a notebook
23 that contains the written offers of proof that I see has
24 been prepared as I requested, and I appreciate that very
25 much. But I am not going to, obviously, allow an oral

1 recitation of what is in the offer of proof just beyond
2 describing it.

3 MR. ROBERTSON: Mr. Chairman, the only reason I
4 raise the question was because of your use of the phrase
5 are there any additional procedural matters. I wanted
6 to be sure that I did not overlook, if you will, or miss
7 the opportunity with regard to the offer of proof.

8 CHMN. FOREMAN: You have preserved that
9 opportunity and that will be the time for you to take
10 it.

11 MR. ROBERTSON: Thank you, sir.

12 CHMN. FOREMAN: Okay. Ms. Webb.

13 MS. WEBB: No, Mr. Chairman.

14 CHMN. FOREMAN: Mr. Magruder.

15 MR. MAGRUDER: No, Mr. Chairman, I have no
16 comment.

17 CHMN. FOREMAN: Okay. Very good. We are going
18 to take a 15-minute recess. We will reconvene at 11:00.
19 At that time we will start with opening statements.

20 (A recess ensued from 10:44 a.m. to 11:03 a.m.)

21 CHMN. FOREMAN: Let's see if we can get started
22 here.

23 I discovered that I had only had originals of
24 the limited appearance statements that have been filed,
25 and so I have asked that copies be made of those. And

1 those will be made available later and we will deal with
2 that later.

3 Now we are going to start with opening
4 statements. We start with the applicant. Counsel, you
5 may proceed.

6 MR. DERSTINE: Thank you, Mr. Chairman. I heard
7 a little bit of my opening statement in some of the
8 discussion and argument this morning over the
9 preliminary procedural matters, but I will give it to
10 you again anyway.

11 TEP is a public service corporation. It
12 provides electric service in Pima County, Tucson
13 pursuant to a certificate of convenience and necessity.
14 Under its CC&N, TEP has an obligation to serve customers
15 in its service territory.

16 In 2006, Rosemont Copper Company requested that
17 TEP provide service to the proposed Rosemont mine.
18 Pursuant to that request, TEP undertook engineering
19 studies, started the public process and other activities
20 directed towards siting a 138kV line to meet the power
21 needs of the proposed mine. Those activities culminated
22 in the filing of the CEC application on November 2 of
23 this year and these hearings today.

24 It is no secret that the Rosemont mine is
25 controversial. It has its vocal opponents and

1 supporters. But as we have spent a fair amount of time
2 talking about this morning, this case is not about the
3 mine. This case is about siting a transmission line to
4 serve the needs of the mine, siting a transmission line
5 that would provide the best route, best environmentally
6 compatible route to serve the mine if and when it is
7 approved. That's the purpose and need for this project.

8 Let me take the remainder of my opening comments
9 to just simply preview an outline what you will hear
10 from the applicant in terms of our witness testimony and
11 exhibits.

12 Let me start by referencing the place mat that
13 you should have with you. It has got a map on one side
14 and on the reverse side it has various visual
15 simulations and diagrams of the structures. The map is
16 a more simplified version of Exhibit A-1 to the
17 application. The simulations and the structure diagrams
18 are also from the, taken from the application.

19 We hope that this will be something of a quick
20 and easy reference guide for you as you hear the
21 testimony or in looking at the screens and the
22 PowerPoint presentations that you will hear from the
23 witnesses.

24 In addition, you should have the applicant's
25 hearing binder. The binder contains our exhibit list

1 along with testimony and exhibits that will be presented
2 to you today.

3 Most notably those exhibits include prefilled
4 direct testimony from Mr. Ed Beck of Tucson Electric
5 Power and Ms. Weinstein of the Environmental Planning
6 Group. Also included is a form of CEC with the various
7 proposed conditions.

8 As I mentioned, TEP will present its case
9 through Mr. Beck, Ms. Weinstein, and, in addition,
10 Ms. Chelsea Johnson also of EPG. Our intent is to call
11 them as a panel and present their testimony to you,
12 present the direct testimony of Mr. Beck and then the
13 direct testimony of Ms. Weinstein, and Ms. Johnson will
14 be available for responding to questions from
15 intervenors or members of the Committee. We think that
16 presenting our case through this panel will be the most
17 efficient way for you to hear the evidence in the case.

18 Let me just briefly give you a project overview.
19 And I can use the -- if you want to use the place mat to
20 do that, it may be helpful.

21 CHMN. FOREMAN: Mr. Derstine, before you go
22 further, does everybody have a place mat?

23 MEMBER PALMER: I need one.

24 CHMN. FOREMAN: All right. Very good.

25 I am sorry. Proceed.

1 MR. DERSTINE: TEP proposes to construct a new
2 138kV line that will interconnect to the existing 138kV
3 line that runs between the South substation and the
4 Green Valley substation. That interconnection will take
5 place at the proposed Toro switchyard, and you can see
6 that within the upper left portion of the place mat, the
7 map.

8 At the other end of the line, the 138kV line
9 will terminate at a switchyard facility as we have
10 already discussed. So you have got a series of breakers
11 and switches which comprise the Toro switchyard at the
12 starting point of the line, and terminates to a smaller
13 breaker and switch facility at the terminus of the line
14 adjacent to the Rosemont substation.

15 In between, the line will be constructed on
16 steel monopoles ranging in height from 75 to 150 feet.
17 Depending on the route or the segment of the route,
18 those monopole structures may be single circuit or
19 double circuit.

20 You will hear testimony from Mr. Beck and
21 Ms. Weinstein that there, on the route, there are
22 opportunities to consolidate either the existing 46kV
23 line that runs from the Fort Huachuca breaker that
24 serves as backup to the fort, or there are opportunities
25 to consolidate distribution lines with the new

1 transmission line on certain segments along the
2 preferred and the alternatives that follow the
3 preferred.

4 You will note from the legend on the place mat
5 that there is a preferred route and four alternatives.
6 The preferred route is marked in dark blue. It follows
7 Santa Rita Road and the proposed water pipeline that
8 will be constructed to serve the mine. The pipeline is
9 shown as the dotted red line following the dark blue
10 line of the preferred route.

11 Alternative 1 is in light blue. The only
12 significant variation between the preferred and
13 Alternative 1 is that Alternative 1 moves around a
14 series of smaller hills that allow for -- those hills
15 would then provide some screening to some residents that
16 are located in that area.

17 Alternative 2 is in green. Alternative 2 as
18 well as Alternatives 3 and 4 follow the existing 46kV
19 Fort Huachuca line. At Helvetia Road, Alternative 2
20 turns left across the experimental range where it joins
21 up with Alternative 1. Alternative 3 is in yellow and
22 follows Alternative 2 until it hits the water pipeline
23 and then follows the preferred route. Alternative 4 is
24 in red and follows the 46kV line for the longest
25 distance until it hits that segment 160 and then turns

1 north to run up to the mine. The jogs or the movement
2 in Alternative 4 as it bends around and reaches the mine
3 site are to accommodate the mine plan of operations.

4 You will also hear testimony from Mr. Beck
5 concerning cost. The cost raises from 10.4 million for
6 the preferred route to 14.6 million for Alternative 4,
7 the most expensive route. But it is important that you
8 understand, as has been already mentioned here this
9 morning, that Rosemont is paying the cost of this
10 project as the customer.

11 Finally, let me preview and touch upon the
12 testimony you will hear from Mr. Beck and Ms. Weinstein
13 concerning the public process. There was an extensive
14 public outreach intended to publicize and gain feedback
15 for this project, to gain input and public feedback on
16 the various routes.

17 A stakeholder group was formed in 2009 to gain
18 input on the project. As has already been mentioned,
19 members included the Santa Rita Experimental Range,
20 Coronado National Forest, BLM, Green Valley Coordinating
21 Council, Town of Sahuarita and State Land, among others.
22 It included Mr. Robertson, who appeared in the
23 stakeholder committee on behalf of his client, the
24 Farmers Investment Company. And Ms. Webb and
25 Mr. Magruder were also part of the stakeholder

1 committee.

2 There were seven stakeholder group meetings,
3 including a field trip, as I understand it, to look at
4 the proposed routes in the area of the mine. And aside
5 from the stakeholder group involvement, there were four
6 rounds of public open houses. And at least two of those
7 rounds there were, open houses were held at multiple
8 locations, two different locations. There were also
9 five newsletters that went out, were sent out to a
10 larger geographic area. The newsletters and open houses
11 encouraged the public to comment and provide input and
12 there were comment forms available for the public to
13 write down and provide their comments.

14 Project information was also available on TEP's
15 website that included an interactive map.

16 That's the testimony and the evidence in outline
17 form that you will hear from the applicant today. Let
18 me thank you in advance for your time and attention.

19 CHMN. FOREMAN: Mr. Derstine, I am assuming that
20 one of the witnesses will talk about a flyover or visual
21 tour.

22 MR. DERSTINE: Yes. I am sorry I didn't mention
23 that to you. Mr. Beck will provide testimony for the
24 flyover and will walk the Committee through the flyover
25 video that's also included in our exhibits and marked as

1 an exhibit that will give an aerial perspective of the
2 various proposed routes and what the structures may look
3 like in the landscape.

4 CHMN. FOREMAN: I would like to ask that that
5 testimony be early in the presentation.

6 I call to the attention of the members of the
7 Committee the liquid sunshine that we are experiencing
8 outside now. And I heard this morning that there was a
9 100 percent chance of rain for tomorrow. So we need to
10 make a decision about whether we want to take a tour,
11 obviously, as soon as possible.

12 I am not sure whether it would be possible to
13 reschedule the tour for a later date. I would have
14 concerns about a potential open meeting violation for
15 rescheduling a tour where there is not an agenda
16 reflecting that that has been filed. So we may be
17 locked into tomorrow as the tour day or no tour day.
18 And that, I think, will make the presentation of the
19 flyover important.

20 If we do go on a tour, I think we are going to
21 want to discuss the kind of vehicle that we may use. We
22 may need something that would be large enough that would
23 be able to accommodate Colette staying in out of the
24 rain, even if there are hardy members of the Committee
25 who are willing to brave the elements outside.

1 So those are all things that I want to raise now
2 so that they are discussed early and we can get a
3 decision to you as quickly as possible.

4 MR. DERSTINE: The flyover presentation comes
5 fairly soon in Mr. Beck's testimony. And at whatever
6 point you think it is appropriate, we prepared a
7 demonstrative slide that outlines the time that will
8 take to get to the various stops or options for a stop
9 or route tour and we are prepared to talk about that any
10 time you would like.

11 CHMN. FOREMAN: Okay. Very good. Thank you.

12 All right. I think now what I would like to do
13 is go to the Tohono O'odham Nation, ask if you folks
14 have an opening statement you wish to make.

15 MS. BERGLAN: Yes, Mr. Chairman. Thank you.

16 CHMN. FOREMAN: Proceed.

17 MS. BERGLAN: Thank you.

18 As I referenced in the request for intervention
19 on behalf of the Nation, the Nation considers Ce:wi
20 Duag, which again is the O'odham word for the Santa Rita
21 Mountains which include the project areas, a special
22 place. O'odham people and their ancestors have used
23 that area from time immemorial.

24 The routes that are proposed in conjunction with
25 this project will destroy or disturb ancestors and the

1 remnants of their lives. As I referenced in my request
2 for intervention, the Nation considers this area so
3 special that we have requested that the Forest Service
4 place the Ce:wi Duag area on the Register of Historic
5 Places. That process is ongoing. There is an initial
6 determination that that is eligible as a traditional
7 cultural place.

8 The Nation intends to put on the testimony of
9 Peter Steere. His written testimony is in the exhibit
10 binder on behalf of the Nation. And he will be
11 discussing the specific sites, the specific cultural
12 resource sites that would be impacted. For example, on
13 the proposed route, there are several cultural resource
14 sites that would be directly disturbed or destroyed as a
15 result of the project, and two of those sites are likely
16 to contain human remains which are likely ancestral to
17 O'odham people.

18 But in addition to those specific impacts, there
19 is other types of culturally significant locations that
20 weren't addressed in the archeological survey, and those
21 types of sites include vision quest sites, basket
22 material collecting sites, plant medicine sites, and
23 clay collecting sites. Those are all significant to the
24 Nation and are also considered special places, and they
25 are not considered in the archeological survey.

1 In addition to those specific cultural resource
2 sites, there are broad adverse impacts that would occur
3 to Ce:wi Duag, the traditional cultural place at large.
4 Those would include increased access to the area as a
5 result of access roads. That would likely increase
6 traffic in the area, allowing the general public to get
7 into the sites potentially and perhaps disturb them.
8 And the lines themselves, the presence of those lines,
9 adversely impact the integrity of the traditional
10 cultural place.

11 You will note that there are two exhibit binders
12 for the Nation. One is an offer of proof. We are
13 making an offer of proof today with respect to the
14 unredacted testimony of Peter Steere that addressed the
15 mine impacts. And then in our exhibit binder there is
16 the redacted testimony of Peter Steere that's in
17 accordance with the Chairman's ruling.

18 For those reasons we are going to request that
19 the Committee deny the CEC. Thank you.

20 CHMN. FOREMAN: Let me go to Scenic Santa Ritas
21 now.

22 MR. ROBERTSON: Thank you, Mr. Chairman. As I
23 indicated when I made inquiry of you shortly before this
24 morning's recess, Scenic Santa Ritas does intend to make
25 an offer of proof as a part of our opening statement

1 this morning. And that will be the preponderance of my
2 opening statement.

3 Very briefly by way of background, as, Chairman
4 Foreman, you will recall and as the other members of the
5 Siting Committee will be aware from your November 10,
6 2011 procedural order, you asked those parties who
7 wanted to brief the scope of evidence issue to file both
8 initial and reply memorandums. The Scenic Santa Ritas
9 group did file both initial and reply memorandums on the
10 scope of evidence issue.

11 And as you are aware from this morning's
12 discussion of your rulings at last Thursday's prehearing
13 conference, we argued that we believe that both the
14 Siting Committee and the Commission had the discretion,
15 if they so choose, to recognize the connected action
16 concept as an analytical tool.

17 My purpose in speaking this morning is not to
18 reiterate those arguments. We respect your ruling of
19 last Thursday. The majority of members of the Siting
20 Committee appear to express agreement with that this
21 morning.

22 We do want to preserve our ability to argue that
23 at the next stage in the process, which would be before
24 the Commission. And in that regard, we do wish to make
25 an offer of proof. The effect of your ruling last

1 Thursday was to exclude that prepared testimony that we
2 had intended to offer through three different witnesses.
3 And so the only vehicle available to us at this juncture
4 in order to have that included as a part of the record
5 going up to the Commission would be through the offer of
6 proof.

7 Against that background, each of the members of
8 the Committee have in front of you a notebook that we
9 assembled that contains offer of proof documents. As
10 Chairman Foreman indicated at the prehearing conference
11 last Thursday, he requested that those parties desiring
12 to make offers of proof assemble their materials and put
13 them together in a single notebook for you. Scenic
14 Santa Ritas volunteered to take the lead on that and you
15 will find in front of you a three-ring binder notebook
16 relating to offer of proof materials proposed to be
17 offered by Scenic Santa Ritas group, by the Tohono
18 O'odham Nation, by Ms. Webb and by Mr. Magruder.

19 Also included within that notebook is a
20 December 12th, 2011 memorandum from Mr. Metli and myself
21 to the Siting Committee discussing the offer of proof
22 and nature of it and the requirements. Also included
23 within that notebook, as it relates to the Scenic Santa
24 Ritas group, immediately behind our index tab is a table
25 of contents that identifies for you the materials that

1 are a part of our offer of proof. They are the direct
2 testimony of Trevor Hare, who is with the Sky Island
3 Alliance, the summary of the testimony of Mr. Hare; the
4 direct testimony of Julia Fonseca, who is the
5 environmental planning manager with Pima County, and a
6 summary of her testimony; and the direct testimony of
7 Tom Myers, Ph.D., who is a hydrologist from Nevada,
8 together with the summary of Mr. Myers' testimony.

9 To be sure that I satisfy all of the
10 requirements of the offer of proof, I am going to very
11 briefly summarize what each of these witnesses would
12 have testified to had their testimony not been excluded.
13 For purposes --

14 CHMN. FOREMAN: Excuse me, Mr. Robertson.
15 Member Walker.

16 MEMBER WALKER: Before you do that,
17 Mr. Robertson, could you answer a question for me. I
18 read all the testimony. In Ms. Fonseca's testimony, she
19 identifies herself as working for Pima County, but it
20 seems as if she is testifying on behalf of the Scenic
21 Santa Ritas. Is her testimony in her official role of
22 the county or is she just mentioning that as an
23 explanation of what her experience and background is?

24 MR. ROBERTSON: Mr. Walker, Mr. Chairman, I am
25 going to defer to Mr. Metli to respond to your question

1 because he worked with Ms. Fonseca directly in preparing
2 her testimony. My understanding is she was not
3 testifying on behalf of Pima County but as one of our
4 witnesses, but I will let him elaborate more fully.

5 MEMBER WALKER: That's how I read it.

6 CHMN. FOREMAN: And I would interject here, too,
7 that the county has filed one of the limited appearances
8 statements that are being copied. And I don't have it
9 in front of me now, but my understanding is that she is
10 a part of that limited appearance statement that we will
11 get.

12 Mr. Metli.

13 MR. METLI: Thank you. Robert Metli on behalf
14 of Save the Santa Ritas.

15 Mr. Chairman, Mr. Walker, you are correct,
16 Ms. Fonseca is testifying on behalf of the intervenor
17 group.

18 MEMBER WALKER: Okay. Thank you.

19 CHMN. FOREMAN: And, Mr. Robertson, just for
20 your benefit, you don't need to summarize the substance
21 of the proffer of testimony. It is in the notebooks.

22 MR. ROBERTSON: Thank you, Mr. Chairman. With
23 that in mind, then I will not summarize the testimony.
24 I just wanted to be sure that I did satisfy the
25 requirements.

1 Going back to the memorandum on the offer of
2 proof, and I am now turning to the final paragraph, in
3 addition to the three exhibits identified in the table
4 of contents and the Save the Scenic Santa Ritas portion
5 of the offer of proof notebook, as we indicate in the
6 conclusion section beginning towards the bottom of
7 page 3 and page 4 of the December 12, 2011 memorandum,
8 in addition as a part of their offer of proof, Save the
9 Scenic Santa Ritas Association, Sky Island Alliance,
10 Center for Biological Diversity, and Tucson Audubon
11 Society requests that the Committee accept those
12 portions of the draft environmental impact statement
13 prepared by the Coronado Forest Service which analyzed
14 and discussed the environmental impacts associated with
15 or resulting from Rosemont Copper Company's proposed
16 construction mining reclamation enclosure activities to
17 the extent not expressly and fully covered in the
18 aforesaid prepared testimony.

19 Now, that draft environmental impact statement
20 itself is going to be a part of TEP's presentation. I
21 believe it is their Exhibit 3-B, or B-3. And our offer
22 of proof goes only to those aspects of the draft
23 environmental impact statement that relate to the
24 Rosemont mine.

25 With that, Mr. Chairman, I will conclude my

1 remarks with respect to the offer of proof. The Save
2 the Scenic Santa Ritas group does intend to participate
3 throughout these proceedings actively as an admitted
4 party. And, like other parties, we thank you in advance
5 for your attention and consideration.

6 CHMN. FOREMAN: And thank you, Mr. Robertson,
7 for calling to my attention another ruling that I did
8 not fully explain to the Committee.

9 I indicated, because of the ruling that we
10 talked about earlier, that testimony concerning the
11 environmental impact of the mine was not material within
12 the meaning of the statute to our discussion but I would
13 allow it in as an offer of proof. Exhibit B-3 to what I
14 believe will be Exhibit A-1 of the applicant, the
15 application itself, does contain a CD or DVD that has
16 all, I want to say, 984 pages of the draft environmental
17 impact statement.

18 What I told the parties is you don't have to
19 duplicate what is already in that draft environmental
20 impact statement. I will consider what is in that draft
21 environmental impact statement that relates solely to
22 the impact of the mine as an offer of proof on the
23 impact of the mine for the consideration of whoever may
24 later on want to look at it. And I will allow into
25 evidence only that portion of the environmental impact

1 statement that deals with the environmental impact of
2 the transmission line as evidence. And then I asked
3 each of the intervening parties, if they were going to
4 make an offer of proof, to make an offer of proof
5 relating to something that was not already covered in
6 that draft environmental impact statement.

7 All right. Ms. Webb.

8 MS. WEBB: Okey dokey.

9 CHMN. FOREMAN: Do you have an opening statement
10 you wish to make?

11 MS. WEBB: Yes, I do.

12 All right. Mr. Chairman, members of the
13 Committee, I don't want to belabor this first point.
14 But out of fairness to the members of the public,
15 particularly on the east side of the Santa Ritas, I
16 would like to point to chapter 2, page 38 of the DEIS,
17 the draft environmental impact statement. Under power,
18 where it says --

19 CHMN. FOREMAN: Ms. Webb.

20 MS. WEBB: Yes.

21 CHMN. FOREMAN: Let me remind you what an
22 opening statement is. An opening statement is a brief
23 statement about what you expect the evidence will show.

24 MS. WEBB: Okay. I expect that my evidence will
25 show that the purview of the Arizona Line Siting

1 Committee is to hear the testimony regarding the
2 Rosemont substation, which should have been available,
3 the environmental impacts associated with that, for the
4 public to be able to make comment on that prior to this
5 and for the Committee to be able to consider the impacts
6 associated with that.

7 Secondly, I expect the testimony to show that
8 fair is fair; if we are not allowed to speak to the
9 environmental impacts of the proposed copper mine, it
10 would seem fair that the Committee will not consider the
11 mitigatory effects of the proposed copper mine upon the
12 proposed transmission line.

13 I intend to show that the lack of information to
14 make informed decisions regarding the Arizona Revised
15 Statutes are, is in the application, particularly
16 regarding historic sites. And when I say historic
17 sites, I am not speaking to prehistoric or traditional
18 cultural sites. I plan to show that there is complete
19 lack of viewshed analysis to the east of the proposed
20 transmission line. And when I say complete lack, I mean
21 simulations and consideration of existing plans to the
22 east of the proposed transmission site.

23 I plan to call Julia Fonseca to discuss the
24 impacts to the conservation land systems within the Pima
25 County comprehensive plan. I am also planning to show

1 that, while TEP has an obligation to serve its
2 customers, it is based on a certain amount of criteria.
3 It also has an obligation to follow its own rules and
4 policies which state that it allows its customers to
5 perform after they receive all of their regulatory
6 permits.

7 CHMN. FOREMAN: Ms. Webb, I am probably going to
8 sustain objections to presentation of legal arguments
9 that go beyond the purview of the line siting statutes,
10 just to let you know as you are going along here, and
11 that if you are going to get into the relationship to
12 TEP and the Commission beyond this proceeding, as I
13 said, I probably will sustain objections to that, just
14 to let you know in advance.

15 MS. WEBB: Okay, Mr. Chairman. I will present
16 them in the way that they are written in the statutes
17 without presenting a legal argument then.

18 And, again, I will present photo and video
19 evidence of the preferred route which will show the
20 relationship between the regional goals that have been
21 established with several different plans and visions
22 within several different governmental and private
23 partnerships that have occurred in the area.

24 Thank you.

25 CHMN. FOREMAN: Okay. Mr. Magruder, do you wish

1 to make an opening statement?

2 MR. MAGRUDER: Good morning, Chairman,
3 Committee. Can you hear me okay?

4 CHMN. FOREMAN: We can. And I assume that that
5 means the answer to my question is yes.

6 MR. MAGRUDER: Thank you.

7 I am Marshall Magruder, a resident of Tubac in
8 Santa Cruz Valley. I served on the Santa Cruz Energy
9 Commission from 2001 to 2008 until dissolved. And I
10 continue to make reports to our board of supervisors and
11 the city council on issues involving water, electricity,
12 and natural gas utilities.

13 My first participation in this transmission line
14 project was when I submitted inputs to the environmental
15 impact statement scoping phase with Rosemont mine. In
16 them, I submitted two alternatives that I will discuss
17 in my testimony, with Alternative 2 being an option to
18 constructing a transmission line.

19 Some have asked why did I intervene in this
20 case. Frankly, if several conditions were adopted, the
21 long list of faults with the proposed mine would be much
22 shorter. I support anyone who wants to do business.
23 However, there is a right time and a place.

24 If three conditions that I wanted were adopted
25 in either the final EIS or CEC, then the other issues

1 would be much less. And I seriously doubt if this
2 mine -- but no matter what, I seriously doubt if this
3 mine will ever be built. If it is to be built, then my
4 alternative electricity option is one of the major
5 changes necessary that I would like to support for this
6 mine. The others involve no groundwater for mining --

7 MEMBER WALKER: Mr. Chairman.

8 MR. MAGRUDER: -- and filling in the hole. If
9 there will be a mine, then my testimony was broken up
10 into topics that will combine issues in my request to
11 intervene to be resolved in these hearings.

12 So far, cost effective and realistic solutions
13 are missing. Other deficiencies in the proposal need
14 corrective action by both TEP and Rosemont Copper.

15 Why is Rosemont Copper so disliked in this area?
16 One only has to look at the dozen miles of tailings to
17 the west of Sahuarita and Green Valley to see what will
18 happen to the Santa Rita Mountains to the east some 50
19 or more years from now and to see what Augusta Resources
20 wants to do to the Santa Ritas in the next valley to the
21 east along scenic Highway 83 and grasslands found
22 nowhere else. This mine will only have four miles of
23 tailings.

24 This mine needs both electricity and water to
25 operate. The hearings we are involved in focus

1 primarily on the electrical issue, that is, how will
2 electricity get to this mine from remote generation
3 sources by the use of a dedicated transmission line.
4 Other options exist that I will present.

5 Tucson Electric is a supplier. There are some
6 reliability concerns to be discussed in my testimony.
7 However, my overall aim is to ensure that the Rosemont
8 mine does receive reliable electricity on this radial
9 line, similar to an extension cord.

10 The electricity used for this line will be
11 generated elsewhere and transmitted on this line. Based
12 on TEP's reported data, the amount of water consumed in
13 generating this electricity for this transmission line
14 can be calculated. The groundwater in this area is a
15 serious concern with water being depleted, subsidence
16 occurring, and the water table dropping up to four feet
17 a year, nearly an inch a week. Santa Cruz County
18 upstream on the Santa Cruz River --

19 CHMN. FOREMAN: Mr. Magruder, I am sorry to
20 interrupt you, but I want to make sure that I am
21 understanding your opening statement. You are
22 indicating that you intend to present testimony that
23 would go to groundwater usage in the generation of
24 electricity that would go through the transmission line
25 that is a part of the application, is that true?

1 MR. MAGRUDER: Yes, because water is consumed in
2 generating electricity and therefore has an
3 environmental impact someplace.

4 CHMN. FOREMAN: Okay. You need to understand
5 that I am going to sustain objections to that testimony.
6 And I want to let you know that's one of the reasons to
7 have an opening statement, so we can get a sense of what
8 it is you are going to present. This is not the forum
9 for that discussion.

10 MR. MAGRUDER: It is not in -- for your
11 information, nothing is mentioned on this in the
12 environmental impact statement. But that's all right.

13 The economic impacts of importing electricity to
14 fill the electric sink will result in higher electricity
15 bills for all businesses and residential customers due
16 to the demands required to be transmitted, to transmit
17 electricity on this line. The mines presently pay the
18 lowest rates. Everyone else will pay higher rates due
19 to the additional demand required for this line.

20 CHMN. FOREMAN: Mr. Magruder, just again so you
21 will know, I will let you know I am probably going to
22 sustain objections to a discussion of rates.

23 MR. MAGRUDER: Well -- okay. The impact that
24 these utility poles will have on the natural habitat in
25 the Santa Rita Experimental Range will be discussed in

1 terms of the changes that this transmission line will
2 make in an area that has been studied for change
3 purposes for over 100 years. It is a unique and the
4 oldest such range in our nation. These changes caused
5 by the line and the transmission poles are man-made and
6 are not natural, thus skewing the data that has been
7 collected for a century with unknown consequences.

8 Further, the lighting impacts are so significant
9 that world class Arizona astronomical communities may
10 have to move elsewhere. However, this application
11 indicated this lighting was a minor impact. Those who
12 lived here 3,000 years ago might not agree that this has
13 a minor impact.

14 The issue of the utility status for Rosemont
15 Copper in this hearing in my view is clear, even though
16 my motion failed.

17 The concerns about substations and switchyards
18 must be resolved as the hearing progresses. TEP's Toro
19 switchyard is easy, but Rosemont Copper substation
20 appears to be hiding behind mining laws and other pseudo
21 administrative curtains to avoid letting anyone know
22 what its real capabilities and impacts are.

23 There are other important transportation
24 impacts, in particular, the water and transmission line
25 construction road along the edge of Santa Rita Road.

1 This is a super highway being planned, when a simple,
2 much less environmentally intrusive solution will easily
3 satisfy both the water and electric needs.

4 After initial construction, a much narrower
5 right-of-way with short perpendicular access spurs from
6 the road to the poles will result in much less impacts
7 on this important experimental range. The present two
8 parallel roads, two or three fence solution with
9 entrances miles apart, causing additional dust, do
10 nothing but provide an off-road vehicle raceway and
11 other long-term changes to this very sensitive
12 environmental area.

13 These eight topics that are presented in my
14 testimony I plan to submit, and we will see what happens
15 at that stage.

16 I have submitted exhibits with the offer of
17 proof and may add some if they are not accepted by the
18 Committee.

19 Again, my goal is to ensure the best solution
20 results, not one that just benefits the applicant or the
21 copper mine but one that all, including the local public
22 and many generations from now, will say we all did a
23 good job this week.

24 Thank you.

25 CHMN. FOREMAN: All right. Member Parke.

1 MEMBER PARKE: Thank you. I just wanted to ask
2 Mr. Magruder to be clear that his involvement here is as
3 a concerned citizen, it is not as a representative for
4 Santa Cruz County with regard to the reporting that you
5 do.

6 MR. MAGRUDER: I am not a representative of
7 Santa Cruz County. However, I do make call to the
8 public reports frequently.

9 MEMBER PARKE: And that's, likewise, you are not
10 here representing the Santa Rita Experimental Range.

11 MR. MAGRUDER: No, I am not representing the,
12 that range. And, in fact, I sort of disagree with
13 their it doesn't cause any impact testimony.

14 MEMBER PARKE: Thank you, Mr. Chairman.

15 CHMN. FOREMAN: And I guess that --

16 I am sorry. Mr. Black.

17 MR. BLACK: Thank you, Chairman, members of the
18 Line Siting Committee. Thank you for the opportunity to
19 speak here this morning.

20 Rosemont Copper is requesting an extension of
21 electric service from TEP in order to power its
22 operations located along the eastern side of the Santa
23 Rita Mountains approximately 30 miles southeast of
24 Tucson. After some initial technical studies and
25 review, TEP determined that a 138 kilovolt transmission

1 line is required to service the company's load of
2 approximately 118 megawatts.

3 Since these initial assessments, Rosemont Copper
4 has participated in TEP's comprehensive public and
5 agency involvement program designed to identify
6 potential routes in a transparent and open manner. We
7 believe this process has already yielded positive
8 results.

9 For instance, in response to stakeholder and
10 public comment concerns, Rosemont Copper withdrew its
11 request to TEP for temporary construction power and
12 eliminated a route alternative through the Box Canyon
13 area. The other temporary route alternative that was
14 being considered included an option of a temporary link
15 that would be later removed once the permanent line is
16 placed into service.

17 More importantly, however, was the preparation
18 of the comprehensive CEC application that provides the
19 Line Siting Committee members a preferred route and
20 viable alternatives based on stakeholder and public
21 input. Rosemont Copper supports the preferred route
22 because, of all the options, it provides the most
23 balance between potential environmental impacts,
24 landowner considerations, and engineering concerns.

25 Another factor that is considered by the Line

1 Siting Committee is the estimated cost of the
2 facilities. While the preferred route represents the
3 least cost option of all the potential routes, as you
4 will hear from TEP, Rosemont has been and will continue
5 to be responsible for the cost of this transmission
6 project. Thus, any concern that these costs are being
7 borne by TEP and its existing ratepayers should be
8 entirely alleviated.

9 Based on all those factors and more, Rosemont
10 Copper supports the proposed form of CEC order submitted
11 by TEP in this proceeding. It contains proposed
12 conditions that are reasonable and balance the impacts
13 of the transmission line along the preferred route with
14 the statutory considerations set forth in A.R.S.
15 40-360.06.

16 Again, we thank you for your time this morning
17 and ability to provide this opening statement. Thank
18 you.

19 CHMN. FOREMAN: And you are, on behalf of the
20 mine, supportive of and agree with the position of TEP,
21 that they would not initiate construction of the line
22 until the line is fully approved through the NEPA
23 process, is that correct?

24 MR. BLACK: Correct. We support proposed
25 Condition, I believe it is, No. 26, 25, and that is that

1 the CEC would not authorize the construction of the line
2 until the record of decision authorizing the mine plan
3 of operations is issued, correct.

4 CHMN. FOREMAN: Okay. Very good.

5 Now, we have just a few moments before lunch,
6 and counsel for the applicant indicated to me that there
7 was one person who had contacted him who would not be
8 available for the evening public comment session who
9 wished to make public comment.

10 Is that person still available, Counsel?

11 MR. DERSTINE: Mr. Chairman, I understand it is
12 a representative of the Santa Rita Experimental Range,
13 and he did ask for the opportunity to make comment at
14 this time.

15 CHMN. FOREMAN: All right. Do we have a -- we
16 used to have a microphone around here available. We
17 have got one up here.

18 Sir, if you would, come forward, please. So
19 that we can make sure that the record is complete, give
20 us your name, spell your last name, and then tell us for
21 whom you are working or for whom you are appearing.

22 MR. HUSMAN: Thank you, Chairman Foreman and the
23 members Arizona Transmission Siting Line Committee. My
24 name is Steve Husman, and I am the director of the
25 Tucson Area Agricultural Experiment Stations for the

1 University of Arizona.

2 The Santa Rita Experimental Range is one of the
3 four experiment stations that I have responsibility --

4 Excuse me, sir.

5 CHMN. FOREMAN: If you would, for the assistance
6 of our court reporter, spell your last name.

7 MR. HUSMAN: Yes, very good. Last name is
8 Husman, H-u-s-m-a-n. I have had to do that in Tucson
9 for the last 36 years. If you were to travel to Iowa I
10 would never have to do that. Nevertheless, thank you.

11 So I represent the University of Arizona here
12 today. And there is a letter that was written by
13 Dr. Colin Kaltenbach, who is in fact the vice dean of
14 the U of A College of Agricultural and Life Sciences,
15 that was written and submitted to Chairman Foreman and
16 the members of the Committee on November 18th of 2011.

17 And the letter in essence, to restate what the
18 letter says or reads -- and one modification that I
19 would like to present, that there is an error in the
20 letter, that the University of Arizona would be more
21 than happy to offer an amendment to the letter or an
22 additional letter if that helps clarify one of the areas
23 that are in error.

24 In essence, the U of A has, in fact I have been
25 serving on the stakeholder committee for the past two

1 years during this process, and after a lot of input and
2 careful consideration, the University of Arizona, who is
3 administratively responsible for the Santa Rita
4 Experimental Range, does, in fact, favor the preferred
5 route along Highway 505, the Santa Rita Road, and with
6 Alternative 1 being also acceptable. Alternative 2 and
7 3 and 4 are not acceptable.

8 What is stated in the letter that I just
9 referred to is Alternative 2, 3, and 4 are not
10 acceptable primarily due to the link 120, or the
11 Helvetia Road linkage. And that is due to several areas
12 of sensitivity, including four 100-year long-term repeat
13 photography statements of vegetative condition on the
14 range, five long-term highly sensitive research projects
15 that have been going on and are ongoing currently, and
16 20, 20 vegetation transects that are monitored annually,
17 again, for this past 100-year period approximately, and
18 then of course a couple of watering stations for
19 livestock to our leasing rancher of that area.

20 The error in the letter that is in the official
21 docket indicates that Alternative 4 we are opposed also
22 because of link 120. But, in fact, Alternative 4 does
23 not include link 120. And we are also not in favor of
24 Alternates 2, 3, and 4 simply because of the high level
25 of additional disruption of upgrading the 46kV line and

1 offering a great deal of disruption to, again, these
2 highly sensitive research areas that are minimally
3 impacted in their current conditions.

4 So after, again, careful consideration, the
5 University of Arizona, all right, number one, favors the
6 preferred route because of the highly disrupted Santa
7 Rita Road as it currently exists. It is a high traffic
8 area. And to us it makes total sense that you collocate
9 utilities such as water, transmission line, and the
10 power transmission line. And, in fact, we can see no
11 significant adverse impacts to the University of Arizona
12 relative to the existing range conditions, the
13 facilities, or our operations on the Santa Rita
14 Experimental Range.

15 Thank you. And I do apologize for not being
16 able to be here this evening. I have another
17 presentation at 6:00.

18 CHMN. FOREMAN: Let me ask you to reduce to
19 writing what you have told us. There is a difference
20 legally in what we can do with what you just said. The
21 Committee cannot base its decision on public comment.
22 You just made public comment. It appears to me that
23 this is something that is important enough and was going
24 to be a part of something that would be submitted to the
25 Committee that the Committee could base its decision on.

1 We want the Committee to have correct information upon
2 which to base its decision. So let me ask you to reduce
3 what you just told us to writing and see that it gets to
4 the applicant.

5 And I will task the applicant with making sure
6 that that gets into the proper part of the record.

7 MR. DERSTINE: Mr. Chairman, I would simply note
8 for the record that the letter which Mr. Husman is
9 referring to is marked as TEP Exhibit 13. It is
10 contained in our exhibit binder. And then we would be
11 happy to accept the written clarification from the
12 experimental range and include that in the docket as
13 well.

14 CHMN. FOREMAN: You can include it or you can
15 replace TEP-13 with it, or A-13 with it.

16 MR. DERSTINE: All right. Thank you.

17 CHMN. FOREMAN: All right. Very good. Thank
18 you, sir, for coming and commenting publicly.

19 MR. HUSMAN: Thank you.

20 CHMN. FOREMAN: All right. We are about at
21 lunchtime. I think now would be a convenient time to
22 take the lunch recess, unless there is something short
23 that we can address.

24 MEMBER RODRIGUEZ: John.

25 CHMN. FOREMAN: All right. We will take the

1 lunch recess. We will resume at 1:30 p.m. back in this
2 room. And I will expect at that time that we will --

3 Oh, I am sorry. Member Rodriguez.

4 MEMBER RODRIGUEZ: Thank you. I have a question
5 for the representative of the Tohono O'odham Nation.

6 In your applications you have indicated which is
7 eligible for listing in the National Register of
8 Historic Places. When did it become eligible, the
9 areas?

10 MS. BERGLAN: When, is that what --

11 MEMBER RODRIGUEZ: When.

12 MS. BERGLAN: Well, it is still ongoing. It is
13 always considered eligible until there is an official
14 determination. But if you look at the letter that's in
15 the exhibit binder for the Tohono O'odham Nation, Tab 2,
16 the sort of preliminary indication that the SHPO office,
17 the State Historic Preservation Office, would consider
18 is eligible is November 14th, 2011.

19 CHMN. FOREMAN: This is an exhibit that you
20 intend to introduce in your case, is that correct?

21 MS. BERGLAN: Yes, Mr. Chairman.

22 CHMN. FOREMAN: Okay, very good.

23 MEMBER RODRIGUEZ: Okay. And when did you
24 submit your paperwork for it to become --

25 MS. BERGLAN: That's not a responsibility of

1 Tribes to do that. It is actually the Forest Service's
2 responsibility to submit a nomination form. And at
3 Exhibit, Tab 1, which we would in turn intend to put
4 this into evidence, you can see the National Register of
5 Historic Places registration form. I believe it was
6 submitted in 2011.

7 MEMBER RODRIGUEZ: Maybe, Mr. Chairman, she can
8 go into a little more detail.

9 CHMN. FOREMAN: Yes, she will have an
10 opportunity when she presents her evidence to directly
11 comment on this. And now that you have called that to
12 her attention, hopefully you will address that when you
13 make your presentation, Counsel.

14 MS. BERGLAN: Yes, Mr. Chairman.

15 MEMBER RODRIGUEZ: And one other thing for TEP.
16 On the record, there was testimony from, I think,
17 Mr. Magruder, that he indicated that the roads would
18 cause recreational vehicles to travel. In your pictures
19 here you have the road. Do you intend to widen it any
20 further than it is already existing once the water lines
21 and TEP lines go in? Or is it -- will it stay as it is
22 right now?

23 CHMN. FOREMAN: Will that be addressed during
24 the testimony this afternoon?

25 MR. DERSTINE: I would be happy to address that

1 with Mr. Beck in his direct testimony.

2 MEMBER RODRIGUEZ: Okay, thank you.

3 CHMN. FOREMAN: Okay. All right. Very good.

4 Any other matters we want to call to their attention?

5 (No response.)

6 CHMN. FOREMAN: All right. Good. We will look
7 forward to starting the testimony then at 1:30. We are
8 adjourned until then.

9 (A recess ensued from 11:57 a.m. to 1:30 p.m.)

10 CHMN. FOREMAN: All right. We are going to get
11 started this afternoon. During the break, we had the
12 applicant distribute to each member of the Committee a
13 copy of the limited appearance statement filed by, the
14 first one which we will have marked as Committee
15 Exhibit 1 is filed on behalf of Pima County by Paula
16 Perrera, a Deputy Pima County Attorney. The second one
17 is filed by a Mr. J.J. Lamb who identifies himself as
18 the director of the Vail Preservation Society. And the
19 third one is by a James E. Pepper, who lives in Sonoita.

20 The first, Committee 1; the second, Committee 2;
21 the third will be Committee 3, and all three of those
22 limited appearance statements will be admitted into
23 evidence in this matter.

24 (Exhibits Com-1, Com-2, and Com-3 were admitted
25 into evidence.)

1 CHMN. FOREMAN: Now, I think I heard that there
2 was at least one preliminary matter that we need to
3 address. Counsel.

4 MR. BLACK: Yes. Thank you, Chairman, members
5 the Committee. This morning we received an exhibit list
6 from Ms. Webb concerning the exhibits that she had
7 planned to be using during the hearing, and we would
8 like some clarification as to the status of those
9 exhibits, whether they have been provided and what
10 format.

11 Again, we understand that they have not yet been
12 offered. We received an e-mail yesterday from Ms. Webb
13 containing a list of several other exhibits that she had
14 planned to use during the hearing. And I am just having
15 a little trouble reconciling the list that she provided
16 this morning with the exhibits that have been provided.
17 So we wanted to get some clarification as to the status
18 of those exhibits.

19 CHMN. FOREMAN: Okay. Ms. Webb.

20 MS. WEBB: Thank you, Mr. Chairman. I think
21 that was Mr. Black. Was that Mr. Black who spoke? I
22 can't see.

23 MR. BLACK: Yes, it is. Thank you.

24 MS. WEBB: Sorry, I can't see that way.

25 As I indicated, and I actually think the e-mail

1 was two days ago, I was going to be withdrawing some
2 exhibits. So that might be where the confusion is
3 lying. But if you indicate which exhibits there is
4 confusion over, I can go ahead and help you with that.

5 CHMN. FOREMAN: Well, Ms. Webb, why don't you
6 tell us initially, I have my list of your exhibits in
7 front of me, which ones are being withdrawn.

8 MS. WEBB: This list already has been -- the
9 ones that I have already disclosed, these have all been
10 disclosed. And then there were other ones that have
11 been disclosed to the other parties that I have already
12 withdrawn. They are not on that list.

13 CHMN. FOREMAN: So I have a two-page list that
14 has 26 exhibits on it. You believe that you have
15 disclosed all of those?

16 MS. WEBB: Yes.

17 CHMN. FOREMAN: And when did you disclose them?

18 MS. WEBB: Via e-mail beginning December 5th.

19 CHMN. FOREMAN: And ending?

20 MS. WEBB: I believe -- let's see, today is
21 Monday -- Friday, Friday or Saturday.

22 CHMN. FOREMAN: Okay. Mr. Black.

23 MR. BLACK: Just for clarification, the e-mail
24 that I have is dated December 11th at 1:16 a.m. Part of
25 the issue is some of the exhibits she refers to are

1 links. And I don't know if we have copies of what she
2 intends to provide as a result of clicking on a link.

3 MS. WEBB: Am I allowed to talk?

4 CHMN. FOREMAN: In a minute.

5 MS. WEBB: Okay.

6 CHMN. FOREMAN: So --

7 MR. BLACK: And there are some that we can't
8 identify, for instance, Exhibit W-8 that she has listed
9 here concerning USDA Forest Service proceedings.

10 CHMN. FOREMAN: All right. Well, what I am
11 going to do, I am going to ask you to break to talk with
12 Ms. Webb and see if you can narrow your concerns.

13 MR. BLACK: Okay.

14 CHMN. FOREMAN: The procedural order indicates
15 that if exhibits are not timely disclosed, they can be
16 precluded. They also obviously can be precluded on
17 grounds other than timely disclosure. So I think it
18 would be better to address those as they are presented
19 when Ms. Webb gets to her case, which I don't anticipate
20 will be today. So you folks get together, talk about
21 them.

22 MR. BLACK: I will speak to Ms. Webb about it
23 today. Thank you.

24 CHMN. FOREMAN: Okay. Very good.

25 Now, any other preliminary matters we need to

1 address before we start with testimony?

2 (No response.)

3 CHMN. FOREMAN: Then let's start with the
4 applicant's case. Counsel, you may proceed.

5 MR. DERSTINE: Thank you, Mr. Chairman.

6 I would like to call Mr. Ed Beck, Ms. Lauren
7 Weinstein, and Ms. Chelsea Johnson as a panel and have
8 them sworn.

9 CHMN. FOREMAN: Okay. Mr. Beck, do you wish an
10 oath or affirmation?

11 MR. BECK: An oath, please.

12 (Ed Beck was duly sworn.)

13 CHMN. FOREMAN: State your name and spell your
14 last name for the court reporter.

15 MR. BECK: Ed Beck, B-e-c-k.

16 CHMN. FOREMAN: Okay. Ms. Weinstein, do you
17 wish an oath or affirmation?

18 MS. WEINSTEIN: Oath.

19 (Lauren Weinstein was duly sworn.)

20 CHMN. FOREMAN: State your name and spell your
21 last name for the record, please.

22 MS. WEINSTEIN: Lauren Weinstein,
23 W-e-i-n-s-t-e-i-n.

24 CHMN. FOREMAN: Okay. Ms. Johnson, do you wish
25 an oath or affirmation?

1 MS. JOHNSON: An oath.

2 (Chelsea Johnson was duly sworn.)

3 CHMN. FOREMAN: Tell us your name and spell your
4 last name for the record, please.

5 MS. JOHNSON: Chelsea Johnson, J-o-h-n-s-o-n.

6 CHMN. FOREMAN: Very good.

7 Counsel.

8 MR. DERSTINE: Thank you.

9

10 ED BECK, LAUREN WEINSTEIN, and CHELSEA JOHNSON,
11 called as witnesses, having been previously duly sworn
12 by the Chairman to speak the truth and nothing but the
13 truth, were examined and testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. DERSTINE:

17 Q. Mr. Beck, you are the director of transmission
18 policy and contracts for Tucson Electric Power, correct?

19 A. BY MR. BECK: That is correct.

20 Q. All right. And Ms. Weinstein, you are a
21 principal and senior project manager for the
22 Environmental Planning Group, or EPG?

23 A. BY MS. WEINSTEIN: Yes, I am.

24 Q. Okay. And Ms. Johnson, you are project manager
25 for EPG?

1 A. BY MS. JOHNSON: That's correct.

2 Q. Mr. Beck, you were actively involved with and
3 supervised the preparation of the CEC application that's
4 the subject of this case?

5 A. BY MR. BECK: Yes, I did.

6 Q. Okay. And Ms. Weinstein, in your capacity as a
7 principal and a senior project manager for EPG, you were
8 also actively involved in the preparation of the CEC
9 application?

10 A. BY MS. WEINSTEIN: Yes, I was.

11 Q. And the same is true for you, Ms. Johnson?

12 A. BY MS. JOHNSON: Yes.

13 MR. DERSTINE: All right. With those
14 introductions, Mr. Chairman, I would like to proceed
15 with the direct examination of Mr. Beck.

16 CHMN. FOREMAN: Please do.

17 MR. DERSTINE: All right.

18 BY MR. DERSTINE:

19 Q. Mr. Beck, you indicated that you were involved
20 with the preparation of the CEC application for the
21 Rosemont project. Did others within TEP assist you in
22 that work?

23 A. BY MR. BECK: Yes. There were other members of
24 staff at TEP that assisted, including personnel from our
25 engineering department, our land department, and

1 planning department.

2 Q. All right. The CEC application itself has been
3 marked as TEP Exhibit 1. Do you have that before you?

4 A. BY MR. BECK: Yes, I do.

5 Q. All right. Now, Mr. Beck, you have been
6 involved in several siting cases in the past, but we
7 have some new members of the Siting Committee. Just
8 briefly, can you kind of cover your background and
9 experience in siting new transmission lines?

10 A. BY MR. BECK: Yes. I have a bachelor's of
11 science degree in civil engineering from the University
12 of Arizona as well as an MBA, a member of the American
13 Society of Civil Engineers, the Western Electric
14 Coordinating Council Market Interface Committee. I have
15 32 years of experience in the electric utility industry,
16 the last several of which have been directly related to
17 siting of lines.

18 Q. Mr. Beck, given your experience with prior
19 siting cases and the application that was prepared for
20 this case, is it your belief that the application meets
21 the statutory requirements of A.R.S. 40-360.03?

22 A. BY MR. BECK: Yes, I do believe it does.

23 Q. All right. Mr. Beck, you also, in connection
24 and in preparation for your testimony here today,
25 prepared and authored prefiled testimony. That

1 testimony has been marked as TEP Exhibit 3. Do you have
2 that before you?

3 A. BY MR. BECK: Yes, I do.

4 Q. Was your testimony marked as TEP Exhibit 3
5 prepared by you or under your direction?

6 A. BY MR. BECK: Yes, it was.

7 Q. Now, that prefiled testimony consists of
8 questions and answers. If I asked you those questions
9 today, would your answers be the same?

10 A. BY MR. BECK: Yes, they would.

11 Q. Do you have any changes or corrections to your
12 prefiled testimony marked as TEP Exhibit 3?

13 A. BY MR. BECK: Yes, I do have one correction.

14 Q. All right.

15 A. BY MR. BECK: It is on page 5 of the direct
16 testimony on line 9. In my direct testimony I stated
17 TEP -- on line 9 I said at the Toro switchyard TEP will
18 construct a five breaker ring bus. That should be
19 corrected to say will construct a six breaker ring bus.

20 And, further, we have added two exhibits to
21 the --

22 Q. I will touch on that in a minute.

23 A. BY MR. BECK: Okay.

24 Q. With the correction that you noted to page 5,
25 line 9, do you adopt TEP Exhibit 3, your prefiled

1 testimony, as part of your testimony before the
2 Committee today?

3 A. BY MR. BECK: Yes, I do.

4 Q. All right. And Mr. Beck, I want to direct your
5 attention in TEP-3 to your testimony concerning how
6 notice of this hearing was provided to the public. Can
7 you just briefly touch on the publication of notice and
8 the other forms of notice that were provided?

9 A. BY MR. BECK: Certainly. Basically on page 20
10 of my direct testimony, I talk about the notice that we
11 provided for the project. One of the first things we
12 did, we installed more than 19 signs along various route
13 alternatives as shown in the map in Exhibit 4 to my
14 testimony. We also included photos of these signs that
15 were installed. The signs were three foot tall by four
16 foot wide.

17 We published notice in the Arizona Daily Star,
18 the Green Valley News and Sun, twice in each of those
19 publications, as well as another publication, in the
20 Sahuarita Sun, for a total of five publications. And
21 the posting, the publications in the Arizona Daily Star
22 were full page ads.

23 Third, we sent a letter to our stakeholders and
24 representatives of the area jurisdictions notifying them
25 of the hearing and the dates of the hearing. That is

1 attached as Exhibit 6 to the testimony.

2 Fourth, we put out a fifth and final newsletter
3 in November of this year providing info on the hearing
4 we are at today. That's attached as Exhibit 7.

5 And lastly we included a posting on our website
6 giving the dates and times of this hearing.

7 Q. Thank you.

8 In addition to your prefiled direct testimony,
9 you also prepared a PowerPoint presentation for this
10 hearing. Do you have a copy of your PowerPoint
11 presentation marked as TEP Exhibit 4?

12 A. BY MR. BECK: Yes, I do.

13 Q. And was Exhibit 4 prepared by you and under your
14 direction?

15 A. BY MR. BECK: Yes, it was.

16 Q. Is the information, maps, and diagrams contained
17 in your PowerPoint true and accurate, to the best of
18 your knowledge and information?

19 A. BY MR. BECK: Yes, they are.

20 Q. All right. You started to talk about additional
21 slides. Let me ask you, do you have any changes or
22 corrections to Exhibit 4, your PowerPoint presentation?

23 A. BY MR. BECK: Yes, I do have some changes. One
24 of the first things, one of the things that we did was
25 we rearranged the slides in the PowerPoint presentation

1 that you will see as I present the PowerPoint that are
2 slightly different than the order in your books. And we
3 did that to facilitate the presentation to make it flow
4 better.

5 We have also added two slides to help clarify
6 the termination facilities for the project. And those
7 were handed out to all the parties and Committee
8 members. And then finally, when we get to slide 26 in
9 the PowerPoint, I will clarify a number on the cost
10 slide where there is a reversal of numbers.

11 MEMBER RODRIGUEZ: Excuse me, Mr. Chairman.
12 Mr. Palmer and I don't have any books. They had to set
13 up the tables here so they weren't left here for us.

14 CHMN. FOREMAN: These would be exhibit books?

15 MEMBER RODRIGUEZ: Correct.

16 CHMN. FOREMAN: Okay.

17 MR. DERSTINE: We should be able to fix that
18 very quickly.

19 CHMN. FOREMAN: Okay. Thank you for clarifying.

20 MR. DERSTINE: Our apologies.

21 (Brief pause.)

22 CHMN. FOREMAN: All right. Are we ready?

23 BY MR. DERSTINE:

24 Q. Mr. Beck, you mentioned two additional slides.

25 Mr. Gellman handed you those. Can you hold those up for

1 the members of the Committee and intervenors so we know
2 what you are talking about?

3 A. BY MR. BECK: Yes. One of the slides shows the
4 Rosemont substation and TEP termination facilities. The
5 other is a diagram that comes out of the draft EIS
6 showing the Rosemont facilities on their site.

7 MR. DERSTINE: Do all the members of the
8 Committee have those?

9 CHMN. FOREMAN: Yes, I believe so.

10 MR. DERSTINE: All right. Thank you.

11 And I will avow that those slides were
12 circulated to the parties last Friday. And we prepared
13 those. One is a diagram of the Toro switchyard that was
14 already produced in connection with a data request to
15 all of the parties previously in response to Ms. Webb's
16 data request, so all the parties should have had that
17 anyway. And then the second, the diagram of the
18 Rosemont substation and operations, is from the draft
19 EIS.

20 BY MR. DERSTINE:

21 Q. Mr. Beck, with those corrections and
22 clarifications concerning your PowerPoint presentation,
23 is it your testimony that you believe Exhibit 4 will
24 assist the Committee in understanding your testimony in
25 making a decision on your application?

1 A. BY MR. BECK: Yes, I believe it will.

2 Q. And do you adopt Exhibit 4 as part of your
3 testimony before the Committee today?

4 A. BY MR. BECK: Yes, I do.

5 MR. DERSTINE: All right. Mr. Chairman, I would
6 at this point move the admission of the application, TEP
7 Exhibit 1; Mr. Beck's prefiled direct testimony, TEP
8 Exhibit 3; and Mr. Beck's PowerPoint presentation, TEP
9 Exhibit 4.

10 At the same time, I would I note that the place
11 mat was marked as TEP Exhibit 2. I referenced that
12 place mat in my opening and indicated that the map is
13 taken from the application, although it is a somewhat
14 simplified version, and the simulations on the back of
15 the place mat are also from the application itself. And
16 I would at the same time move TEP-2, so moving admission
17 of TEP Exhibits 1, 2, 3 and 4.

18 CHMN. FOREMAN: All right. Mr. Beck, all of
19 these, the diagram on one side and the photos and
20 accompanying materials on the other side, are all from
21 the application, is that correct?

22 MR. BECK: That is correct.

23 CHMN. FOREMAN: Be ordered admitting Exhibit
24 TEP- 1, 2, 3 and 4.

25 (Exhibits TEP-1, TEP-2, TEP-3, and TEP-4 were

1 admitted into evidence.)

2 MR. DERSTINE: Thank you, Your Honor.

3 BY MR. DERSTINE:

4 Q. Mr. Beck, with those housekeeping matters aside,
5 let's start your testimony today with having you discuss
6 the purpose and need for this project, please.

7 A. BY MR. BECK: The purpose of the application
8 that is before you is a result of a request to TEP from
9 the Rosemont mine for service to their facility. They
10 proposed a mine in the Santa Rita Mountains. They
11 approached TEP in 2006 to start the discussions relative
12 to how to serve that mine load.

13 We determined their mining project falls for the
14 most part within TEP's service territory, and so we were
15 responding to that request from a customer. They had
16 identified the Rosemont substation as the delivery point
17 that they wanted to take power from us.

18 As part of our discussions with them, we
19 determined that based on the load level they were
20 proposing for their project, we would need to serve it
21 with a 138kV line. And throughout the process, TEP has
22 made clear to Rosemont and the public that we would only
23 build the line if the mine is approved through the other
24 permitting processes required for their project.

25 Q. Mr. Beck, you mentioned that Rosemont's request

1 for service falls within TEP's service territory. Can
2 you briefly explain or illustrate TEP's service
3 territory and where the mine falls within TEP's
4 territory?

5 A. BY MR. BECK: Yes, I will. Before we get to
6 that, just a little bit of a history or orientation for
7 what TEP uses to serve its loads.

8 TEP has an EHV or bulk transmission system that
9 extends up throughout the state and over into New
10 Mexico. As you can see on this slide on the screen, the
11 little blue circles with the lightning bolts represent
12 generation sites. And TEP has ownership in all of the
13 sites that are shown up on this map. You can see a lot
14 of our generation comes in from those remote sites.

15 Next slide.

16 Specifically to the TEP's service territory, you
17 will see now on the slide highlighted in yellow what is
18 TEP's service territory. And if we zoom in on that, we
19 show our service territory as well as our 138kV
20 transmission system within the service territory. So
21 the service territory is indicated on this diagram or
22 this slide by kind of the dashed black heavy line. And
23 you can see it is an odd shape.

24 A few outlying areas that we serve, in
25 particular this little square in the upper left corner

1 on the diagram, is the Silver Bell mine. Likewise, down
2 in the lower left-hand corner, the last 138 connection
3 down there is on the Cyprus Sierrita mine.

4 CHMN. FOREMAN: Let me stop you there.

5 Member Walker, you have got a question.

6 MEMBER WALKER: Mr. Beck, if you could go back
7 one slide on the generation.

8 MR. BECK: Sure.

9 MEMBER WALKER: The one in New Mexico, that's
10 San Juan, correct?

11 MR. BECK: There are actually two up in the
12 corner of northwest New Mexico. One is Four Corners and
13 one is San Juan. The other one at the top center of the
14 State of Arizona is the Navajo plant. Halfway down the
15 state line is the Springerville power plant, which is
16 our biggest plant. And then we also have ownership in a
17 gas-fired plant over in Luna, New Mexico, which is in
18 the lower right-hand corner of this diagram.

19 You will also see there are a few sites within
20 the City of Tucson. Those are primarily peaking units.
21 We do have one coal-fired unit at our Irvington
22 location.

23 MEMBER WALKER: Excluding the Irvington plant
24 and other peaking plants in the Tucson metro area, what
25 is the nearest generating facility on your system?

1 MR. BECK: The closest would be the Luna plant,
2 which we have 190 megawatts. It is a gas-fired plant.
3 Then the next closest would be Springerville, which is
4 approximately 300, 250 miles away.

5 MEMBER WALKER: So both over 200 miles from
6 here, correct?

7 MR. BECK: Yes.

8 MEMBER WALKER: Thank you.

9 CHMN. FOREMAN: Proceed.

10 MR. BECK: Okay. Again, back to this is the TEP
11 service territory. Next slide.

12 Basically the Rosemont project is located down
13 in this bottom finger of the TEP service territory, kind
14 of in the lower right-hand corner of this PowerPoint
15 slide. We had identified, and I will talk more about
16 it, connecting that load to the TEP system over on the
17 west side of the Santa Ritas into the Green Valley area.

18 You will see from this map that the service
19 territory boundaries, we would be crossing an area that
20 is not TEP's service territory. So you will hear a
21 little bit later about some distribution load that is a
22 part of the mining project. It has some impact on our
23 transmission line as we propose it. And that load in
24 the intermediate area would be served by TRICO.

25 Also, just to make clear for the record, a

1 portion of the Rosemont pit itself, a small portion,
2 falls within the TRICO service territory. So we will
3 have an agreement between TEP and TRICO on how we
4 distribute basically the revenue, the loading for the
5 project between the two companies.

6 BY MR. DERSTINE:

7 Q. Mr. Beck, in response to Rosemont's request for
8 service, did TEP perform any system studies or analysis
9 to determine how best to serve the mine's load?

10 A. BY MR. BECK: Yes, we did. In fact, kind of the
11 defining study was one that was done in 2009. We called
12 it the 2009 plan of service study. And the intent of
13 that study was to study the impact of a 138 line
14 extended from TEP's 138kV line between South and Green
15 Valley up to the Rosemont project.

16 And again, looking at the diagram that we did
17 previously, lower right-hand corner is the proposed
18 Rosemont mine. And what we are looking at connecting to
19 is this part of our system. So we will highlight that.
20 And you will see there is two heavy lines, solid lines.
21 Those are existing 138. You see a dashed line
22 connecting those. That's what we call part of our
23 future looped system.

24 Next slide.

25 So if we kind of zoom in on that area, this is

1 the one-line diagram that represents the study work that
2 was done for the Rosemont project. Again you will see
3 South loop sub, which is a major 345 station for TEP.
4 It is one of our primary input points for energy. We
5 have got a 138 line that goes down to Cyprus Sierrita.
6 And the substation name, it is actually Duval Clear. It
7 is kind of on the left side of this diagram.

8 And on coming out of South and going down to
9 Green Valley and Canoa Ranch is the other 138 line with
10 plans in 2012 to actually then tie Canoa Ranch to Duval
11 Clear to make this a looped 138 system which will
12 improve reliability for Green Valley, Canoa Ranch, and
13 Duval Clear.

14 So in 2009 what we studied was interconnecting a
15 new line at a new switchyard which we now call Toro
16 switchyard, extending that line over to the Rosemont
17 site.

18 Next slide.

19 The results of the study that we conducted
20 showed that if we connected to the South to Green Valley
21 line at 138 that we could connect the line and serve the
22 load with no impact to the TEP existing system, that the
23 project would not be dependent upon the Duval Clear to
24 Canoa Ranch 138kV; in other words, making that loop
25 wasn't critical to being able to serve the Rosemont

1 loads. And connecting Rosemont does not affect TEP's
2 emergency service capability to Kantor, which is a
3 concern of the Commission relative to UNSE loads, our
4 sister company, because we do provide backup support to
5 them.

6 And the bottom line in the study was that the
7 acceptable motor starts of what are identified as ball
8 and SAG mills, basically just mine equipment that have
9 major motors on them, that the motor starts would be
10 acceptable with this type of connection.

11 So the conclusion of the study was that the
12 addition of the new line from a proposed interconnection
13 at Toro would reliably serve the customers' needs
14 without having any detriment to TEP's current customers
15 or system.

16 Q. Mr. Beck, your slide and your -- you indicate in
17 your testimony that you propose to interconnect the new
18 line to serve Rosemont on the existing line, the 138kV
19 line from the South substation to Green Valley. Can you
20 explain for the Committee how TEP proposes to
21 interconnect to that line, what facilities will be
22 constructed?

23 A. BY MR. BECK: Yes. At the starting point of the
24 line that would go to Rosemont, we would build what we
25 call the Toro switchyard. And as I mentioned, corrected

1 in my direct testimony, it is a six breaker ring bus.
2 So you will see on this slide up here a representation,
3 one line of the facility. The little squares that are
4 shown up there, there are six of them, those are the
5 breaker positions. Breakers are like the circuit
6 breaker in your house. That's what protects our
7 electrical system from shorts and overloads.

8 We would have a position that would go, continue
9 the Green -- the South to Green Valley line. We would
10 have the connection that goes onto Green Valley would
11 come out what we call a bay position, which is a point
12 between two breakers. The line from South would come
13 into another bay position, effectively one at each end
14 of the switchyard.

15 We have the Rosemont line, the 138 line, that
16 will go to the mine shown in the bottom right bay
17 position. We have bay positions for 138kV capacitor
18 banks and a statcom device. The capacitor banks are
19 what support voltage; they help us maintain voltage
20 levels in an acceptable range for the system. The
21 statcom is a very fast-acting device to switch those
22 capacitors in and out.

23 And finally, we have a position that would serve
24 some Rosemont load adjacent to the Toro switchyard
25 related to some pumping loads that they will have at

1 that site.

2 Next slide.

3 At the other end of the line, what TEP has
4 proposed and has been, the issue has been raised during
5 our discussions, is what is the end result or end
6 facility for us. As I mentioned, Rosemont came to us
7 with the request to serve their industrial substation
8 for the load that they plan to have at their mine. TEP
9 has proposed that we would build a facility adjacent to
10 that Rosemont substation that would terminate our
11 transmission line. They didn't ask us to be in the
12 business or in the operation of their facility, the
13 Rosemont substation. We didn't really want to be in
14 that business. We considered it an industrial facility.
15 So that's why we proposed this termination facility.

16 Arguably this facility can be called a
17 switchyard. It is going to be a fenced yard and it is
18 going to have switches in it. From TEP's perspective we
19 didn't start out by calling it a switchyard, because it
20 is just a minor thing to us. It is a switch, and there
21 are three switches and a breaker. But for the record,
22 it is a switchyard for purposes, I believe, of this
23 case. And it is the termination point for the line that
24 we are proposing to build.

25 And next slide, please.

1 Finally, we have added this diagram, which is
2 right out of the draft EIS, basically showing the
3 Rosemont planned facilities that are in their mine plan
4 of operation.

5 In the upper-left corner of this diagram you
6 will see an electrical substation. That's what we refer
7 to as the Rosemont substation throughout the
8 application. And depending on which route is selected,
9 if approved for a 138kV line, we will build our
10 termination facility adjacent to that switchyard. And
11 the exact location depends on which route is chosen. We
12 could come in on kind of the southerly side of that
13 station or the westerly or even the northerly side,
14 depending on which route is being used for the 138 line.

15 Q. So Mr. Beck, you have described the switchyard
16 facilities that will be constructed at either end of the
17 new proposed 138kV line. Can you talk about the
18 facilities and structures that will be used to construct
19 the line over the path?

20 A. BY MR. BECK: Yes. First we will talk about our
21 tangent, typical tangent structure. You will see on the
22 diagram we are showing two different tangent structures.

23 The one on the left is what we call a single
24 circuit. It has got three conductor positions that
25 constitutes one circuit. So for the 138 line we would

1 have three conductors. And that would be the 138kV
2 line.

3 The other tangent structure on the right-hand
4 side is a double circuit representation. That would be
5 used if we were along Alternative 4. One side would be
6 the 138kV line. The other side would be consolidating
7 our 46 onto that pole.

8 Also, as you will see later in my presentation,
9 on the eastern end of the project for alternative -- the
10 preferred alternative and Alternatives 1, 2, and 3, we
11 would potentially collocate distribution on the other
12 side of these structures. So in some cases we would
13 have 138 and a distribution line. The distribution line
14 would be needed for service to the Rosemont pipeline
15 that they have proposed.

16 Q. Mr. Beck, using the diagram on the left, can you
17 identify those segments of the different routes that
18 would be used that would have double circuit
19 construction?

20 A. BY MR. BECK: Yes. First, starting on the
21 diagram at the Toro switchyard, as you come down, there
22 will be double circuit structures for the first couple
23 of structures coming out of the switchyard to connect to
24 the existing 138kV line that comes down from, on Country
25 Club Road alignment. So we would double circuit those

1 rather than having two poles side by side.

2 From the point of the Country Club Road
3 alignment on east and along Santa Rita Road, that would
4 be all single circuit until we reached the boundary of
5 the Santa Rita Experimental Range, approximately in
6 here.

7 Q. Can you tell us why that would drop to single
8 circuit in that area?

9 A. BY MR. BECK: Along that stretch the only thing
10 being installed would be the 138kV line, and there is
11 one booster pump that actually falls approximately where
12 this little road joins the preferred alignment. And
13 State Land, the Santa Rita Experimental Range, have
14 required that be served with an underground distribution
15 service from the TRICO line that is just off of the
16 Santa Rita Experimental Range, and Rosemont has agreed
17 that little piece will be underground. Therefore, this
18 will have only a 138kV line single circuit and would be
19 constructed typically with these structures.

20 From the range boundary along the preferred
21 alternative all the way up to Rosemont, that is the
22 stretch that likely would have, in addition to the 138kV
23 line, the distribution line coming down from Rosemont
24 for well booster pumps. That line would come out of the
25 Rosemont substation at the distribution level, follow

1 the line down to the Santa Rita Experimental Range
2 boundary, and then probably tie into the TRICO line
3 there to give them some redundancy on those services to
4 those pump loads.

5 The other place we would have double circuit is
6 if we come down the 46kV alignment. It would be double
7 circuit depending on which alternative, but for
8 Alternative 4 it would be double circuit all the way to
9 this point where we turn onto link 160 and go north up
10 to the Rosemont site, and that would be single circuit
11 in that stretch.

12 Next slide.

13 Now, we have what we call dead end structures.
14 These are, some people refer to them as, stopper poles.
15 We use these dead end type structures for turning of
16 angles as well as periodically putting them in so,
17 should there be a failure in the line, you have what we
18 call a stopper pole, a dead end, that will definitely
19 hold the line up from that point and beyond.

20 The difference in these structures is that you
21 have arm construction. You see little arms sticking
22 out. The conductors actually attach to the ends of that
23 arm. And then the insulator you are seeing hanging down
24 is strictly a jumper to take the conductor in underneath
25 that arm. So there would be a few of these dead ends.

1 There wouldn't be many, but we would have angled
2 structures. The heavier angles would require these dead
3 ends.

4 Q. So, Mr. Beck, you have talked about the
5 facilities that are going to be constructed on either
6 end of the line and the structures that will be used to
7 construct the line along its path and the differing
8 routes. Can you take a few minutes to provide the
9 Committee with an overview of the public process that
10 was used to develop the routes that are contained in the
11 application.

12 A. BY MR. BECK: Yes. First of all, TEP believes
13 in using an extensive public process. We continue to
14 refine that process as we do projects. We typically
15 will hire a consultant to help us in the public process.
16 In this case, the Environmental Planning Group was
17 retained to assist us in the process. And one of the
18 first things we did was identified a study area for the
19 project.

20 Okay. This diagram that you are seeing on this
21 slide is what we call our original study area.
22 Initially when Rosemont first approached us, and before
23 we had really done any study work, TEP recognized the
24 need to serve the load at 138kV, but we were thinking we
25 might have to take that 138kV back either to our South

1 substation, which is shown in the upper left of this
2 study area, or the Vail substation, which is shown more
3 or less at the top center of this study area.

4 After we did our studies and we determined that
5 we didn't have to go all the way back to either of those
6 bulk substations to make our connection, that we could
7 instead connect to an existing 138 line that comes out
8 of South, goes east, comes down Country Club Road and
9 comes back down over to Green Valley, we identified that
10 we could interconnect at a point right here where the
11 line turns off of the Country Club Road alignment.

12 When we did that, we decided to reduce or revise
13 our study area down to a smaller area to help us to
14 focus on the evaluations we were going to do. We felt
15 that we would have plenty of potential opportunities to
16 look at for alternative routes even if we reduced down
17 to this area. But we recognized the importance of
18 keeping the same list of involved parties and
19 newsletter -- the list to send newsletters to. So even
20 though we reduced the study area boundary, we continued
21 to reach out to that larger group, the larger area
22 whenever we did any communications.

23 Next slide.

24 As we reduced our process down to actual
25 alternative routes that were coming forward in the

1 application for more detailed analysis in the
2 archeological, biological, cultural study work that was
3 being done, we reduced to what we call now a project
4 study area. It gives you this odd shape, but
5 effectively it is a boundary that's basically derived by
6 taking the alternatives and looking two miles to either
7 side of those alternatives and drawing a line.

8 So we have got kind of the northern set of
9 alternatives and the 46 alignment alternatives. If you
10 draw two miles from each of those alternatives, that's
11 the outer boundary of our study area. And in the middle
12 you have a lot of overlap.

13 So that was the, what we call in our process,
14 the project study area.

15 Early --

16 CHMN. FOREMAN: Member Parke.

17 MEMBER PARKE: Yes. I would like clarification
18 on why the two-mile study boundary was identified as the
19 proper distance.

20 MR. BECK: Because there is a reference in the
21 statutes to, I believe, a two-mile boundary or study
22 area.

23 MEMBER PARKE: Thank you, Mr. Chairman.

24 CHMN. FOREMAN: Proceed.

25 MR. BECK: The next item or process that we

1 used, or task, depending on how you want to identify
2 these things, is to develop a stakeholder group. And we
3 use the stakeholder group more or less as a sounding
4 board before we go to the public with our information,
5 and also to help garner specific information from these
6 various areas of interest that the stakeholders
7 represent.

8 Late 2008 we started contacting potential
9 members of the stakeholder group, and we provided a
10 reach out to a large group. We included multiple
11 environmental groups and Pima County in our contact
12 list. And in the end, the ones that agreed to
13 participate and become members of our stakeholder group
14 are shown on this slide.

15 We had representatives at the federal agencies
16 including the Coronado National Forest, the BLM Tucson
17 office, Department of Defense, Davis-Monthan Air Force
18 Base. At the state level we had Arizona State Land
19 Department, as well as the Santa Rita Experimental
20 Range. For cities and towns, the Town of Sahuarita, the
21 Green Valley Coordinating Council, and the City of
22 Tucson agreed to participate.

23 We covered industry and business interests
24 through two entities. We had Diamond Ventures, who is a
25 developer in the area, and the Farmers Investment

1 Company. And finally, we had some citizens at large, a
2 couple of which are intervenors in this case.

3 MEMBER PARKE: Mr. Chairman.

4 CHMN. FOREMAN: Member Parke.

5 MEMBER PARKE: Yes. Just for clarification, in
6 reviewing the materials I saw that intervenor Magruder
7 and intervenor Webb were members of the TEP stakeholder
8 group.

9 MR. BECK: Member Parke, that is correct, they
10 were.

11 MEMBER PARKE: Thank you, Mr. Chairman.

12 MR. BECK: In fact, they were very involved
13 participants in the process.

14 Next slide.

15 The process with the stakeholder group, we
16 started the actual first meeting of the stakeholder
17 group was in February 2009. Ultimately we had seven
18 meetings with the stakeholder group, the last being in
19 May of 2011.

20 I would like to point out that one of the
21 reasons for the big time lag between May 2011 and today
22 is TEP's commitment that we would not file an
23 application until a draft EIS was out. We felt it was
24 important for us to have the draft EIS in hand to be
25 able to review what was said regarding the transmission

1 line project to make sure that our application was in
2 accord with what the Forest Service was doing. And we
3 also felt it was important for the Committee to have
4 access to that draft EIS to the extent it helped in your
5 decision making process.

6 And in fact, the draft EIS was issued in
7 October, which then triggered us making our application
8 in November.

9 Another part of our process was newsletters. We
10 distributed five newsletters throughout our process.
11 The first one was distributed March of 2009. The last
12 one was in November of 2011, which actually announced
13 the meeting that we are at today and provided that
14 information to the public.

15 In conjunction with the process, we also held
16 public meetings. We had six public meetings. The first
17 was held March of 2009. We actually held two back to
18 back, one at Vail and one in the Green Valley area. Our
19 second public meeting was held in August at Sahuarita.
20 Our third set of public meetings were held April of
21 2010, two nights back to back, at Corona de Tucson at
22 Sahuarita, and then our last public meeting was in
23 November of 2010.

24 So basically approximately a year ago we were
25 pretty close to being ready to make application but we

1 were waiting for the draft EIS to come out.

2 CHMN. FOREMAN: Member Walker.

3 MEMBER WALKER: Mr. Beck, can you give us an
4 approximation, or if you have specific numbers, of
5 attendees at each of these?

6 MR. BECK: You know, my best guess at this point
7 would be approximately 30 people on average.

8 MEMBER WALKER: Each night would be
9 approximately 30 people?

10 MR. BECK: On average over all the meetings.
11 Some nights were much less and some were more.

12 MEMBER WALKER: A grand total of 30 people? Is
13 the total 30, or on average about 30 people showed up?

14 MR. BECK: I would say on average that's a
15 pretty good approximation. We can get exact numbers if
16 it makes a difference.

17 MEMBER WALKER: Just ballpark. Just curious,
18 thanks.

19 MR. BECK: And that was 30 on average for each
20 meeting over the seven meetings -- for the six meetings.
21 I am sorry.

22 Finally, we had, as I mentioned, our TEP
23 website, www.TEP.com. We had a place on the site
24 specifically for the Rosemont project. It provided
25 online access to all of the newsletters for the project,

1 as well as all of the public meeting materials that we
2 used in our public meetings. So all of our boards that
3 we used in the public process were posted on this
4 website after we had the meeting.

5 And, finally, on the website we had an
6 interactive map. We utilized Google Earth as a base.
7 And what it did, it basically -- we had more or less
8 this map on the Google Earth system through our website.
9 And a person from the public could go on that site and
10 type in an address or zoom in on a location and try and
11 see where these routes were relative to, for example,
12 their address. They could zoom in and measure distances
13 and look at the terrain and so on.

14 BY MR. DERSTINE:

15 Q. So, Mr. Beck, you have discussed the public
16 process that was used for this project. I would like
17 you now to turn your attention to the routes that came
18 forward through that process and are presented in the
19 application, if you would, please.

20 A. BY MR. BECK: Yes. Basically you are seeing on
21 the slide on the screen the map you have got on your
22 place mat. And one of the things we have done both for
23 the place mat, a lot of the maps we are using, and then
24 especially for the flyover, we have tried to color code
25 them to match the color coding that shows all the

1 alternative routes on this map. So if you look at the
2 legend you will see, for example, the preferred route is
3 a dark blue, so when you do the flyover you are going to
4 see a darker blue representation for that path.

5 Next slide.

6 Just briefly before we talk about the preferred
7 alternative, this is a proposed cross section for the
8 preferred alternative. And just to orient you, the dark
9 brown path shown on this map is the existing Santa Rita
10 Road right-of-way. Along the northern boundary of that
11 road there is a fence. And then proposed adjacent to
12 that fence line is the water line and an access road
13 that Rosemont mine is proposing as part of their plan of
14 operations. And then adjacent to that is where we would
15 propose to put our transmission line.

16 One of the things this does is give us the
17 ability to utilize the access road to be built for the
18 pipeline for access to our transmission line.

19 And to Member Rodriguez' question earlier
20 regarding our visualization and would there be more
21 roads or not, the visualizations that you see on the
22 place mat do not represent access road. And in
23 particular the one at the top, which is the route along,
24 or the preferred out along Santa Rita Road, that is
25 showing strictly the Santa Rita Road as it exists today.

1 To the left edge of that road you see kind of a berm.
2 That's just part of the road, roadway prism.

3 And then we have superimposed our structures
4 outside of that basically in the proposed location. But
5 we did not try to simulate what the access road for the
6 pipeline would look like. It is not technically part of
7 our project, but we do anticipate that we would utilize
8 that as part of our project for access.

9 Q. So to Member Rodriguez' question, there is no
10 intention to expand or widen Santa Rita Road, but part
11 of the plans that are being developed and analyzed
12 through the ongoing federal environmental process is the
13 construction of an access road that would follow along
14 the proposed water pipeline, is that correct?

15 A. BY MR. BECK: That is correct. And in fact,
16 with the discussions we have had with State Land, and in
17 particular the Santa Rita Experimental Range, they
18 highly preferred having a stand-alone access road
19 outside of the road prism of the Santa Rita Road
20 alignment. And I don't know all of the details for
21 their reasoning for doing that, but that was their
22 preference, that it is a stand-alone access road outside
23 of the fence line for Santa Rita Road.

24 Q. Continue with your discussion of the routes,
25 please.

1 A. BY MR. BECK: Okay. We will start with the
2 preferred route. Again, that's the dark blue route
3 that's shown on your place mat. And it basically leaves
4 the Toro switchyard, heads east until we hit the Santa
5 Rita Road alignment.

6 Then we would run along the northern edge of the
7 Santa Rita Road alignment down to a point where we join
8 with the Helvetia Road, which is this road here. And
9 then we would come up -- we would leave the Santa Rita
10 Experimental Range at this point. We would enter, for
11 the most part, Rosemont owned property and go up and
12 over the mountain to the Rosemont substation location.

13 So on the diagram, we have got it labeled here
14 that the link numbers are actually labeled, so it is
15 link 20, 60, 100, 105, 155, 140, over Lopez Pass and to
16 the station.

17 Next is our Alternative Route 1. There is only
18 a slight difference between Alternative Route 1 and the
19 preferred. And it sits right in this area here.

20 And Clark, if you could just toggle back.

21 If you look closely you will see the only
22 difference between these two lines is right here. And
23 the reason for this, there is a hill located right there
24 or on this map right here. And we have the potential to
25 screen approximately seven residences that kind of sit

1 down southeasterly of this hill. Their view of the line
2 would be screened if we built to the north side of that
3 hill. So that's why that was shown as an alternative.
4 And you will see, notice on this map the yellow is BLM
5 land, which we will discuss more a little bit later.

6 Q. Mr. Beck, as I understand it, the total number
7 of residences in that area that you identified on the
8 screen to the left is approximately 16. The residences
9 that would benefit from the screening of Alternative
10 Route 1 would be six or seven of those, is that correct?

11 A. BY MR. BECK: Six or seven. And during the time
12 that our process has been ongoing, some of those
13 properties have actually been purchased by the Rosemont
14 mining operation. And so they are the landlords of
15 those residences. So they are not necessarily permanent
16 residences. But they are -- it is roughly seven out of
17 16 would have some screening effect.

18 Q. Thank you.

19 A. BY MR. BECK: Next. Okay.

20 Next we will talk about Alternative Route 2.
21 And basically that would leave the Toro switchyard, head
22 just a little bit to the west. On this upper map it is
23 this little stretch here. Where we join the 46kV
24 alignment we would then head in a southeasterly
25 direction along the 46 alignment, which on this map is

1 shown as link 30 and link 110.

2 And then when it reaches Helvetia Road it would
3 turn in a northeasterly direction along link 120, and it
4 would head up until it joins the preferred route, and
5 then it would go up using the same route as the
6 preferred route.

7 Now, we have as our Alternative 3, again it is
8 this same hill area we just went around the other side
9 of it, so you will see the only difference between 2 and
10 3 is this little hill. Looking at the screen it is
11 almost like we are doing an eye test.

12 And last but not least is our Alternative 4.
13 And this is the, might call it, pink or chartreuse,
14 whatever color that is designated, as it comes out of
15 Toro switchyard. We head down the 46kV alignment. We
16 stay on the 46kV alignment all the way to a point
17 directly south of the Rosemont operation, and then we
18 would head north. And this line would all be double
19 circuit but for the piece going north to Rosemont.

20 Q. And Mr. Beck, we heard the public comment from
21 the representative of the experimental range. It is my
22 understanding based on his comment the range opposes
23 Alternative 4 because of the extensive work to be
24 required to gain access to the existing 46kV line, is
25 that accurate?

1 A. BY MR. BECK: Yes. Their concerns are the
2 opening up of access, plus the changes in the view that
3 would be caused by changing out all of the poles along
4 that 46kV alignment. So they don't like any of
5 Alternative 4 that's on the range for that reason. They
6 definitely don't like link 120 due to their photography
7 points. They prefer the, what we have identified as our
8 preferred.

9 And the biggest reason that we ended up with the
10 preferred route that we did is based on the input from
11 the experimental range, and therefore State Land because
12 State Land looks to the experimental range for their
13 interests.

14 Q. All right. Proceed. Are we on 4?

15 Okay. We are going to talk about the
16 environmental advantages and disadvantages of the
17 preferred and the different alternative routes, but take
18 a minute here to at least talk about the costs
19 associated with the different routes, please.

20 A. BY MR. BECK: Yes. Again, if you look at this
21 slide we tried to color code them to more or less match
22 what the color codes of the various alternatives that we
23 have shown on the map.

24 So in the dark blue we have got the preferred
25 route which is the next to the shortest. It is 13.2

1 miles in length, and has a total cost for the line
2 itself, the 138kV line only, of 10.4 million basically.

3 The shortest route is actually Alternative 1.
4 It is a tenth of a mile shorter, just a slightly higher
5 cost.

6 And then you go all the way down to
7 Alternative 4, which is the longest route at 18.2 miles,
8 and it has the highest cost of 14,000. And this is
9 where I need to make the correction. That is, rather
10 than 674, it should say 14647.

11 Q. Did you say --

12 A. BY MR. BECK: I kind of transposed the two
13 digits.

14 Q. Did you say 14,000?

15 A. BY MR. BECK: I am sorry. It is 14 million.

16 Q. All right.

17 A. BY MR. BECK: And then it was 10.4 million for
18 the preferred. Yes, those are in thousands of dollars.

19 Q. Rosemont would be happy with the price of
20 \$14,000, I am sure.

21 A. BY MR. BECK: Yes.

22 Q. Mr. Beck, this might be a good time for the long
23 awaited flyover.

24 Mr. Chairman, would you prefer to have a break
25 or proceed with the flyover?

1 CHMN. FOREMAN: About how long will the flyover
2 take?

3 MR. BECK: Approximately half an hour.

4 CHMN. FOREMAN: Why don't we take a break then,
5 15 minutes, shortly. Come back at 2:45.

6 I am sorry, Mr. Haenichen, do you have a
7 question?

8 MEMBER HAENICHEN: Mr. Beck, if I understood
9 your testimony, you were going to connect a load
10 approximately 120 megawatts plus or minus into your
11 existing facilities, is that correct?

12 MR. BECK: That's correct.

13 MEMBER HAENICHEN: And you also testified that
14 in so doing it would not affect any of the other
15 customers being served by your existing system?

16 MR. BECK: That's correct.

17 MEMBER HAENICHEN: So can I draw the conclusion
18 from that that you have at least 128 -- 120 million --
19 120 megawatt extra capacity on that line? How did that
20 come about?

21 MR. BECK: Well, we don't have extra
22 capacity -- a couple issues. One is capacity into the
23 Tucson service territory is planned to be expanded over
24 the years as our load grows in the Tucson vicinity, so
25 we have plans to accommodate that. This additional

1 load, timing-wise, may move the need for those other
2 projects up slightly, but those projects would still be
3 needed regardless of this project.

4 This interconnection at the Toro switchyard is
5 close enough to our South substation that there is
6 additional or sufficient capacity on the existing 138 to
7 serve that load without expanding that existing 138kV
8 line.

9 MEMBER HAENICHEN: And what is the total
10 capacity of the existing 138 line in megawatts?

11 MR. BECK: You know, I will have to check, and I
12 can get back to you with that number.

13 MEMBER HAENICHEN: Okay.

14 MEMBER WALKER: Mr. Chairman, would you like us
15 to ask questions of his testimony now or after the
16 break?

17 CHMN. FOREMAN: I think actually it would be --
18 well, if there is something that would help you clarify
19 an issue as we go along, and it is short and discrete,
20 go ahead and do it now. If there is something more
21 involved, you want to wait until then, I think waiting
22 until later would be helpful. I know the other, because
23 we have other parties who are going to do
24 cross-examining, my guess is that we will have lots of
25 issues raised before we get back to -- before Mr. Beck

1 is finished.

2 All right. So we will take, I said, a 15-minute
3 break. We will reconvene at 2:45.

4 (A recess ensued from 2:31 p.m. to 2:47 p.m.)

5 CHMN. FOREMAN: Let's see if we can take our
6 seats and get started.

7 All right. We were in the direct examination
8 of Mr. Beck. As I recollect, we were about ready to
9 take a trip. You may proceed, Counsel.

10 MR. DERSTINE: Thank you, Mr. Chairman.

11 BY MR. DERSTINE:

12 Q. Mr. Beck, as we mentioned before the break, you
13 have prepared a Google Earth flyover video that shows
14 the preferred route and the proposed alternative routes
15 from an aerial perspective. I know the Committee has
16 seen a number of these in the past and is quite familiar
17 with them, but just take a minute to describe how this
18 video was prepared and what it shows.

19 A. BY MR. BECK: Sure. Basically TEP did prepare a
20 Google Earth flyover for the project. And we based it
21 on the Google Earth platform which is a product that
22 let's anyone fly over anywhere on the earth and view
23 satellite imagery that exists in the Google platform.

24 So we took that Google Earth platform and we
25 plotted our alternative routes onto Google Earth, and

1 then we used a product sketch up, which is another
2 Google product, that allows modeling of facilities,
3 structures, so on. It is a 3-D modeling tool. And we
4 created models of our poles as well as the wires
5 themselves, and we inserted those into the Google
6 application, which basically we created visualizations
7 of what the poles and wires will look like as we are
8 flying over the terrain.

9 The terrain you will see are the Google based
10 satellite imagery. The satellite imagery does vary from
11 location to location. In other words, in the more rural
12 areas the coverage is not as recent or as extensive as
13 it is in urban areas. So I know you have seen these in
14 the past. Some of them in the urban areas get real
15 detailed. And it is a little bit less detailed in this
16 just because it is a remote area.

17 We actually took the video or Google Earth
18 product that we created and reduced it down to a video
19 version for the purposes of the record, as well as for
20 ease of presentation today, but we also have with us the
21 interactive Google so that we can go to any particular
22 areas you may have questions about after we have done
23 the flyover, and we can zoom in and look at specific
24 areas.

25 Also included in the video are some inserted

1 photos that were taken along the route to show actual
2 photography of what it looks like, and in a few
3 locations we actually included the simulations to show
4 the photo simulations that are in the application.

5 Q. Mr. Beck, I apologize to you and to Member
6 Haenichen. I think at the time of the break
7 Mr. Haenichen had a question concerning capacity. And
8 we committed to try to respond to his question before we
9 started with the flyover. So if you have that
10 information...

11 A. BY MR. BECK: Yes, I do. Mr. Haenichen, I
12 checked on what the load capability of the line from
13 South down to Canoa Ranch is. Currently 340 megawatts
14 is what we identify as the capacity for that line. And
15 then the loading on that line from both Canoa Ranch and
16 Green Valley substations is approximately 60 megawatts.
17 So there is actually 280 megawatts of capability
18 available on that line today.

19 MEMBER HAENICHEN: That kind of blows my mind.
20 It is the tail end of your system, really, isn't it?
21 Why would you have such tremendous excess capacity
22 there, anticipating what?

23 MR. BECK: Well, it is the tail end of our
24 system, but we put in a 138kV line anticipating lots of
25 growth in the Green Valley/Canoa Ranch area. That

1 growth just has not developed. So as I think you
2 probably are aware, these transmission projects are
3 very, for lack of a better word, chunky and you tend to
4 put in a lot of capacity, and it takes awhile to build
5 up to using that capacity. So we are on the low end of
6 the use of that capacity today.

7 MEMBER HAENICHEN: Good answer. Thank you.

8 CHMN. FOREMAN: Chunky, is that an engineering
9 or legal term?

10 MR. BECK: That's a good question.

11 MR. DERSTINE: It might be a NERC term or
12 something.

13 CHMN. FOREMAN: Let's proceed.

14 MR. BECK: Okay. Clark.

15 Okay. Here is just a photo looking along Santa
16 Rita Road. You will see again the same map that you
17 have seen with the color coding. And first we will do
18 the preferred route. And you will see a highlight show
19 up on here showing what you are going to see in the
20 flyover.

21 Now, this is, the existing 138kV TEP line is on
22 the left in this picture. So this is the line that we
23 are tapping to drop into the Toro switchyard. This is
24 coming from South. Behind us in this photo would be
25 going towards Green Valley. And then adjacent to that

1 is a 230kV line that is owned by Southwest Transmission
2 Company. And we basically are adjacent in rights-of-way
3 coming down from the north along Country Club into this
4 area here.

5 CHMN. FOREMAN: So what is the direction that we
6 are looking as we look off towards where those lines are
7 going?

8 MR. BECK: This is in a generally easterly or a
9 little bit northeasterly direction.

10 CHMN. FOREMAN: Okay, thank you.

11 MR. BECK: Now we are actually going -- this is
12 the Google flyover as opposed to the photography. Now,
13 at this point, again, I will just point out we have got
14 the Toro switchyard is right in this area here, and
15 there is a one-line that's drawn more or less on the
16 ground, so it doesn't give you any three-dimensional
17 impact.

18 But here are the structures that we had modeled.
19 Again, the 230kV Southwest line is on the right-hand
20 side. The first structure that would be going to
21 Rosemont is this structure here. So it comes up and out
22 of the switchyard to this pole. There is actually two
23 circuits on here. One is the drop in of the 138 from
24 South and then the 138 coming and heading out to
25 Rosemont. So we will have a couple of double circuit

1 structures in this very first segment.

2 You will notice this yellow dashed line. This
3 is the Town of Sahuarita boundary. Basically south of
4 here is Town of Sahuarita. They have annexed up to the
5 point, as you will see here a bit further. This
6 actually is state land, but it is in the Town of
7 Sahuarita.

8 Again, the color coding, the darker blue
9 represents the preferred alternative, the lighter blue
10 is Alternative 1. This represents a 500 foot wide
11 corridor, and then the blue line you see in the distance
12 is to indicate that the Santa Rita Experimental Range is
13 basically, the boundary is right in here on this
14 corridor.

15 Coming from the left-hand side of this image is
16 the existing 138kV line as well as the 230kV line. So
17 the 138 is closest to us coming from the South
18 substation to this point where it turns to the west
19 going on to Green Valley today but dropping into Toro if
20 this gets approved. And then the 230 is just beyond
21 that on the other side. It is on the easterly side of
22 this right-of-way and then is on the southern side of
23 the right-of-way in the east-west direction.

24 Continue.

25 So again here we are crossing the Country Club

1 alignment.

2 BY MR. DERSTINE:

3 Q. The 500 there, Mr. Beck, what does that denote?

4 A. BY MR. BECK: This is intended to indicate that
5 we are requesting a 500 foot wide corridor. And the
6 reason for a 500 foot wide corridor is to allow some
7 flexibility to be able to move around whatever we might
8 find out here, such as cultural areas that we would try
9 and either move around and/or span. So if we have --
10 you will see later in this video some reasons why the
11 500 foot is required.

12 Again, here is the 230kV line indicated by this
13 structure. Our line, the Rosemont line, would be on
14 this structure, and it moves over onto this single set
15 of structures.

16 CHMN. FOREMAN: Width of the right-of-way you
17 wish is?

18 MR. BECK: 100 feet.

19 Continue.

20 So we are generally heading in an easterly
21 direction. It is this stretch, link 20 up here, and we
22 are approaching the Santa Rita Road alignment here. And
23 we will turn and we will enter into the interior of the
24 Santa Rita Road, I mean the Santa Rita Experimental
25 Range, and will be along the northern boundary of Santa

1 Rita Road.

2 Now, you will notice this is single circuit
3 through here. Here is one of our first photo locations
4 at this point here. Actually, this one is our
5 cross-section. Excuse me.

6 Again, just to review the cross-section, we
7 already talked about it, but Santa Rita Road, the
8 proposed pipeline adjacent to Santa Rita Road is in a
9 proposed 30-foot pipeline easement, and that would be
10 land inside of the 100-foot transmission line easement.

11 The reason we use a 100-foot transmission line
12 easement is for clearance purposes for electrical needs,
13 blowout of conductors and so on, so that we have a safe
14 window around the line. We definitely don't need to
15 clear a 100 foot wide swath. In this case, a pipeline
16 is perfectly capable to coexist within that 100-foot
17 area because there is no conflicts with clearance issues
18 above ground.

19 Continue.

20 One thing you might watch as we go along, you
21 will see there is existing trails and roads and off-road
22 vehicle use in the area. It is not a lot, but there is
23 some.

24 Notice it is brushy. It is generally flat
25 terrain with a lot of brush, lower level brush, not a

1 lot of clearing or vegetation issues for us.

2 The photo at this point --

3 CHMN. FOREMAN: Member Eberhart has a question.

4 MEMBER EBERHART: Thank you.

5 Mr. Beck, are there any saguaros that we need to
6 be concerned about as far as displacing by any
7 structures?

8 MR. BECK: I do not -- there is very few, if
9 any, saguaros out here. I don't actually recall seeing
10 any. And as we have had discussions in the past, we
11 tend to treat saguaros differently than some others do,
12 so...

13 MEMBER EBERHART: Thank you.

14 MR. BECK: This picture right here is a photo of
15 the existing 115kV line that is UNS Electric's line. We
16 will be crossing it at this point. So one thing you
17 will notice, we have structures on either side, we will
18 get a little bit taller at this location. This is one
19 reason for the higher height structures. You see these
20 are a little bit taller than the rest on average. You
21 are basically somewhere in this stretch here.

22 And this road 424 is this one here coming into
23 the line.

24 Here is some off-road trails there.

25 Now we are coming up to the hill that I talked

1 about that this is where some -- two of the sub
2 alternatives fall. Basically we are right at that point
3 there with this picture that's coming up. This one is
4 actually a simulation so that this is the before picture
5 and there is the after picture.

6 Now, at this point here, we are right at this
7 intersection point. It is where 100, 120, 130, 105 all
8 come together. So we are actually crossing Alternative
9 Route 2, and Alternative 1 is turning the corner here.
10 And then Alternative 3 is joining up and continuing on
11 with the preferred route here.

12 So this is basically the Helvetia Road alignment
13 generally right in here. And this is the hill that I
14 have referenced that will provide some screening for
15 residences that are on the back side of this hill.

16 Now we joined up with Helvetia Road. We are
17 basically right in here. This is on the preferred and
18 Alternative 3, 2.

19 I would like to point out there is a little dot
20 shown here. That dot represents the Helvetia cemetery.
21 And here is one reason that a 500-foot corridor will
22 help us. When we laid this out initially, we hadn't
23 plotted the Helvetia cemetery on here. We didn't know
24 the cemetery was there. And likely what we would do is
25 move the structure in this vicinity to the other side of

1 the road, at least the two structures adjacent to the
2 cemetery, to try and avoid that facility, or that
3 cemetery. So that's one reason that we are looking for
4 a 500 foot wide corridor, is to give us some
5 flexibility.

6 You will see here in the distance there is a
7 light blue line crossing over. We are actually going to
8 be leaving the Santa Rita Experimental Range, which is
9 what we are on now, and enter the Rosemont private
10 property, generally kind of depicted as this little bit
11 darker gray area.

12 There also is the existing Southwest Transco
13 distribution line that, as we move up here, you will see
14 it. We will cross over it. It would be the line that
15 would be feeding back underground along the pipeline to
16 serve a booster pump that's generally in this vicinity
17 on the range. As we --

18 CHMN. FOREMAN: Excuse me. Before you leave
19 there, where would the underground wire for the
20 collocation go? Would it be on the easement that you
21 are talking about, or is this a separate right-of-way
22 that they are wanting?

23 MR. BECK: It will be within the same easement.
24 It might have a separate document, but it will be within
25 the pipeline, slash, transmission line right-of-way.

1 CHMN. FOREMAN: Okay. And would it be within
2 the water pipeline easement?

3 MR. BECK: You know, I am not sure if we are
4 finalized on that. We are still -- we have to go
5 through all the right-of-way process with State Land. A
6 lot of the preliminary work has been done, but they have
7 not finalized on right-of-way approvals. One of the
8 discussion points is is it located within the pipeline
9 easement, the transmission line easement and who owns
10 it, all of those issues.

11 CHMN. FOREMAN: But it would be within one or
12 the other?

13 MR. BECK: It will definitely be within the
14 transmission line easement or right-of-way, because that
15 100 foot is overlapping the water pipeline.

16 CHMN. FOREMAN: Right.

17 MEMBER HAENICHEN: Chairman.

18 CHMN. FOREMAN: Member Haenichen.

19 MEMBER HAENICHEN: I know the answer to this,
20 but for the benefit of the public I am going to ask it.
21 Why can you bury some lines and not others? Because
22 people are going to wonder why don't you bury this whole
23 thing.

24 MR. BECK: That's definitely a question that has
25 come up in the public process, Mr. Haenichen, and it is

1 a good point. The cost of burying transmission is very
2 large compared to distribution. At the distribution
3 level dielectric cable, solid wire just encased by
4 rubber can be direct buried in the ground or put into
5 conduits.

6 MEMBER HAENICHEN: Up to what voltage?

7 MR. BECK: TEP does it 69kV. Well, we do it up
8 to 46, and our sister company does it up to 69kV.
9 Typically above 69kV, it is very specialized dielectric
10 cable. And for short distances, 138kV can be buried,
11 but, again, it is for short distances.

12 The volume of energy that will be going through
13 these conductors is high enough that it generates a lot
14 of heat. And if you bury it underground, you have a
15 heat dissipation issue. And one way you get around that
16 with underground transmission is you bury an oil filled
17 pipe type cable. You put the cable within a pipe, and
18 you circulate oil around it to cool it so you can
19 transmit it that way.

20 The problem is you have got the cost of putting
21 that pipe in the ground. You have got the environmental
22 impacts of putting another pipe in the ground. You have
23 an oil filled pipeline that's in the ground that has the
24 possibility for leaks. If you have outages, it is hard
25 to find them and expensive to dig those up. And then

1 with the oil-filled pipeline you also put cooling
2 stations periodically along the link.

3 So it is another facility that's open to
4 vandalism and oil leakage and so on. So it also has
5 environmental impacts.

6 MEMBER HAENICHEN: Thank you.

7 CHMN. FOREMAN: Member Eberhart.

8 MEMBER EBERHART: Thank you.

9 Mr. Beck, you mentioned in this location you may
10 have to cross the road with the alignment because of the
11 cemetery. Do you know if that road is within a
12 dedicated right-of-way, or is it just a trail blazed
13 dirt path that has a name?

14 MR. BECK: Well, I know that Santa Rita is a
15 Pima County road, but the portion as we turn kind of
16 onto Helvetia -- it is still Pima County for a portion
17 of this road. This road actually is a major haul road
18 for the Imerys mine, which you will probably hear a
19 little bit later, and basically it is up in the hill up
20 here.

21 If you have driven to Tucson and seen the very
22 big white scar on the side of the mountain facing
23 Tucson, Green Valley, that's the Imerys mine, which is a
24 marble mine. And they run all of their materials down
25 that Santa Rita Road.

1 So if you noticed in the picture, Santa Rita
2 Road is a very well maintained dirt road. And it is
3 traveled pretty extensively by these big haul trucks.
4 They are semitrailer dump type trucks. And there is a
5 lot of activity on this road. You would be surprised.
6 You are out in the middle of what you think is nowhere,
7 and this big semi comes blaring by raising all kinds of
8 dust. That is part of their haul road.

9 MEMBER EBERHART: So is your proposal to maybe
10 have to cross the road, is that an issue with getting
11 more permits from Pima County and so forth?

12 MR. BECK: No. Well, typically we work with
13 Pima County and get whatever permit, permits are
14 required for crossing of roads. And we have the right
15 to be in right-of-way typically. In this case we are
16 actually proposing to be in our stand-alone right-of-way
17 outside of the road right-of-way.

18 MEMBER EBERHART: Thank you.

19 MEMBER PARKE: Mr. Chairman.

20 CHMN. FOREMAN: Member Parke.

21 MEMBER PARKE: Thank you, Mr. Chairman.

22 Mr. Beck, you indicated -- and this is a
23 follow-on to Member Eberhart's question -- that you have
24 the cemetery there, and that you may want to cross the
25 road to the other side. Is there a preference for -- I

1 believe that would be the north side of the road -- that
2 has been expressed in terms of running the poles, since
3 you have, I see the corridor would be, it appears, on
4 either side of the road?

5 MR. BECK: Right. We laid this out, Mr. Parke,
6 we do straddle the road with the corridor. If, you
7 know, given a choice, but for the cemetery, we would
8 just stay on that northern side or the westerly side of
9 the road. We would stay on the same side of the road as
10 we were continuing long.

11 This just is an opportunity to point out here is
12 a facility, a cultural site, that potentially we can
13 skirt around if that's the preference of, in this case
14 basically, State Land and the experimental range that we
15 do that.

16 MEMBER PARKE: Thank you, Mr. Chairman,
17 Mr. Beck. But was there any commenting party or did
18 State Land Department, University of Arizona, the
19 experimental range express a preference for locating --
20 you are saying yes, we would prefer if it weren't for
21 the cemetery to keep them on the north. Was there a
22 process that included stakeholders that identified the
23 north side of Santa Rita Road on the preferred route?

24 MR. BECK: You know, we didn't really get
25 identification of a preference throughout the process

1 relative to this particular location. You know, our
2 lines on the map wasn't necessarily one side of the road
3 or the other, it was along the road. So we didn't have
4 specific indications of preference for being on one side
5 of the road or the other; although, the cemetery was
6 raised as a potential issue.

7 So as we go forward with State Land and the
8 experimental range, if the preferred or this alternative
9 route is selected and approved, we still have to work
10 through the actual right-of-way documents and the
11 location with those parties.

12 MEMBER PARKE: Thank you. And just one more
13 question, Mr. Chairman.

14 Mr. Beck, you identified that there were
15 residences, and I just -- you said that could be
16 screened from the transmission lines. I am unaware of
17 where that -- that's private property or is that outside
18 of the boundary of the experimental range then and
19 before the Rosemont property?

20 MR. BECK: It is basically outside of the
21 experimental range and off of the state land in these
22 private holdings that are shown on the map. And
23 basically this kind of a pinkish color is Rosemont
24 holdings. So a lot of this land has been purchased by
25 Rosemont mining operation.

1 And so the residences, early on in our process
2 when we identified residences out there, we looked at
3 the potential for screening their view. They were
4 private parties with private land. Now a lot of that
5 property is actually owned by Rosemont mine. And those
6 residents may still be in those residences or leasing
7 them or something, but the owner has changed.

8 MEMBER PARKE: Thank you, Mr. Chairman.

9 CHMN. FOREMAN: Proceed.

10 MR. BECK: One other item I will point out, up
11 to this point we are single circuit, and when we do
12 cross onto the Rosemont properties, you are going to see
13 from that point forward it is double circuit where we
14 are indicating the distribution point being on the
15 poles.

16 Clark.

17 That's another photo. This sign just happens to
18 say Water of Life. It is a facility that's out there.

19 Again, I will point out these are double circuit
20 now. You will see here we skirt along the edge of BLM
21 land. This yellow is BLM. But we would tend to stay
22 off of BLM if we can, just to avoid another property
23 owner to deal with.

24 CHMN. FOREMAN: Let me stop you there a minute.

25 It looks to me like then that Alternative 1 and

1 Alternative 3 go over BLM land, is that true?

2 MR. BECK: That is correct. And when we do get
3 to that I will point out there is a portion where we
4 potentially could skirt along the edge of BLM land, but
5 then there is a point where we definitely cross into and
6 be on BLM land.

7 CHMN. FOREMAN: All right. You will discuss
8 that later then?

9 MR. BECK: Yes. So to your point, Mr. Chairman,
10 this kind of piece kind of to the left and back along
11 the alignments is on BLM land. You will see it more
12 clearly on the flyover of that portion.

13 We are starting to get up in a little bit more
14 hilly terrain. The location of the line is down kind of
15 in this valley, so it is screened to a large degree from
16 surrounding area.

17 There is another photo location. Here is a road
18 up through here. And Lopez Pass is right there.
19 Gunsight is right over here. This would kind of be the
20 extent of the tour stop if we go on our tour.

21 This is, I believe it is labeled Stop 2,
22 somewhere just prior to this. It starts to get pretty
23 rough in here, and would not be -- a hardy four-wheel
24 drive might make it up, but I don't think I would want
25 to try and drive up it, and especially with potential of

1 ice and snow that apparently has been falling in that
2 area today, or at least up on top of the mountain.

3 CHMN. FOREMAN: That sounds exciting.

4 MR. BECK: We have come down from the top.
5 That's very exciting.

6 Here is the road that goes along today. Here is
7 a little piece, this green is Forest Service property.
8 You will see there is a couple spots along here where
9 little slivers of forest land jut into the corridor.
10 You will notice that we have got all four of the
11 alternatives represented through this area. Again,
12 another a little piece of forest land.

13 Here is where we come up and over the top, and
14 at this red line we enter the Rosemont plan of
15 operations area. And so this is starting down on the
16 east side of the Santa Ritas.

17 CHMN. FOREMAN: Show us where that is on the map
18 on the left, please.

19 MR. BECK: It is approximately right there.

20 CHMN. FOREMAN: Thank you.

21 MR. BECK: This reddish or pinkish up in the
22 distance, this is the Rosemont substation location. So
23 coming in on this alternative, just to this side of the
24 substation itself, would be our termination facilities.

25 This is a photo looking in a southeasterly

1 direction basically downwards at where the substation
2 would be. When we come on Alternative 4 you are going
3 to see a photo from down below looking back up at this
4 site.

5 Okay. So next we will --

6 BY MR. DERSTINE:

7 Q. While I have you there, Mr. Beck, the one slide
8 in your PowerPoint presentation that was pulled from the
9 draft EIS that showed the Rosemont plan of operations
10 and the substation, would I be correct in understanding
11 that that would be located in this area shown on that
12 photo?

13 A. BY MR. BECK: That's correct. You would be
14 looking as, if you turn that map upside down, you would
15 be looking from -- the top edge of the representation
16 would be laid out generally in this area, so the
17 substation somewhere in here, and the balance of their
18 facilities were south and east of that.

19 Q. All right. Thank you.

20 A. BY MR. BECK: Okay. Now we are going to go to
21 Alternative 4. Again, the colors match up with your
22 place mat. That was the path we are going to be
23 following.

24 Again, this is the existing TEP 138kV line. Now
25 we are kind of coming in from the east, swinging around

1 the switchyard here. And this will be the line that's
2 leaving the switchyard, coming out here along this
3 alignment. This is where we join up with the existing
4 46. This is a 46kV structure right here. So it is
5 coming from kind of behind us and to the right. And the
6 46 alignment goes down this way.

7 You will note again we will be entering into the
8 Town of Sahuarita, within their boundary, but, again, it
9 is state land.

10 Here we have three alternatives represented.
11 And, again, the width of this is a 500 foot wide
12 corridor, but we are showing three alternative colors
13 along here. Again, this is the 230 line that is
14 Southwest Transco's that's just south of and would be
15 adjacent to the line up to this point. Then it
16 continues off to the west.

17 So we are heading in a southeasterly direction
18 now. You will note again double circuit structures
19 because this would have the 46 as well as the 138kV
20 line. Here we leave Town of Sahuarita at the boundary
21 and the experimental range properties.

22 You will see a little bit later, but here is the
23 so called access road for the existing 46. It looks
24 very good in this Google Earth flyover; it is really not
25 passable on the ground. And you will note as we are

1 going there is a lot of drainages that cross over
2 throughout this whole area.

3 Q. Mr. Beck, is the 46kV line that would be
4 consolidated onto the new structures if this were the
5 route that was selected, that's an older historical line
6 that provides backup power to the Fort Huachuca, is that
7 correct?

8 A. BY MR. BECK: That is correct. It is a 46 line
9 that was probably built in the '40s. It was the
10 original service to the fort. Subsequently, as their
11 load grew, we built the 138kV line down to their load.

12 And here we are crossing the 115kV line. And we
13 had a couple taller poles as we crossed. That 46 line
14 was the original service to the fort, is now serving as
15 backup to the fort, but it is a very old line, very old
16 wood poles. And it is in that 100-year history of the
17 experimental range and actually has been suggested that
18 maybe it should be listed on the national register. We
19 don't necessarily think so, but from a bidding
20 standpoint I guess maybe it could be there.

21 CHMN. FOREMAN: Member Eberhart has a question.

22 MEMBER EBERHART: Mr. Beck, I think you have
23 testified to this Committee before that wood poles
24 typically last about 40 years.

25 MR. BECK: That's correct.

1 MEMBER EBERHART: Do you recall that? If this
2 is a 100-year-old line, is it planned to be replaced?

3 MR. BECK: This is probably more like a 70- to
4 80-year-old as opposed to 100. But one of our issues
5 for maintenance and replacement of this line is the
6 access issues, working with the experimental range, and
7 it has been very difficult for us to go in and do any
8 maintenance on this line.

9 So from a personal preference standpoint, to
10 rebuild this line to new steel as part of this project
11 would have been ideal. But as we found throughout the
12 process, the public, and in particular the Santa Rita
13 Experimental Range, didn't want us touching this. It is
14 part of their historic record even to the point that,
15 were we to abandon this line, they wouldn't even want us
16 to go remove the old line. They might want it just left
17 there because it is part of their record.

18 So it does have some unique circumstances
19 related to this line. The poles are old. We do have to
20 do periodic maintenance. As poles do go bad we go in
21 and replace.

22 You will see a couple spots, when we do a couple
23 of the photos down further in this route, we will see
24 where we have gone from the H-type frame construction
25 built with two pole structure, you will see some single

1 pole structures where poles were replaced. So when we
2 went back and replaced them, we put in single pole steel
3 poles to replace them.

4 We do have some areas on the forest where we
5 have to do maintenance coming up early next year, and
6 when we do that those will actually be airlifted in by
7 helicopter, because on the forest we just can't get
8 access to the site.

9 So it is a very old line. It is in rough shape.
10 It is a backup to the fort, it is not primary. But it
11 is what it is.

12 MEMBER EBERHART: Mr. Chairman, Mr. Beck, you
13 know, we have had other cases down in Nogales, et
14 cetera, that in these areas that I think there was
15 testimony that Fort Huachuca doesn't really have a good
16 backup. And I assume this is maybe what you are
17 alluding to. But is 46 a big enough line to truly
18 provide a backup to Fort Huachuca?

19 MR. BECK: The capacity on this line is
20 approximately 20 megawatts. And the fort's load is
21 right at, well, actually probably goes to 21 or 22
22 megawatts. So at their very peak load this line does
23 not support all of their needs, so they do curtail some
24 of their load if there is a problem on the 138 line that
25 serves them. For backup purposes this is not an ideal

1 situation.

2 The flip side of that coin is that the
3 Department of Defense isn't willing to pay for backup
4 service. And so, you know, they don't want to pay to
5 build another line or to fix this line. And so we have
6 had issues with that.

7 And true, the fort has some issues with backup
8 capability. There are discussions ongoing through some
9 Commission processes to look at some interconnections in
10 the Cochise County area to try and resolve some of that.
11 And the fort is involved in that along with Sulphur
12 Springs Valley.

13 MEMBER EBERHART: Thank you.

14 MR. BECK: Clark.

15 Again you will notice the drainages. We are
16 starting to start to see more of them as we get closer
17 to the mountains here.

18 Now, at this point is where Alternates 2 and 3
19 peel off and turn to the north, and that's right at this
20 point here where we are meeting up with Helvetia Road.
21 And it would, to the left would become link 120. Again,
22 that's Alternatives 2 and 3.

23 We are going to continue on the path along the
24 46 which is Alternative 4, and that's why you are seeing
25 we are going down to the single color from this point

1 east.

2 CHMN. FOREMAN: Just to call this to the
3 attention of the Committee as we fly by, the tour does
4 not include any of the material that -- any of the land
5 over which we have just gone, is that correct?

6 MR. BECK: The tour Stop 3 is at the point right
7 here at this crossing, this intersection.

8 CHMN. FOREMAN: But it comes down along Helvetia
9 Road from the north and east, correct?

10 MR. BECK: That is correct. So you really don't
11 see along the 46kV alignment. And one of the reasons is
12 there is just no access in there.

13 CHMN. FOREMAN: You talked about the access
14 road, but that access road is not a road over which we
15 would be driving if the tour took place tomorrow?

16 MR. BECK: We definitely would not be driving
17 there if it took place tomorrow. And in dry conditions
18 you could get through there with a four-wheel drive, but
19 it is a very rough trip. I have done that. We have
20 gone the length of that 46kV line. We made it through.
21 We survived to tell the tale. But there were a few
22 points where we questioned if we were going to get
23 through or not, so it is very rough terrain.

24 CHMN. FOREMAN: Okay.

25 MR. BECK: Clark.

1 Here is another photo point, basically at the
2 intersection with Helvetia Road. I will point out here,
3 this is one place where we have got the single pole
4 structure on this 46kV line, but for the majority of the
5 structures they are this H-frame type structure.

6 These are older poles. They are in an area that
7 is susceptible to brush fires, so you will note on this
8 pole the bottom of the pole is a different color.
9 That's actually a protective coating that was painted on
10 those poles to try and help resist if there is a brush
11 fire that would go through the area. And we have had
12 them on both the 138 and the 46 lines to the fort, more
13 east of the Santa Rita Mountains, but this is similar
14 type vegetation. So we tried to protect the poles in
15 that fashion.

16 And you will notice here is a very good part of
17 the access road. This is a very nice, accessible piece
18 compared to the rest of it, but this is just off of
19 Helvetia Road and probably is used quite a bit by
20 hunters and others.

21 Clark.

22 Again, lots of drainages.

23 MEMBER EBERHART: Mr. Beck.

24 MR. BECK: Yes.

25 CHMN. FOREMAN: Member Eberhart.

1 MEMBER EBERHART: I had a question. You
2 mentioned drainages about three or four times. Are any
3 of the structures located in floodplains?

4 MR. BECK: You know, some of this area has not
5 been actually mapped for floodplains. So more than
6 likely there are some structures that fall within the
7 floodplain. Typically it is not a problem for us unless
8 they are in the actual live wash or washing area. And
9 as we engineer this we will place the poles such that
10 they are on the high points, the ridges, to the extent
11 possible.

12 MEMBER EBERHART: Thank you.

13 MR. BECK: Now, I am not exactly sure why we
14 jump up there, except I think it may be an updraft from
15 that little wash that we cross. Again, we are still
16 double circuit through this area.

17 You will note here this different color land
18 form is private property, so there are some inholdings
19 of private property in here. And there are a few
20 residences back in here. You don't really see them, but
21 you can see there is little access roads through here.

22 Here we are approaching the Santa Rita
23 Experimental Range boundary, so we are leaving the range
24 and then going into the Coronado Forest. Again you will
25 note the terrain is getting a little bit rougher.

1 We are starting up into the hills. We do have a
2 photo taken here. And this picture is hard to see, but
3 there are two 46kV structures right here, one on top of
4 the ridge and one back down the ridge a little bit. And
5 the next structure from this structure is actually
6 adjacent to the photographer here. So this one was
7 quite a long span to get across this valley. And you
8 will note there is no access roads going up to these
9 sites here.

10 Okay. What you see laying on the ground are
11 actually the shadows of the H-frame existing line, which
12 I think you will see another one coming up right there.

13 This is Box Canyon Road. We have got another
14 picture right here. Again this is taken from Box Canyon
15 Road. And here is an existing H-frame structure. But
16 again, here is a single pole steel structure that was
17 replaced, replaced an H-frame structure.

18 At this point we will cross over Box Canyon Road
19 and we tend to veer away from Box Canyon Road. Box
20 Canyon Road goes a little to the north and we are on
21 this stretch here as we are heading down to this
22 intersection with link 160.

23 MEMBER WALKER: Mr. Chairman.

24 CHMN. FOREMAN: Member Walker.

25 MEMBER WALKER: Mr. Beck, at this point, at link

1 160, how far is the line from Fort Huachuca?

2 MR. BECK: Approximately 40 miles.

3 MEMBER WALKER: Thank you.

4 MR. BECK: It has got a ways to go.

5 Now, here we are turning the corner, and so this
6 is the turning structure. The existing 46 would
7 continue on. It is a single circuit line. From this
8 point north up to Rosemont substation you are going to
9 see that this is single circuit, so we are now going
10 along 160 and then 190 and on up to the substation.

11 And you will note in this area we actually moved
12 off of the ridge line. We were going to propose having
13 the line a little bit higher. The forest indicated it
14 would be better to drop off of the ridge line to help
15 screen the poles or hide them from view, and so we did
16 that.

17 Now, we have got a viewpoint simulation right
18 here. So you are seeing this is the before picture, and
19 now this is the after. So this is looking east along
20 Box Canyon Road. The line would be crossing
21 perpendicular. The final design for the line has not
22 been done, so the exact location of this pole isn't
23 known. It could shift back a little bit to the south
24 and you might not even see it.

25 There is another pole back in the trees over

1 here as we go back. If you can find it that would be
2 great, because I sure can't find it. It is in here
3 somewhere and you could see the wires going across.

4 So here we are continuing north, and now we are
5 going to be entering the mine plan of operation area, so
6 we are just going into link 190.

7 Another photo spot. And you will notice there
8 are some trees. They are not real tall, but there is a
9 little bit more vegetation in here. So there would be
10 the occasional bit of vegetation that might need to be
11 trimmed for clearance for the line. But as you can see,
12 there is not a lot of vegetation directly under the
13 line, and some of where it is at is actually down in the
14 valley.

15 You can see we are coming to the end because you
16 can see the alternative routes coming to the north up
17 here. Basically, again, this is the Rosemont substation
18 location. And this is a picture that was taken looking
19 in a northwesterly direction, and the photo you looked
20 at was taken generally from this area looking down at us
21 in this picture. We are now looking back up at the
22 other location.

23 So next we are going to show you the
24 differential portion of Alternatives 2 and 3. So we
25 will basically go link 120, 130, 135.

1 BY MR. DERSTINE:

2 Q. And those are the only portions that we haven't
3 flown over?

4 A. BY MR. BECK: Right. It was just to avoid the
5 duplication of seeing what you have already seen. So we
6 are starting at a point just before 2 and 3 turn to the
7 north. And then we will follow that alternative up
8 until it joins back up with the preferred route. So
9 this will give you the opportunity to see along Helvetia
10 Road, and then as we go around the northern side of the
11 hill that has potential screening value.

12 Again, you have got routes 2 and 3 will be
13 turning here. So we are turning to the northeast. This
14 will be along the Helvetia Road alignment. And again,
15 you will notice this is single circuit through here
16 because we left the 46kV alignment.

17 This is going to be a photo that's taken from
18 Helvetia Road looking in a northeasterly direction. The
19 Imerys mine is up in here. So we are basically
20 traversing along link 120.

21 We are now approaching joining up crossing the
22 preferred route. So we have got a photo taken from
23 Santa Rita Road looking in a northeasterly direction
24 along this alignment. Again this hill, the screening
25 hill, is just to the right in this picture.

1 Now, here is where we leave the Santa Rita
2 Experimental Range boundary, and we are going to come up
3 to the BLM land. So we are basically right up in here.
4 And we have the opportunity to, with the corridor we
5 could be off BLM land here, but you are going to see a
6 little distance down we are going to get right into BLM.
7 So it doesn't matter at this point, we are going to be
8 in BLM property with these alternatives.

9 Mr. Chairman, to your point earlier, this will
10 be the BLM property that you will also see kind of
11 joining up with the preferred route.

12 CHMN. FOREMAN: And may I assume that the
13 Coronado National Forest EIS embraces this also?

14 MR. BECK: The BLM is a cooperating agency in
15 the EIS process, so this should be covered through the
16 Forest Service EIS process.

17 CHMN. FOREMAN: And it, using federal language
18 or terminology, is the lead agency?

19 MR. BECK: The U.S. Coronado National Forest is
20 the lead agency. And another point I will bring up is
21 in our discussions with the Forest Service, one of the
22 points that the Forest Service has made to us is that
23 they actually have a preference. If the Line Siting
24 Committee makes a decision on a route, it will be used
25 to inform their process to select or to identify their

1 preferred route in their process for the transmission
2 portion of the project. It is kind of the chicken and
3 egg, and they are kind of looking to you to take the
4 lead on that.

5 CHMN. FOREMAN: I won't tell you who I think is
6 the chicken in this.

7 MR. BECK: Proceed.

8 So as I mentioned, we are showing it just inside
9 the BLM property here. We could just as easily be
10 outside, but at this point we are definitely on BLM
11 here. This is all BLM property, until this point where
12 we would leave BLM and we go back onto Rosemont
13 property. And this is, again, where we would join up
14 with the preferred alternative.

15 And so this is basically where we stop this
16 overview.

17 CHMN. FOREMAN: All right. That ends the Google
18 flyover?

19 MR. BECK: That ends the Google flyover. And
20 again, we do have the real live Google if you have any
21 particular points you would like to look at.

22 CHMN. FOREMAN: I should point out we do have a
23 public in -- a representative of the Coronado National
24 Forest, not the BLM. Correct?

25 Okay. And so I think the question that pops

1 into my mind first is a question of the tour for
2 tomorrow, and I know that's something we need to
3 resolve. Were you going to circulate or do you have a
4 projected map of the proposed tour?

5 MR. BECK: Do you have that map? We do have a
6 map, but he is checking for it now.

7 CHMN. FOREMAN: May I assume while we are
8 waiting for that that the estimated times on the right
9 side are times that assume dry terrain?

10 MR. BECK: Yes, Mr. Chairman, you are correct.
11 The timing on the screen on the right was based on dry
12 conditions. And I understand from a report this morning
13 that there was actually some sleet and snow up basically
14 at the Rosemont substation location. So up on top of
15 the mountain on the west side down in the valley more
16 than likely it is just rain and mud.

17 CHMN. FOREMAN: As I think I indicated earlier,
18 I heard a weather forecast this morning that there was
19 a, I think, a 70 percent chance of rain today and a
20 100 percent chance of rain tomorrow. So we have a
21 situation where there has been rain, apparently some
22 sleet and some snow on the projected tour route, all of
23 which is nonpaved, is that true?

24 MR. BECK: There is a very small portion, of
25 course, access down to the project, and then a very

1 short portion is paved, but for the most part it is on
2 dirt roads. Santa Rita is a very well maintained road,
3 but it is dirt, and the rest of them are definitely dirt
4 roads, not as well traveled.

5 CHMN. FOREMAN: All right. So I think the
6 question for the Committee is, number one, do you want
7 to take a tour, and, number two, under the circumstances
8 that now face us do you think a tour would be advisable.

9 Member Walker.

10 MEMBER WALKER: Yeah, Mr. Chairman. I served
11 for a number of years in the military police and got to
12 do a lot of driving in that type of terrain in a humvee.
13 My experience, the visibility you get out of a vehicle
14 in that kind of terrain is extremely limited. If it was
15 dry and sunny tomorrow, I still don't think it would be
16 worth going on the tour.

17 What we have with the technology available,
18 Google Earth flyover, I don't know how you are going to
19 get a better view of that terrain than the one we just
20 had unless we decide to get helicopters.

21 MEMBER PARKE: Which is what I suggest.

22 MEMBER WALKER: Have you been in a helicopter in
23 this kind of weather? It is less fun than you might
24 imagine.

25 CHMN. FOREMAN: Member McGuire.

1 MEMBER MCGUIRE: I don't know about you all, but
2 if it was my ranch, I wouldn't go up there without a
3 horse.

4 CHMN. FOREMAN: Well, all right. Anybody else
5 have thoughts?

6 MEMBER HAENICHEN: I am not going to follow
7 that.

8 MR. DERSTINE: Mr. Chairman, you asked us to
9 inform you about the type of vehicle that we had
10 scheduled and ready for the tour. It is a standard
11 12-passenger van. I don't know that it would
12 accommodate Ms. Ross sitting there with her, whatever.

13 MR. BECK: Based on our discussion this morning,
14 originally we had a 12-passenger van arranged. But we
15 have talked to the van company; they do have a
16 32-passenger van. It is a much heavier vehicle, may
17 have more potential for getting stuck, but it does
18 provide the ability to the Committee and everyone to
19 stay in the bus and have the discussion, I suppose.

20 CHMN. FOREMAN: All right. Is there any member
21 of the Committee who feels that we ought to take or
22 personally wants to take the tour tomorrow morning?

23 Member Haenichen.

24 MEMBER HAENICHEN: I will ask the applicant. Is
25 there any way to take a much more limited tour to look

1 at just a few spots just to get a feel for the thing?

2 MR. BECK: Well, maybe I could just quickly
3 review the map on what we had proposed. We had proposed
4 that we would go down and basically to what is
5 identified as Stop 1, which is a point north of the
6 project which is along Santa Rita Road and is at the
7 intersection of our existing 138kV line. We can look
8 from there down to the Toro switchyard, but you are
9 looking across, you know, a quarter of a mile of
10 distance. We won't actually be at the Toro switchyard
11 site.

12 Then the intent was we could drive down Santa
13 Rita Road to a point at the base of the mountain and
14 look up at the mountain basically to where it would
15 cross over the top. So that's very doable probably in
16 the weather, absent the fact that if you had to get out
17 and look and it is raining, that might not be good.

18 The part that we proposed coming down Helvetia
19 Road, that road is not well maintained. And I don't
20 know that that's even advisable. And then definitely
21 going along Box Canyon Road and back in this way, you
22 know, coming around this way to get to it, we propose to
23 stop where you saw the visual that we had where it
24 crosses Box Canyon Road. You could possibly get to that
25 one.

1 And I wouldn't even consider trying to get up
2 into this Rosemont substation area with the weather
3 conditions. And even this I don't think is advisable,
4 because this likely could have snow on this road.

5 So if you wanted to see a couple limited points
6 you could see the start of Santa Rita Road and go down
7 towards the end of Santa Rita Road where Helvetia is.
8 That's the flattest, levelest, least vegetated area of
9 the whole project. So I am not sure there would be a
10 lot of value in that.

11 Again, you know, if you want to look at specific
12 areas, we could bring them up in Google and do different
13 views, and maybe give you a better feel for what it
14 looks like out there.

15 MEMBER HAENICHEN: Mr. Chairman, I might suggest
16 that we do just that along the very limited route you
17 just chose. I would then -- I would still like to do
18 it, but I defer to my colleagues. If they don't want to
19 do it, I am okay with it.

20 CHMN. FOREMAN: I am loathe to risk a quorum of
21 the Committee in one vehicle going along some of these
22 roads. I think that, setting aside the value of the
23 tour, there is a question of safety. And I think there
24 is a significant question of safety going up there. And
25 I do not think it would make sense for us to have some

1 sort of problem where we would have to have somebody
2 come in and tow us out or somebody would have a, if they
3 got out of the van, have some kind of problem
4 thereafter.

5 And then we have the difficulty of making a
6 record. And if we are put in a position where we don't
7 have a place outside the vehicle where we could make the
8 record, it just may be kind of a silent trip up and a
9 silent trip back. And I am not sure what value that
10 would have. So...

11 MEMBER RICHINS: I think there is value in the
12 tour but not in these weather circumstances. I don't
13 feel it is safe either. So I mean under different
14 circumstances I would be very favorably inclined to take
15 a tour, but given the weather, I wouldn't go.

16 CHMN. FOREMAN: Under the circumstances, I --
17 well, if everything was, if the weather was fine, I
18 think there would be some value added to a trip to view
19 Stop 1 and 2. Beyond that, I have got some questions
20 about the value.

21 And the record that we have of the Google tour
22 gives us a more than adequate factual basis upon which
23 we can make a decision. And I think for me that's
24 the -- going on this tour is not something that is
25 necessary for us to do our job the way it needs to be

1 done. And while it might be nice, there might be some
2 things we might be able to see, the logistical problems
3 associated with it, especially in this weather, it seems
4 to me far outweigh the potential advantage.

5 Anybody else have anything they want to add on
6 that?

7 (No response.)

8 CHMN. FOREMAN: All right. Let's take a
9 ten-minute -- well, let me -- are we finished with
10 Mr. Beck's direct?

11 MR. DERSTINE: Mr. Chairman, I had one wrap-up
12 line of questioning for Mr. Beck, and that would
13 conclude his direct. And then it was going to be at the
14 pleasure of you, Mr. Chairman, and the Committee.

15 My intent, as I indicated, was to conclude
16 Mr. Beck's direct, then proceed with Ms. Weinstein's
17 direct, and then tender both witnesses for cross. If
18 you would prefer to have me tender Mr. Beck at the
19 conclusion of his direct, I can do that as well.

20 CHMN. FOREMAN: I think it would make sense for
21 you to finish your direct examination of your witnesses
22 before they are tendered for cross, otherwise we are
23 going to be playing ping-pong going back and forth.

24 MR. DERSTINE: Right. That would be my
25 preference.

1 CHMN. FOREMAN: But I do think this is a logical
2 place to take our break, allow you to review whatever
3 you need to review to finish up, and we will see if we
4 can finish up some direct examination after we come
5 back.

6 We will take a 15-minute break. We will come
7 back at five minutes after 4:00.

8 (A recess ensued from 3:52 p.m. to 4:08 p.m.)

9 CHMN. FOREMAN: Let's take our seats, see if we
10 can get started.

11 All right. Let's go back on the record.
12 Counsel, you were going to conclude your direct
13 examination of Mr. Beck.

14 MR. DERSTINE: Yes, Mr. Chairman. Thank you.

15 I guess I want to just make sure we close the
16 loop before I had Mr. Bryner behind me shut down his
17 live Google Earth, that if there was any desire on the
18 part of any members of the Committee to look at
19 anything, anything in particular along the route.

20 CHMN. FOREMAN: Member Rodriguez.

21 MEMBER RODRIGUEZ: Yes. I would like to look at
22 where you referred to the homes, wherever the homes were
23 at and how close proximity to the route they are in that
24 area.

25 BY MR. DERSTINE:

1 Q. Mr. Beck, can you orient us in terms of where we
2 are and what we are seeing?

3 A. BY MR. BECK: Yes. Basically here we are. This
4 is the preferred route and Alternative 2. And it is
5 just after we have come along Santa Rita Road, joined up
6 with Helvetia, turned the corner. And you will notice
7 up in this triangular corner this property here. And
8 then this dark representation is private land ownership.
9 And I believe this all is Rosemont property now. But
10 these are the residences, some of the residence that we
11 are talking about.

12 And Clark, maybe, if you can, actually zoom in
13 on a few of these.

14 MEMBER RODRIGUEZ: Mr. Chairman, they also
15 indicated that Rosemont mine has purchased a lot of
16 homes in that area. Could you identify, and I don't
17 know how many total homes are there, but could you, if
18 you happen to know which ones are now owned by Rosemont
19 and which ones are still owned by private individuals?

20 MR. BECK: You know, when we get later to some
21 property ownership maps that Ms. Weinstein has, it will
22 probably give you a better detail or description.

23 MR. DERSTINE: Mr. Weinstein is sworn. If she
24 would like to testify and point out using your laser
25 pointer in response to Member Rodriguez' question, that

1 should be fine.

2 MEMBER RODRIGUEZ: Right.

3 MS. WEINSTEIN: The homes in this area on this
4 side of the road are not Rosemont homes, they are not
5 Rosemont properties. There is overlay of a map. And we
6 will show you later, but where the corridor is through
7 here is Rosemont property. So what you are seeing in
8 this vicinity in here is Rosemont.

9 If you back out a little bit more, Clark,
10 please. Thank you. A little more, yeah, come down
11 just a hair.

12 Might get a little tinier, but scattered homes
13 in here that are not Rosemont property, and we have a
14 single residence to the east closer to the -- right now
15 it is a little difficult to see in here. I believe
16 right in here, that is not Rosemont property.

17 So there are about 16 residences in this area,
18 this area, that are not on Rosemont property that we are
19 looking at potential screening views for at least maybe
20 about half of those with the alternative route that we
21 were talking about.

22 MEMBER RODRIGUEZ: So how close would be the
23 first home, would a pole be closest to them?

24 MS. WEINSTEIN: Probably --

25 MEMBER RODRIGUEZ: Approximately.

1 MS. WEINSTEIN: Sure. Probably this home.
2 There is a home right here. Again, we are actually
3 shifting to this side of the road, so we are getting
4 further away from these homes, but these are some of the
5 homes probably closer.

6 There is also, we have a simulation of the home
7 I mentioned there was a little further to the east that
8 is somewhat closer to the proposed route. And
9 alternative route, well, the routes that go up through
10 up over the pass, the four routes that go up over the
11 pass --

12 MR. DERSTINE: So you can see on the screen they
13 are measuring out those distances. My eyes are not good
14 enough to read them.

15 MR. BRYNER: That one is 853.

16 MS. WEINSTEIN: So 853 feet, approximately --

17 MEMBER RODRIGUEZ: Feet or yards?

18 MS. WEINSTEIN: Keep in mind that this is the
19 500-foot corridor, and exactly where that line ends up
20 here could shift just depending how things work out from
21 an engineering standpoint. So it could be at a greater
22 distance or could be closer, depending.

23 MEMBER RODRIGUEZ: I have a follow-up. Is it
24 the intention of Rosemont, since they are currently
25 purchase -- I don't know if you can answer this -- that

1 they are purchasing some of those homes, are they
2 intending to go out and solicit some of these to see if
3 these homeowners are actually interested in selling
4 their homes?

5 MS. WEINSTEIN: I don't think I can speak for
6 Rosemont on that.

7 MR. DERSTINE: I guess that would be an
8 appropriate question for Rosemont. I don't know that
9 the Tucson Electric Power or EPG knows Rosemont's future
10 plans for those homes.

11 CHMN. FOREMAN: Maybe when -- do you want to
12 speak to that, Mr. Black, or do you want to wait?

13 MR. BLACK: We can wait when Ms. Weinstein
14 provides her testimony, or whatever the Committee would
15 like. If they would like to hear now we can certainly
16 answer that question now.

17 MEMBER RODRIGUEZ: I just want to make sure you
18 don't forget my --

19 MR. BLACK: No, we will not forget your
20 question.

21 MEMBER RODRIGUEZ: Well, if you happen to know
22 the answer to the question right now, then we can just
23 move on.

24 MR. JAMES: I believe I do know the answer.
25 Having spoke with Ms. Arnold, Mr. Chairman, Rosemont has

1 been acquiring homes in that area as they become
2 available. They have acquired all the homes that are in
3 or immediately next to the corridor.

4 However, they don't have a program to actually
5 solicit purchases from other people. So there is -- it
6 is not as if -- and I think this answers your
7 question -- there is no program to buy other homes in
8 that immediate area. But again, if a home becomes
9 available, then Rosemont may purchase it. But it is not
10 soliciting homeowners to sell their house.

11 MEMBER RODRIGUEZ: All right.

12 CHMN. FOREMAN: Okay. Mr. Lacey. Was your
13 question covered?

14 MEMBER LACEY: Yes, it was. Thank you.

15 CHMN. FOREMAN: Member Haenichen.

16 MEMBER HAENICHEN: Are we going to look at the
17 other side now, the other side of the hill?

18 MS. WEINSTEIN: On this side of the hill this is
19 on state land, this is on the range, so there aren't any
20 homes on this side.

21 MEMBER HAENICHEN: I was just thinking of
22 shadows effect of that mountain.

23 CHMN. FOREMAN: And would it -- just as a
24 follow-up to Member Haenichen's questions, it appears
25 that the hill would screen some but not all of the line

1 as it went around the hill if Alternative 1 or
2 Alternative 3 were used. Would that be fair?

3 MS. WEINSTEIN: Yes.

4 MEMBER HAENICHEN: That's good.

5 CHMN. FOREMAN: All right. Very good. Let's
6 proceed.

7 MR. DERSTINE: All right.

8 BY MR. DERSTINE:

9 Q. Mr. Beck, let me direct your attention to TEP
10 Exhibit 12. I touched on TEP-12 following the public
11 comment from the representative of the Santa Rita
12 Experimental Range. And it is my understanding from his
13 comment that the range is likely to submit a
14 clarification to TEP-12. But could you just briefly
15 explain how TEP-12 came about and what it states for the
16 record?

17 A. BY MR. BECK: Mr. Derstine, I think you are
18 referring to No. 13.

19 Q. I jumped to 13, you are right.

20 A. BY MR. BECK: Okay. No. 13, Exhibit 13 was the
21 Santa Rita Experimental Range letter that was docketed
22 on December 2nd -- the date of the letter was actually
23 November 18th -- expressing their preference for the
24 project.

25 As you heard this morning, I believe they are

1 going to go back and redraft that letter so we can
2 supplement this letter, but what we had at the time and
3 what was docketed is what we have included as our
4 exhibit.

5 Q. All right. And then let me have you jump back
6 to TEP Exhibit 12, and ask if you can identify that and
7 tell, and for the record tell us what that states.

8 A. BY MR. BECK: That is a letter from Steve Olea
9 of the Commission Staff that is both dated and docketed
10 on December 5th, basically saying that TEP has filed the
11 required studies with the Commission and the 10-year
12 process and biennial assessment. The results show no
13 negative impact to the interconnected transmission
14 system. And they point out that, because this is a
15 radial line, that there should be no impact to TEP's
16 system as a result of the project.

17 Q. And do you agree with Staff's conclusion in TEP
18 Exhibit 12?

19 A. BY MR. BECK: Yes, I do.

20 MR. DERSTINE: Mr. Chairman, in past occasions
21 you have had docketed or identified these as Commission
22 exhibits. I am happy and we will move their admission
23 as TEP Exhibits 12 and 13, but wanted to just simply --

24 CHMN. FOREMAN: That's fine. My interest is
25 only getting them into the record.

1 MR. DERSTINE: Okay. All right. With that I
2 would move TEP Exhibit 12 and TEP 13.

3 CHMN. FOREMAN: Good cause appearing, it will be
4 ordered admitting TEP Exhibits 12 and 13.

5 (Exhibits TEP-12 and TEP-13 were admitted into
6 evidence.)

7 BY MR. DERSTINE:

8 Q. Mr. Beck, we have reached the end of your
9 prepared direct testimony. I wonder if you can refresh
10 our recollection and summarize your testimony on the
11 purpose and need for this project, and then also dot the
12 I by explaining why TEP has selected the preferred route
13 as its preference for this case.

14 A. BY MR. BECK: Sure. Basically, as I have stated
15 before, the retail customer in this case, the Rosemont
16 mine, requested service from TEP. We started
17 discussions with them in 2006, and finally reached the
18 application that we are talking about today.

19 They are asking for service to their industrial
20 complex, which is their delivery point, their substation
21 that they intend to build as part of their project. The
22 level of load that was identified by the customer is up
23 to 120 megawatts. TEP identified the need to serve that
24 with a 138kV line, and that is why we are here today to
25 talk about that 138 line. So we determined the

1 engineering solution that would work would be to extend
2 a 138 line from an interconnection point called the Toro
3 switchyard on the existing South to Green Valley line.

4 We performed an extensive public process to vet
5 possible routes. The preferred route that we have
6 identified in our application is one of the shortest
7 routes that went through our process. It meets the
8 interests of one of the largest landowners in the area,
9 which is the Santa Rita Experimental Range.

10 The Santa Rita Experimental Range fully
11 participated in our stakeholder process throughout, and
12 as you heard this morning, they fully support the
13 preferred route. They can accept the Alternative 1
14 route and cannot support any of the other routes. So
15 they gave us basically two choices.

16 In the end, the weighing factor for TEP was
17 Santa Rita Experimental Range and State Land supported
18 the preferred, what became the preferred route. And
19 that's why we identified it as our preferred route. We
20 feel it will balance environmental impact against the
21 need for the project.

22 But as a final statement, TEP has taken the
23 position that the line will not be built unless the mine
24 is approved. And we have offered that up as a condition
25 in our proposed CEC, and we fully support that.

1 MR. DERSTINE: Thank you, Mr. Beck.

2 With that, if there is not an immediate question
3 of Mr. Beck, I would start the direct testimony of
4 Ms. Weinstein.

5 CHMN. FOREMAN: Member Noland.

6 MEMBER NOLAND: Thank you.

7 Mr. Beck, in Exhibit 10, these are your proposed
8 500-foot corridors, are they not, for the different
9 options and alternatives?

10 MR. BECK: Yes, they are.

11 MEMBER NOLAND: I notice you say approved
12 500-foot corridor. Are you wishful thinking?

13 MR. BECK: Well, actually those are the proposed
14 exhibits that would be used in a CEC, assuming one of
15 the alternatives is approved. So at that point it would
16 be approved. We are not intending to say these were
17 approved routes, to your point.

18 MEMBER NOLAND: Thank you.

19 And I want to thank you for being reasonable
20 with your corridors. We have seen unreasonable
21 corridors. And I think that, with this terrain, to have
22 the flexibility within the 500 feet is good. But thank
23 you, because I have seen them six times as large in the
24 recent past.

25 MR. BECK: I understand.

1 CHMN. FOREMAN: Mr. Beck, summarize for me, if
2 you will, the advantages in your mind of the preferred
3 route over Alternative 1.

4 MR. BECK: The biggest advantage for the
5 preferred route is the fact that we would not have to
6 create any new access around the mountain beyond what is
7 being done for the pipeline, the water pipeline. So
8 assuming that there is a pipeline that gets approved,
9 which will then result in a project that we would build,
10 we could consolidate the use of an access road to the
11 one that would be built for the pipeline. If we go on
12 Alternative 1 we would be blazing a new trail around the
13 north, the northwesterly side of that hill, and also
14 getting onto BLM property.

15 CHMN. FOREMAN: And would the water pipeline
16 follow whichever corridor this Committee selects, or
17 would -- is the water pipeline going to follow the
18 preferred route, period?

19 MR. BECK: At this point my understanding is
20 that Rosemont Copper has made application for an
21 alignment that we are trying to follow. They are not
22 looking to follow where we go, we are trying to follow
23 where they will be.

24 CHMN. FOREMAN: All right. And so that little
25 blip -- I guess we can't see it now -- that we have

1 where one goes one way and the preferred route goes the
2 other way, at that point you would have a diversion, the
3 water line from the electric line, if the electrical
4 line was put on Alternative 1?

5 MR. BECK: That is correct.

6 CHMN. FOREMAN: Okay.

7 MR. BECK: In addition to that, then TEP would
8 be forced to have some -- be on some BLM property, which
9 is an additional landowner and agency to deal with.
10 That will be covered through the EIS process, but it is
11 just another landowner to deal with.

12 CHMN. FOREMAN: Okay, very good. Thank you.
13 Member Walker.

14 MEMBER WALKER: Thank you, Mr. Chairman.

15 Mr. Beck, are you familiar with TEP's 2011
16 summer preparedness plan that was presented by TEP at
17 the Arizona Corporation Commission last May I think?

18 MR. BECK: Generally I am aware of it, yes.

19 MEMBER WALKER: Okay. So without getting into
20 the exact precise numbers, because you may not recall
21 them off the top of your head, isn't it true that TEP
22 has about 2,650 megawatts of generation and market based
23 resources to serve the TEP area? Is that number about
24 right?

25 MR. BECK: I believe that includes future

1 purchases that are intended to meet the peaks.

2 MEMBER WALKER: Market based resources?

3 MR. BECK: Right.

4 MEMBER WALKER: Meaning purchases you plan to
5 make?

6 MR. BECK: Generally that sounds reasonable.

7 MEMBER WALKER: And the load proposed by
8 Rosemont mine is 120 megawatts, correct?

9 MR. BECK: That is correct.

10 MEMBER WALKER: So when the Pima County attorney
11 writes that the mine would account for upwards of
12 10 percent of TEP's total load, the math doesn't work,
13 does it?

14 MR. BECK: No. My calculation this morning was
15 5 percent or less.

16 MEMBER WALKER: Correct. Mine, too.

17 Question. That same letter from the county
18 attorney alleges that 50 percent of common system costs
19 are shifted onto other TEP customers by mines. Are you
20 familiar with that allegation?

21 MR. BECK: I did see that allegation, yes.

22 MEMBER WALKER: And in assigning fixed costs in
23 a utility, does the cost per kilowatt hour reflect the
24 constancy of the demand?

25 MR. BECK: Yes, there is a demand component

1 within the pricing.

2 MEMBER WALKER: So if a mine has a constant
3 need, say 8,760 hours a year, their cost per kilowatt
4 hour would be lower and still contribute to the fixed
5 costs, wouldn't it?

6 MR. BECK: That is correct.

7 MEMBER WALKER: And a retail residential
8 customer probably has a much lower load factor, don't
9 they have?

10 MR. BECK: Definitely.

11 MEMBER WALKER: And when TEP compiles rate
12 design testimony, does it look at the cost of service
13 for different classes?

14 MR. BECK: Yes, it does.

15 MEMBER WALKER: And does it find that there is a
16 subsidy between large mine users and the residential
17 class?

18 MR. BECK: Historically there had been some of
19 that, and that has been reduced over the years.

20 MEMBER WALKER: And which direction did that
21 subsidy tend to go?

22 MR. BECK: Generally the commercial were
23 subsidizing residential.

24 MEMBER WALKER: The same letter says
25 transmission lines are expensive, presumably implying

1 that the line somehow has a cost that the ratepayers
2 would need to remunerate to the utility. Isn't it the
3 case that the Rosemont project, the Rosemont Copper mine
4 proposes to pay the entire transmission line cost?

5 MR. BECK: Yes. The Rosemont Copper Company is
6 being treated as any other residential -- or any other
7 retail customer, excuse me, as a line extension,
8 basically, and they will pay all of the costs of this
9 project. Therefore there will be no assets to go into
10 rate base on this project.

11 MEMBER WALKER: Do you foresee any need for TEP
12 to increase its base-load generation in order to meet
13 the demand of a 120 megawatt customer?

14 MR. BECK: Not for the base-load, no. We would
15 have to --

16 MEMBER WALKER: It says it is unclear to us if
17 this would accelerate the need for increased base-load
18 generation. That's the allegation. That wouldn't make
19 sense, would it, given the --

20 MR. BECK: It definitely will not increase it by
21 120 megawatts. There may be a slight impact.

22 MEMBER WALKER: At the peak?

23 MR. BECK: For the peak, and there may be a very
24 slight increase in the base-load.

25 MEMBER WALKER: If there is a slight increase in

1 base-load generation used by the mine, does that mean
2 that your base-load generation plants are producing more
3 revenue during the course of the year than they were
4 before?

5 MR. BECK: It should, yes.

6 MEMBER WALKER: And given the subsidies that
7 exist between the large commercial class and the
8 residential class, would that, even in a small amount,
9 accrue to the benefit the residential ratepayer?

10 MR. BECK: Yes, it would.

11 MEMBER WALKER: Thank you, Mr. Beck.

12 CHMN. FOREMAN: Just for the record, the letter
13 to which you refer is the limited appearance statement
14 that's Committee Exhibit No. 1?

15 MEMBER WALKER: Yes, sir.

16 CHMN. FOREMAN: Very good. All right.

17 Member Eberhart.

18 MEMBER EBERHART: Thank you, Mr. Chairman. Just
19 a quick question.

20 Mr. Beck, do you have any thoughts on, if
21 everything was approved within the next six months or
22 so, how many jobs would this project generate?

23 MR. BECK: I can only speak specifically to the
24 transmission line project. And we probably are talking
25 maybe a dozen to 20 personnel.

1 MEMBER EBERHART: So it is not of huge
2 significance, like some of the power plants that we have
3 permitted over the last few years.

4 In your summary, I think you mentioned that
5 because this is not one of the main lines for TEP that
6 it doesn't really add to the reliability or take away
7 from the reliability of the grid system, is that right?

8 MR. BECK: That's correct. It is a radial line.

9 MEMBER EBERHART: Are there any elements of this
10 project that do add to the safety and reliability of the
11 TEP system?

12 MR. BECK: The one element that does provide a
13 positive for the system is the addition of the statcom
14 and the static capacitors that will be installed as part
15 of the project. We would likely have installed some of
16 the static capacitors absent the Rosemont project.

17 The Rosemont project required us to go to a
18 statcom device, which is a very fast-acting device, in
19 order to meet the swings of their loads due to their
20 motor starting. But that device will now be, in the
21 future, be available to our system for all customers to
22 see some benefit from.

23 MEMBER EBERHART: And that would be installed at
24 the Toro substation?

25 MR. BECK: Correct, it is planned to be

1 installed at the Toro switchyard.

2 MEMBER EBERHART: Thank you.

3 CHMN. FOREMAN: All right. Let's move on.

4 BY MR. DERSTINE:

5 Q. Ms. Weinstein, let's turn to your testimony.

6 You previously indicated that you are a principal and
7 senior project manager for the Environmental Planning
8 Group, or EPG. It is also my understanding you
9 supervise the environmental planning process performed
10 by EPG for the Rosemont project, is that true?

11 A. BY MS. WEINSTEIN: Yes.

12 Q. All right. In connection with this case, like
13 Mr. Beck, you authored a prefiled direct testimony.
14 That testimony is identified as TEP Exhibit 6. Do you
15 have that before you?

16 A. BY MS. WEINSTEIN: Yes, I do.

17 Q. And was that testimony prepared by you or under
18 your direction?

19 A. BY MS. WEINSTEIN: Yes.

20 Q. TEP Exhibit 6 consists of questions and answers.
21 If I asked you those questions on the record today,
22 would your answers be the same?

23 A. BY MS. WEINSTEIN: Yes.

24 Q. All right. Noting that, do you have any changes
25 or corrections to your prefiled testimony marked as TEP

1 Exhibit 6?

2 A. BY MS. WEINSTEIN: No.

3 Q. So I take it you adopt TEP Exhibit 6 as part of
4 your testimony before the Committee today?

5 A. BY MS. WEINSTEIN: Yes, I do.

6 Q. In addition to your prefiled direct testimony,
7 Ms. Weinstein, you also prepared a PowerPoint
8 presentation marked as TEP Exhibit 7. Do you have that
9 before you?

10 A. BY MS. WEINSTEIN: Yes, I do.

11 Q. When I look at TEP Exhibit 7, there appears to
12 be two separate PowerPoint presentations marked
13 collectively as Exhibit 7. Can you explain how you will
14 use those PowerPoints?

15 A. BY MS. WEINSTEIN: The main presentation is on
16 the left, and to complement that is a second PowerPoint
17 set of slides, maps primarily, to help explain some of
18 the information I will be providing and relating to on
19 the left.

20 Q. Okay. So the main PowerPoint presentation will
21 be on the left and the complementary presentation will
22 be shown on the screen to the right?

23 A. BY MS. WEINSTEIN: Yes.

24 Q. All right. Is the information contained in your
25 PowerPoint presentation true and correct, to the best of

1 your knowledge?

2 A. BY MS. WEINSTEIN: Yes.

3 Q. Are the maps and diagrams contained in your
4 PowerPoint presentation true and accurate depictions?

5 A. BY MS. WEINSTEIN: Yes.

6 Q. All right. Do you believe that TEP Exhibit 7
7 will assist the Committee in understanding your
8 testimony and making a decision on the application?

9 A. BY MS. WEINSTEIN: Yes, I do.

10 Q. And do you adopt TEP Exhibit 7 as part of your
11 testimony today?

12 A. BY MS. WEINSTEIN: Yes.

13 MR. DERSTINE: Mr. Chairman, with that I would
14 move the admission of TEP Exhibit 6 and TEP Exhibit 7.

15 CHMN. FOREMAN: Be ordered admitting TEP-6 and
16 TEP-7, good cause appearing.

17 (Exhibits TEP-6 and TEP-7 were admitted into
18 evidence.)

19 CHMN. FOREMAN: Do you also wish to offer the
20 flyover, TEP-5?

21 MR. DERSTINE: I will do that. I appreciate the
22 reminder. And based upon the testimony given by
23 Mr. Beck on direct in support of the flyover and the
24 viewing of the flyover, I would move its admission.

25 CHMN. FOREMAN: Be ordered admitting TEP-5.

1 (Exhibit TEP-5 was admitted into evidence.)

2 BY MR. DERSTINE:

3 Q. Ms. Weinstein, let's start your testimony this
4 afternoon with an overview or having you summarize the
5 planning process that you used to identify the preferred
6 and alternative routes that Mr. Beck identified and
7 illustrated to the Committee through the flyover.

8 A. BY MS. WEINSTEIN: Okay. I will explain a series
9 of four tasks that we went through up to the preparation
10 of the CEC application. And throughout this process, as
11 Mr. Beck has mentioned, we had public and agency input
12 at key points.

13 In Task 1 we defined the regional study area.
14 The purpose of the regional study area is to try to
15 identify all reasonable and feasible alternatives
16 between our origination and termination points. We
17 wanted to make sure we looked at where we might have
18 siting opportunities and also try to avoid major
19 constraints.

20 So just briefly, if you look at the map on the
21 left, we had mines over on this side, so that was a
22 logical western boundary for us; Mount Wrightson on the
23 south, didn't need to go further into that area.

24 On the east, we did want to accommodate, include
25 the State Route 83 as a linear corridor, so we went a

1 little bit to the east of that. And on the north we
2 knew we had the Vail substation when we first started,
3 so we wanted to stay a little bit north of that.

4 In Task 2, once we had a study area defined, we
5 then conducted an opportunities and constraints analysis
6 in order to identify a set of alternative links that
7 could lead to, could be combined and lead to routes,
8 alternative routes. So we looked for siting
9 opportunities existing and planned linear features like
10 existing power lines, roads, railroads, et cetera, and
11 then constraints, trying to avoid major residential
12 developments. And in this case in our study area we had
13 roadless areas in the Coronado National Forest that we
14 wanted to avoid.

15 On the right is the full set of links that we
16 identified in this process. And it was sometime after
17 that we did a review of those links. And there were
18 some that we actually did eliminate early on because
19 typically they didn't -- they weren't as direct, they
20 didn't offer us any particularly great opportunity over
21 other links.

22 So, for example, the links that parallel the
23 115 line didn't offer a direct route from where we are
24 trying to get from -- sorry for the shakiness here --
25 from the Toro switchyard down to the Rosemont

1 substation. So those were eliminated, as an example,
2 and eventually some of these other ones that were less
3 direct and didn't really parallel an existing linear
4 facility, for example. And similarly, down in this area
5 here, we had a new corridor in here and new corridor
6 here and didn't offer any benefit over the options we
7 had already identified. So once we went through that,
8 we identified those links and we removed some of them.

9 We then conducted a detailed inventory and put
10 our routes together. We came up with three major route
11 families. We had the northern route family. It is
12 pointed out here, but it generally paralleled the
13 northern range boundary and partially on the eastern
14 range boundary. We had the Santa Rita Road route
15 family. And we had the, as we referred to, adjacent
16 46kV route family. I would also note that at this point
17 we had reduced the study area, as Ed mentioned, because
18 we were no longer needing to come out of Vail or South
19 substation, so we were looking at links and routes
20 between Toro and Rosemont.

21 Actually, in that task, before we got to this
22 phase, we did eliminate the northern route family for
23 several reasons. The range indicated concerns with
24 opening up access into the range, so they preferred not
25 to include that. We also were not paralleling any

1 existing linear facilities, unlike we are with the other
2 routes. And we had some additional residences that we
3 were going to be coming in close proximity to as well.
4 So those reasons combined and that route was eliminated.

5 We did take all those routes out to the public.
6 We actually had a total of 11 routes at this point. But
7 after doing that and getting some feedback and going
8 through the studies, we determined that the northern
9 route should be eliminated.

10 So that brought us to Task 4, choosing
11 alternative routes. The final alternative route
12 selection where we did the final routes carried forward
13 in the application and that Mr. Beck has defined today.

14 Q. Ms. Weinstein, as part of this planning process,
15 did you take into account land ownership and existing
16 and future land uses?

17 A. BY MS. WEINSTEIN: Yes, we did. Exhibit A-1 is
18 the jurisdiction ownership map, and it is in your
19 application. Just to use that as a guide to describe
20 what we have for ownership out here, Arizona State Land
21 Department is the major landowner, and they lease to the
22 university areas for the purposes of the Santa Rita
23 Experimental Range.

24 We also have, and just to show you a little bit,
25 all the blue is state land, so we have state land, quite

1 a bit of it, in our study area. It is probably the
2 majority landowner in our study area.

3 The green is the Coronado National Forest.
4 That's the other, probably second major landowner in the
5 study area. We have a little bit of Bureau of Land
6 Management land. And, of course, we have Rosemont
7 property and other private land, again, in the study
8 area in different places.

9 The range has been around, established in 1902.
10 It is known for its 100 years of repeat photography.
11 There are about 80 square miles of land, and they have
12 at any time up to 30 research projects going on, a
13 variety of different things, livestock, range land,
14 different ecological type studies.

15 Exhibit A-2 is the existing land use map, and
16 that is also in your application. For land use, as we
17 mentioned, we primarily have the Santa Rita Experimental
18 Range. We also have residences in the study area -- all
19 the yellow on the map is residential -- some
20 agricultural with the pecan groves over on this side.

21 And we have existing transmission lines. As
22 touched on earlier, we have an existing 115kV line
23 traversing the study area. We have a 138 and the 230kV
24 line coming through here, and the existing 46kV line.

25 And these photos on the left, just quickly, is,

1 what you are seeing from Santa Rita Road is the Imerys
2 mine, Santa Rita Mountains here.

3 And down in this corner, we are up in that
4 Helvetia area, photo point 2, and we are looking back to
5 the west. And these are some of those Helvetia
6 residences we were looking on the Google Earth
7 photography.

8 Future land use, Exhibit A-3 in your
9 application -- go back over to the map for a moment
10 here. What we have in this area, probably what we
11 wanted to point out was some of the residences
12 developments. There is existing residential
13 developments up here to the north. We refer to this as
14 Sahuarita Highlands development here and Quail Creek
15 over in here. And they both have eventual expansion
16 plans, nothing happening at this time, but there is that
17 on the books.

18 We also have the water pipeline that Rosemont is
19 proposing, distribution line associated with that water
20 pipeline, and that's generally overlapping with future
21 use under the mining act in this area here, and, of
22 course, the Rosemont operations, proposed project all
23 through here.

24 This photo to the right is actually taken from
25 State Route 83. We are looking generally to the west.

1 And this would be the area of the Rosemont operations
2 here.

3 Q. Ms. Weinstein, having discussed your planning
4 process and the land use considerations, can you now
5 turn to a discussion of the proposed routes starting
6 with the preferred, please?

7 A. BY MS. WEINSTEIN: Yes.

8 CHMN. FOREMAN: I am sorry. I am sorry. Could
9 you back up on the left side. Photo No. 4 that you have
10 up there, you mentioned that in the background the
11 mountains would be where the Rosemont mine operations
12 would be. And this would be from Route 83 looking west.

13 The impression that I have received from looking
14 at the topographical maps and hearing the testimony
15 presented earlier is that the Rosemont mine would be
16 located in an area that is -- that's down here and not
17 be on top of the back ridge. And I am just trying to
18 get an understanding of this. Is that accurate?

19 MS. WEINSTEIN: That is my understanding.

20 CHMN. FOREMAN: So the topography, if we go over
21 here and take a look at the line coming in, this line is
22 going to be on the east side of a line of higher
23 elevation along here to the west, is that correct?

24 MS. WEINSTEIN: Correct.

25 CHMN. FOREMAN: Okay. Thank you. That helps

1 me.

2 MS. WEINSTEIN: Sure.

3 All right. I am going to just touch on some key
4 considerations for the preferred route. It is the
5 preference of Santa Rita Experimental Range and Arizona
6 State Land Department. It is located primarily on the
7 range and on Rosemont property, with a short portion
8 about a half a mile on the Coronado National Forest.

9 This photo here below on the bottom side of this
10 slide shows this is the range boundary. We are
11 actually -- go back onto the right on the photo map. We
12 are about on Santa Rita Road looking this direction to
13 the southeast, and the line would really come basically
14 right in front us here, to this side of the road, to the
15 north side of the road, and then follow the road down
16 paralleling the water pipeline.

17 This is the proposed Toro switchyard site. And
18 as I mentioned earlier, this is the 138kV line we would
19 be tapping into, the existing 230 line. This is the
20 corridor road alignment here, and we are looking to the
21 northeast.

22 The preferred route, it collocates with the
23 water pipeline alignment for the majority of the route.
24 And really the only place it doesn't collocate is when
25 you are actually looking into the Rosemont operations

1 area where the line needs to go to the substation area
2 and the water pipeline terminates elsewhere.
3 Collocation does reduce ground disturbance and minimize
4 the need for new and improved access. And this diagram
5 is similar to what Ed has shown you a couple times.

6 We took four photos from Lopez Pass just to give
7 you some perspective. This is viewing west. So we are
8 actually standing at the approximate location of the
9 pole that would be going over the pass. And the line
10 would generally be coming up through here, through these
11 foothills in through here, and up right near where we
12 are standing.

13 And if you look down, in here is the Helvetia
14 area. The line would actually be coming up through here
15 as well, and then back around this hill we have been
16 talking about for screening and right down here. And
17 you can just barely see Santa Rita Road here.

18 So this gives you a little bit perspective of
19 where I was coming up through the alternative was to
20 come around this hill, but again, it would join up in
21 this vicinity and follow the same path up to Lopez Pass.
22 And in the distance you can see existing mine activity
23 out there.

24 This photo is the same location, but now we just
25 look a little more to the northwest. And really more

1 for anything it is a perspective of the Town of
2 Sahuarita, City of Tucson off in the distance here.

3 Now we are looking to the east. The line
4 actually wouldn't really show up as much in this photo.
5 It is off to the right. But again for perspective, some
6 of the mine operations would be in this vicinity here.
7 Hilton Ranch Road community is off in this area here, at
8 least a portion of it. I think it continues up more
9 toward the north.

10 And now we are looking more to the southeast
11 where the line would be coming down in front of us,
12 around this hill and back around to the side. And,
13 again, Rosemont operations would be in here. And off in
14 the distance you can see a little bit of a road cuts
15 here, so what we think is State Route 83, best we can
16 tell.

17 BY MR. DERSTINE:

18 Q. Ms. Weinstein, the photos that we just looked at
19 were of the conditions, the landscape as it exists
20 today. It is my understanding you prepared a series of
21 slides showing a simulation of what the structures would
22 look like at a couple different viewpoints along the
23 preferred route, is that right?

24 A. BY MS. WEINSTEIN: Yes.

25 Q. Okay. And as part of that, I think I missed it

1 the first time I looked at it, but you have prepared a
2 simulation using two different types of structures, a
3 Corten structure and a steel galvanized structure. So
4 when you are looking at the simulation from each
5 viewpoint, we will be looking at an existing condition
6 slide and then a slide showing a simulation using a
7 Corten pole and then a galvanized steel pole, is that
8 right?

9 A. BY MS. WEINSTEIN: Yes, that's correct.

10 Q. Okay. Please walk us through that.

11 A. BY MS. WEINSTEIN: This last photo, real quick,
12 not simulation related, is similar to what Ed showed you
13 earlier. This is the Rosemont substation siting area in
14 here. And Alternative Route 4 would come up here from
15 the south. Okay.

16 This is the existing condition photo of Santa
17 Rita Road viewing to the southeast. But this is an
18 existing condition assuming the pipeline would be in
19 place here. So there is a little less vegetation in
20 here than what is out there today. But that is what we
21 assume for the purposes of these simulations.

22 So we are looking to the southeast here. And
23 here is the simulation with the Corten structures.
24 Assuming the water pipeline is in place, what you have
25 is the power line here, the pipeline between the power

1 line and this fence line. So this vegetation we would
2 assume would actually remain here along this fence line
3 more than likely. And this is with the galvanized steel
4 structures. And we simulated both of those in part due
5 to feedback from the public and our stakeholder group.

6 CHMN. FOREMAN: Member Richins.

7 MEMBER RICHINS: At what point does it
8 transition to that double circuit?

9 MS. WEINSTEIN: It --

10 MEMBER RICHINS: Pretty close to where you are
11 now?

12 MS. WEINSTEIN: Yeah. Actually it is down -- it
13 is hard, might be difficult to see, but there is a
14 turning structure down here. And it is just past that
15 turning structure that the line starts to head more to
16 the northeast, and that's where the range boundary is,
17 and it then goes to the double circuit.

18 MEMBER RICHINS: Thank you.

19 MS. WEINSTEIN: I am sorry. I can show you on
20 the map here. So we are looking here, and down here at
21 that range boundary is where the double circuit
22 structures start. So you can't actually see it very
23 well in the simulation.

24 MEMBER RICHINS: Thank you.

25 MS. WEINSTEIN: Yes, basically starts at link

1 155.

2 This is the existing condition assuming the
3 planned water pipeline is in place. From simulation
4 point 2 over on the map on the right we are actually
5 over at this point here. We are near an existing single
6 residence on the west side of the Santa Rita Mountains,
7 who happens to have a bit of an elevated view looking
8 down.

9 So what you are seeing in this photo is existing
10 distribution line here, some of this scattered, some
11 residences off in the distance here, and then the
12 planned water pipeline coming up through here.

13 And this photo is with the Corten structures
14 with the distribution line hung on the same structures.
15 And what we would assume, that, if this was not the
16 route, there would still be distribution poles in this
17 corridor for the purposes of the pipeline booster
18 stations.

19 And this is with galvanized steel.

20 Simulation 5, if you look at the map on the
21 right, we are up here, we are up near that development I
22 mentioned earlier, Sahuarita Highlands, near the
23 entrance and near the resident. Santa Rita Road is here
24 in front of us, and we are looking directly south.

25 What you see in this photo is the existing 138

1 line and 230 line that come down and then they turn
2 right about here. And Toro switchyard is off the photo
3 here, off to the right.

4 This is the Corten structures here, and we
5 circled them so you could identify them. But in some
6 places they show better. And when we have vegetation
7 they are screened more or they are back dropped with
8 mountains behind.

9 I would mention some of the photos, too, there
10 are overlapping alternatives, so when we are talking
11 about the preferred route this actually would apply to
12 Alternative Route 1. And the previous couple also apply
13 to several where we have overlapping corridors.

14 BY MR. DERSTINE:

15 Q. I gather that covers the preferred route in the
16 simulation. Can you highlight some of the key
17 characteristics of the alternative routes?

18 A. BY MS. WEINSTEIN: Yes, I can. Alternative
19 Route 1 is very similar to the preferred route, with the
20 one deviation of going around the hill for links 130,
21 135, 95. It, too, is located primarily on the range as
22 well as Rosemont property, with a short portion on
23 Coronado National Forest and on BLM land.

24 And in this photo we are actually at photo point
25 12 over here. We are on BLM land. This is the road

1 that goes to the Imerys mine, and the line would come
2 basically in front of us and then wrap around this hill
3 here.

4 Alternative Route 1 also collocates with the
5 water pipeline alignment with the majority of the route
6 and consolidates with the planned distribution line in
7 the Helvetia area and into the Rosemont substation
8 siting area, but to a lesser degree than the preferred
9 route because of this deviation we have been talking
10 about.

11 It requires new access for links 130, 135 and
12 95, so additional ground disturbance in here. And the
13 majority of the route is supported by the range.

14 Alternative Route 2, now we are going to be
15 paralleling or consolidating with the 46kV line up to
16 Helvetia Road, coming back up to collocate with the
17 pipeline and distribution line similar to the preferred
18 route into the Rosemont substation.

19 It requires improved access along the 46kV line
20 and new access for a portion along link 120. So we are
21 able to parallel the road to a point and then we have a
22 new corridor up to Santa Rita Road there. It partially
23 collocated then with the water pipeline, as I mentioned,
24 and with the proposed distribution line.

25 And this is the photo looking to the northeast

1 along link 120 where we are able to parallel the road
2 but in the distance here would actually be deviating
3 from the road.

4 Alternative Route 3 is very much like
5 Alternative Route 2, with the exception of the same
6 deviation around the hill that we spoke of earlier. It
7 is located primarily on the range and Rosemont land,
8 with a short portion on Coronado National Forest and a
9 little over a mile on BLM land. It too requires
10 improved access along the 46 and new access for links
11 130, 135, 95 here, and a portion of link 120.

12 Alternative Route 4, that is the route that
13 follows the 46kV line and consolidates with that for the
14 majority of its distance up to a point where it then
15 turns north and into the Rosemont substation area. It
16 has about six and a half miles on Coronado National
17 Forest versus the four other routes which have about a
18 half a mile on Coronado.

19 We are at a point here at the range boundary.
20 This is the entrance into the Coronado National Forest.
21 We are on Box Canyon Road here, and you can see the road
22 winding its way through. Difficult to see, but the 46
23 line existing comes up through here.

24 This, as we mentioned, this route consolidates
25 the 46 and 138kV line. It does require improved access,

1 and new access, in particular, in through this portion
2 here. This is similar to the photo you saw earlier, Box
3 Canyon Road with the existing 46 line to the left here.

4 Q. Ms. Weinstein, I understand you have also
5 prepared several simulations of what the facilities
6 would look like along Alternative Route 4 at several
7 viewpoints. And I gather that these simulations are
8 similar to the ones we looked at for the preferred
9 route, that is, you have an existing condition slide and
10 then one with Corten and one with galvanized steel, is
11 that right?

12 A. BY MS. WEINSTEIN: Yes.

13 Q. Okay.

14 A. BY MS. WEINSTEIN: You saw this simulation
15 earlier in Ed's testimony, but I will take you back a
16 step with the existing condition.

17 We are at Box Canyon Road. Right down here in
18 the far bottom right of this map we are at Box Canyon
19 Road looking to the east. This is Forest Road 231.
20 This leads up to an OHV trailhead. This is a simulation
21 with the Corten steel structures. See the structures
22 here and here, and the conductors cross, crossing the
23 road here. And this is with the galvanized steel.

24 This simulation in part that we will show you
25 here applies to Alternatives 2, 3, and 4 to a point, and

1 I will explain that in a moment. But where we are here,
2 we are in this Quail Creek development. We are on a
3 golf course, tried to get as close as we could at this
4 point, and looking back to the southwest.

5 So in the distance here you can see Imerys mine,
6 the Santa Rita Mountains, and it is the Box Canyon area
7 here and the existing 46kV line is out here. In this
8 photo it is Corten double circuit structures. This
9 would be both the 138 and the 46kV line.

10 CHMN. FOREMAN: I am sorry to interrupt you.

11 MS. WEINSTEIN: Sure.

12 CHMN. FOREMAN: You said this was a view toward
13 the southwest?

14 MS. WEINSTEIN: I am sorry, southeast. I
15 apologize.

16 CHMN. FOREMAN: Thank you.

17 MS. WEINSTEIN: And in here you can see the --
18 these are the structures. Actually they go down to the
19 point 2 of the routes, but this particular simulation is
20 four alternate route so it shows them continuing on
21 towards Box Canyon area.

22 CHMN. FOREMAN: Member Walker.

23 MEMBER WALKER: Is this like link 190?

24 MS. WEINSTEIN: We are actually right over here
25 looking towards link 130, and we are seeing actually

1 link 130 and 110.

2 MEMBER WALKER: I think it is link 30, isn't it?

3 MS. WEINSTEIN: 30, I am sorry, 30 and 110.

4 Getting my link numbers mixed up. And we are about a
5 mile, within about a mile of the route.

6 BY MR. DERSTINE:

7 Q. I understand and I have seen that you have a
8 couple slides here that summarize information. Can you
9 walk us through kind of the key considerations that are
10 summarized on these next two slides in these summary
11 tables?

12 CHMN. FOREMAN: I think Member Eberhart had a
13 question.

14 MR. DERSTINE: I apologize.

15 MEMBER EBERHART: Just a quick question. I
16 appreciate the graphics showing both different types of
17 steel poles. In your public meetings was there a
18 definite preference expressed by the public for one or
19 the other? I know TEP has a preference, but was there a
20 preference expressed by the public?

21 MS. WEINSTEIN: I think we probably heard a
22 little of both. I can't say there was a definite
23 preference.

24 MEMBER EBERHART: Thank you.

25 MS. WEINSTEIN: This chart is summarizing the

1 locational characteristics where we consolidate and
2 where we collocate. And I think rather than go through
3 the numbers on the chart, you can certainly refer to
4 those, I would just refer to the map and try to
5 summarize for you what you have been hearing today.

6 From a collocation/consolidation standpoint, the
7 preferred route parallels the water pipeline as well as
8 the distribution line, consolidates with the
9 distribution line into the Rosemont substation. It is
10 the greatest distance of collocation.

11 The Alternative Route 1 is similar, except for
12 this deviation where it does require a new corridor.
13 But again, for the purposes of screening from some of
14 the residences out here, that's why we left that in
15 there.

16 Alternative Route 2 consolidates the 46kV line,
17 comes up Helvetia Road and then also picks up with the
18 pipeline, collocation of the pipeline as well as
19 consolidation with the distribution line into the
20 Rosemont substation.

21 And Alternative Route 3 is similar, except for
22 that same deviation where we need a new corridor and we
23 are unable to consolidate for that portion with the
24 pipeline or with the distribution line.

25 Alternative Route 4 consolidates the 46kV line

1 for the greatest distance, and then heads north
2 partially in a new corridor. Rosemont operations area
3 is probably covered the most -- the route with the most
4 distance in the Rosemont operations area is the
5 Alternative Route 4.

6 To summarize some of the environmental
7 considerations, from a biological standpoint, a key
8 consideration is ground disturbance. So we have the
9 least amount of ground disturbance with the preferred
10 route, and probably the most with Alternative Route 4
11 because of the need for improved access as well as new
12 corridor, and it is the longest route.

13 CHMN. FOREMAN: Member Walker had a question.

14 MEMBER WALKER: Thank you, Mr. Chairman.

15 Ms. Weinstein, looking at the letter from the
16 county attorney's office, on page 2 it says that she has
17 concerns regarding the biological assessments that were
18 conducted for the project; indirect impacts from
19 construction and development of access roads were
20 ignored.

21 Three things. One, it seems to be contradicted
22 by the slide. Two, looking at Exhibit D, Exhibit D in
23 the application, I have looked through it carefully, and
24 under every different type of wildlife and vegetation
25 and under every alternative route, there is a discussion

1 of the requirement or the likelihood of upgrading access
2 roads or ground disturbance. And then in your testimony
3 as well, beginning at page 12 through 14, I find five
4 different references there to the biological impacts of
5 ground disturbance.

6 What is your response to the county attorney's
7 allegation that the indirect impacts from construction
8 and development of access roads were ignored?

9 MS. WEINSTEIN: Our assumption is that the
10 pipeline will be going in regardless of where the power
11 line goes. And so using a route, an alternative that
12 will have an access road already for that purpose offers
13 a collocation opportunity and a reduction in ground
14 disturbance compared to a new corridor.

15 MEMBER WALKER: So it would have a lower impact
16 on biological resources, plants, animals?

17 MS. WEINSTEIN: That's what we anticipate, yes.

18 MEMBER WALKER: It wasn't ignored?

19 MS. WEINSTEIN: No.

20 MEMBER WALKER: Thank you.

21 CHMN. FOREMAN: Member Richins.

22 MEMBER RICHINS: In your slide under cultural
23 resources it says there are two National Register of
24 Historic Places eligible sites potentially affected. In
25 the testimony by the Tohono O'odham Nation -- forgive me

1 if I butchered that -- they say that the preferred
2 alternative has seven cultural resource sites
3 potentially to be disturbed by the power line.

4 So this slide says two, this one says seven.
5 Help me understand the difference between the National
6 Register of Historic Places being disturbed here and the
7 seven cultural resources indicated in this testimony.

8 MS. WEINSTEIN: We did cultural surveys that
9 identified more than two sites along these different
10 routes, but with mitigation and the ability to span
11 sites, we anticipate potentially affecting two sites for
12 each of the routes. So with mitigation we don't
13 anticipate disturbing those sites, that number of sites.

14 MEMBER RICHINS: Can you describe how the
15 remaining two sites will be disturbed?

16 MS. WEINSTEIN: And, actually, we are not
17 certain of one of those yet because there may be the
18 ability to span one with more engineering work done.
19 But if we can't span a site, then there will be, as a
20 part -- we anticipate as a possibility of the Section
21 106 consultation that the Coronado National Forest will
22 be conducting with SHPO, with State Historic
23 Preservation Office, a historic properties treatment
24 plan and that will address the appropriate mitigation
25 for these sites. So we can't tell you exactly what it

1 might be, but it could be data recovery for example,
2 which they would actually go in and excavate, if
3 necessary, that sort of thing.

4 MEMBER RICHINS: So you are saying you are aware
5 of these seven sites and you can mitigate for five of
6 them and you think you might be able to put together a
7 resource plan for the other two?

8 MS. WEINSTEIN: Correct. We anticipate being
9 able to mitigate and avoid impacts to all but possibly
10 two sites.

11 MEMBER RICHINS: Thank you.

12 MS. WEINSTEIN: Sure.

13 CHMN. FOREMAN: Member Haenichen.

14 MEMBER HAENICHEN: Thank you, Mr. Chairman.

15 Ms. Weinstein, from your testimony, it seems to
16 me the experimental range lease covers most of this
17 whole study area. And I am wondering why they -- now,
18 that's just conjecture now. It seems to me from the
19 things you say they are being pretty rigid exactly where
20 they want this to go. Why would they do this when they
21 have so much opportunity to do their experimentation of
22 that whole area?

23 MS. WEINSTEIN: I can just, you know, estimate
24 for you why. I think that they like the idea of the
25 consolidation of facilities on this, an existing

1 disturbance, associated with existing disturbance of the
2 road. They have repeat photography sites that could be
3 affected. And they probably have more of a
4 concentration to the south of that, which is where some
5 of our alternatives tend to fall. They also have other
6 activities that are going on as they mention in link
7 120. So I think this is their preferred choice because
8 it does parallel an existing disturbance with the road.

9 MEMBER HAENICHEN: And you indicated that they
10 preferred the preferred route as designated but could
11 live with route 1 alternate?

12 MS. WEINSTEIN: That's my understanding, yes.

13 MEMBER HAENICHEN: Thank you.

14 CHMN. FOREMAN: Would this be a convenient time
15 to take the afternoon recess for the day?

16 MR. DERSTINE: I think Ms. Weinstein is about
17 pretty much finished with the summary slide. Can we do
18 that and conclude?

19 MS. WEINSTEIN: Pretty close. I can summarize
20 quickly visual resources. What we took into
21 consideration here are effects to viewers. And we
22 looked at residential viewers, travel route viewers, and
23 recreation viewers.

24 And what we have, just for comparison for you,
25 with the routes that are along Santa Rita Road, for

1 example, we have, we do have some residences up in this
2 area here with some potential views as we saw in the
3 simulation. And of course, down in through here with
4 both the preferred route, Alternative 1, 2, and 3, we do
5 have some residential viewers in this area here. Scenic
6 route would just, would be Santa Rita Road, for example,
7 or Box Canyon Road. So for Alternative Route 4 we do
8 have a few residences down in this area here, and of
9 course what views we have from Quail Creek development
10 in through here. So those are some of the
11 considerations we took into account for visual
12 resources.

13 Just to summarize the public involvement
14 activities, Ed touched on a lot of these, but we do have
15 meetings --

16 MR. DERSTINE: I think he wanted me to stop.

17 MS. WEINSTEIN: I thought --

18 CHMN. FOREMAN: We can finish that up later. We
19 are getting late in the afternoon and we want to take a
20 break before we have the public meeting.

21 For those members of the public who are present,
22 please understand that it is not appropriate to talk
23 with members of the Committee about the merits of the
24 application during breaks and recesses. So we are happy
25 to discuss the weather, but it is not appropriate to

1 talk about the merits of what we are doing. And that's
2 for -- we don't talk to any of the parties about the
3 merits during the breaks, and it is also, for obvious
4 reasons, against the law. So we will take a break until
5 6:00 p.m. for the public comment session. We will
6 return again tomorrow at 9:00 a.m. for a resumption of
7 the testimony. The agenda that was previously posted
8 noticed in the alternative for tomorrow 8:00 if we were
9 going on the tour, 9:00 a.m. here if we were not going
10 on the tour. So we are not going to go on the tour. We
11 are going to resume the testimony at 9:00 with our
12 panel. We will hopefully get that concluded and get
13 into cross-examination.

14 We will, as I said, have the public comment
15 session beginning at 6:00 p.m. back in this room this
16 evening.

17 We are in recess.

18 (A recess ensued from 5:13 p.m. to 6:00 p.m.)

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1 (The Public Comments session convened at 6:00
2 p.m., with Chairman Foreman presiding and Members David
3 Eberhart, Bret Parke, Jack Haenichen, Paul Walker, Mike
4 Palmer, Patricia Noland, Michael J. Lacey, F. Ann
5 Rodriguez, Jeff McGuire, and David Richins in
6 attendance, reported by Gary W. Hill, Certified
7 Reporter.)

8
9 CHMN. FOREMAN: My name is John Foreman. I'm
10 the Chairman of the Arizona Power Plant and Transmission
11 Line Siting Committee. We have an application before us
12 filed by Tucson Electric Power to build a 138 kilovolt
13 transmission line from a new proposed Toro switchyard to
14 a proposed Rosemont copper mine.

15 We have been hearing testimony on that
16 proceeding during the day, and I scheduled a public
17 comments session for this evening for anyone who was not
18 able to attend earlier in the day or who would like to
19 comment about the proceedings.

20 Let me explain a few things about public
21 comment. Public comment is not evidence in this
22 proceeding, and the Committee will make its decision on
23 evidence. That's what comes from witnesses who are
24 sworn and under oath and who are subject to
25 cross-examination and whose testimony is taken down by

1 the court reporter that we have before us.

2 The public comments that are made can help
3 inform the Committee, however, and can form the basis
4 for the Committee deciding that it would like to ask a
5 question of a witness and perhaps get something into the
6 record that could be relied upon by the Committee to
7 make its decision.

8 All of the public comment will be taken down.
9 All of it will be a part of a larger record that will be
10 reviewed by the Arizona Corporation Commission along
11 with the evidentiary record upon which the Committee
12 makes its decision, and the document, whether it's a
13 Certificate of Environmental Compatibility or a denial
14 of that certificate, that ultimately results from this
15 Committee meeting.

16 Before the Committee meeting today, I have had
17 the chance to talk with interested parties about this
18 application; and several folks, including some who have
19 intervened as parties in this matter, have indicated an
20 interest in talking about the environmental impact of
21 the Rosemont copper mine. This Committee does not have
22 the jurisdiction -- that means it doesn't have the
23 power -- to consider whether the mine is a good or bad
24 idea on balance.

25 And so the Committee is not going to be

1 considering evidence that relates to the desirability or
2 undesirability of the copper mine.

3 Those of you who want to comment about the
4 desirability or undesirability of the copper mine have
5 other forums in which you may make your comments, but
6 this is not a place where it's going to be helpful for
7 you to get in to talk about the desirability or
8 undesirability, whether you favor or don't favor the
9 copper mine.

10 Now, we have a microphone up here, and for those
11 of you who are interested in making public comment, I'm
12 going to ask you to come up. There are two folks who
13 have signed so far. If there's anybody else that would
14 like to make public comment, we would like for you to
15 come up, write your name down, put your address. If you
16 want to put contact information down, that's fine. And
17 then make your presentation.

18 We'll ask that the presentation be brief, that
19 you tell us your interest in this, and then comment
20 about the building of the transmission line.

21 So is there anyone who would like to make a
22 public comment? We had two names signed up up there.
23 Are either of those gentlemen present?

24 Tell us first your name for the record and spell
25 your last name for the court reporter.

1 MR. PURDON: Thomas or Tom Purdon, P-U-R-D-O-N.

2 CHMN. FOREMAN: Okay.

3 MR. PURDON: Well, good evening, Mr. Chairman,
4 and Committee members. As I just said, my name is Tom
5 Purdon. I live in Green Valley just off Whitehouse
6 Canyon Road near the Santa Rita Experimental Range. We
7 moved there ten years ago from Tucson because of the
8 beautiful area and the opportunities for outdoor
9 recreation. I am active with a 501(c)(3) group, the
10 Friends of Madera Canyon, that will celebrate our 25th
11 anniversary this next year. We are a volunteer
12 organization that's very active in promoting education
13 and conservation to the public and to school children
14 and assisting the Forest Service in the canyon.

15 Over the years we have provided over one million
16 dollars worth of improvements and donated thousands of
17 hours of volunteer time to the Coronado National Forest.
18 This entire area is a major part of the unique Sky
19 Island ecology of the Santa Rita Mountains. It is very
20 important to tourism in southern Arizona. People from
21 all over the world come to this area for birding,
22 hiking, and other outdoor activities, and I might add
23 the famous Smithsonian, Harvard, and U of A Mt. Hopkins
24 Observatory nearby.

25 The Santa Rita Experimental Range is an

1 important ecological part of the attraction of this
2 area. It provides habitat for several species of rare
3 birds, countless varieties of plants and insects, as
4 well as numerous mammals.

5 With over a hundred years of continuous research
6 on this rangeland, grasses, and vegetation, no other
7 area in the world has accumulated this type and amount
8 of research on the interaction of rangeland, cattle,
9 grasses and wildlife.

10 We are obviously concerned about the effects
11 that the proposed power lines would have on the
12 important part of the Santa Rita Mountains and the
13 potential for negative effects on tourism, as well as
14 the property values in the area, and, of course, our own
15 viewsheds. Many of us in fact have wondered why this
16 project has not been connected with the total NEPA
17 process, for the mine is a connected action. It is
18 obvious the transmission line would only serve the
19 Rosemont mine.

20 I would submit to you that approving this site
21 and project is premature at this time. With due respect
22 to the Rosemont developers from British Columbia, the
23 history of obtaining all needed approvals in order to
24 operate an open pit of this nature averages eight to
25 nine years, and sometimes it takes up to 15 years. It's

1 not going to happen any time soon, and most of us in
2 Green Valley hope that it will never happen for many
3 reasons in addition to those that I have stated thus
4 far.

5 If the Committee deems it necessary to approve
6 the site plan now, I would urge you to issue a
7 stipulation to TEP that no construction of any kind will
8 start unless and until Rosemont Augusta has all the
9 permits in place, is free from any litigation or
10 encumbrances. To do otherwise would allow unnecessary
11 destruction of habitat as well as Native American
12 cultural sites.

13 Thank you for allowing me to speak this evening.
14 Any questions?

15 CHMN. FOREMAN: Thank you for coming and
16 commenting.

17 MR. PURDON: Thank you, sir.

18 CHMN. FOREMAN: All right. We had someone else
19 who wanted to make public comment. And you signed in?

20 MR. HUMPHREY: Yes. My name is Richard
21 Humphrey. Last name is spelled H-U-M-P-H-R-E-Y. I am
22 the first private landowner in the Helvetia area when
23 that land became available 45 years ago. There was
24 900 acres in there that was involved in a trade.

25 I want to clarify something about Rosemont.

1 They have only bought out one resident that actually had
2 moved. The only land they bought in there has actually
3 been vacant.

4 I have a cabin down there, and I will see the
5 line. There's no way I will not see the line. I would
6 prefer they use Alternate 4 and stay in the Experimental
7 Range. My experience with the Experimental Range is not
8 good. I've had State Land people down there, showed
9 them where people have built on State land. They have a
10 tank. They have a fence. They have a building. And
11 this is 13 years ago, and they've never done anything
12 about it. So talking about them not wanting to do it on
13 Alternate 4, I wouldn't take them with a grain of salt.

14 The least I would like is for them to go around
15 that hill, like Alternate 1, and that way we would not
16 be seeing it as much. Also, when you go over Lopez
17 Pass, I hope all the construction to build that water
18 line and the power line will be, you know, taken back to
19 nature or at least rough it up so it's not a permanent
20 disturbance, which nature will take it back. Plants
21 will grow on it, but to actually leave another road in
22 there would just be more access.

23 Thank you, Chairman and Board, for listening to
24 me. Thank you.

25 CHMN. FOREMAN: Thank you for coming and

1 commenting.

2 All right. Is there anybody else who wanted to
3 make public comment tonight? Sir, have you signed in,
4 left your name?

5 MR. HUGHES: Yes, I have.

6 CHMN. FOREMAN: Okay. Tell us who you are and
7 what your interest is.

8 MR. HUGHES: Good evening, Mr. Chairman, Council
9 Members. My name is Peter Hughes. I live at 3502 North
10 Palmer Drive in Tucson.

11 CHMN. FOREMAN: Would you spell your last name
12 for the court reporter.

13 MR. HUGHES: H-U-G-H-E-S. And I am a guide and
14 tour operator in southern Arizona and the Four Corners
15 region. I was with operations worldwide with my
16 company. I just wanted to point out a couple of things,
17 and hopefully the majority of you know about the
18 National Geographic Tourism Charter, and the State of
19 Arizona is a signatory of the National Geographic
20 Tourism Charter. And I quote the Arizona Office of
21 Tourism's website: "Arizona's storied landscape and
22 timeless discoveries are a treasure for intrepid
23 travelers. From Native American ruins to fossils
24 225 million years old, this is a destination that
25 preserves its heritage while carving a unique niche in

1 the present. As an official signatory of the National
2 Geographic Tourism Charter, Arizona Office of Tourism
3 has now compiled these geotourism treasures from across
4 the state into one comprehensive guide, Arizona Origins.
5 It is a celebration of Arizona's culture, nature,
6 history and heritage. Arizona and Sonora, Mexico, in
7 collaboration with National Geographic, have also
8 published a map highlighting the Arizona-Sonoran Desert
9 region, and featuring more than 80 Arizona sites that
10 demonstrate the principles of geotourism, which is
11 tourism that sustains or enhances the geographical
12 character of a place, its environment, its culture, its
13 aesthetics, heritage and the well-being of its
14 residents.

15 National Geographic Foundation, I hope all of
16 you are aware of the organization in the room. The
17 definition of geotourism as defined by National
18 Geographic --

19 CHMN. FOREMAN: Sir, do you have a position on
20 whether or not the transmission line should be built?

21 MR. HUGHES: I am personally against the
22 transmission line for --

23 CHMN. FOREMAN: Okay.

24 MR. HUGHES: -- for the previously stated
25 reasons, as far as the impact to cultural,

1 environmental, historic spaces and places where it will
2 pass.

3 The definition of geotourism: According to
4 National Geographic, geotourism sustains or enhances the
5 geographical character of a place, its environment,
6 culture, aesthetics, heritage, and the well-being of its
7 residents.

8 Geotravelers, then, are people who like that
9 idea, who enjoy an authentic sense of place, and care
10 about maintaining it. They find that relaxing and
11 having fun gets better. It provides a richer experience
12 when they get involved in the place and learn about what
13 goes on there.

14 Geotravelers soak up local culture, hire local
15 guides, buy local foods, protect the environment, and
16 take pride in discovering and observing local customs.
17 Travel spending choices can help or hurt, so
18 geotravelers patronize establishments that care about
19 conservation, preservation, beautification, and benefits
20 to all people.

21 In the Forest Service documents, it says the
22 mine would result in the direct loss or conversion of
23 approximately 6,400 acres. They go on to say it may
24 impact up to 145,190 acres.

25 One question I had this evening is, is the area

1 of the power line, is that acreage considered in the
2 Forest Service DEIS?

3 CHMN. FOREMAN: Is there anything else you
4 wanted to tell us, sir?

5 MR. HUGHES: Just an answer to the question.

6 CHMN. FOREMAN: This is not question time. It's
7 comment time. If you have --

8 MR. HUGHES: Okay, thank you. Thank you.

9 CHMN. FOREMAN: Any comment?

10 MR. HUGHES: One other fact. The Arizona Game
11 and Fish Department clearly stated that even with all
12 proposed mitigation measures, the Rosemont Project would
13 result in significant adverse impacts to wildlife,
14 habitat and recreation. The Department predicts the
15 mine would leave the northern Santa Rita Mountains
16 virtually worthless as a functioning ecosystem.

17 So I've worked as a nature and culture guide
18 since the 1980s in the Southwest, Mexico and Central
19 America, and I've seen firsthand the negative impact
20 that environmental degradation, visual, on the ground,
21 mining or otherwise, okay, has on local and regional
22 economies, which are sometimes only partially based on
23 geotourism or ecotourism.

24 So I guess my closing comment would be, for
25 everyone who recreates, relaxes, and realizes the

1 environmentally unique and incredibly beautiful
2 biodiversity hot spot of the northern Sonoran and
3 Chihuahua Desert region or anyplace else outdoors, the
4 natural state of the Santa Rita Mountains should be
5 respected now and protected for generations to come.
6 Thank you very much.

7 CHMN. FOREMAN: Thank you, sir, for coming and
8 commenting.

9 Is there anyone else who has a public comment
10 they would like to make?

11 Going once -- oh, I'm sorry, ma'am. If you
12 would, please, step over here. As I indicated earlier,
13 there is a tablet. We would ask for you to write your
14 name and your address, contact information if you would
15 like to share that. And then, for the record, tell us
16 your name, spell your last name for the court reporter,
17 and then provide us with your public comment.

18 MS. DURHAM: My name is Ginny Durham. You
19 wanted the address, too?

20 CHMN. FOREMAN: Just spell your last name for
21 the court reporter.

22 MS. DURHAM: D-U-R-H-A-M. I am opposed to the
23 proposed power line because I think it would -- for one
24 thing, it would be an ugly eyesore. We live near two
25 power lines. They're the ones that head east, and

1 it's -- I don't enjoy them. They're there. Once
2 they're there, you can't really do anything about them.

3 I think it disrupts the wildlife and the
4 animals. When it rains, you can almost feel the power
5 underneath them. It's just not -- it's not a good
6 thing.

7 I think we should have better -- like the
8 jaguars and other endangered animals, I don't think
9 they've really done enough studies on how it's going to
10 affect the animals with the power lines, and I guess
11 that's my opinion.

12 CHMN. FOREMAN: Thank you.

13 MS. DURHAM: Thank you.

14 CHMN. FOREMAN: Thank you, ma'am, for coming and
15 commenting.

16 Is there anyone else who has a public comment?
17 If you would, sir, just write your name and your address
18 down there.

19 Tell us your name, sir, and then spell your last
20 name for the court reporter.

21 MR. JOAQUIN: My name is Joseph Joaquin, spelled
22 J-O-A-Q-U-I-N.

23 CHMN. FOREMAN: What would you like to tell us,
24 sir?

25 MR. JOAQUIN: Well, I'm just here this evening

1 to talk a little bit about the area, what I know about
2 the area. I'm a member of the Tohono O'odham Nation, by
3 the way, and this land you're sitting on is our
4 ancestral lands, starting from Mexico, all the way down
5 to Yuma, along the San Pedro River, all the way down to
6 what they call now the Gulf of California or the Sea of
7 Cortez, all the way into Mexico, as far as the river,
8 Sonora. That's our ancestral lands.

9 When the United States gave us some money for
10 the lands, they took, the United States, what is now the
11 United States, this area here which I talked about.
12 It's the land claim settlement area. Anything that
13 happens within that area is a concern to us because we
14 still have a say in what we have to say about the area.

15 Now, the area you people are talking about, that
16 is part of our ancestral lands. You know, long before
17 the people came ashore here in what is now called
18 America and advanced west and got here, we, the Native
19 peoples, the Tohono O'odham people were here. Those are
20 our areas that we used. Plants there are no longer
21 there, even like today. What's going to happen when you
22 start building all these things?

23 I think before we had opposed a line going down
24 to Nogales, and we had to come to these same things that
25 we're doing today, and we made a statement then. We

1 opposed this whole thing, because we look at land
2 different. This is our home. Mother Earth is our home.
3 All these things you see out there. The mountains, the
4 trees are the walls of our castles. The sky was our
5 ceiling. The sun and the moon and everything else that
6 came along, we preserved all that, protected all that,
7 because that's the way we were taught to do from the
8 beginning.

9 And so I say to you people here today that we
10 don't like what's going on. You've heard other people
11 say that. It destroys everything that was put there by
12 the Creator. There's a reason for all these things that
13 are being put there, for us that was here, that survived
14 through all these things, and we don't like to see
15 things destroyed the way it's going to happen.

16 I mean I know we live in two different worlds,
17 but our world comes first because we believe in what the
18 Creator created for us to survive on. We are still
19 doing today with what is left of all this land that once
20 we were able to roam. I'm not saying that I own the
21 land. The land doesn't belong to me. We belong to the
22 land, and this is why we want to protect it. And I just
23 wanted to share that with you. Okay? Thank you for
24 listening.

25 CHMN. FOREMAN: Thank you for coming and

1 commenting, sir.

2 Is there anyone else who wishes to make a public
3 comment?

4 All right. Well, very good. Thank you, folks,
5 for coming. Thank you for commenting. The hearing will
6 continue tomorrow. I anticipate it will continue on
7 Wednesday. How far it goes beyond Wednesday, I am not
8 able to project. But we will be making our decision
9 here in this room, and we will be generating a written
10 opinion that will be filed and on record with something
11 called Docket Control at the Arizona Corporation
12 Commission, if you're interested in finding out what
13 we've done and were not able to stick around until the
14 end of the hearing.

15 Thank you, all, for coming. We are adjourned
16 until tomorrow at 9:00 a.m.

17 (The proceedings recessed at 6:25 p.m.)

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1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)
4
5
6

7 We, COLETTE E. ROSS and GARY W. HILL,
8 Certified Reporters Nos. 50658 and 50812 for the State
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10 pages constitute a full, true and accurate transcript of
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