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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee at the DoubleTree Inn Hotel, 455 South Alvernon
5 Way, Tucson, Arizona, commencing at 9:19 a.m. on the 13th
6 day of June, 2018.

7

8 BEFORE:

9 THOMAS K. CHENAL, Chairman

10 LAURIE WOODALL, Arizona Corporation Commission
11 LEONARD DRAGO, Department of Environmental Quality
12 JOHN RIGGINS, Arizona Department of Water Resources
13 MARY HAMWAY, Cities and Towns
14 JAMES PALMER, Agriculture
15 PATRICIA NOLAND, Public Member
16 JACK HAENICHEN, Public Member

17

18 APPEARANCES:

19 For the Applicant:

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25 and

26 TUCSON ELECTRIC POWER COMPANY
27 Ms. Megan J. DeCorse
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29 MS HQE910
30 Tucson, Arizona 85702

31

32

1 CHMN. CHENAL: Good morning, everybody. All
2 right. This is the time set for continuation of the TEP
3 hearing.

4 We're going to start the tour, but let me
5 just -- a couple ground rules for the tour.

6 The Committee will be on the bus, of course, the
7 applicant and representatives, the court reporter will
8 be. And I understand there may be some other people who
9 may want to attend.

10 We, as a Committee, cannot talk about the case
11 while we're en route. And I'm going to admonish people
12 not to talk about the case en route because the whole
13 purpose of having this hearing is to create a record for
14 the Corporation Commission to review the CEC that we may
15 elect to issue. And the reason we don't allow for
16 sidebar conversations with Committee Members is it kind
17 of taints the process. Certain Committee Members then
18 get information that may influence their decision that
19 others don't have access to. And the perfect storm is
20 when we're on a bus and you're sitting next to somebody
21 and you start talking about the substance of the case and
22 no one else can hear it and it's not on the record, so
23 it's the worst possible situation. So talk about the
24 weather, talk about the beauty of Tucson, but not about
25 the power lines in this case, please.

1 Now, when we come to the stops, Mr. Beck, I
2 assume, will provide some commentary of where we are,
3 which will all be taken down by the court reporter.

4 And because of the heat at this time of year,
5 where normally we might disembark from the bus and the
6 court reporter would set up and take the testimony, the
7 court reporter will be up at the front of the bus with
8 Mr. Beck, and she will take down what Mr. Beck says. So
9 the comments will be rather limited, what we're looking
10 at, why it's relevant to the case.

11 And I'm going to ask for the people to hold the
12 questions. The Committee Members may have a few
13 questions and, you know, we tolerate a few questions, but
14 it's a little bit difficult to have court reporting in
15 the field. So that's just a reminder to everyone --
16 we've done this before -- just to hold the discussion to
17 a minimum. But when we come back, we will open it up and
18 provide all the opportunity necessary to flesh out
19 questions and explanations and get all that in more
20 detail. So there will be plenty of opportunity for it,
21 so if you need, just take your notes. But with that --
22 one moment.

23 All right. So let's adjourn -- not adjourn, but
24 let's move to the bus, and we will start the tour.

25 (TIME NOTED: 9:22 a.m.)

1 (All Committee Members present for the hearing
2 and the applicant proceeded to the bus to begin the
3 tour.)

4

5 STOP 1

6 (TIME NOTED: 9:38 a.m.)

7 CHMN. CHENAL: We're on the bus, and, Mr. Beck,
8 I think you have a few comments on where we are and what
9 we're looking at.

10 MR. BECK: Yes. So this is the corner right
11 here of the Irvington Campus. When we sited our project,
12 we brought the line right to that corner, and that will
13 be the starting point. That starts west along here at
14 Irvington Road.

15 We're going to stop again when we get across the
16 tracks so you can see it, but there's not a lot to see.
17 This is the common portion of the route. It applies to
18 Routes A, B, and C.

19 When we stop along the route, you'll see it's
20 industrial and commercial. And we'll be on the south
21 side of Irvington with the structures.

22 Because there's really nothing different from
23 this side of the track to the other side, we won't pull
24 off the first stop. As we go along, we'll go to the
25 Shell Station that's at the corner of Irvington and Palo

1 Verde. But if you observe to the left side of the bus,
2 the south side of the road, that's where the project is
3 proposed to be for this stretch of the route.

4 (TIME NOTED: 9:40 a.m.)

5 (The Committee and applicant proceeded to Stop
6 2.)

7

8 STOP 2

9 (TIME NOTED: 9:44 a.m.)

10 MR. BECK: Again, we're at the corner of
11 Irvington and Palo Verde. This is where the routes all
12 diverge. So Route A would be on the south side, coming
13 across the freeway, going under the underpass, continuing
14 on Irvington, which is where we'll go next.

15 Route B crosses over pretty much straight ahead
16 of us, diagonal across the intersection, and then runs
17 along the freeway, which we'll see at the end. That will
18 be Route B.

19 Route C turns north and goes along Palo Verde
20 here along the east side of the road.

21 So this is the point where all three routes do
22 diverge.

23 (TIME NOTED: 9:45 a.m.)

24 (The Committee and applicant proceeded to Stop
25 3.)

1 STOP 3

2 (TIME NOTED: 9:49 a.m.)

3 MR. BECK: So we had originally planned to get
4 off the bus here. I'm not sure there's much value in
5 that, and the Chairman tended to agree. So unless
6 someone specifically wants to get off the bus ...

7 We're along the alignment that the line would
8 be. It's going to be on this side of the road. This is
9 Benson Highway right here. So the line would be just to
10 our right running along the road here.

11 CHMN. CHENAL: On this side of it?

12 MR. BECK: This side of Benson Highway.

13 MEMBER HAENICHEN: This is stop 3?

14 MR. BECK: Yes.

15 So once we leave here, we'll be heading back
16 down Benson Highway, and we'll go up to Park Avenue,
17 where we'll stop again. That's the turn where we would
18 head north. That's probably more of interest as a result
19 of discussion yesterday.

20 Mr. Chairman, is it all right if one of the
21 audience asks a question?

22 Oh, you just can't hear?

23 So as we go down Benson Highway, you'll see
24 Sierra Court will be on the right, and I'll make a
25 comment as we go by it. That's the one area that was

1 brought up yesterday.

2 Again, we'll be on the opposite side of the road
3 from that Sierra Court just so everyone is aware of that.
4 We did have some discussion with that group that if we
5 work with them on pole placement, it may not be as much
6 of an issue as they raised.

7 Their view will be on the Tucson Mountains and
8 the sunsets, which I didn't think about yesterday, and
9 that would be kind of diagonal relative to Benson
10 Highway.

11 I'll just point out two things. One is Kino
12 Boulevard, which turns right here, is kind of the central
13 access to the city from the airport. Therefore, you see
14 some nice rock work they did here. And the Kino Sports
15 Park is going to expand here to the highway. So it will
16 be just to the right of the bus, basically.

17 So to the right here is the Sierra Court, one
18 public commenter yesterday. Again, our line would be on
19 the south side of the road, opposite side of the roads.
20 And we'll work with any of the property owners relative
21 to the actual pole locations to the extent we can for
22 pole placement.

23 MEMBER WOODALL: Mr. Beck, where,
24 approximately -- could you point out some of the features
25 that would be where the line would be? Are they going to

1 be behind this row of parked cars, for example?

2 MR. BECK: They would be right at the edge of
3 the right-of-way. We would be using our franchise
4 right-of-way. So just wherever the edge is, it would be
5 to the right of that.

6 MEMBER WOODALL: So the parked cars we see would
7 be in the right-of-way?

8 MR. BECK: That's my take on it.

9 MEMBER WOODALL: Thank you.

10 (TIME NOTED: 9:57 a.m.)

11 (The Committee and applicant proceeded to Stop
12 4.)

13

14 STOP 4

15 (TIME NOTED: 10:00 a.m.)

16 MR. BECK: So if you have your map, this is stop
17 4. This is the corner of Benson Highway and Park Avenue.
18 What we have proposed in our application would be that we
19 would be going north on Park but on the east side of the
20 road. It was brought up yesterday, we should be on the
21 west side.

22 Up to the Interstate, it would be much better
23 for us to be on the east side. You'll see it's all
24 commercial. I don't think that's as much of an issue.

25 As we cross the freeway, that's where we could

1 potentially be on either the east or west side of Park
2 Avenue. As we cross under the underpass, you're going to
3 see the big open piece of land that is part of Bridges
4 commercial development that we mentioned.

5 And then further to the north, you'll see some
6 older houses in there. I believe you'll see one or two
7 that might be boarded up that goes to the corner of 36th
8 Street.

9 When we turn the corner at 36th, we'll be going
10 along the Bridges property. Again, we propose to be on
11 the south side of the road there. It was brought up that
12 they would like us on the north side.

13 (TIME NOTED: 10:01 a.m.)

14 (The Committee and applicant proceeded to Stop
15 5.)

16

17 STOP 5

18 (TIME NOTED: 10:01 a.m.)

19 MR. BECK: You'll see there, if we were to go on
20 the north side, we'd be putting poles in people's front
21 yards behind their walls. You'll see where our existing
22 distribution is. Plus, we would have to remove all the
23 distribution that's along the north side of the road. So
24 it would be very costly. And it's not absolutely doable,
25 but would be a very high cost, and we don't have an

1 estimate of that cost is today for you.

2 But, again, you know, we're accommodating growth
3 at the Bridges. The Bridges know they need the
4 facilities. I think some acceptance of poles might be a
5 trade-off, but, of course, that is the Committee's
6 decision.

7 Just after we go out and turn the corner here,
8 we're going to go under the Interstate. Of course that's
9 a crossing we'll have to go over, so this is where our
10 poles will be taller. We'll reach some of our taller
11 heights just for clearance purposes.

12 And I may make -- just point out something along
13 the way. But other than that, we'll go on to our next
14 stop unless there's questions.

15 I'll just quickly comment, this gas station is
16 closed. It's been closed eight months. Additionally,
17 this gas station is closed and has been closed for a
18 number of years. So it's a pretty depressed area.

19 Just to point out, this gas station was half
20 McDonald's previously. They've built the new McDonald's
21 here on the Bridges property, so, obviously, one reason
22 that one closed up even though it's right at the exit.
23 This other one is just a little north.

24 If you do look to the right along the freeway
25 frontage, this is the newest development along the

1 Bridges property. That's where the Walmart, the Costco
2 and other businesses are. And this was the point of the
3 outages, the McDonald's and then the ice cream store.

4 And I will point out that if we do go on the
5 west side of Park here, we do have some distribution that
6 we'll have to do something, either underbuild or
7 underground.

8 MEMBER HAENICHEN: What voltage is that?

9 MR. BECK: I believe it's 13.8.

10 So here's the little bit of residential that
11 exists, but you can see it's set back from the road. I'm
12 not sure if the City brought maybe the frontage lots
13 along here.

14 This corner to the right is the Bridges
15 property. We propose to be on the south side of the
16 road, but if you look to the road, that's where our 46kV
17 exists today. And I'm not quite sure how that was
18 accomplished, but we may have a private easement. I
19 don't know. It's either that or they encroached into the
20 road right-of-way with their development.

21 So the one residential piece is the stretch on
22 the south side. That's the proposed by the Bridges, I
23 think the new -- well, the Bourn Property Group runs up
24 to this road. This is the Martin Luther King Way. And
25 if you didn't notice, there was one of our notice signs

1 right there.

2 So off to the right would be the residential,
3 the Bourn properties. To the left is the U of A Tech
4 Park research area.

5 MEMBER HAMWAY: One of the existing 46 are
6 coming down; correct?

7 MR. BECK: Correct. We'll have to have it in
8 the air in some fashion, whether it's attached to the new
9 build or --

10 MEMBER HAMWAY: So some of the poles will be
11 attached to the new ones?

12 MR. BECK: That's a possibility, yes.

13 So across the street and just to the right on
14 the corner is the library over there, right at the
15 intersection on the north side of the road. And then
16 there's a recreation center and pool.

17 So, to Member Noland's comments, I believe
18 that's all County land in there. They're County
19 complexes.

20 On this side of the road, again, this is the
21 U of A Tech Park piece to our right. In a conversation
22 late yesterday, the big concern -- you'll see at the
23 corner, they put a nice marquee sign to announce the
24 Bridges complex, and they expect that on that corner to
25 be their best building, their draw to the area.

1 So to the extent we could have poles span away
2 from that, that was their wish. And Mr. Wright indicated
3 if we could do that and not be near that corner, it's
4 something that they could live with. And they'd prefer
5 us on the other side of the road, but they could live
6 with it.

7 From here, we'll head over to where the
8 substation site is for Kino, and that will be the end for
9 Alternative A.

10 Just note to the right is the marquee sign that
11 they talked about. And then the intent would be not
12 quite as fancy, but a similar sign announcing the corner
13 park and probably have our substation name on it, but it
14 would be on the opposite corner, similar to the look of
15 this from a landscape concept.

16 Just point out that in our application, there is
17 a diagram of what that signage and what that park looks
18 like.

19 (TIME NOTED: 10:08 a.m.)

20 (The Committee and applicant proceeded to Stop
21 6.)

22

23 STOP 6

24 (TIME NOTED: 10:10 a.m.)

25 MR. BECK: So the substation site was from the

1 corner in this direction.

2 MS. DARLING: To the edge of the wash?

3 MR. BECK: Yeah. And it comes up to the edge of
4 this wash right here, which --

5 MS. DARLING: It's back there a little ways?

6 MR. BECK: Back just behind us. So from the
7 edge of the wash back to Kino is where the substation
8 would sit.

9 So from here, we're going to head back -- we're
10 going to head on Route -- it's common to B and C. And
11 we'll head down Campbell, which is right here, would be
12 on the west side of Campbell with both B and C. And
13 we'll have to get off the route for just a little bit to
14 get back onto Ajo. And at that point, then, we would be
15 going on Route C.

16 I will point out that the school that's been
17 talked a lot about is right to our right across the
18 intersection here, and this is the parking lot.

19 So on this route, both B and C will be on the
20 west side of Campbell or to the right of the park. And
21 this is the park. We're traveling along what will be the
22 edge of the park.

23 MS. DARLING: It goes up to -- yeah. This is
24 the end right here.

25 MR. BECK: So the park would end just about in

1 here where this wash comes across.

2 MS. DARLING: This is another commercial
3 development.

4 MR. BECK: You'll notice that this is all
5 commercial. From here on, it's commercial.

6 MS. DARLING: And residential on that side.

7 MR. BECK: And what existing residential you can
8 see, again, on the left side of the bus, there's a little
9 bit of residential here, but it's a pretty wide road
10 through here.

11 Again, this is the Bridges complex. Just in
12 front of us, you'll see another sign here. Just to the
13 right of this road is where I believe they intended to
14 have a hotel. And then to the north of that is all of
15 their research and classrooms for the U of A.

16 And then off to the south side of that, this
17 road -- you can't quite see it, but the Costco is over
18 here behind this little hill. Far left.

19 So, just for clarity, we are off of the
20 alignments right here because we had to get around
21 because of a one-way street issue. So there's a short
22 little piece of Campbell that we didn't travel on, but
23 you'll see it, I think, on the return route. So there's
24 a short stretch that we didn't travel adjacent to right
25 where we're at just on the other side of these buildings.

1 (TIME NOTED: 10:15 a.m.)

2 MR. BECK: So this is a stop not marked on the
3 map, just so we make sure that we can get notes. And
4 this is the -- kind of the end of Campbell that -- where
5 the line would be going north, both Routes B and C. This
6 is where we're coming around along the outside of the
7 ramp for Kino Boulevard.

8 So whether we're coming along the route along
9 the freeway or the route that comes on Ajo, they become
10 common right here at the intersection of Ajo and the
11 off-ramp. And they would be -- the line would be on the
12 other side of the road here but working along that curb.
13 So we'd have multiple angle structures in there.

14 To get to basically this road alignment here and
15 then join up with Campbell, which isn't a through road
16 right here -- that's why we didn't drive that last little
17 piece.

18 MS. CAÑEZ-ANDERSON: What are the logistics? I
19 have issues for building on a curve. I'm just curious.

20 CHMN. CHENAL: Who's asking the question? Let's
21 hold those questions other than the Committee Members
22 until we get back. It's just too hard for the court
23 reporter to take this in the field. So hold that
24 thought, and we'll give you the opportunity when we get
25 back.

1 MR. BECK: Did you hear that? Hold any
2 questions other than from Committee Members until we get
3 back to the hearing so she can get it on the notes.

4 Off to the left is the juvenile court complex.
5 Again, Member Noland brought up the fact that this is
6 County-controlled property, even though it showed up as
7 residential zoning. So you can see what their complex
8 looks like. It's a rather large facility. It's been
9 here for a number of years and likely will continue for a
10 number of years.

11 So if you do look to the left, we would be on
12 the north side of Ajo. There obviously is one tree we
13 would have to trim down there, but, otherwise, this lower
14 brush that you're seeing wouldn't really require any --
15 would not require any clearing and probably not even any
16 trimming. So the north would be to your left if you're
17 looking that direction.

18 Now, you'll notice as we're driving along, if
19 you look ahead, there's a pedestrian overpass. It's
20 related to the Pima County Sports Complex to get from
21 parking to their fields. We're going to have to go very
22 high to get over that. That's another clearance issue
23 that we'll have.

24 There are two petroleum pipelines on Ajo.
25 Member Woodall mentioned yesterday, that would be

1 applicable if it was B and C. So I was talking about A,
2 that it would not be applicable.

3 MS. DARLING: Only applicable to B.

4 MR. BECK: This is the Pima County Sports
5 Complex through here, and then the hospital is right here
6 also. I think it's owned by the U of A by Banner Health,
7 but I'm not sure if the property is County property
8 still.

9 MS. DARLING: I'm not sure. I think it is.

10 MR. BECK: Previously, the County did own the
11 hospital. The hospital is purchased. I'm not sure about
12 the land itself.

13 Point out again auto recycling location on the
14 left, which is the side of the road that would be on the
15 alternative and mostly industrial/commercial.

16 We're coming up to Palo Verde, which we'll be
17 turning right onto Palo Verde heading south, and the
18 alignment would be on the left side or the east side of
19 Palo Verde after we turn the corner. And, again, this
20 would be mostly industrial/commercial with the exception
21 of the old hotel complex, which is now -- I believe
22 it's -- I can't think of the name of it, but it's
23 basically a homeless shelter.

24 Here's the old hotel. I believe it's now the
25 Gospel Rescue Mission.

1 MEMBER WOODALL: Oh, my gosh. We had a siting
2 hearing here.

3 MR. BECK: Yes, we did.

4 So we'll be back to the corner where all three
5 routes diverge, so we'll be back to Irvington and Palo
6 Verde. Route B would be on the south side of Irvington
7 but again crossing diagonally across here.

8 So the alignment would be down to our right
9 along the base of the slope. And then, in this parking
10 lot, we go out a little ways because of some -- the way
11 ADOT has their right-of-way, they expanded out. So to be
12 outside of that right-of-way, it's not a straight line.

13 Down here is the one place that we could get a
14 sign that would be somewhat visual from the freeway.

15 And so this is some commercial. That was the
16 Pima County complex coming up. Again, this is where they
17 plan to expand across the Interstate and put in more
18 fields. But we would be right through, kind of between
19 the fence and the buildings here.

20 So, as you can see, it would be in and over the
21 fields here. From our perspective, it's not an issue.
22 The County seemed okay with it, but it would put poles in
23 proximity to the fields.

24 And then, as we get to this off-ramp, this is
25 where the line would curve again to join up to where C

1 comes in on Ajo and then gets onto the Campbell Avenue
2 alignment. So, again, through here would be -- on the
3 right-hand side of the road coming up and staying on that
4 right-hand side as we come up to meet up with Campbell.

5 And that, basically, is all three of our
6 alternatives.

7 MR. DERSTINE: Are we going to go back up to
8 Campbell, then?

9 MR. BECK: We just intended to go back to the
10 hotel. We can't really get to that piece of Campbell
11 because it's not a through street.

12 And if anyone has an interest, we can pull to
13 the end of Campbell and turn around there.

14 MR. DERSTINE: Let's do it.

15 MR. BECK: So we're back on the Campbell Avenue
16 alignment. We would be on -- the right-hand side of the
17 bus or the west side of the road, continuing on down here
18 to -- we'll have to stop because we can't get through,
19 but we would span through to the other side where the
20 off-ramp is.

21 So, basically, if you look in front of us, you
22 see cars kind of on a ramp. That was the Kino off-ramp
23 coming across here. So that's where we would join up.
24 The line would be on this side of that slope and then
25 come in on the west side of the road here.

1 So, basically, that was all of our routes. You
2 saw almost every single foot of it for all three
3 alternatives.

4 So, again, from this point right here on the
5 left side of the bus would be the park -- start of the
6 park, and it would run up to this intersection of 36th,
7 and our substation will be halfway back on that property
8 and then on over to Kino.

9 MR. DERSTINE: So this is where B and C would
10 both turn?

11 MR. BECK: Yes.

12 So if you notice the sign, this is the Pueblo
13 Gardens area. We did have some public comment and
14 attendance from this neighborhood specifically.

15 (TIME NOTED: 10:39 a.m.)

16 (The Committee and applicant proceeded to the
17 hearing room, arriving at 10:43 a.m.)

18 (The Committee and applicant assembled in the
19 hearing room.)

20 (TIME NOTED: 11:13.)

21 CHMN. CHENAL: Good morning, everybody. We're
22 back on the record, having completed the tour. I think
23 the Committee felt the tour was very beneficial to see
24 the routes.

25 During the break, I asked Patrick if he would be

1 good enough to pull up the flyover, and I think it would
2 be a good idea for us to take another look at the flyover
3 of the three routes with Mr. Beck to provide some
4 commentary again of what we saw. And I would ask
5 specifically which side of the road the lines would be
6 placed or the preference, at least, of the applicant and
7 what possibilities there are for placement on the other
8 side. So I think that's how we will proceed.

9 But before I ask the applicant's counsel, I
10 wanted to see if there are any questions from the
11 audience that was on the tour, and one of the ladies had
12 a question. I asked for her to hold off until we get
13 back. So we can deal with that and any questions from
14 the Committee.

15 But I will remind the Committee that we're going
16 to see this flyover with commentary from Mr. Beck. So
17 unless it's a question relevant to what we're going to
18 see, maybe hold off on your question. But whatever your
19 preference is, is fine with me.

20 But let's go to the young lady who asked the
21 question on the bus and see if we can answer that
22 question.

23 MS. CAÑEZ-ANDERSON: Mr. Chairman, I do
24 apologize, but maybe I should just hold off after we do
25 the presentation. Maybe my questions will be answered

1 then.

2 CHMN. CHENAL: Okay. And you need to announce
3 your name.

4 MS. CAÑEZ-ANDERSON: Deonissa Cañez-Anderson.

5 CHMN. CHENAL: Do any of the Members have
6 questions?

7 MEMBER HAMWAY: Yes. I did ask on the bus about
8 the 46kV lines, and I guess I don't know that you know
9 which ones you might remove or you might double -- you
10 might put on the new lines. But if you have some idea of
11 which ones might be removed and which you could
12 collocate, I think that's interesting to me because there
13 are a lot of 46kV lines surrounding that entire area.

14 MR. BECK: Right.

15 CHMN. CHENAL: Thank you.

16 All right, Mr. Derstine or Ms. DeCorse.

17 MR. DERSTINE: I don't -- Mr. Chairman, Members
18 of the Committee, I think this is where I'm better off
19 just turning my client loose, and I think Mr. Beck can
20 touch on and highlight maybe the aspects of the project
21 that we saw on the tour that he thinks are important or
22 significant, and then we can stop anywhere along the way
23 and respond to questions and try to get a different or
24 better view if the Members of the Committee want to see
25 something.

1 CHMN. CHENAL: Thank you.

2 MR. BECK: Okay. With that, Patrick, we start
3 Alternative A.

4 If at any point there are any questions, we do,
5 I believe, have Google Earth Live, so we can stop and
6 zoom in on any particular area if need be.

7 But, again, starting at the beginning, Alvernon
8 Road, we would be on the south side of Irvington along
9 all of this. There is some open land here as you're
10 coming up to Palo Verde.

11 CHMN. CHENAL: If you could pause. Is there a
12 way to slow that down?

13 MEMBER HAMWAY: And, Mr. Chairman, also, to
14 orient us which is north and which is south.

15 CHMN. CHENAL: Yes. Orient us. Show us. We're
16 at the beginning. This is where we stopped for the
17 train. This was our first stop. Let's slow the train
18 down, literally and figuratively, and restart that.

19 If not, maybe we can do the stutter step and go
20 a little and stop it.

21 MR. BECK: Patrick, maybe we can do the stop
22 step manually.

23 MR. DUBBERLY: Yeah, we're going to see if
24 another player might slow it down.

25 MR. BECK: This is basically our starting point.

1 This is Alvernon Road where we had been stopped, I
2 believe, at the light and before that, the train.

3 The intent would be for the line to be on the
4 south side of Irvington Road. If you noticed when we
5 were on the tour, this was the Window Depot. That's
6 their -- I believe it's their factory for windows.
7 Definitely a warehouse.

8 This is the Expo Center used for special events,
9 and then there is a hotel and a restaurant right here.
10 So, again, we'd be on the south side of the road.

11 We continue on. If you noticed when we were out
12 there, RV sales places on the north side of the road.
13 Again, another hotel at this intersection.

14 And then if we could pause at Palo Verde. So
15 this is the Shell Station that we pulled into. This is
16 where the three routes will diverge. Route A is the one
17 that continues along Irvington. Route B would take off
18 here along the Interstate. Route C goes north along Palo
19 Verde Road.

20 So if you continue a ways, there is a little
21 hotel set back here. Another RV sales lot here, as well
22 as on the -- adjacent to Irvington Road. More RV sales
23 lots on the south side of Irvington.

24 The line continuing along Irvington. Maybe just
25 pause it a little.

1 Gas station on this side, some open space on
2 this side. And I believe this is a church. I believe it
3 is some kind of a church.

4 Continue on. A little bit of residential. It's
5 offset from the roadway a little bit, but there is some
6 residential right here.

7 A mobile home community on the north side of the
8 road. Pause it right here. Here is one other small
9 little residential area set back from the road. I don't
10 know if you noticed when we were out there, but this
11 whole subdivision is enclosed by a wall. As part of the
12 roadway redevelopment, they put a wall in here.

13 Again, we'd be on the south side and then
14 staying on the south side of Benson Highway as we head in
15 a northwesterly direction.

16 This is the QT that we pulled into, and you
17 notice a lot of open space on the north side of the road.

18 And this would be the area where the sports park
19 would be extending down if they actually do that.

20 Continue. Some more commercial buildings in
21 here. I think one is a drywall store. Some other sales
22 lots with old equipment and warehouse material, I
23 believe.

24 Again, we're separated from this residential
25 area to the south by a commercial strip that is along

1 Benson Highway. There's a gas station. This is the
2 sheriff's office here, storage buildings on the -- kind
3 of the north side. We're still -- the line would still
4 be on the south side of the road.

5 Across the wash here, this was the Sierra Court
6 complex that we stopped in front of. One point that --
7 we would definitely work with any of the landowners, but,
8 in particular, this group, as to pole placement to make
9 sure that we could minimize any impact on their view.
10 Their concern is their view in a westerly direction
11 towards the Tucson Mountains and the sunsets. But mostly
12 all commercial on the south side of Benson Highway and
13 mobile homes to the north side.

14 Here we cross Ajo Way, still staying on the
15 left-hand side of the road. At this point, a gas station
16 on the south side. Inactive gas stations on the other
17 three corners of this intersection.

18 This is Park Avenue. This is where we pulled
19 out and stopped. As we turned, we turned the corner, our
20 intent would be on the east side. I think regardless of
21 what we do on the freeway, the east side of the road is
22 best here. But as we cross the Interstate, again, we'll
23 have taller poles. We have got the interchanges to deal
24 with. But we do have the potential to relocate to the
25 west side of the road in this stretch and avoid this

1 commercial as well as the Bridges land.

2 Again, a lot of open space here, which is part
3 of the Bridges future development.

4 And in here is some residential, but if you
5 noticed when we were out there, they are pretty much
6 removed one lot back until you get to this old store.
7 But most of that residential is at least one lot removed
8 from the roadway. I think the City probably bought those
9 individual lots.

10 CHMN. CHENAL: Can we pause for just a second,
11 Mr. Beck.

12 To the east side of the street, that's the
13 Bridges residential development. I believe the comments
14 yesterday --

15 MR. BECK: That is the planned development by I
16 think by Bourn Properties.

17 CHMN. CHENAL: And I think, if I remember
18 correctly, it was kind of along the east side of Park
19 along 36th there. And if I remember the description in
20 the brochure that was passed out, it was kind of like
21 more concentrated real estate development on the exterior
22 along the roads. And then as you moved into the
23 property, towards the center of the property, it became
24 less dense real estate, residential real estate.

25 MR. BECK: Mr. Chairman, that is correct. Their

1 intent was to put high density along the edge of Park as
2 well as 36th. And then, as we moved in on their
3 development, it would get a little bit less intense and
4 have less compact, more space per housing unit.

5 So, again, along Park, we could be on either
6 side of the road. Right now, we have proposed the east
7 side. But as you can see, the corridor that we are
8 proposing allows us to go on the other side of the road.
9 So we've covered that with all of our siting effort.
10 It's just that we had picked the east side.

11 If you would notice, there was a smaller
12 distribution line along Park. We would likely
13 underground that as part of the construction of the new
14 transmission facility.

15 One of the issues that we have with
16 transmission, and I think you may have heard this in the
17 past, but if we have a transmission line stand alone, we
18 are not required to put communication circuits on our
19 structures. The minute we add any distribution to our
20 transmission poles, we are required by FCC rules to allow
21 communications facilities onto our poles as co-users.

22 CHMN. CHENAL: We have a couple questions,
23 Mr. Beck.

24 First Member Hamway and then Member Noland.

25 MEMBER HAMWAY: I was just curious, how tall the

1 Bridges high density residential are they proposing?

2 Does Tucson have Rules 36B, three stories?

3 MR. BECK: There are rules. I'm not sure
4 specifically what they are for the zoning they have; but
5 based on their brochure, it looks like they're all
6 one-story structures. It doesn't look to be high density
7 until you get way into the interior. And we have this
8 brochure if you need to see it again. But on the
9 furthest interior portions, it looks like they do have
10 some multi-story, which they've indicated would be
11 apartments, and that's along an interior road.

12 Patrick, I don't know if you can back up a
13 little.

14 I think they're going to have an interior road
15 somewhere through here. And so right along that road,
16 they show what looks like some multi-story, maybe three-
17 or four-story apartments, but it is interior roadway. At
18 least in their design plan, they appear to be all single
19 story.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: Thank you. Mr. Beck, it does
22 look like those lots that are adjacent to the roadway on
23 the west side have been bought. And do you know if that
24 land is owned by the City of Tucson?

25 MR. BECK: We can find that out. I don't know

1 at the moment.

2 MEMBER NOLAND: I guess my question is, if it
3 is, would that make it easier for you to deal with in
4 locating that on the west side of the road?

5 MR. BECK: I'm not sure it makes it any easier
6 or harder for us to deal with locating on the west other
7 than the fact we're not dealing with residential. So
8 from that standpoint, if we're not dealing with
9 individual landowners, we don't have those complaints,
10 but we would still intend to be in the road right-of-way.

11 MEMBER NOLAND: Well, and you would be dealing
12 with one owner --

13 MR. BECK: True.

14 MEMBER NOLAND: -- rather than multiple owners.
15 Do you think, following up on my question
16 yesterday, that you could do that with a 100-foot
17 corridor?

18 MR. BECK: We could. I know it's -- it is not
19 our preference to have that narrow a corridor because it
20 does reduce our flexibility on pole placement, but we
21 could make 100-foot corridor work.

22 MEMBER NOLAND: Well, Mr. Beck, normally on the
23 pole placement, the flexibility is needed in rough
24 terrain or that type of thing. This doesn't look real
25 rough to me.

1 MR. BECK: That's true. Our only issue would be
2 if we run into a conflict with another utility such as a
3 sewer line or water line that we didn't know was there
4 and we had to offset from that. 100 foot still should be
5 sufficient to do that, but our engineering and land
6 departments like the flexibilities.

7 MEMBER NOLAND: I know they do. Thank you.

8 MR. BECK: Okay. Let's continue.

9 Let's go around the corner, Patrick, to 36th and
10 then pause again.

11 So, again, coming up to 36th Street, it's going
12 to be on either side of the road along Park. As we get
13 onto 36th street, as I pointed out and you saw
14 physically, along the north side of the road, we have an
15 existing 46-kV and distribution line, and the poles are
16 actually in what appear to be in the people's front
17 yards. How they managed -- how we got there, I'm not
18 sure, but the poles are actually placed inside of the
19 walls of these individuals.

20 So for us to build the transmission line on that
21 side of the road would be a huge disruption to the
22 individual landowners. We would have a lot of issues
23 trying to place poles with any of those individuals, and
24 we would have to rebuild all of that existing line that's
25 there.

1 So we might collocate the 46 and have to
2 underground the distribution lines. All of those
3 distribution lines have what are called feeders, the
4 lines that go from the physical overhead line to the
5 individual houses.

6 If we underground the distribution, all of that
7 would have to be undergrounded, which includes going
8 right up to the meter base on the house, and there's a
9 lot of permitting and right-of-way issues to get that
10 done. It's not impossible, but it would add a cost.
11 And, as I indicated earlier, we haven't put an estimate
12 to that yet what that cost might be. Again --

13 CHMN. CHENAL: Excuse me, Member Noland.

14 MEMBER NOLAND: Mr. Beck, if you look at the way
15 the land to the south of 36th is -- I mean, it's like
16 there's another easement in there. I don't know if it
17 would be a sewer or what it would be, but there's a lot
18 of vacant area before it gets to where you have planned
19 your pole placement. Is that accurate?

20 MR. BECK: Along 36th, based on our research to
21 date, there is a sewer line along the south side of 36th.
22 And whether it's in road right-of-way or it's a private
23 easement, we're still determining for sure. That's why
24 we anticipate we actually may need to obtain land from
25 the Bridges for right-of-way parallel and adjacent to

1 36th.

2 MEMBER NOLAND: And then the only other thing
3 that is a little different, in the past, we've always
4 done the corridor from the centerline out. And now,
5 you've changed that to your projected pole placement back
6 for the corridor. Can you tell me why you did that?

7 MR. BECK: Well, I don't think we changed the
8 way we do it. We did the centerline of our proposed
9 route, and then we had the corridor centered on that.

10 So, as you can see, it goes way back into this
11 private land on the south side as a result. So we didn't
12 do the centerline of -- for example, the roadway, we did
13 the centerline of our proposed pole placement. And,
14 typically, that's how we would bring it forward, as the
15 centerline of our proposed route and then a corridor
16 that's centered on that.

17 MEMBER NOLAND: Well, I don't remember seeing it
18 like that, but that's probably me.

19 It just -- it's the way that it's done and the
20 impact of that 150 feet from the proposed line that
21 bothers me. Bothers me on all sides, I have to tell you.
22 And I think that -- again, one owner, maybe two, if part
23 of it's the University and part of it's Bourn --

24 MR. BECK: Right.

25 MEMBER NOLAND: -- you should be able to

1 negotiate it okay. But I'm having a problem with the 150
2 feet from the proposed line. Thank you.

3 MR. BECK: And one possibility, Member Noland,
4 might be to have a corridor width that isn't centered on
5 that alignment and it gets offset the other way, so we're
6 mostly in the roadway but very little in the private. I
7 understand your issue.

8 MEMBER NOLAND: That was my issue. Thank you.

9 CHMN. CHENAL: Mr. Beck, I just -- to follow up
10 on Member Noland's point, I'm -- I'm going to use my
11 laser pointer.

12 And I see the east -- I guess the southern
13 extent of the corridor that you would propose. And then
14 I see the centerline of the corridor, which is where you
15 have indicated the poles would be. And then I see, I
16 guess, the northern side of the corridor. And I guess
17 the distance between is a 300-foot-wide corridor; is that
18 correct?

19 MR. BECK: That is correct. 300 foot, 150 feet
20 either side.

21 CHMN. CHENAL: Now, here's my question: I've
22 often thought corridors -- I'm going to ask you for a
23 little education here. I've thought of corridors, as
24 Member Noland just said, is to give some flexibility
25 through rough terrain, and that makes perfectly good

1 sense. And sometimes, obviously, we've done it for much
2 larger than 300 feet.

3 Now, we've heard testimony yesterday -- or
4 comments, anyway, that the property that is at issue here
5 at this intersection is going to be high density
6 residential. And we know that where I -- at least my
7 assumption is, is where we see that corridor that you're
8 requesting is going to be right in someone's living room
9 or front room, the kitchen. I mean, it's going to be
10 right in their house.

11 I mean, how is that possible? How does that
12 work where you know there's going to be residential
13 development, and we know that, really, the area that
14 we're talking about for this property is really more or
15 less along 36th Street in what we would typically term
16 the right-of-way.

17 So how does this work? And what's the -- I'm
18 looking for the legal words -- condition on the property
19 that's a limitation on development for the owner, is it
20 not?

21 MR. BECK: Well, first of all, we do not file
22 these, the CECs, with the land regulatory departments or
23 whatever. And so it's just between us and the ACC as to
24 where we are approved to place a transmission line. It
25 is still upon the company to go out and negotiate any

1 rights-of-way, easements and, in particular, on private
2 land required to place a pole.

3 So if we were to go to a homeowner and say, We
4 want to put this pole, and it just happens to fall in
5 your living room, that would be a difficult discussion
6 and, likely, we would be buying the whole house and the
7 property and paying accordingly.

8 And so, I mean, our intent is not to displace or
9 build into a house or so on. We still -- we use the
10 flexibility to allow us to move the alignment, but not
11 with the intent that we're going to displace any
12 residents unless absolutely needed. And we would
13 negotiate that with the resident or the owner.

14 So I understand your concerns. I don't know how
15 much of a blemish, I guess, it puts on the ownership of
16 the land when you have a CEC that covers an alignment
17 because it's only the weight of the ACC saying you can
18 build a transmission line anywhere in that corridor. We
19 still have to go out and obtain that right from that
20 owner.

21 CHMN. CHENAL: Okay. So -- and that's helpful.

22 And let me just follow with more questions and
23 then Member Woodall and then Member Noland again.

24 Now, where you have a franchise agreement or you
25 have a utility easement, you can then use that pretty

1 much wherever you want to place it as long as you don't
2 interfere with other utilities in that area; is that
3 correct?

4 MR. BECK: Correct. And to the extent that in
5 the future, if it's in the road right-of-way, we're
6 required to relocate as they rebuild or adjust their
7 road.

8 CHMN. CHENAL: Right. And that's usually part
9 of the franchise agreement or the easement that you have
10 for the utilities.

11 MR. BECK: Correct.

12 CHMN. CHENAL: So I understand what you said. I
13 guess I'm asking myself why such a large corridor, but I
14 guess your point is that, really, it's not a detriment to
15 the landowner because you're not -- at least you're not
16 going to get to use that property absent the homeowner,
17 you know, the landowner, agreeing to that, which they
18 wouldn't in this case.

19 So I guess I go back to why would we give it,
20 then, if we know it's not going to work? But I
21 understand the point. That was helpful to understand
22 that.

23 Okay. Member Woodall.

24 MEMBER WOODALL: Mr. Beck, my recollection is
25 that Commissioner Mayes was involved with the state Real

1 Estate Department in encouraging them to include a
2 requirement that developers have in their public report a
3 discussion of where potential utility infrastructure
4 would be. Is that your recollection?

5 MR. BECK: Yes. She was very involved in that,
6 and, in fact, that was the impetus for the conditions
7 that we have that we notify all real estate, so on, of
8 any proposed project.

9 MEMBER WOODALL: So potential purchasers would
10 be put on notice. That's my first point.

11 My second question to you is, let's assume you
12 get your CEC. It has the 300-foot corridor. How long
13 would it be after that before you fixed upon an easement
14 area that you would be acquiring from the property owner?
15 Lickety-split or years down the road?

16 MR. BECK: In particular for this case, because
17 we have a need for this project in the relatively near
18 term, we'll be out doing that negotiation very soon.
19 Once we receive a CEC, we'll be out talking to the
20 property owners, the landowners, to identify the
21 easements and the rights that we need.

22 MEMBER WOODALL: So the Bridges could expect a
23 visit from you probably within weeks if the Commission --
24 well, first of all, if we grant a CEC and then if the
25 Commission approves it. So the concern about there being

1 some almost certainty about the location of the
2 infrastructure itself is going to be resolved because you
3 will have dealt with the property owners toot sweet.
4 Would that be fair to say?

5 MR. BECK: Yes, especially in particular in this
6 case because of the timing.

7 MEMBER WOODALL: Okay. And, secondly, I know
8 that in the past, you've wanted extra-wide corridors
9 because of natural issues and mountains and birds and
10 things that you need to go around, but you've also wanted
11 extra corridors in order to accommodate landowners,
12 particularly in the agricultural end, so that you
13 wouldn't be getting involved with their irrigation
14 equipment and the like. So there are other reasons why
15 you would want a wider corridor; is that correct?

16 MR. BECK: That's correct.

17 So, in particular, in this case, we kind of
18 settled on the 300-foot corridor width with the idea that
19 there may be some of these roads that we would have to go
20 to the other side of the road. And we felt that if we
21 had a 150-foot to the one side of the poles where we
22 planned on, say, the south side of the road, we could go
23 to the north side of the road.

24 MEMBER WOODALL: And that would probably be to
25 deal with property owners' concerns. This would be like

1 they would say, Can't you please put it over here for
2 this segment, and you might do that?

3 MR. BECK: That's correct, either property
4 owners or the jurisdictions, City, County, so on.

5 MEMBER WOODALL: Thank you, Mr. Beck.

6 I don't have any more questions.

7 CHMN. CHENAL: I think Member Noland had a
8 question, and then Member Haenichen had a question.

9 MEMBER NOLAND: I'll make it quick. I think
10 we're beating this horse to death.

11 But the 150-foot corridor on each side, will it
12 go away once you acquire the right-of-way?

13 MR. BECK: Once we acquire the right-of-way,
14 everyone should know where the project is going. And any
15 real estate developer, to the point that they actually
16 originally included the CEC in their documents, which, to
17 me, is maybe a stretch that they even do that. But to
18 the extent they do, once we negotiated for the
19 right-of-way, they should show exactly where that project
20 will be, so it would go away.

21 MEMBER NOLAND: Well, I think we ought to add a
22 condition of that. That's bothered me for quite a long
23 time, and it's just kind of this gray area.

24 But the other thing is, in real estate and real
25 estate law nowadays, you have to disclose everything you

1 know about. And if you don't, you can be sued. And so
2 no matter -- CEC filed, whatever else, anybody that is a
3 landowner that knows about this has to disclose it. And
4 that's just, you know, one of the things.

5 The other is when -- I suppose they could replan
6 their project, and they may have to along those areas.
7 But I just would hope that we could take it down a notch
8 or that we could do it from the median of the roadway.

9 MR. BECK: And I guess one of the complications
10 with the corridor width, we tried to make it simple. So
11 300-foot, centered on our alignment, with the realization
12 that we're really intending to go the other direction for
13 the most part with that flexibility. We don't intend to
14 go way off into the private land. But it would really
15 complicate the drafting of the CEC if we start kind of
16 gerrymandering the way the corridor is on any particular
17 segment of the project. It can be done.

18 MEMBER NOLAND: Mr. Chairman, we have done it
19 many, many times, and it's just a matter of describing it
20 properly. And I think with the way this is laid out and
21 the streets and all of that, it wouldn't be that
22 difficult if we have certain areas where it's a little
23 less than 150.

24 MR. BECK: And the applicant is open to that.
25 That's not a major issue for us.

1 CHMN. CHENAL: Member Haenichen.

2 MEMBER HAENICHEN: Okay. Consistent with the
3 discussion we've just had on this issue and looking at
4 that road there, it might be possible, would it not be,
5 that as you go up that road with the design of the
6 project, you may be on one side of the road at one spot
7 and 100 yards later on the other side due to the needs of
8 certain property owners on either side; is that correct?

9 MR. BECK: That -- it's possible. It's feasible
10 to do that. In particular, along 36th Street in this
11 area, we have the issue that we would be placing poles in
12 front yards. Now, if we could find a lot that happens to
13 be empty and we wanted to go across, we could. There is
14 additional cost for any angles that we put into the line,
15 so there are some small cost impacts.

16 But, to your point, that is a possibility that
17 we hit an obstruction that we just cannot go through and
18 we have to go around, so we could cross over the road.

19 And, again, that's why we were looking for a
20 corridor that would at least allow us to get to the other
21 side of the road for that.

22 MEMBER HAENICHEN: That was my point.

23 MR. BECK: And just one more comment relative to
24 pole placement in this stretch. I think we measured
25 yesterday approximately 1,400 feet along the frontage

1 that would be the housing development. That likely is
2 three poles, one at each corner or each end, and one in
3 the middle. So we're not talking about a lot of poles in
4 this stretch.

5 We heard from the Bridges how important this --
6 our TEP project is to them from a development standpoint
7 and reliability. I think there should be some
8 expectation that they participate in that in some way,
9 and maybe it's through having some poles on their
10 property. And I think that the Park Avenue is an easy
11 push to the other side, potentially. But on the north
12 edge, it is problematic for the company.

13 CHMN. CHENAL: Member Haenichen.

14 MEMBER HAENICHEN: One final question. Assuming
15 you were going along an area where it was residential,
16 whether it be multiple-occupancy units or not, what is
17 the distance from the minimum point on the transmission
18 line to the ground on that case where you just spoke of
19 two poles, one on each end and one in the middle? Isn't
20 it true that unless these are multi-story structures, no
21 one would see the lines when they looked out?

22 MR. BECK: It would be difficult to see the
23 conductors themselves, that's correct.

24 MEMBER HAENICHEN: Thank you.

25 MR. BECK: It would only be the poles themselves

1 that are very visible.

2 CHMN. CHENAL: Member Hamway.

3 MEMBER HAMWAY: So the Bridges is a huge
4 development; agree?

5 MR. BECK: Correct.

6 MEMBER HAMWAY: Okay. So that road, to me,
7 looks like it needs improvement. Are they going to widen
8 it? Will they put curves? Will they --

9 MR. BECK: Are you talking about 36th Street?

10 MEMBER HAMWAY: Yeah. Well, really, all of them
11 that are kind of surrounding that, but that one in
12 particular. So when you said you have to adjust your
13 pole placement based on future improvements to the road,
14 do you know what those future improvements to the road
15 are going to be?

16 MR. BECK: We do have a general idea of what
17 those are. And I know that they are putting some
18 turnouts in pull-out lanes to get into their complex, you
19 know, deceleration lanes for access purposes.

20 MEMBER HAMWAY: Right.

21 MR. BECK: So we do have that information. And
22 longer term, when this fully gets built out, likely, they
23 do make some improvements on Park. I suspect that's why
24 you're seeing the lots on the west side of Park have been
25 bought out by the City. I don't know that they have a

1 roadway plan in place yet; but likely, in the longer
2 term, they will widen that road.

3 MEMBER HAMWAY: And one other quick question.
4 In Tucson, when these things go before planning and
5 zoning, are there kind of ideas about how much of a
6 setback the Bridges would have to require for vegetation,
7 for, you know, aesthetic surroundings? Do you guys have
8 those kinds of -- I know they're not set in stone, but
9 guidelines?

10 MR. BECK: The City and County do have setback
11 requirements. Looking at the plan and the brochure that
12 the board of properties provided, it looks like they're
13 minimal.

14 MEMBER HAMWAY: I know. Like zero.

15 MR. BECK: Close to zero, it appears. Whether
16 they're living on some other setbacks from the edge of
17 that property line, I'm not sure. As they said, they
18 just got approved on that recently, so I'm not sure what
19 they actually did to get their approvals.

20 Just for a little bit more background, this --
21 the whole area of the Bridges complex has been written up
22 in the local newspaper a couple of times, and the
23 community in general surrounding the Bridges development
24 was very supportive. And I know that's not all of the
25 neighborhood, and there are parties that I'm sure were

1 against the project.

2 But at least the article in the local paper was
3 regarding the big benefit that the Bridges development
4 was bringing to the neighborhood. And, in fact, the new
5 theatre complex was very well received by the community
6 to the point that when they were trying to put their
7 signage in, they wanted a variation on the sign, to put a
8 bigger and taller sign.

9 And there were a lot of environmentalists who
10 showed up and said, No, you shouldn't allow this. And
11 the neighborhood banded together and said, We want this.
12 We want this to be noticed. We want everybody to see
13 what we're doing here and this is our neighborhood. So
14 it's kind of an interesting perspective.

15 CHMN. CHENAL: Member Palmer.

16 MEMBER PALMER: Thank you. There's been a lot
17 of discussion about the corridor. And I'm not really
18 that hung up on the corridor, but I'm just trying to
19 quantify something and pose a question to see if it would
20 be feasible.

21 Looking at that 300 feet on the north, the left
22 side -- I get disoriented here. But on the left side,
23 that puts you in the living rooms. On the right side, it
24 puts you very deep into the Bridges property. Could it
25 be quantified without causing complications that that

1 corridor would be described as a 200-foot corridor, which
2 gets you out of the living rooms on the left and still
3 gives you 100 feet to work within on the Bridges
4 property? Would that be problematic?

5 MR. BECK: No. I think that would be something
6 that would be very acceptable to us, the applicant.

7 CHMN. CHENAL: Member Haenichen.

8 MEMBER HAENICHEN: So you wouldn't object to
9 that, then, being a condition on the CEC?

10 MR. BECK: I might object to it being a
11 condition, but I would not object to us writing it up
12 correctly in the CEC to reflect that. I'm not sure it's
13 a condition as opposed to a description of the approved
14 CEC.

15 MEMBER HAMWAY: Okay. I'm okay with that.

16 CHMN. CHENAL: Member Woodall.

17 MEMBER WOODALL: So I'm assuming your crack team
18 would be able to modify -- be able to have options for a
19 legal description if, in fact, the Committee grants you
20 the CEC and if the 200 is the will of the Committee, but
21 you would be able to write that up very quickly, I'm
22 assuming?

23 MR. BECK: Yes. We can have that prepared for
24 deliberation.

25 MEMBER WOODALL: And, as I said, I don't know

1 what support there would be for that, but it would be
2 nice if we had everything ready in case there was support
3 for it.

4 MR. BECK: Yes. Mr. Chairman, also, Ms. Darling
5 told me that we found out who owns the property on the
6 west side of Park, those lots. And it's 5151, which is
7 the group that is the Bridges. So they have purchased
8 all that frontage.

9 CHMN. CHENAL: On the west side of Park?

10 MR. BECK: On the west side of Park.

11 MEMBER HAMWAY: Right there that we're seeing?

12 MR. BECK: Can you back up, Patrick?

13 So it would be this stretch up here where you
14 saw a lot of lots -- what appear to be empty lots in
15 front of the residential development. So it's the
16 stretch from -- the property they had already owned here
17 along through here. So they apparently bought up these
18 lots in here.

19 CHMN. CHENAL: Member Noland.

20 MEMBER NOLAND: Mr. Chairman, that may have been
21 a condition of their development plan to enlarge the
22 road. A lot of times, that's part of the rezoning that
23 is a requirement with the City of Tucson.

24 MR. BECK: That could very well be, yes.

25 MEMBER NOLAND: Makes it easier.

1 MR. BECK: Yep.

2 CHMN. CHENAL: All right. I'm going to take one
3 issue with Member Noland when she suggests that we're
4 beating a dead horse. It wasn't a dead horse for me
5 because the light bulb finally went on, which, obviously,
6 after all these hearings, you think it would.

7 I never really placed much concern on the
8 corridor for the very reason that Mr. Beck gave.
9 However, I'd ask the applicant's attorneys if they could
10 provide us with just, you know, some bare bones legal
11 authority or research that, in fact, the corridor, as
12 described, does not create an encumbrance on the
13 property. Not necessarily just the Bridges, but any
14 property.

15 I guess "encumbrance" is the word I'm looking
16 for because I'm going to dovetail that onto Member
17 Noland's comment about a condition that would basically,
18 once the easements are negotiated or the route's
19 determined, it's being either an easement or utility
20 right-of-way or easement or franchise agreement, but what
21 happens then to the corridor as described in the CEC?

22 It may be that there's no encumbrance that's
23 created by the CEC, whether or not it's recorded by the
24 very nature that it's a corridor and it's assumed that
25 the utility is going to have to find the route and

1 easements or right-of-ways, whatever. But I think it
2 would be important for the Committee to know that and
3 have some comfort level that the corridor does not create
4 an encumbrance on the property owners because, you know,
5 some of these are rather large, and the one we were
6 looking at here is -- you know, cuts into the developable
7 area of the property. And we have CECs that last
8 ten-plus years.

9 So it would be helpful just to -- I think to
10 have some comfort that when we create these corridors,
11 that we're not creating an incumbrance on the properties.
12 Encumbrance -- I suppose it has to be disclosed, you
13 know, in -- when developers are selling, you know, or
14 leasing properties, you know.

15 But if it doesn't create -- I just want to make
16 sure that we can take some comfort that there's -- by
17 creating a wide corridor for 10 or 20 years, or however
18 long the CECs are, that we're not negatively impacting
19 the developability of that property because of the
20 corridors we create. I guess that's really the question.

21 MR. DERSTINE: Yeah. Mr. Chairman, Members of
22 the Committee, I'm thinking out loud. We'll dig into it
23 and look and see what we can find in the way of legal
24 authority on that issue. I'm not sure we will find any.

25 I think, to Member Woodall's point, certainly,

1 there was effort some time ago to coordinate with the
2 Board of Realtors and figure out ways to give developers,
3 future property owners notice and understanding that
4 there is a recorded CEC and what that might mean for a
5 future buyer.

6 To Member Noland's point, I think that the
7 owners, a seller of real property, would have a duty if
8 there was a CEC that had been granted by this Committee
9 that granted a corridor that enclosed or covered a
10 portion of that seller's property, that they would
11 probably have an obligation to disclose that if they were
12 aware of that, and they should be.

13 But from my understanding is that we look at
14 these corridors for planning purposes as a way to give
15 the utility flexibility to place poles, minimize impacts,
16 do the best we can to build the project and, at the same
17 time, minimize environmental and ownership impacts in the
18 way that we've talked about today. Use pole placements
19 to avoid obscuring the Bridges' marquee entrance and to
20 move the poles around for the Sierra Court so that their
21 views of the Tucson Mountains are not obscured, that sort
22 of thing. But the corridor is significant for us as an
23 applicant because we can only build within the corridor
24 that you give us.

25 And so, at times, we will be here and present

1 our best evidence and what we know about a project. But
2 once we get out to either acquiring the 100-foot
3 right-of-way, which is what we're seeking to build in and
4 what we will have a right to, there may be a point in
5 time where we can't secure right-of-way in a particular
6 area for whatever reason or it doesn't make sense to do
7 that. And where we had intended an alignment to be, say,
8 on the left side of the road, we would see the corridor
9 that would allow us to build maybe on the right side of
10 the road.

11 But there have been also cases in which this
12 Committee has been very clear that we don't want you to
13 build on the right side of the road. So at this point on
14 this length of your route, we're going to bring in your
15 corridor and your authority and the range in where you
16 can build this project so that you can't build on the
17 right or you can't build on the left. And we're willing
18 to work and do what we need to do.

19 But, again, to Mr. Beck's point, we have always
20 viewed the corridor as once we build this project and
21 secured the right-of-way, the corridor is for planning
22 purposes. It allows us to go out and try to build it and
23 acquire the right-of-way.

24 But once the right-of-way is secured, that's
25 what we own. And at that point, there is no reason --

1 the corridor really has no purpose and does nothing other
2 than it was that broader swath that allowed us to plan
3 and build the project. And once we've built it, that's
4 where it will be, and the corridor really serves no
5 purpose and I don't think creates any sort of cloud or
6 encumbrance once the project has been built.

7 CHMN. CHENAL: I think that's kind of, I think,
8 the heart of it. And I agree with everything you said,
9 Mr. Derstine, and that's my understanding as well.

10 But I guess it's just seeing the stark reality
11 of the blue line that cuts into the most concentrated
12 area of the proposed residential real estate development,
13 and you got me thinking what do we do as a Committee when
14 we issue these broad corridors. Does it -- can it impact
15 the ability of the landowner to develop the property
16 because we have previously issued a CEC with a corridor
17 running through the very area they wish to develop?

18 MR. DERSTINE: And I think, to your -- to answer
19 your question, it certainly creates the right of the
20 utility to attempt to acquire and build its line within
21 the bounds of that corridor. Whether we would ever be
22 successful either through condemnation rights or
23 negotiating right-of-way or easement, that's the process
24 that comes next after you've given us a CEC and decided
25 what's the bounds of the area in which you can build this

1 line and seek to obtain the 100-foot right-of-way or the
2 150-foot right-of-way, whatever is determined to be
3 appropriate.

4 CHMN. CHENAL: And condemnation is a good
5 example for what I'm thinking of because the utility can
6 only place the lines within the corridor area granted
7 within the CEC.

8 Certain utilities have condemnation authority.
9 Can TEP decide that they are going to condemn an area
10 within the corridor that cuts through a landowner's
11 property which the landowner would like to develop, and
12 then the ability of TEP to condemn it would take that
13 right away? Yes, they would have to pay. Yes, the
14 utility would have to pay. But that's kind of what I'm
15 thinking of.

16 And so I just -- you know, I don't know -- we're
17 not going to issue that today, and maybe now we've
18 ventured into the issue of beating a dead horse.

19 But it is a concern, I guess. You know, we just
20 issue these broad corridors thinking it's a tool for
21 flexibility for the applicant. Are we not also, though,
22 unintended -- in an unintended fashion creating some
23 sort of impediment on the development of the property by
24 the landowner because you've created this corridor in
25 favor of the utility? That's my only concern. And I

1 don't think I've ever thought about it until the
2 questions came up today and I saw the blue lines.

3 But, anyway, I'll stop talking.

4 Member Woodall wants to ask a question.

5 MEMBER WOODALL: Mr. Beck, do you anticipate
6 that if you were granted a CEC, that it would take you
7 more than 15 months to acquire the easements necessary on
8 the Bridges property?

9 MR. BECK: No. We would be --

10 MEMBER WOODALL: So at that point, would the
11 corridor be irrelevant because you have acquired the
12 easements?

13 MR. BECK: I believe that once we have the
14 easements, that's where we're going to build the line,
15 and everybody would know that.

16 MEMBER WOODALL: And, number two, Mr. Derstine,
17 if you're going to be doing some research, you might
18 research cases related to the Department of
19 Transportation, because the Transportation Board issues
20 resolutions with respect to corridors for where freeways
21 are going to go. And I know there are probably some case
22 authority where people have come and said the mere
23 announcement of the project constituted a taking and they
24 have been rebuffed because, typically, you can't effect
25 and interest in land unless you record an interest in

1 that, but you might -- I'm just suggesting there might be
2 some research there for you to explore. Thank you.

3 MR. DERSTINE: Thank you.

4 CHMN. CHENAL: So I thought we would blow
5 through the three flyovers in a matter of a couple
6 minutes and have a lot of time before lunch, and now I
7 see it's lunchtime.

8 So why don't we break for lunch. We'll come
9 back. We've gone through Alternative A on the flyover.
10 Maybe we can resume with Alternatives B and C. I don't
11 think it will take long to do that when we come back.

12 Then we can see if there's any questions, and
13 we'll get into Ms. Darling's continuation of her
14 testimony.

15 Thank you. Let's make it 1:15.

16 (A recess was taken from 12:05 p.m. to
17 1:33 p.m.)

18 CHMN. CHENAL: All right. This is the time set
19 for the continuation of the hearing on the application in
20 this case.

21 I just want to place on the record the fact that
22 my office has sent to the Committee Members and the
23 applicant a version of the CEC that includes the language
24 that was submitted by the applicant with some additional
25 language I've added that should show up as a redlined in

1 red letters, which has been, like I said, emailed to the
2 Committee and the applicants both in Word format and in
3 PDF.

4 For some reason, I've had a little problem with
5 the conversion of it from Word to being able to read it
6 properly on the iPad. So there's a PDF version, and the
7 applicant has been kind enough to agree that they'll take
8 the PDF version and print it in color and provide a copy
9 of it to the Committee before the conclusion of the
10 hearing today, before we adjourn for the day, so you have
11 the ability to review it.

12 Again, this language is not necessarily
13 conditions I'm proposing. My language, the red, the
14 language that I'm adding, is not necessarily conditions
15 that I'm proposing be included but just language that I
16 think we should at least discuss, and it won't take long.
17 There's not that many, so it's not going to take a long
18 time to go through it.

19 Next, I see there's some people in the audience.
20 If there's anybody that would like to make public comment
21 that has not already done so, you can do that now. We'd
22 be happy to hear what you have to say.

23 (No response.)

24 CHMN. CHENAL: It doesn't look like there's
25 anybody, but if someone is aware that someone would like

1 to make public comment, if you could just alert me. We
2 want to be considerate to those people who come.

3 Before we resume the discussion with Mr. Beck of
4 the flyover of Routes B and C, are there any issues or
5 matters that the Committee would like to bring up at
6 this point?

7 (No response.)

8 CHMN. CHENAL: Okay. If not, is there anything
9 that the applicant, Mr. Derstine or Ms. DeCorse, that we
10 should discuss before we resume with Mr. Beck?

11 MR. DERSTINE: Mr. Chairman, Members of the
12 Committee, no. I think Mr. Beck has some information
13 that he'll include as part of the flyover, but nothing to
14 address up front.

15 CHMN. CHENAL: All right. So then I'll turn it
16 over to you, Mr. Derstine.

17 MR. DERSTINE: And I'll turn it over to
18 Mr. Beck.

19 CHMN. CHENAL: I say "Der-steen." I mean
20 "Der-stine." It's going to show up the same way in the
21 written record, but -- excuse me, "Der-stine." I've got
22 to remember to say it with the accent appropriately.

23 MR. DERSTINE: I'm not particular about it.

24 CHMN. CHENAL: Okay. Mr. Beck.

25 MR. BECK: Mr. Chairman, Members of the

1 Committee, we'll continue on with our Alternative B
2 review of what we saw this morning.

3 So, again, we're starting from the beginning of
4 the line at Alvernon and Irvington Road. This is the
5 portion that was the common route.

6 Again, we'll be on the south side, left-hand
7 side of the road. And maybe if we could pause it there
8 for a minute.

9 We've had some discussion internally, and
10 regarding the issue of the corridor, if it helps with the
11 Committee, one consideration we had was maybe we'd ask
12 for a 300-foot corridor centered on the centerline of the
13 roadway, which alleviates some of the issue with the
14 private land and at least would shift it over. And we're
15 developing what that would look like on a pictorial that
16 we'll show a little bit later. But just conceptually
17 throw that out there for the Committee to be considering.

18 Okay. We can continue.

19 So, again, we're on the common portion of the
20 route. We're coming up to Palo Verde Road. This is
21 where we could cross over Irvington and Palo Verde and
22 then get along the frontage of the Interstate.

23 And as I mentioned earlier, you can see we start
24 out kind of near the toe of the slope, but then we do go
25 further out to the north as we're approaching some of

1 these facilities along here. We get into this little
2 wash, or at least that was the intent to follow that
3 wash, would not interfere with the building that was
4 there, and then come back into the freeway there.

5 Again, we would be on private land but adjacent
6 to the Interstate. If you could pause here.

7 Again, up here are the ball fields for the Pima
8 County Kino Sports Park. And one of the concerns we have
9 is with future -- well, access for construction and then
10 future access for maintenance. So we somehow have to be
11 crossing over or through all these ball fields. And
12 there really are not good roads with access for our line
13 equipment to be able to get in there in a reasonable
14 fashion. And, likely, we would potentially cause some
15 damage to these fields or have to move the fields in some
16 fashion. So it's an issue. It can be overcome, but that
17 is one concern along this route.

18 If we can continue.

19 You can see, as we're going along here, that the
20 ball fields pretty much do abut up to the ADOT
21 right-of-way.

22 This is the point where the Kino off-ramp comes
23 off. Pause it here, please.

24 The question was -- there is a question about
25 what happens when we have to go around these curves with

1 structures. So each of these structures are an angle
2 structure as opposed to a tangent. Where we are building
3 a line in a straight line, those are called tangent
4 structures. Wherever we put an angle or a bend in the
5 line, we use turning structures, we call them. The poles
6 are a little bit heftier. The insulators can be
7 different. Rather than post insulators, we may have arms
8 with insulators off the end of the arms. But we would
9 have to use those poles wherever we are turning. So you
10 can see here's an angle structure right here. There
11 would have been one prior to that one.

12 If we continue on. You see, again, as we go
13 around this curve, we're going to have angle structures
14 at each of these locations here. Slightly bigger pole
15 and a little bit more costly. Definitely something we
16 can build without a problem.

17 Here's where we're going along Campbell Avenue.
18 Again, we would be on the left-hand or the west side of
19 the road. This is the Culver's restaurant. This is
20 future commercial development. Here's the proposed park
21 area.

22 The school has been in discussion. We turn the
23 corner onto 36th. We would be on the south side of the
24 road and then drop into the substation.

25 Now we'll go on to Alternative C. Again, the

1 starting point. This is the common portion of the route,
2 still on the south side of Irvington Road. Here we're
3 coming up to Palo Verde, at which point we would turn the
4 corner, go north on Palo Verde, and stay on the east side
5 of Palo Verde, the right-hand side. And see there's
6 quite a bit of empty land in the first portion of this
7 stretch of the route. It's a commercial development.

8 Again, this is the Tanque Verde swap meet
9 location, more commercial on the right-hand side.

10 CHMN. CHENAL: Let me ask you to stop just right
11 there. Just apropos to your previous comment, Mr. Beck,
12 when you started by saying that you could alleviate some
13 of the concern by moving the centerline to the middle of
14 the road, I believe is what you said?

15 MR. BECK: Correct.

16 CHMN. CHENAL: Now, there's a good example. If
17 you moved to the left of the center of the road --

18 MR. BECK: So the boundary on the right-hand
19 edge would move over.

20 CHMN. CHENAL: Right.

21 MR. BECK: And then the left-hand edge would
22 move a little bit out into private property.

23 CHMN. CHENAL: So, in this instance, it would
24 actually now encroach more on the developed area than it
25 is shown here in the undeveloped area.

1 MR. BECK: Potentially, yes.

2 CHMN. CHENAL: Okay.

3 MR. BECK: Now we're reaching Ajo Way. We would
4 cross over Ajo.

5 We can continue it. Technical issue.

6 I don't know if you noticed, these are, again,
7 commercial buildings that were along Palo Verde north of
8 Ajo. One is a car painting shop. I believe it's a
9 Circle K on the corner. Fast food restaurant on the
10 northwest corner.

11 MR. DUBBERLY: It's just blue-screened. Sorry.

12 CHMN. CHENAL: While we have a little technical
13 glitch there, Mr. Beck, let me ask this question. Maybe
14 it's for your legal team as well.

15 It may be that the Committee may -- would
16 prefer, as part of the route, assuming the Committee
17 chooses a route and it's one of the three, to have the
18 poles on one side of the road versus the other for
19 certain segments of it. Let's assume that issue comes
20 up.

21 But if we have a 300-wide corridor, regardless
22 of where the centerline is, usually that allows for the
23 poles to be placed on one side or the other.

24 So how do we, as a Committee, designate that for
25 this particular stretch of the route? We want it to be

1 on the west side of the street, say, versus the east
2 side, even though the corridor covers both.

3 MR. BECK: I guess, Mr. Chairman, my position
4 would be that we would write the corridor width, as an
5 example, 300-foot centered on the road right-of-way on
6 the centerline of the road, and that the Committee could,
7 in fact, say, From point X to point Y, we ask the
8 applicant to be on either the west or the north or the
9 south side of the road.

10 CHMN. CHENAL: All right. I mean, that could
11 happen.

12 MR. BECK: Are we back, ready for operation?

13 MR. DERSTINE: Our technical team says we lost a
14 computer, I think momentarily. But that won't allow us
15 to move as slowly as we have, so we'll manage it until
16 the other computer is ready by simply pausing it more
17 frequently.

18 CHMN. CHENAL: Okay. That's fine.

19 MR. BECK: So, again, we're still on the north
20 side of Ajo Way once we turn the corner here. So this is
21 the corner of Palo Verde and Ajo. The line would be on
22 the north side of the road. Again, if we shifted the
23 corridor, it would just move over.

24 The ball fields -- this is the ball fields that
25 are adjacent to the County Sports Park. The hospital is

1 to the left.

2 Maybe pause it right there. Again, this is the
3 Kino Sports Park. There's the Y, which is back in here.
4 This is the retention basin for flood control purposes.

5 This is a County complex and then their major
6 ball field. And then the other ones that were along the
7 freeway are to the left of that field.

8 And this is the -- in the foreground, you can
9 see the pedestrian crossover we have to go over along
10 that route. And, again, Ajo does have petroleum lines in
11 the road right-of-way.

12 Maybe pause right there. Again, we saw the
13 juvenile detention center right here and the courthouse
14 with their solar parking in front.

15 We'd be on the north side of Ajo. We get to the
16 portion of the Kino Parkway off-ramp, and we would stay
17 on the right-hand or the east side of the roadway going
18 around that bend. So we're back to what would be common
19 with Alternative B.

20 Pause right there for a minute. So this is
21 where we came down in the bus and turned around at the
22 very end. As you can see, the road itself doesn't go
23 through, but we can take the line and go through and be
24 on the west side of Campbell going north.

25 Again, you see some residential on the east side

1 of the roadway but all commercial on the west side.

2 Just pause there for a minute.

3 Again, here's the park or the area to be
4 developed as the park. And here's the residential as
5 well as the school up here.

6 We stay on the west side, turn the corner, and
7 we would be on the south side of 36th Street and dropping
8 into the substation.

9 And that's pretty much what you saw this morning
10 on the bus tour.

11 CHMN. CHENAL: I just -- maybe I'll speak for
12 myself, but I suspect others will agree, I thought this
13 was a nice way to do it, to have the tour. You know,
14 have a fly-by ahead of time, the flyover, and then have
15 the tour, and then have -- I was going to say quick
16 review of the Google flyover, but it really puts things
17 in perspective for me to do it like that. So I find this
18 very helpful, and I thank the applicant for making this
19 all available.

20 MR. BECK: Thank you.

21 CHMN. CHENAL: Any questions from the Committee?

22 Yes, Member Palmer.

23 MEMBER PALMER: Just one question. It seems
24 like -- maybe it's just my perception -- but over the
25 course of the last two days, most of the conversation and

1 deliberation has been over options A and B. There's been
2 very little said about C.

3 Are there specific factors that make it less
4 desirable or the third desirable option?

5 MR. BECK: In the applicant's position, A is our
6 first choice, and we would actually say C is our second
7 choice, even though we have not spent much time talking
8 about it.

9 I think you saw there was a lot of public
10 interest in B. But from a cost perspective, some of the
11 access issues around the ballpark, we see C as actually
12 our second choice. But any of the routes are acceptable
13 and buildable.

14 MEMBER PALMER: Okay.

15 CHMN. CHENAL: So, Mr. Derstine, I don't know if
16 it's you or Ms. DeCorse. I guess should, at this point,
17 we resume -- is it your intent to resume with the
18 testimony of Ms. Darling, or were there other things you
19 wanted to review with Mr. Beck?

20 MR. DERSTINE: Mr. Chairman, Members of the
21 Committee, I think at this point, I'm ready to proceed
22 with Mr. Darling. Let me confer with her for just one
23 second.

24 CHMN. CHENAL: Sure.

25 MR. BECK: Mr. Chairman, we have put in --

1 created an exhibit to show our concept on the corridor
2 issue. If the Committee is interested in seeing that in
3 the meantime, we can bring that up.

4 CHMN. CHENAL: Sure.

5 MR. BECK: Patrick, it's on the left-hand side.

6 So this is to represent a 300-foot-wide corridor
7 centered on the roadway. So we would have some
8 encroachment onto the properties on the south side, some
9 encroachment on the properties to the north side, based
10 on a 300-foot width.

11 And for all of the alignments, we think that
12 fully covers the roadway right-of-way widths in the
13 project area.

14 CHMN. CHENAL: So you would be moving the
15 centerline over the road, in other words. So the
16 centerline of the corridor would become the centerline of
17 the road?

18 MR. BECK: Correct. So we just put that out
19 there as a concept for consideration tomorrow.

20 CHMN. CHENAL: Member Woodall.

21 MEMBER WOODALL: To me, that seems very logical
22 because the centerline of the roadway is a known thing,
23 whereas, the centerline of where you might put your poles
24 is still kind of up in the air. So I'm very supportive
25 of that simply because it's easy to figure out exactly

1 what area you're talking about.

2 MR. BECK: That's our attempt to try and make it
3 simpler for understanding.

4 CHMN. CHENAL: I'm sorry. Excuse me. Are we
5 ready to proceed?

6 MR. DERSTINE: I am.

7 CHMN. CHENAL: Please proceed.

8 MR. DERSTINE: I apologize for the delay. I
9 think the jumping-off point with Ms. Darling is to go
10 back. We were asked to redo our residential map, that
11 giant map of red, and so overnight, we reworked that to
12 reflect existing residential areas and not to include
13 what was zoned residential.

14 And so we have that map, and I guess my
15 suggestion would be we go back to that and address that
16 now and have Ms. Darling cover that and show how the new
17 graphic -- what it shows, and we can then take questions
18 on it. And then we'll move on, and our next chapter with
19 Ms. Darling is to talk to our public engagement process.

20 CHMN. CHENAL: Sounds like a great idea.

21 MR. DERSTINE: I'll say, while we're efforting
22 this, Mr. Dubberly has done a yeoman's job of managing
23 our flyovers and various presentations and then,
24 overnight, preparing the maps and graphics for us. So we
25 appreciate his efforts. It's been a lot for him to do

1 and manage.

2 RENE E DARLING,
3 called as a witness on behalf of the applicant, having
4 been previously first duly sworn by the Chairman to speak
5 the truth and nothing but the truth, was examined and
6 testified as follows:

7

8 DIRECT EXAMINATION (Cont.)

9 BY MR. DERSTINE:

10 Q. So, Ms. Darling, why don't you give some context
11 and explanation of what we're seeing on the screen to the
12 right.

13 A. Okay. So we revised the map so that it shows
14 existing residential land use. That's the red areas.

15 And then we also put in planned residential land
16 use, and that's the green area. And the only place that
17 we put it was on that corner of the Bridges that we've
18 been discussing. We did not use the planned residential
19 area south of I-10 since Pima County indicates that those
20 would be ball fields.

21 The yellow is anywhere where residential land
22 use, either proposed or existing, touches the proposed
23 corridor.

24 So up in the right -- top right corner, it will
25 give you the new percentages for each alternative.

1 Q. So why don't you read those out for all of us
2 who are vision-impaired.

3 A. Sure, I can do that. Alternative A, 9.54
4 percent; Alternative B, 3.47 percent; and Alternative C,
5 2.94 percent.

6 Q. Are there any other important takeaways that you
7 want to communicate to the Committee concerning the
8 revised residential impact slide?

9 A. No. If we did shift the corridor to the
10 centerline of the road, that might change the percentages
11 slightly. That's all I can think of.

12 CHMN. CHENAL: I think this is very helpful, and
13 I think we should --

14 MEMBER NOLAND: Awesome.

15 CHMN. CHENAL: Awesome, as one of the Committee
16 members --

17 MEMBER NOLAND: Let's do this every time, then.

18 CHMN. CHENAL: I think it really is. And by the
19 way, you'll notice that the percentages have shifted
20 dramatically and in an inverse relation to what they were
21 before. In fact, it's so important, I think we should
22 make this an exhibit somehow to the proceeding, maybe a
23 supplemental exhibit, Mr. Derstine.

24 MR. DERSTINE: Yeah. So we will --

25 Well, what number are we on currently, Madam

1 Court Reporter?

2 THE REPORTER: 13.

3 MR. DERSTINE: So this would be TEP Exhibit 13
4 for the supplemental impact slide.

5 THE REPORTER: Yes.

6 MR. DERSTINE: So I have a paper set, and we
7 will have that marked as TEP-13, and we will then file it
8 in connection with the case. I think there may be some
9 additional exhibits that we'll also be filing that have
10 then become part of the case. So this will be included,
11 and we'll mark it as TEP-13.

12 CHMN. CHENAL: And then, at the conclusion of
13 the case, we'll go through the exhibits and make sure
14 they're all dealt with appropriately, but I think that's
15 good.

16 Member Noland.

17 MEMBER NOLAND: Mr. Chairman, just a quick
18 clarification.

19 The yellow, as it's up in the Bridges and Park
20 Avenue area as well as down on Benson Highway, those are
21 where it overlaps with the corridor, not the actual
22 line -- proposed line location?

23 MS. DARLING: Well, the line is within the
24 corridor, so --

25 MEMBER NOLAND: My point is, if we're running

1 the line on the Benson Highway to the left side, then --

2 MS. DARLING: Right.

3 MEMBER NOLAND: -- it would not overlap.

4 MS. DARLING: Correct. It would be on the south
5 side.

6 MEMBER NOLAND: And if we change it to the
7 median of the roadway, that would slightly change it?

8 MS. DARLING: Right.

9 MEMBER NOLAND: But this is great. Thank you.

10 MS. DARLING: Can I just add that on the -- what
11 we were talking about with the Bridges, whether we're on
12 the west or the east or the north or the south, it would
13 stay the same in that place, obviously.

14 CHMN. CHENAL: And that's because it's either
15 existing or planned.

16 MS. DARLING: Correct.

17 CHMN. CHENAL: On both sides of Park and both
18 sides of 36th Street at that corner.

19 MS. DARLING: Correct.

20 CHMN. CHENAL: I think it's a very -- well, it's
21 more useful, I think, to evaluate the data with this than
22 with the slide that was -- the slide that was done
23 previously. I thought that was very helpful. Simpler.
24 Maybe that's why I like it; it's simpler. Maybe it's
25 dumbed down to my level, but I understand it better, and

1 I like it better. Member Haenichen may disagree.

2 MS. DARLING: I think it's great too.

3 MR. DERSTINE: Unless there's more questions on
4 this, we can move on to the next segment.

5 CHMN. CHENAL: Please.

6 Q. BY MR. DERSTINE: Ms. Darling, yesterday, as we
7 talked through your direct testimony, we were covering
8 and I think we did cover all the various studies that
9 were performed. We covered the biological studies of
10 impacts to wildlife and vegetation. You testified to
11 land use impacts. You testified to noise impacts. You
12 testified as to recreational impacts, archeological
13 impacts.

14 I think that covers all of the various studies
15 that were performed with now what's been marked as
16 TEP-13, the revised slide of residential potential
17 impacts of the routes on existing residences. Is there
18 anything you need to add on studies that were performed?

19 A. Did you say visual impacts?

20 Q. I did not say, but we also then covered our
21 visual impacts as well. Thank you.

22 A. That would conclude. That's all of them.

23 Q. So, in addition to doing the study work on these
24 various impacts, you also had a program for gaining
25 feedback from the public and stakeholders about these

1 routes and gained feedback in terms of developing the
2 routes and then feedback concerning the routes once they
3 were brought forward.

4 Why don't you start us with giving an overview
5 of that public engagement program.

6 A. Yes. We initiated the public engagement program
7 in August of 2016 with briefings to the local
8 jurisdictions in the study area and some meetings with
9 stakeholders.

10 We had meetings with the U of A and the Bridges,
11 ADOT, Davis-Monthan Air Force Base, and some others that
12 were -- Tucson Water, I believe, and Southwest Gas and
13 Kinder Morgan. And then we had two group stakeholder
14 meetings.

15 The first one -- I'll get into the alternative
16 analysis later -- but the first one was around the time
17 that we were doing the macro geospatial analysis, and the
18 second one was when we were doing the micro geospatial
19 analysis.

20 And then we also had two public open houses.
21 The first one, we only had the study area. So we had the
22 study area identified with no segments, links, or routes
23 in it. We just wanted to know from the public -- well,
24 let them know that somewhere in that area, there was
25 going to be a transmission line and a substation, and to

1 get their input on that to identify maybe any resources
2 or sensitive areas that we weren't aware of from our
3 initial data collection.

4 The second public meeting, we had the links
5 identified by then. So it was after going through some
6 stakeholder process and then asking the public what they
7 thought of those links.

8 We also mailed three newsletters over the course
9 of the project to over 14,000 residents, business owners,
10 landowners, agency and organization representatives.

11 The first newsletter announced the public
12 meeting, so it had a map of the study area in it.

13 The second newsletter announced the second
14 public meeting, so it had the links map in it.

15 And then the third newsletter was after we had
16 identified the three alternative routes, and it asked the
17 public to let us know if they had a preference as to
18 which alternative, and that's how we got kind of the
19 public input on which alternatives were preferred.

20 We also had a telephone line available
21 throughout the process. The telephone line was a
22 voicemail where they could leave us a voicemail with
23 their input or ask us to call them back. And so that was
24 posted on our website on the web page for the project as
25 well as in all of the newsletters and was on the comment

1 form, had they picked it up at the public meeting or
2 anything like that.

3 We had the project website, which had an
4 overview of the project on it plus all of the materials,
5 so any materials that we produced as part of the public
6 open houses as well as part of the stakeholder meetings.
7 They could review the minutes and meetings -- you know,
8 meeting minutes from the stakeholder meetings, all of the
9 posters that you see here.

10 And then, when we started filing things,
11 obviously, our application and other things that we
12 filed.

13 And then we also had a social pinpoint site. So
14 this is the first time we ever had a social pinpoint
15 site. It is a web-based application where people can put
16 a locational comment, so it's GIS based. They can drag a
17 pin and leave a comment.

18 So I was going to show you -- well, let me get
19 through this first. This is just some pictures of us
20 with our first open house meeting. We had 15 people
21 attend that meeting and two comments left at the meeting.

22 And then this is our second open house meeting.

23 Q. Let me -- let me stop you right there. I notice
24 in the photos of the public meetings, there's various
25 boards there, and I see boards back behind you. Are

1 these some of the boards present at those public
2 meetings?

3 A. Yes. And there are some more that are up on the
4 easels that folks can look at too.

5 So this is the meeting where -- yeah. This is
6 the meeting where we showed the study area.

7 And this is the second meeting. We had 25
8 people attend this meeting. And, again, only two
9 comments were left at the meeting itself.

10 In the picture on the right is actually someone
11 using the social pinpoint web application to leave
12 comments on the social pinpoint site, which we had
13 available at the meeting. So they could do that or they
14 could leave a paper comment or they could take the
15 comments and, you know, submit them in another way later.

16 And then this is our first stakeholder meeting.
17 And let me see. We had 15 agency and organization
18 individuals attend that meeting.

19 The first stakeholder meeting, we did an
20 overview of the project. We told them about the ACC and
21 the Line Siting Committee and your role in our process.
22 We gave them the results of our initial research and
23 talked about the macro spatial analysis. And then we had
24 a long discussion about opportunities and constraints
25 that the stakeholders saw with their facilities in that

1 area.

2 And then the second -- did I go to it? The
3 second stakeholder meeting, we had 19 agency and
4 organization individuals, and we also had the teachers
5 and 12 of the students from the school, the community
6 school that we talked about a lot during this process.

7 And, again, we did an overview of the process,
8 talked about the stakeholders' role in this process.
9 There was also the micro spatial analysis and, again,
10 based on the new data and the links, talked extensively
11 about opportunities and constraints.

12 So that was our outreach. And I just wanted to
13 maybe show you what a social pinpoint site is. It's our
14 first time -- as I said, the first time we used it was on
15 this project. We're currently using it on another
16 project that you're going to be hearing from us about in
17 the future.

18 Patrick, are you going to click the link for me?
19 Okay.

20 So I can't do it from here, but Patrick's going
21 to do it. So when you got to the website, it gives you
22 an overview of the project. It was in both English and
23 Spanish. So they would see this box when they got there.
24 They could read about it.

25 And then close the box.

1 So through the process, when the site first went
2 up, it just had the study area. And then, as we
3 developed the project, the map would change. So it would
4 have the study area, then it had the links, and then it
5 had the routes.

6 It showed the end points of the project and the
7 study area boundary. And there's information along the
8 left, so they could click on any of these. This would
9 give them a welcome and tell them, again, about the
10 project. And then, again, these are about the
11 substation, about the line.

12 That's the most recent -- right, that's the
13 comments that have been left. So it's been cleared out,
14 and the comments are in the application that were
15 received.

16 But they could see when they made a comment,
17 they could review anybody else's comment, and they could
18 actually, just like on Facebook, like or dislike that
19 person's comment.

20 And then I think that just explains in detail
21 each of the alternatives.

22 So can we now do a comment? So --

23 Q. He says no.

24 A. What happened? It was open yesterday. Okay.

25 Well, I was going to show you how to make a comment.

1 Q. The point is that you use --

2 A. Let me explain how --

3 Q. Okay.

4 A. Where it says "closed for comment," you would
5 have clicked on that and dragged it -- dragged the box to
6 the location on the map that you wanted to leave a
7 comment. An open box would come up, and you would type
8 in it what it is you wanted to say and then submit it.
9 That's how it worked.

10 CHMN. CHENAL: Excuse me.

11 Member Hamway.

12 MEMBER HAMWAY: I was just curious how much
13 participation you had with it.

14 MS. DARLING: We had -- good question. And,
15 again, it was our first time. I think it was 12. 12
16 comments on social pinpoint. So it's not a lot. We had
17 84 total comment comments. But, again, it's a new way of
18 doing things and kind of a more interactive.

19 MEMBER HAMWAY: So 12 different people or --

20 MS. DARLING: Yes, 12 different.

21 MEMBER HAMWAY: But not 84 different people? 84
22 comments from those 12 people?

23 MS. DARLING: No. I'm sorry. Over the whole
24 course of the project, through many different means, we
25 received 84 comments. On the website, we received 12

1 comments on the social pinpoint site. I'm sorry.

2 CHMN. CHENAL: Member Woodall.

3 MEMBER WOODALL: So you sent out 14,000 notices,
4 and you got 84 comments?

5 MS. DARLING: We sent out over 14,000 notices
6 three times and got 84 comments.

7 MEMBER WOODALL: I'm curious, on the phone line,
8 how many folks did you get calling in?

9 MS. DARLING: 12.

10 MEMBER WOODALL: To what do you attribute this
11 low percentage of engagement? And I hasten to add, I'm
12 not faulting TEP, but that's a lot of time, money, and
13 effort for very little result.

14 MS. DARLING: It's pretty consistent with what
15 we've seen in all of our outreach regarding these cases.
16 It's not -- in fact, I would say this is more than we
17 normally get.

18 MEMBER WOODALL: Yes. I was not critiquing
19 that. I mean, I've noticed in other proceedings, they'll
20 send out thousands of notices, and basically nobody
21 cares, I guess.

22 MS. DARLING: I don't want -- I don't know.
23 There's some people that care a lot, and then there's
24 others that kind of just accept it as, you know, it's
25 part of growth, it's part of infrastructure, it's going

1 to happen. I don't know. I mean, I could speculate all
2 day.

3 MEMBER WOODALL: I'm curious. I'm wondering is
4 this -- I mean, this is a standard technique that is used
5 in this public outreach, not just by you but by all of
6 the utilities.

7 MS. DARLING: Uh-huh.

8 MEMBER WOODALL: I'm assuming similar in NEPA
9 proceedings. Probably less in NEPA proceedings, would be
10 my guess, but ...

11 MS. DARLING: No. It's about the same as NEPA I
12 would say. And, you know, it's the type of -- I don't
13 know if it's the type of project, because, you know, like
14 road projects, they get tons of comments and tons of
15 involvement in their open houses. So I don't know how
16 infrastructure -- the electric infrastructure doesn't --
17 I don't know. I can't -- like I said, I can't speculate.
18 I'm not sure.

19 MEMBER WOODALL: You need to start coloring it
20 in garish colors. You would get some --

21 MS. DARLING: I forgot to add that every open
22 house was noticed in the Arizona Daily Star and in The
23 Estrella, so both in English and Spanish for every
24 meeting.

25 CHMN. CHENAL: Let me make a comment. 84 out of

1 4 times 14,000, but those 84 people did take the time to
2 comment. I know there's people here who have come out
3 here and sat through the hearings, so I think people
4 care. They care a lot.

5 It's probably like politicians. I mean, how
6 many people actually write something to their congressman
7 or senator? But when they do, I think that reflects a
8 lot of people. It's just this person maybe made the
9 comment, but I think you extrapolate and say, Well,
10 there's a strong sentiment out there. It's just you
11 don't base it just on the numbers.

12 But I do want to make sure that the people that
13 have taken the time to come here today understand that we
14 do appreciate the comments. And I think you can see
15 we're interested in what you have to say and the fact
16 that you're engaged.

17 Go ahead, Member Hamway.

18 MEMBER HAMWAY: Do you have a breakdown of the
19 comments, whether they liked it, didn't like it, and what
20 route they liked?

21 MS. DARLING: Yes. I'm getting there.

22 MEMBER HAMWAY: Oh, okay.

23 MS. DARLING: Yes.

24 Q. BY MR. DERSTINE: Let me stop you just for a
25 minute, Ms. Darling.

1 So the access to the social pinpoint website was
2 available at the open houses. Were there also other ways
3 that the public could utilize that?

4 A. They could. From our website, there was a link
5 to the social pinpoint site. And then it was also listed
6 in all of the newsletters, so they could have typed it in
7 their computer from the newsletter and gone that route.

8 So in the newsletters, if you would look at
9 them, there's a list of how can I comment? And it gives
10 email address. It gives the phone line. It gives the
11 social pinpoint link. It gives our website that has a
12 comment form that you can fill out online called Wufoo.
13 It also has a comment form on our website that you can
14 download and then email or mail.

15 And then, within the newsletter itself, there's
16 always a comment form that you can pull out of the
17 newsletter, write and mail in or scan and email in. So
18 we received them in all of those ways.

19 Q. Okay. And so social pinpoint is just one tool
20 or one of the -- I guess your newest tool in trying to
21 get feedback and get people involved?

22 A. Right. And we thought it would be nice because
23 a lot of times you get a comment, but it's not specific
24 to any segment or link or area. And you're unsure, does
25 it apply to the whole project or something specific?

1 This way, they can drag it right to the point where maybe
2 they live or they work or they have a concern about.

3 Q. Got it.

4 So all of this that you outlined, including the
5 social pinpoint, was intended to try to get feedback, and
6 we've talked about the amount of feedback.

7 To Member Hamway's point, can you talk about the
8 comments we did receive and what categories or how you
9 would break those down.

10 A. Yes. I just want to --

11 Q. Yeah, sorry.

12 A. So after we filed, we did a fourth public
13 outreach, which was a postcard that we mailed to those
14 same 14,100 individuals as well as we emailed it to
15 anyone who had previously commented on the project for
16 which we had an email for. And the postcard said which
17 alternative we had selected as our preferred and invited
18 them to the public hearing. So that was sent, as I said,
19 after the filing, so it's not in the -- I think it was
20 filed in the supplemental materials, actually. Yes.

21 All right. So getting to the comments. So this
22 is the -- where's my -- this is the 84 comments received.
23 Actually, it reflects the eight additional comments we
24 received after filing. So we did receive 84 comments
25 before filing and eight comments after filing.

1 The main concern was location, as you can see
2 there in the -- here we go. This is location.

3 And then secondly was health -- health concerns,
4 followed by appearance, other, and cost.

5 The other comments ranged -- there were 13 other
6 comments, and they ranged from rates, concern about
7 rates, concerns about traffic delays during construction,
8 street lighting, current power quality, flooding,
9 cultural resources, the length of construction, property
10 values, environmental justice, and extending the light
11 rail to the area, which we don't have any control over
12 that, but ...

13 So those are the comments and the types of
14 comments that we received. And in the application is
15 every single comment we received. There's a table in
16 Exhibit J.

17 Q. As to the comments that were directed to
18 location, the yellow section of the pie, were those
19 expressing a direct preference for one route over
20 another? Can you break that down a little bit for us?

21 A. Yes. So 13 of those 40 were specifically
22 regarding the substation itself. Early on in the process
23 when we first identified the substation location, there
24 were a lot of concerns from some of the public about the
25 location of the substation. So 13 of those were about

1 that specifically.

2 The remaining ones were -- yes, they were
3 specifically asking for one route or another to be
4 selected. And I think that's later on in -- but I can go
5 to it if you want me to go do it now.

6 Q. No. If you're going to get to it in a bit,
7 that's fine.

8 A. Okay.

9 Q. So in terms of the -- so of the 92 comments
10 total, you had 84 prefiling and then an additional eight
11 after the filing, 92 comments total; is that right?

12 A. Yes.

13 Q. And all of those 92 are tabulated in this slide?

14 A. I hope so, yes. And I have it broken down by
15 how we received them, if you're interested. We got 49
16 comment forms, 14 of the Wufoo forms, the online ones, 12
17 voicemails, 12 social pinpoint comments, and five emails.

18 Q. If you can, just while we're on it, why don't
19 you jump to your slide 36, which was your breakdown of
20 the preferences just while we're on the topic.

21 A. So at the time of filing -- this is -- this
22 reflects after filing, so it reflects those additional
23 comments.

24 At the time of filing, A was preferred by the
25 public. It was 54 percent -- I'm sorry, 52 percent.

1 Alternative B was 44 percent, and Alternative C was 4
2 percent.

3 Those additional votes raised -- or lowered
4 Alternative A to 45 percent and raised Alternative B to
5 45 percent, making them equally preferred by the public,
6 A and B. And then C went up to 10 percent.

7 CHMN. CHENAL: All right. Ms. Darling, can you
8 kind of repeat that?

9 MS. DARLING: Yes.

10 CHMN. CHENAL: You lost me on --

11 MS. DARLING: Sure.

12 CHMN. CHENAL: I know I'm looking at it, but
13 what was before and why is it different?

14 MS. DARLING: So when we filed, we had those 84
15 comments. And a percentage of those were specifically
16 based on one preference or another of an alternative.

17 So at the time of filing, 52 percent of the
18 votes that we received were for Alternative A, 44 percent
19 were for Alternative B, and 4 percent were for
20 Alternative C.

21 We then, after filing, received those additional
22 comments, and they were all specifying a route
23 preference, which lowered the votes for -- the percent of
24 votes for Alternative A down to 45 percent, raised the
25 preference for B to 45 percent, which equalized them,

1 made them equally preferable, and raised Alternative C to
2 10 percent.

3 CHMN. CHENAL: I'm curious -- curious to me that
4 after the filing, there was kind of a -- it was -- the
5 comments were slanted so much in favor of B over A.

6 MS. DARLING: Okay. So -- well, the reason I
7 think it happened is -- remember, I said that post
8 filing, we sent the postcard. We sent a postcard to let
9 everybody know that we had selected a preferred
10 alternative, and we had put Alternative A as our
11 preferred in the application and that there was a
12 hearing; remember?

13 So eight people, as a result of that, said, Wait
14 a minute. I either do or don't like that selection that
15 you made. And I think that's why it shifted.

16 CHMN. CHENAL: And let me follow up. I'm
17 assuming that the people that are in favor of
18 Alternative A are the people who perhaps are in the group
19 here that doesn't really want it up Campbell or people
20 that are associated with the school that don't
21 particularly want it up by the school. And that's the
22 nature of the comments we've heard, residents, people
23 from the school. So I can see why those people were in
24 favor of A.

25 What's the reason given for why people are in

1 favor of Alternative B?

2 MS. DARLING: Mainly, they see it as the
3 shortest route. And because it's along the I-10
4 corridor, there's less impact, in their minds, to
5 businesses and residences. It has more area and length
6 that's not next to anything other than ball fields and
7 parking lots. And they don't -- you know, can't convey
8 to them the difference in cost and difficulty with
9 access, so they just see, Hey, that's the shortest route.
10 That makes the most sense to us.

11 CHMN. CHENAL: All right.

12 MS. DARLING: And, again, this is my opinion,
13 my -- yeah.

14 Q. BY MR. DERSTINE: So of the comments that you're
15 tabulating and we're talking about and they're shown
16 graphically in this pie chart, when you say public, are
17 you excluding any sort of jurisdictions, or does public
18 include businesses?

19 A. Public can include businesses, so it's anybody
20 besides stakeholders. So the people that participated in
21 the stakeholder meetings and chose to, you know, send a
22 specific letter like the City of Tucson or Pima County or
23 Davis-Monthan Air Force Base or Arizona Game and Fish
24 Department, those are in the application as letters that
25 were submitted to us. And many of them didn't -- really

1 didn't say anything as to a preference except City of
2 Tucson and Pima County.

3 And then, of course, Kinder Morgan said they
4 didn't want Alternative C because that's where the
5 petroleum gas pipelines are.

6 Q. And while we're on the topic of expressed
7 preferences for routes, I think you have a slide that
8 talks about or summarizes the jurisdictional preferences.

9 A. I do.

10 So Alternative B is preferred by both of the
11 jurisdictions, Pima County and City of Tucson. Pima
12 County cited that there were fewer impacts to surrounding
13 lands and also their concern regarding the Kino south
14 sports park expansion, which we've talked about a lot --
15 get to it -- is where they're going -- the fields here
16 are going to the south of I-10. And they plan to develop
17 along -- they want to encourage commercial development
18 along Benson Highway here, so they feel that the
19 transmission line would have a negative impact on that
20 economic development that they want to do.

21 Q. Okay. And City of Tucson?

22 A. I'm sorry. And City of Tucson kind of gave a
23 standard response. They prefer B because it obviously
24 has the least impact on City right-of-way. So they have
25 pedestrian facilities and sight triangles at

1 intersections and driveways that enter the roadway, and
2 so it's just less for them to have to coordinate with us
3 on if we go with B. So that's pretty much why they chose
4 B.

5 CHMN. CHENAL: And can you remind me again what
6 a sight triangle is.

7 MS. DARLING: Yes. So when you approach an
8 intersection, in order to look left or right and see
9 oncoming traffic, it's a distance you have to set back
10 from on that curb in order to allow that line of sight
11 without -- so the pole being right in that line of sight
12 would be a very bad thing.

13 CHMN. CHENAL: Member Noland.

14 MEMBER NOLAND: You mentioned Kinder Morgan.
15 Can you show me on the map where their facility is that
16 would be impacted by C?

17 MS. DARLING: So they have -- Mr. Beck mentioned
18 it on the tour. There are two Kinder Morgan petroleum
19 pipelines running down Ajo Way all the way. I mean, I
20 don't know if they extend beyond our -- but their
21 facilities are over on Palo Verde Road, but they have
22 petroleum pipelines in the road, two of them, large ones.

23 MEMBER NOLAND: In the road or --

24 MS. DARLING: Yes. Yes.

25 MEMBER NOLAND: -- on the side of the road or --

1 MS. DARLING: My understanding is they are in
2 the road. So we would have to mitigate them, but we
3 could still go on the north side of Ajo.

4 MEMBER NOLAND: Right. I think we've done that
5 in many cases before. It can be mitigated.

6 MS. DARLING: Yes.

7 MEMBER NOLAND: Thank you.

8 CHMN. CHENAL: Member Riggins.

9 MEMBER RIGGINS: You had mentioned, so Pima
10 County preferred Alternative B, and I know earlier
11 Mr. Beck had pointed out the lines crossing the already
12 existing ball fields at Kino. Did they have any input or
13 comments about that as far as Route B?

14 MS. DARLING: So Pima County has many
15 departments, obviously. So they say that they did talk
16 to all the departments.

17 We had an initial meeting with the people that
18 specifically run Kino Sports Complex, and our first
19 meeting with them was: Absolutely not. We won't even
20 consider this. This is just going to be too much impact
21 on the fields.

22 And then, as we moved through the process and it
23 became apparent that it was going to -- that sort of
24 statement pushed us to Benson Highway, they kind of
25 circled back around with us and said, Oh, we're

1 supportive of you going there because we really don't
2 like Benson Highway. So it kind of pushed us back from
3 one to the other kind of.

4 MEMBER RIGGINS: Okay.

5 MS. DARLING: They're okay with it. We --
6 again, it's a challenge for us to both build and maintain
7 in there, but it, again, can be done. It's in the
8 application, so it can be done. But that's where we kind
9 of started and ended with them.

10 MEMBER RIGGINS: Thank you.

11 CHMN. CHENAL: Member Hamway.

12 MEMBER HAMWAY: So what about Benson Highway did
13 they not like?

14 MS. DARLING: So they don't like Benson Highway.
15 As I said, they are -- so this is where this -- all the
16 ball fields are; right? Their plan is to build a
17 pedestrian underpass under I-10 and build all of the
18 undeveloped area in here between I-10 and Benson Highway
19 out as more of the sports complex and have commercial
20 development all along Benson Highway for economic
21 development.

22 Their second reason they cited was Tucson
23 Boulevard. When you come from the airport, you use
24 Tucson Boulevard and then Benson Highway to get to Kino.
25 So it's kind of a gateway kind of for tourists and things

1 like that. So those were their -- that's their reasons.

2 MEMBER HAMWAY: Thank you.

3 MS. DARLING: Correct. And the entry to the new
4 park area would be off of Benson Highway.

5 But we are -- I want to point out we are on the
6 south side of Benson Highway. We are not up against that
7 proposed new commercial development or the ball fields at
8 all on the Benson Highway side of things.

9 CHMN. CHENAL: Member Hamway.

10 MEMBER HAMWAY: If the City of Tucson had a
11 strong objection, would they not have come to this
12 meeting?

13 MS. DARLING: The City of Tucson doesn't have a
14 strong objection. They picked Alternative B because it
15 has the least impact on their right-of-way and means it's
16 the least amount of area they have to coordinate with us
17 to place our poles.

18 Pima County --

19 MEMBER HAMWAY: I meant Pima.

20 MS. DARLING: -- has a strong objection.

21 MEMBER HAMWAY: Are they here?

22 MS. DARLING: They put a letter -- there's a
23 letter in the application that's quite long and has a lot
24 of attachments and different information from different
25 departments. There was a Pima County representative here

1 yesterday morning, but, no, they aren't leaving any
2 additional comment other than the letter that I know of.

3 Q. BY MR. DERSTINE: So I pushed your presentation
4 a little bit out of order, but --

5 A. Just skip that whole section.

6 Q. Because we wanted to deal with and address, I
7 think, the subject in terms of through the public
8 engagement program, what sort of specific comments did we
9 get with regard to preferences for a specific route.

10 So have we covered in terms of comments from
11 stakeholders and public for one route or another? Does
12 that --

13 A. Yes.

14 Q. That kind of covers it? Okay.

15 So let's then go back and have you give an
16 overview of kind of the methodology that I think was
17 the -- where we were going next in terms of how we -- how
18 you analyzed these routes.

19 And with sensitivity to Member Woodall's point
20 in terms of necessarily getting too granular on
21 macro/micro geospatial analysis, give us an overview of
22 kind of what you did in terms of taking all this data,
23 public feedback, the various -- the impact analysis you
24 did and how that was used in bringing these routes
25 forward.

1 A. I will do my best.

2 MEMBER WOODALL: On my account, take as long as
3 you want. Take as long as you want.

4 MS. DARLING: I'm going to try and do it as
5 quick as I can while not confusing anyone.

6 So the full report is B1 of the application.
7 And so it is quite extensive and long and has lots of
8 tables and lots of maps and figures. So if you really
9 want to get into the details of how we went about it,
10 that's the best place to look. But I will summarize to
11 the best of my ability.

12 After we had developed that study area and had
13 some initial input from our stakeholders that I mentioned
14 with, like, UPRR and ADOT and Pima County and City of
15 Tucson, we identified 64 segments.

16 The segments are any -- you know, any piece of
17 road right-of-way that could connect A and B if combined
18 in a series of -- as you can see here -- let me -- I'm
19 already confusing you.

20 CHMN. CHENAL: Yeah, don't be afraid to --
21 Ms. Darling, to take a little time here.

22 MS. DARLING: Okay.

23 CHMN. CHENAL: I don't think it's actually
24 helpful to speed through this.

25 MS. DARLING: Okay.

1 CHMN. CHENAL: This is the same analysis that
2 we're going to have to go through, so taking us through
3 this, you know, I think is important.

4 MS. DARLING: Okay. So a segment is any piece
5 where, if you reach a point, you can go in an opposite
6 direction.

7 So, like, if you're following Irvington Road
8 here, if you got to Alvernon, could you go north, could
9 you go south, or could you continue on? So that ends
10 that segment and starts a new segment. You could then go
11 this direction, this direction or this direction.

12 So that's what a segment is. So based on our
13 initial research, our initial conversations with
14 stakeholders, within the study, 64 segments were
15 identified.

16 CHMN. CHENAL: Let me ask a question. So a
17 segment is the first point where you can go in multiple
18 directions?

19 MS. DARLING: Correct.

20 CHMN. CHENAL: So when I come to that point, I
21 have the opportunity to turn to the right?

22 MS. DARLING: Yes.

23 CHMN. CHENAL: That's segment 2. And then if I
24 can go straight, that becomes segment 3. And if I turn
25 left, that becomes segment 4. Is that how the number 64

1 developed?

2 MS. DARLING: Yes. And when you don't see it
3 going in a direction where you would think it could go,
4 it's simply because it wouldn't logically connect to
5 something else.

6 So, for example, this point again, because we
7 had to exclude this railroad right-of-way, this segment
8 no longer made sense between here and here. So that if
9 you see missing segments, there's a reason. And that's
10 general -- 99 percent of the time, that's the reason you
11 don't see a segment there. So that was the first step.

12 We collected data. So data is GIS layers.
13 Because we're doing a geospatial analysis, it's GIS data.
14 So it's locational data that's tied to a resource. For
15 example, the locations of cultural resources, the
16 locations of species habitat, the locations of utilities
17 that we know about, the locations of sensitive receptors,
18 all of the different resources that we look at as part of
19 our application, which align with the criteria that you
20 need to consider, that total environment and all of that
21 list of resources that you want us to look at. So we
22 collect that GIS data, and it's overlaid with these
23 segments. So that's one half of it.

24 CHMN. CHENAL: Let me stop you there.

25 MS. DARLING: Yes.

1 CHMN. CHENAL: I'm sorry, but I just -- if I
2 don't understand it -- if the Committee doesn't mind,
3 let's just stop and make sure we understand.

4 The GIS is basically geography data?

5 MS. DARLING: Yes.

6 CHMN. CHENAL: Okay. So when you talk about a
7 cultural --

8 MS. DARLING: Resource?

9 CHMN. CHENAL: -- resource, you're talking
10 about -- so you pinpoint a spot on the map --

11 MS. DARLING: Uh-huh.

12 CHMN. CHENAL: -- for a cultural point, but you
13 pick that point because some other study or the other
14 analysis you've done has -- you've determined by that
15 analysis that this particular point is culturally
16 significant and, therefore -- now you've lost me.

17 MS. DARLING: Okay. Okay. Let me step back.

18 CHMN. CHENAL: You've got a cultural analysis.
19 You have something developed. Now, how does that
20 translate into a point on a map?

21 MS. DARLING: Okay. So let me step back one --
22 step back a step.

23 So when we collect that data -- for example, I
24 talked about how we did a Class 1 survey for cultural
25 resources. That looks at all of the previous surveys

1 done in the study area and the known cultural resources
2 and historic sites there.

3 There's a database of GIS information available
4 to us that has those boundaries of those sites and those
5 boundaries of those historic buildings -- do you
6 understand latitude and longitude? So it has locational
7 information tied to that boundary of that shape.

8 So when we pull that data into our database and
9 put it on a map, it's exactly where -- you know, fairly
10 close, usually within, you know, 4 feet or so of where it
11 actually is out on the ground.

12 CHMN. CHENAL: So for -- let's take one at a
13 time. We won't go through this for everything, but for
14 the cultural GIS data, you're basically saying you're
15 taking a culturally significant building --

16 MS. DARLING: Building or prehistoric site.

17 CHMN. CHENAL: Something like that, and you're
18 imposing the site on this map?

19 MS. DARLING: Correct. You don't see that, but
20 it's in the layers underlying the map. Okay. So there's
21 multiple layers. There's all these different resources
22 stacked on top of each other. And each of --

23 CHMN. CHENAL: Let's try a -- give us a couple
24 more examples.

25 MS. DARLING: Okay. So habitat for species, for

1 example, burrowing owl habitat. The biologists went out,
2 they identified these areas have the potential -- this
3 didn't actually happen on this project. This is an
4 example because it wasn't necessary for this project, but
5 let's say there was. It would be the biologist
6 identified these areas. It could be critical habitat
7 too. So that becomes a layer.

8 Then we have the engineer. The engineer looks
9 at all the utilities in the area, and they identify
10 sewers on this side of the road. There's a gas line on
11 this side of the road. If it was in the center of the
12 road, it's not as big a deal. But let's say it's in the
13 road right-of-way. They identify all those locations.
14 We get those. They're called shape files. So it's GIS
15 shape files.

16 We go to Tucson Water, and we go, Can we please
17 have shape files of your facilities in this study area.
18 We went to Southwest Gas, and we said the same thing. We
19 went to Kinder Morgan, El Paso Natural Gas. We went
20 to -- I think I said Tucson Water, PRS Wastewater, all
21 those utilities. That became a layer.

22 So we have all these layers on top of each other
23 that are underlying these segments that we identified.

24 CHMN. CHENAL: So, for example -- you're going
25 to explain it more, but where you superimpose Route A,

1 Alternative A, for the entire route or segment or length,
2 you can see for each basically square foot, every square
3 foot, you can see every pipeline it's going to cross,
4 every biologically significant habitat area, every
5 endangered species area, every ancient Hohokam settlement
6 area, everything that's going to -- this line could
7 impact where it could be built on this particular line,
8 this GIS analysis will show; is that correct?

9 MS. DARLING: That is correct.

10 Good to go?

11 CHMN. CHENAL: Good.

12 MS. DARLING: Okay.

13 So another part of this analysis is we have to
14 decide how important is that resource over something
15 else? So at the macro I talked about, we did a macro
16 geospatial analysis on the segments, and we did a micro
17 geospatial analysis on the links.

18 The macro geospatial analysis looks at things at
19 the 100-foot level. So if something is smaller than
20 that, it doesn't get captured in the first pass. The big
21 stuff gets captured in the first pass. So that's how we
22 look at it.

23 In the second pass, the micro, we look at it at
24 the 10-foot level. So we bring it down and really look
25 at it closely. And that's how you kind of narrow down --

1 initially, you have the segments, and then you're able to
2 narrow down to the links, which is the next map here.
3 And that's really hard to see. I'm sorry.

4 So we went from the 64 segments down to the
5 links, which I forget how many there are.

6 Can you see that, how many links there are?

7 So I want to -- while he's looking at that, the
8 segments, once we ran -- so we collected the data. We
9 have this map. So this map reflects two different
10 models -- the combination of two different products
11 models that we ran.

12 All of those reds, yellows, and greens represent
13 our utility road scenario. It's where we only looked
14 where those resources touched an existing road corridor.

15 All the blues behind that added building
16 density. So that's kind of showing -- it gave us an idea
17 of where there are open, undeveloped areas that we may be
18 able to veer off of a road and go cross country. That's
19 how we found the one through the ball fields.

20 So this is a combination of those two different
21 models that were run with the segments against the data.

22 And you can see the green, which there's not a
23 lot of, but green is good, and red is very prohibitive,
24 difficult to build.

25 CHMN. CHENAL: And -- I'm sorry.

1 Member Noland.

2 MEMBER NOLAND: Well, I'm having trouble putting
3 together between the two exhibits that you have, this one
4 and then the next that you were showing, because it looks
5 to me as though on this one, Alternative C has more fair
6 and good than any of the other routes proportionately.

7 Then you go to the next one --

8 MS. DARLING: So --

9 MEMBER NOLAND: Let me finish.

10 You go to the next slide, and all along Ajo,
11 it's red. And I -- I don't understand the correlation.

12 MS. DARLING: I understand.

13 So remember the first pass is 100-foot level.
14 The second pass is a 10-foot level. The data in the
15 first pass from segments to links, we added more data.
16 So there's more data available to us at the 10-foot
17 level, so you get to look at more resources. And like I
18 say, it's explained very much -- in very much detail in
19 the report.

20 Also, as we progressed, we learned more and
21 more; right? So as you start the -- the segment analysis
22 was only what we collected on our own. It was data that
23 we obtained on our own before talking -- you know, having
24 the stakeholder meeting and talking through opportunities
25 and constraints.

1 From going to the segment analysis to the link
2 analysis, we not only started looking at the 10-foot
3 level, but we had all this additional input that we
4 received from our stakeholders, from Tucson Water, from,
5 you know, Southwest Gas, and all those people, and we got
6 the data from them.

7 So you may very well see something that was
8 previously yellow become red. I'm 99 percent sure that
9 Ajo Way, we did not have Kinder Morgan's data on the
10 segment analysis. And we got it, and that's why the link
11 turned red.

12 CHMN. CHENAL: Okay. I've got to stop you.
13 We've got to -- you're giving us a lot of information.

14 MS. DARLING: I know I am.

15 CHMN. CHENAL: But let me just slow it down.
16 You keep referring to segment analysis versus link
17 analysis.

18 MS. DARLING: Correct.

19 CHMN. CHENAL: We're looking at a document that
20 talks about a route analysis.

21 Tell me again the difference between the route
22 analysis, the segment analysis, and the link analysis.

23 MS. DARLING: Okay. So the segment analysis is
24 the first step, the link analysis is the second step, and
25 the route analysis is the third step.

1 We started with segments that TEP selected based
2 on what information we knew, and it's a lot; 64. We
3 narrow it down through the process of the geospatial
4 analysis as well as all of our public and stakeholder
5 outreach to these links.

6 CHMN. CHENAL: And what's a link again?

7 MS. DARLING: So a link is just a segment that's
8 moved forward in the process. It's still a segment.
9 It's just a link that's going to eventually be combined
10 to form a route.

11 CHMN. CHENAL: So you take the segments, and
12 some, you just know, are not going to be in the running.

13 MS. DARLING: They get thrown away.

14 CHMN. CHENAL: And the ones that are thrown
15 out -- the ones left are links.

16 MS. DARLING: Right.

17 CHMN. CHENAL: They've graduated to become
18 links.

19 MS. DARLING: They've graduated to become links
20 because they can be combined now to become routes.

21 CHMN. CHENAL: Got it.

22 Member Noland.

23 MEMBER NOLAND: I didn't get to quite finish my
24 link on this.

25 So on this particular slide, which is -- what's

1 the number?

2 MR. DERSTINE: 33.

3 MEMBER NOLAND: It's on 24 in my exhibits.

4 MS. DARLING: I believe it's 34. 34.

5 MEMBER NOLAND: We need to, like, refer to
6 those. If you would --

7 MS. DARLING: Sure.

8 MEMBER NOLAND: -- also do that, it helps when
9 they're trying to read this transcript.

10 MS. DARLING: Got it.

11 MEMBER NOLAND: What made you decide that Ajo
12 Way was prohibited? Was that just because of the Kinder
13 Morgan gas line, which, obviously, it isn't prohibited
14 from putting a line. You have lines along Ajo Way
15 anyway.

16 MS. DARLING: It's not prohibited. It's
17 prohibitive. So it's just a ranking. It's a ranking
18 where the best-case scenario, we build on the green. And
19 the most difficult, most expensive, we build on the red.
20 It does not mean that it cannot be built, but we have to
21 compare.

22 So we're comparing one with another. Green is
23 better, yellow is good, orange gets a little more
24 difficult, and red is, you know, the most -- it either
25 requires the most mitigation or it's the highest cost.

1 It doesn't mean it's prohibited. It can still be done.

2 MEMBER NOLAND: Well, that doesn't go along with
3 what you've said about C and what Mr. Beck has said about
4 C and how it's shown here. It's more expensive, harder
5 to access, and --

6 MS. DARLING: That's --

7 CHMN. CHENAL: Yeah.

8 MS. DARLING: Are you talking about -- I'm
9 sorry. Now I'm confused.

10 MEMBER NOLAND: Well, B, I've heard, is harder
11 to access, more expensive, so on and so forth, and yet
12 it's yellow and orange.

13 Ajo is less expensive than B, more easy to
14 access, already right-of-way in there and those types of
15 things, but it's listed as prohibitive. Isn't it a
16 little subjective what you're looking at from this micro
17 view? Aren't you being subjective about some things?

18 MS. DARLING: Yes, you are subjective because
19 you have to assign a score. You have to decide -- I was
20 getting to that before -- is you have to decide, is this
21 more important or is this more important? Is this
22 resource more important or is this one? So they get
23 scores.

24 Also, once you go from links to routes, that's
25 when the whole other next step happens, which is the

1 criteria ranking. So the criteria ranking looks at it --
2 the links and the routes that were combined in a whole
3 'nother way.

4 So it's two separate studies that come together
5 to form our preferred alternative.

6 MEMBER NOLAND: Got it.

7 MS. DARLING: There's the geospatial analysis,
8 and then there's the decision model, which is used for
9 the -- the very last table in the whole report is that
10 criteria table, which we're going to get to.

11 CHMN. CHENAL: Member Haenichen.

12 MEMBER HAENICHEN: In the materials that we were
13 provided with initially in the mail, in one section, it
14 gave very exact numbers of costs for these routes. Were
15 those developed in consideration of all these links and
16 all the analysis you talked about?

17 MS. DARLING: Yes. So the mitigation for the
18 petroleum gas pipeline is estimated in the cost.

19 MEMBER HAENICHEN: That's all baked into that?

20 MS. DARLING: Yes.

21 CHMN. CHENAL: All right. I have another
22 follow-up question. So on the route analysis, you've got
23 Engineering/Constructability Segment Analysis, and you
24 have building density, the zoning reflected --

25 MS. DARLING: Yes.

1 CHMN. CHENAL: -- on the map.

2 But there are, I'm assuming, a lot of other
3 factors that one could look at --

4 MS. DARLING: Yes.

5 CHMN. CHENAL: -- to determine, you know,
6 whether to go with that route or not.

7 So on the -- on screen 34, which is the link
8 analysis, which -- is that correct?

9 MS. DARLING: Uh-huh.

10 CHMN. CHENAL: That precedes the route analysis;
11 correct?

12 MS. DARLING: Yes.

13 CHMN. CHENAL: So on the link analysis, I'm
14 seeing colors. Okay?

15 MS. DARLING: Yes.

16 CHMN. CHENAL: But I'm assuming that the colors
17 are for different standards in the link analysis than
18 they are for the route analysis, the constructability and
19 the density.

20 MS. DARLING: The underlying -- the underlying
21 data, like I said, it goes from 100-foot to 10-foot.
22 There's additional data that's added to look at. But the
23 meaning of green and red are the same, good versus
24 prohibitive.

25 CHMN. CHENAL: Right. But what -- I mean,

1 what -- what data makes up the red versus the yellow in
2 the links analysis versus the route analysis? The route
3 analysis tells us what the colors mean and what the --
4 you know, what data is being emphasized there. What is
5 on the link analysis?

6 MS. DARLING: I think going back to the segment
7 analysis, that that's the -- you can see they're the
8 same: prohibitive, difficult, fair, and good. So on the
9 segment analysis --

10 CHMN. CHENAL: Where is the segment analysis?

11 MS. DARLING: That's the one on the left.

12 CHMN. CHENAL: That says route analysis.

13 MS. DARLING: I was getting --

14 MR. DERSTINE: Can I interject a minute?

15 MS. DARLING: Yes.

16 MR. DERSTINE: So slide 33 is what's here on the
17 left. The next three slides, this is all part of what's
18 been broadly characterized as the route analysis that was
19 performed by TEP.

20 What you're looking at on slide 33 is really
21 what's shown under what says Figure 7. Under that, it
22 says Engineering/Constructability Segment Analysis.

23 So what Ms. Darling is showing you on slide 33
24 is what she's referring to as the segment analysis, which
25 is the step 1.

1 The next slide, slide 34, is the link analysis.

2 MS. DARLING: Right. The overarching study name
3 is the Route Analysis, which had multiple steps within
4 it.

5 MR. DERSTINE: So the key here is this -- kind
6 of this step 1 that she's referring to in terms of the
7 segment analysis is slide 33.

8 Q. BY MS. DERSTINE: And I think, as you have
9 testified, Ms. Darling, there are things that show up as
10 red, which is -- carries the badge "prohibitive." That
11 doesn't mean it can't be built; correct?

12 A. Correct.

13 Q. It's a term you're using to say that that has,
14 based on the geospatial analysis, whatever the factors
15 are, that there are difficulties in building that route?

16 A. Correct.

17 Q. And then once we move on to the link analysis,
18 which is another layer of data and analysis, some of
19 those reds may change, some things that may have been
20 yellow became red. That data changes; right?

21 A. Yes.

22 Q. And, in fact, on Ajo Way, we brought that
23 forward as a route. But on -- at the early stage in the
24 segment analysis, it was painted red?

25 A. Correct.

1 CHMN. CHENAL: When you finish up, I have a
2 follow-up question.

3 MR. DERSTINE: I just wanted to kind of set the
4 stage because I think we were losing something in the
5 terminology.

6 CHMN. CHENAL: All right. So the entire
7 analysis is a route analysis. So you start with the
8 segment analysis and -- just a moment.

9 And then on slide 33, what's the focus of that
10 segment analysis is the data. And that data is analyzed,
11 and it shows up as colors. And it ranges from, you know,
12 prohibitive to easy, green light.

13 But the data for that phase that's being looked
14 at, that data is different than the data in the next part
15 of the analysis for the links analysis.

16 MS. DARLING: The data in the segment analysis
17 is also in the link analysis. We just added more data.

18 CHMN. CHENAL: Perfect. Now, let's stop right
19 there. Just give me a real brief summary of what --

20 MS. DARLING: The "more"?

21 CHMN. CHENAL: The "more."

22 MS. DARLING: Got it. So the "more" was the
23 cultural resources, drainage features, locations of the
24 utilities, utility and road standards. For example, if
25 we were told by a utility, You must offset 30 feet from

1 this sewer line or something like that. And any
2 stakeholders preferences. So if the stakeholders from
3 the first stakeholder meeting had identified an
4 opportunity or constraint.

5 CHMN. CHENAL: Got it. And, again, for the
6 first part of it, the segment analysis, what's the data
7 in that one, the more general data?

8 MS. DARLING: That was building density-zoning,
9 sensitive receptors, and that's it.

10 CHMN. CHENAL: So segment analysis, you're
11 looking at more general data, the engineering/
12 constructability, building density-zoning, and the third
13 thing you mentioned.

14 MS. DARLING: Right. And when I said that's
15 it -- I'm sorry. Zoning, sensitive receptors, building
16 density.

17 CHMN. CHENAL: Sensitive receptors. Okay.

18 MS. DARLING: As well as the engineer's initial
19 assessment of constructability.

20 CHMN. CHENAL: Very good. And then you go into
21 the next side of -- the next phase of analysis, the links
22 analysis, and then you bring in all that additional data
23 that you just gave us a laundry list of that.

24 MS. DARLING: Yes.

25 CHMN. CHENAL: And then you recalculate the

1 feasibility of the colors based on this additional data?

2 MS. DARLING: That is correct. And then we
3 reshare those links with our stakeholders and the public,
4 and then we got together and put them together to form
5 routes.

6 CHMN. CHENAL: Okay. Let's stop.

7 Member Haenichen.

8 MEMBER HAENICHEN: I have a philosophical
9 question aimed at the applicant. And anybody who thinks
10 they would be the best one to answer, please do.

11 When we're building particularly in an urban
12 setting like this where you're bound to face all kinds of
13 difficulties, constraints, preferences, and what have
14 you, in general, are you going to pick a more expensive
15 route to sidestep these things or not?

16 MR. BECK: Mr. Chairman, Member Haenichen, cost
17 is a consideration for the company. And so we try to
18 minimize cost. But we also realize that in order to get
19 a project done, at times, you do have to go with the more
20 expensive option. And so we do consider that.

21 In this case, we didn't see the value of going
22 to the more expensive option, Alternative B, as being
23 outweighed with the issue of moving forward with
24 Alternative A. So we pursued Alternative A. If the
25 Committee or the Commission says to go with the more

1 expensive route, there's no question we would do that.

2 There is ultimately an impact to our customers,
3 albeit very small for a given project because the numbers
4 are very small relative to our overall rate base, but
5 they do accumulate over time.

6 But we have, in the past, gone with a more
7 expensive option and, in fact, brought forward our
8 preferred route as a more expensive option as a result of
9 the widespread public input identifying one particular
10 route.

11 In this case, we did have considerable input to
12 option A. And in the end, the overall input that we had
13 is now split between A and B.

14 We can go with any one of them, but we do
15 recognize B is considerably more expensive.

16 MEMBER HAENICHEN: Okay. But the thing that
17 prompted my question was the figure you threw out
18 yesterday at my request of how much would this add to a
19 bill. And it was exceedingly small per X number of
20 dollars more cost to build the project.

21 So I'm wondering if you aren't swayed to say,
22 Well, this really doesn't matter because it isn't going
23 to impact the clientele very much.

24 MR. BECK: Well, I mean, it would be easy for us
25 to say we would build at that more expensive option if we

1 felt that there was absolutely no public input against
2 that. But going with option B does put us in proximity
3 to the school, which is a concern. And so we heard
4 pretty strongly from that neighborhood regarding that
5 route.

6 MEMBER HAENICHEN: I understand that. But
7 that's the dilemma on all these things. Which negative
8 feature gives you more angst than any other, and how do
9 you factor that into your suggestions to this Committee?

10 MR. BECK: That is a dilemma that we face on all
11 of these projects.

12 MR. DERSTINE: And if I might interject here to
13 your point, Member Haenichen, you know, oftentimes,
14 applicants, utilities, like Tucson Electric Power
15 Company, may be criticized for building projects and
16 maybe building the most expensive project because their
17 rates and their return is based on assets. It's rate
18 base assets.

19 And so it's not a detriment to the company,
20 necessarily, to build the most expensive project, but I
21 think they have a duty and a charge to try to build the
22 project that meets the need but does so at the least cost
23 and the least impact to its customers. And so it is a
24 balancing of a lot of factors. Cost is certainly one of
25 them.

1 Does it show up to be a small amount on a bill?
2 Yes. But it's cumulative, and it occurs over time. And
3 so taking the charge and the responsibility and the duty
4 that the company has to meet the need, provide safe and
5 reliable power at the least cost, those are the balancing
6 factors that go into a project like this.

7 MEMBER HAENICHEN: Okay. Well, the reason I'm
8 going on this track is pretty soon, the Chairman is going
9 to have to come up with some methodology to find out
10 which of the three options that are available to us is
11 favored by the Committee Members because we have -- when
12 we get to vote, I can't say, Well, I vote yes if it's C,
13 and someone else says, I vote yes if it's B.

14 So I'm just trying to pave the road to that
15 process that he has to go through.

16 MR. DERSTINE: Understood.

17 CHMN. CHENAL: Does the Committee have any
18 questions at this point?

19 Member Woodall.

20 MEMBER WOODALL: I don't mean to suggest that
21 your -- your description of the process makes it sound
22 mechanistic, because I realize it is iterative, and you
23 take into account concerns expressed by the public.

24 But there are other factors that are not
25 reflected in your geospatial analysis that would lead you

1 to recommend one route over another. Would that be
2 correct?

3 MS. DARLING: Yes.

4 MEMBER WOODALL: For example, if Pima County or
5 the City of Tucson, with whom I'm sure you have regular
6 business dealings with, were to be vehemently opposed to
7 one route or another, you would take that into
8 consideration in recommending a route, I would believe.

9 Am I right, Mr. Beck?

10 MR. BECK: Member Woodall, that is correct. And
11 you've been part of a case in the past where we were at
12 odds with the County. And I don't know if you were part
13 of the case where we went with a route that was promoted
14 strongly by a neighborhood. And it was not in the
15 company's first consideration as a route, but it was
16 driven by public process.

17 And we listened to the public and, ultimately,
18 the Committee and the Commission listened to the public,
19 and we built the project that -- again, this would be
20 personal opinion, but maybe wasn't the best choice, but
21 it was what the neighborhood wanted. And it, in fact,
22 cost some additional money. The company took it forward
23 as our preferred route because of the strong input we
24 had, and it was approved and got built. And the
25 neighborhood was very happy because their voice was

1 heard.

2 So there are other factors, and this whole
3 process that Ms. Darling has been talking about was one
4 of many considerations as we came forward with the route.

5 So it was an attempt to use some of the newer
6 tools and newer technology to bring forth some
7 less-biased or methodology-based processes to identify
8 some routes.

9 Using GIS, which there are some new tools, it's
10 new technology, we have new people who have that
11 knowledge and experience and training, and this was a
12 good project to try it out on. And we are using it in a
13 future project also.

14 But, again, it's base information that we then
15 mold and fit with other input such as public comment to
16 actually come forward with routes.

17 MEMBER WOODALL: That was my -- that was the
18 reason why I was expressing that I really didn't need to
19 hear the details of your geospatial analysis because I
20 recognize that there were other factors at play, and I'm
21 not -- I mean, those that have found this beneficial, I'm
22 not critiquing that at all.

23 It's just that there are other things that are
24 going on that led you to select the routes that you did
25 other than the segments and links and what have you. And

1 I'm glad to have you articulate that so eloquently,
2 Mr. Beck. I appreciate that. Thank you.

3 CHMN. CHENAL: Member Haenichen.

4 MEMBER HAENICHEN: This is my last question.

5 Mr. Beck, given all that you've heard in these
6 two days of hearings so far, do you still maintain option
7 A as your preference?

8 MR. BECK: At this point, we still maintain
9 option A as our preferred with possible adjustments along
10 Park. We will work with the landowners and so on along
11 the way to minimize, to the extent we can, their issues.
12 But we still see option A because it's one of the lower
13 cost options as opposed to option B and doesn't have the
14 access issues associated with option B., we would still
15 prefer option A.

16 MEMBER HAENICHEN: Okay. That helps me a lot.

17 CHMN. CHENAL: Member Hamway.

18 MEMBER HAMWAY: My question is easy. What is
19 the exhibit number for the letter from Pima County?

20 MS. DARLING: I will get it here.

21 It's in J-2.

22 CHMN. CHENAL: J-2 is the exhibit number.

23 MS. DARLING: Was that wrong? Sorry. Hold on.
24 J-7.

25 CHMN. CHENAL: All right. J-7.

1 Let's -- any further questions? I'm going to
2 propose at this point we take a break, a half-hour break.
3 I see that the cookies are out, and I can barely restrain
4 Member Haenichen.

5 So when we come back, Ms. Darling, I think we've
6 talked about generally the general process for the route
7 analysis. We've spent a little time on the segment
8 analysis and the data that goes into that. We then
9 talked about the links analysis where we took additional
10 data and refine certain portions.

11 And then you're going to -- when we come back,
12 I'd like you to then put it together for us on how the
13 alternates are developed and which is the one that's
14 chosen by TEP as the preferred. Okay?

15 MS. DARLING: Okay.

16 CHMN. CHENAL: Looking ahead, those are the
17 slides that you have coming up.

18 MEMBER HAMWAY: Ms. Darling, could you help me
19 find J-7?

20 MS. DARLING: Yes.

21 CHMN. CHENAL: Let's take a 30-minute break.

22 MEMBER NOLAND: 30?

23 CHMN. CHENAL: Member Noland is questioning the
24 30 minutes. In the agenda, we had talked about a
25 30-minute break. We can you do a -- what's the --

1 MEMBER HAENICHEN: 20.

2 CHMN. CHENAL: Whatever your pleasure is. 20
3 minutes. We'll come back in 20 minutes.

4 (A recess was taken from 3:14 p.m. to 3:46 p.m.)

5 CHMN. CHENAL: All right, everybody, good
6 afternoon.

7 So I think when we left off, Ms. Darling, you
8 were going to -- you've described kind of generally the
9 route analysis. You talked about the segment analysis,
10 the bringing in of additional data to kind of refine the
11 possibilities in the link analysis. And now you're going
12 to pull it together for us and kind of explain how using
13 those two levels of analysis, you can fine-tune it down
14 to the alternatives.

15 MS. DARLING: Do you have a question, Matt?

16 MR. DERSTINE: I couldn't have asked a better
17 question. Thank you.

18 MS. DARLING: So what happened next was the TEP
19 team, after we had completed this analysis, sat in a room
20 all together, looked at the links, looked at all the
21 public input, looked at all the information that we had
22 received, connected those links to form three routes.
23 That's how the next step happened.

24 Q. BY MR. DERSTINE: And once you had developed the
25 three routes that are set forth in the application and

1 that the Committee has been reviewing, Alternative A,
2 Alternative B, and Alternative C, I think what you said
3 is that as part of the public process, then, the public
4 was informed that these routes came forward through our
5 various levels of analysis; is that right?

6 A. Yes. So they were sent in the third newsletter.
7 All of the stakeholders were notified that these were the
8 three alternative routes that had been selected. We
9 asked them to again provide more input, let us know if
10 there was one they preferred over another. So that data
11 was all collected, and we looked at everything and then
12 chose Alternative A.

13 Q. And you said you sat down with the TEP team
14 and --

15 A. Uh-huh.

16 Q. -- connected the links to develop the three
17 routes.

18 Talk just a little bit about that process and
19 maybe move to your slide 38 in terms of the criteria that
20 you used or that TEP used for developing those routes.

21 A. So these are the criteria that are aligned with
22 the factors that the Committee considers along with TEP's
23 standards in the construction and operation of their
24 project. So it's a combination of both. And these are
25 the criteria that we looked at in selecting our preferred

1 alternative. And this is all laid out in the application
2 as well.

3 Do you want me to go through each one --

4 Q. If you can.

5 A. -- to kind of explain?

6 Q. For those of us who don't have our glasses on,
7 and maybe you can kind of just talk us through.

8 A. Sure. So this one is presence/absence of an
9 existing corridor and ability to use.

10 So where there were existing road or utility
11 corridors, those are favored and scored higher than where
12 there weren't.

13 So, for example, the one along I-10, there isn't
14 an existing corridor. There's an I-10 corridor, but
15 there's not an existing disturbed corridor that we would
16 build. We would have to build an area to put the line.
17 So that's slightly less favorable than having an existing
18 corridor.

19 The next one is existing and planned land use
20 that is compatible with its use as a transmission link
21 corridor.

22 There's really not anywhere in the study area
23 that -- this kind of was a wash one. All of the --
24 anywhere, it can be developed a transmission line.

25 Residential development adjacent to the corridor

1 as measured by distance to existing residences and
2 planned future development.

3 And, again, we just looked at that. We had used
4 zoning, so might be slightly different than it was.

5 The sensitive receptors that we talked about and
6 the distance from the corridor to those.

7 The room for separation from existing utilities
8 in the corridor.

9 So that's, again, is there sewer or water lines
10 or gas pipelines that may affect or make it more
11 difficult for the project to be built or operated.

12 Viewshed, which we talked about yesterday.

13 Cultural resources, special status species, both
14 of those were washes for -- all the alternatives are the
15 same.

16 And the 100-year floodplain, again, it was a
17 wash because everything in this study area could be
18 spanned.

19 And the ability to construct and maintain the
20 transmission line. This is one where B also scored
21 slightly lower because of the ability to get behind the
22 ball fields and, whereas, the other two were all right
23 off the road right-of-way.

24 And then the cost.

25 So that's what we considered as a team in

1 selecting the preferred.

2 Q. Okay. So I think the next slide you have on
3 slide 39 kind of summarizes what is marked kind of as the
4 high points in terms of selecting or the key factors that
5 the TEP looked at or thought significant in evaluating
6 the three alternatives.

7 A. Right.

8 Q. So kind of talk us through those as well.

9 A. So Alternative A had the least potential to
10 affect those criteria that we discussed. It was just
11 slightly less than Alternative C where --

12 Q. And when you say it was slightly less than
13 Alternative C, you mean it scored slightly higher in
14 terms of --

15 A. Correct. It was slightly more favorable than C
16 under the criteria evaluated. And B was more
17 unfavorable, having a lower score.

18 When you looked at each of the criteria, it was
19 higher to or equal in all of the criteria, better, I
20 guess you should say, except cost because it was the
21 second -- it was in the middle for cost. And, as I said,
22 only \$200,000 more.

23 Alternative B has been discussed a lot today.
24 It is the most expensive. It did score the lowest in the
25 criteria. We have some access constraints.

1 And Alternative C did score closely, as I said,
2 to Alternative A. We do have the pipeline, which makes
3 it more complicated. Again, it can be done. It does
4 have the lowest cost. And it was the least preferred by
5 the public. And, again, that's subjective because the
6 public was really focused on A and B and maybe just
7 didn't really vote on C.

8 CHMN. CHENAL: Let me ask, on Alternative B --

9 MS. DARLING: Yes.

10 CHMN. CHENAL: -- I'm not sure I understand what
11 you said. It had the least effect, I thought you said?

12 MS. DARLING: No. It had the lowest score and
13 the highest --

14 CHMN. CHENAL: What was the score?

15 MS. DARLING: -- highest potential to effect the
16 criteria.

17 CHMN. CHENAL: Maybe, Mr. Derstine, you could
18 kind of ask a few questions about the scoring and that
19 process.

20 Q. BY MR. DERSTINE: So you used the criteria, of
21 course. And when you said the TEP team, I assume this is
22 engineers, the group that's involved with preparing the
23 application, your environmental consultants who sat down
24 and talked through the criteria and then ended up scoring
25 each of the routes based on the criteria that were in the

1 prior slide. That would be slide 38; is that correct?

2 A. Correct. The subject expert is the one that
3 scored whatever criteria they were the expert for.

4 Q. And so when you say under Alternative B,
5 "highest potential effect on criteria," that means that
6 it had the most adverse impact on the various criteria or
7 maybe, in the case of cost, highest cost, so it received
8 a score ranking lower than the other two?

9 A. Correct.

10 Q. And so it -- I think what I've heard through the
11 testimony of Mr. Beck and yourself is that the real
12 differentiating factors between A and B are that we have
13 the cost of obtaining the right-of-way, no existing
14 corridor for the transmission lines along the freeway,
15 and not only do we have to -- and then you have access
16 and safety issues relating to the structures that are
17 near the Kino Sports Complex and the ball fields. Is
18 that a correct statement?

19 A. Yes, it's correct.

20 Q. Explain more -- and maybe this question is more
21 appropriately directed to Mr. Beck in terms of the access
22 issues.

23 We talked about we've got to spend money to
24 purchase the right-of-way. But in terms of the access
25 for maintenance or downed power lines, I gather that

1 there were concerns with that as well. Can you explain
2 that?

3 MS. DARLING: Ed, do you want to ...

4 MR. BECK: Patrick, can you bring up maybe the
5 Google area showing the County park -- sports park.

6 And then if you kind of zoom in on this area
7 here. That's good.

8 So if we were to use Alternative B, our
9 alignment would be parallel and adjacent to the
10 Interstate. And, as you can see, the ball fields
11 basically butt up against the ADOT right-of-way. There's
12 a very small, limited sliver of land probably between the
13 edge of the field and the actual right-of-way, but it
14 would not be enough for us to take line trucks through
15 that area for construction purposes as well as for any
16 maintenance or if we were to happen to have a downed
17 pole.

18 The likelihood of a downed pole is pretty low
19 for this project considering we're using steel poles and
20 we would not be in the vicinity of traffic. I mean, the
21 worst case would be, I guess, a car coming off of the
22 Interstate and hitting a pole.

23 But the access just for general maintenance
24 purposes and initial construction is problematic,
25 especially through this area where the ball fields are.

1 There is a -- the Julian Wash runs through here.
2 It's another barrier. So we really need to come in from
3 this direction or else build a bridge here, which would
4 be very costly. And then, even so, the access down off
5 of the Interstate or off of Ajo to get over there would
6 be somewhat difficult.

7 The rest of the stretch along the freeway is not
8 as much of a problem; although with some of the
9 businesses down here, there will be somewhat limited
10 access, but we could make that work because we would put
11 a road through for construction anyway.

12 So our biggest issue is really around the ball
13 fields area relative to the County Sports Park.

14 Q. BY MR. DERSTINE: So in looking at, Ms. Darling,
15 your slide --

16 CHMN. CHENAL: Member Hamway has a question.

17 MR. DERSTINE: Oh, I'm sorry. Go ahead.

18 MEMBER HAMWAY: So I'm reading the letter from
19 Pima County, and they had a suggestion to Alternative B
20 that would extend the line furthest northwest along I-10
21 corridor to Park Avenue. So that would eliminate the
22 school and all those other issues. It doesn't change
23 this at all; correct?

24 MR. BECK: Correct.

25 MEMBER HAMWAY: And so another question is how

1 many feet -- how many poles would there be from the big
2 square to the other two smaller ones? I mean, how many
3 feet is that?

4 MR. BECK: You're talking about the fields
5 themselves?

6 MEMBER HAMWAY: Yeah.

7 MR. BECK: Can you bring that other map back up.
8 Patrick, can you scale off what that distance
9 is?

10 MEMBER HAMWAY: And so the other question is,
11 was that alternative from Pima County considered?

12 MR. BECK: It was considered, but -- we'll see
13 if he can get this measurement, and then we'll talk a
14 little bit more about that.

15 MEMBER HAMWAY: And isn't that owned by Pima
16 County?

17 MR. BECK: Yes.

18 MEMBER HAMWAY: And aren't they concerned about
19 access and the poles there? I mean, they don't seem to
20 be.

21 MR. BECK: Well, it's not their issue to
22 maintain or construct the poles, so they're not thinking
23 about that.

24 MEMBER HAMWAY: Okay.

25 MR. BECK: And as Ms. Darling had mentioned,

1 there are a lot of departments within Pima County who
2 they collected input from.

3 MEMBER HAMWAY: Right.

4 MR. BECK: And so that letter represents a bunch
5 of different things. It could possibly be left hand not
6 knowing what the right hand is doing. So I don't think
7 the right people really thought through whether or not
8 there's access.

9 MEMBER HAMWAY: Well, this was by the Pima
10 County Public Works Utility Liaison. So if anybody in
11 Pima County knows what it takes to maintain a utility
12 line, you would think Ms. Sandy Garrett would.

13 MR. BECK: You would think so, yes.

14 Patrick, do we have dimension there?

15 MR. DERSTINE: What is he measuring?

16 MR. BECK: The width of the fields through here.

17 MEMBER HAMWAY: And the other two, also, that
18 whole length.

19 MR. BECK: So it looks like somewhere in the
20 range of 700 feet there. Overall --

21 MEMBER HAMWAY: 1,400 feet.

22 MR. BECK: 1,400 feet. So we would have a pole
23 somewhere in this area.

24 MEMBER HAMWAY: And then one at the end on both
25 ends, correct?

1 MR. BECK: Both ends, right.

2 And now, Patrick, if you could slide the map
3 over.

4 So it's easy to say we could extend that line
5 over to Park. And, again, it's -- I mean, we can do it
6 and come around here. But we do know that ADOT has got a
7 road project, so we've got to accommodate that. We get
8 some pretty tall structures and some additional cost.
9 But, again, that's all doable.

10 MEMBER HAMWAY: So you would have to make the
11 hoop around? You couldn't just go straight along I-10?
12 I mean, it does look like a lot of stuff there.

13 MR. BECK: So I take that back. I was thinking
14 this was Park. This is not Park.

15 So for us -- this is very doable to get up to
16 Campbell, which is this alignment. What they are
17 proposing is that we would extend along the Interstate to
18 the northwest.

19 MEMBER HAMWAY: All the way.

20 MR. BECK: So Patrick, scroll over to there.

21 So the issue is the future exchanges at the
22 intersection of Campbell or Kino and the Interstate as
23 well as that future Park Avenue exit ramp issue.

24 We did get some preliminary plans from the
25 State, and we don't think we can actually get over those

1 interchanges physically. We just can't get do it. The
2 height of the structure that would be needed, it would
3 exceed our capabilities. And so it's not as simple as
4 just extending to the west or northwest. It would have
5 to go out and around and across the bridges to get over
6 to avoid the school area.

7 CHMN. CHENAL: Member Woodall.

8 MEMBER WOODALL: Mr. Beck, is this suggestion
9 by -- is it the County?

10 MEMBER HAMWAY: Yes.

11 MEMBER WOODALL: Is this suggestion by the
12 County, is that depicted anywhere on the noticed
13 corridors?

14 MR. BECK: No, it was not.

15 MEMBER WOODALL: So that's really not an option
16 for us in these proceedings unless we wanted to start all
17 over again. Would that be fair to say?

18 MR. BECK: I think that would definitely be an
19 issue that is not -- hasn't been studied and put through
20 the process.

21 MEMBER HAMWAY: The question is, was it
22 considered?

23 MR. BECK: It was considered.

24 So we did look in detail at the ADOT crossings,
25 and our engineering department came back and said, We

1 can't do it physically.

2 MEMBER HAMWAY: That's all I wanted to know.

3 Thank you.

4 CHMN. CHENAL: Member Noland.

5 MEMBER NOLAND: Mr. Chairman, Mr. Beck, we keep
6 talking about the school and the kids that showed up and
7 all that.

8 Did the administrators of the school show up or
9 did TUSD show up? Did they write any comments?

10 MR. BECK: The principal of the school did not
11 show up. We did have some contact via email and finally
12 did get one response. The principal was not responsive
13 to several earlier contacts we made. I'm not sure why.
14 But she did finally get back to us. It's not part of
15 TUSD, and I don't know -- this one's a charter school.
16 So we didn't have any comments from TUSD regarding any of
17 their schools.

18 MEMBER NOLAND: Thank you.

19 CHMN. CHENAL: Member Hamway.

20 MEMBER HAMWAY: Yes. Piggybacking on
21 Ms. Noland's question. So in the drive-by today, we saw
22 that there were utility lines on the school property,
23 46kV, I'm assuming. I do not know, but ...

24 MR. BECK: I believe there is a 46, and it
25 continues across along 36th going opposite the school.

1 MEMBER HAMWAY: Are those TEP lines?

2 MR. BECK: Yes, they are.

3 MEMBER HAMWAY: So is there any possibility,
4 since option B is across the street, that you could
5 remove those 46kV and collocate them on the new poles
6 across the street?

7 MR. BECK: Are you referring to Alternative B or
8 Alternative A?

9 MEMBER HAMWAY: Yeah, Alternative B, getting rid
10 of the utility poles that are currently in the school
11 yard, move -- since the poles are going to be on the
12 other side of the street, taking those down, collocating
13 them with your new poles.

14 MR. BECK: There would be the possibility of
15 moving the 46 and collocating it. The distribution,
16 again, as I mentioned, is an issue from a communications
17 attachment standpoint. So likely, if we did anything, we
18 would have to underground the distribution there. But
19 basically the input we got from the public was We don't
20 want any more lines. They didn't raise the issue of
21 collocation, move the line across the street. It could
22 be done.

23 MEMBER HAMWAY: But they didn't realize that the
24 existing ones might go away, possibly?

25 MR. BECK: That probably was not a discussion

1 point, correct.

2 MEMBER WOODALL: Mr. Beck, is there any system
3 reason why you would move those poles? Is there any
4 enhancement to reliability or function of the
5 distribution system by collocating them?

6 MR. BECK: Very small, if anything.

7 MEMBER WOODALL: So, basically, the idea about
8 moving them and basically -- would not be something that
9 TEP would be pushing for some purpose?

10 MR. BECK: Correct. It would just be an
11 additional cost for the project that wouldn't provide a
12 lot of value to us.

13 MEMBER WOODALL: Okay. Thank you.

14 Q. BY MR. DERSTINE: Ms. Darling, I want to, I
15 guess, take you back.

16 In terms of the process, we've covered the
17 process and how you brought these links forward and how
18 the links or -- the segments became links, the links
19 became routes, and then how TEP evaluated the routes.

20 Mr. Beck has testified that in light of
21 everything we've heard and questions from the Committee,
22 TEP still prefers Alternative A.

23 I guess my question to you is, when we focus on
24 the environmental factors and the impact factors, it
25 appears largely that all three routes are environmentally

1 compatible. Is that a true or fair statement?

2 A. That is a true statement.

3 Q. Okay. And I gather, in terms of the criteria
4 that we've pointed to as differentiating the routes, what
5 was significant about A is, one, it avoided the school;
6 two, its comparable cost with the lowest cost route,
7 roughly just \$200,000 more.

8 And comparing that and contrasting that to B, B
9 had the highest cost and has the right-of-way and
10 constructability issues that Mr. Beck has talked about.

11 And Alternative C has the issue in terms of the
12 Kinder Morgan pipeline, but it's the lowest cost.

13 But, again, all three of those routes can be
14 built, and the company considers them all to be
15 environmentally compatible, correct?

16 A. They do. We do.

17 Q. Just wrapping up your testimony this afternoon,
18 subject to further questions from the Committee, walk us
19 through kind of the project criteria and what you found
20 with regard to the environmental and other impacts.

21 A. Okay. So based on the studies we did, none of
22 the alternatives would create -- the alternatives would
23 create little to no adverse impacts on environmental
24 factors considered by the Committee.

25 There are no significant impacts to common

1 wildlife or the creation of habitat fragmentation.
2 There's no significant adverse effects on special status
3 species.

4 Any of the alternatives would be consistent with
5 applicable land use plans and policies. They would have
6 minimal long-term impacts on existing land use and land
7 use development proposals.

8 Not substantially disrupt major scenic views,
9 nor impair use or access to recreation sites and be
10 unlikely to affect any known historic properties,
11 cultural resources, or archeological sites, and would not
12 increase noise impacts from operation and maintenance.

13 Q. You've covered a lot. Is there anything we've
14 missed or that you think you need to add?

15 A. No.

16 MR. DERSTINE: Let me take a look and move the
17 admission of the exhibits that you have sponsored.

18 TEP-5 --

19 CHMN. CHENAL: Excuse me. Okay.

20 MR. DERSTINE: Ms. Darling, your direct
21 testimony marked TEP Exhibit -- was marked as TEP
22 Exhibit 5. Your PowerPoint presentation was marked as
23 TEP Exhibit 6. I think there's one other supplemental
24 exhibit.

25 MS. DARLING: 13.

1 MR. DERSTINE: 13, which was the revised
2 PowerPoint slide showing impacts on existing residences
3 within the project area or along the routes.

4 And then TEP-1A, which was the supplemental or
5 post-filing comments --

6 MS. DARLING: Yes.

7 MR. DERSTINE: -- from the public.

8 So with that, Mr. Chairman, I would move the
9 admission of TEP-5, TEP-6, TEP-13, and TEP-1A.

10 CHMN. CHENAL: Okay. TEP-5, TEP-6, TEP-13, and
11 TEP-1A have been offered for admission in evidence.

12 Are there any objections?

13 (No response.)

14 CHMN. CHENAL: Hearing none, those exhibits are
15 deemed admitted.

16 MR. DERSTINE: I don't need a break, but
17 Mr. Beck is still sworn and under oath. I think we'd
18 like to circle back with him with just a few additional
19 questions.

20 CHMN. CHENAL: That's fine.

21 MR. DERSTINE: And then I think we're ready to
22 rest our case.

23 CHMN. CHENAL: All right. And before you close,
24 we'll go through your exhibits one more time just to make
25 sure, and then I'll go through mine because I have three

1 that I will want to have admitted.

2 Are there any questions from the Committee at
3 this point before we go back to Mr. Beck?

4 (No response.)

5 CHMN. CHENAL: Okay. There don't appear to be
6 any, so please proceed.

7

8 EDMOND BECK,

9 called as a witness on behalf of the applicant, having
10 been previously first duly sworn by the Chairman to speak
11 the truth and nothing but the truth, was examined and
12 testified as follows:

13

14 DIRECT EXAMINATION (Cont.)

15 BY MR. DERSTINE:

16 Q. Okay. Mr. Beck, you have been on the stand
17 quite a bit and presented a lot of testimony. Some of
18 the things that we've talked about here this afternoon
19 have been responsive to questions about the corridor and
20 how the company is willing and able to accommodate some
21 of the corridor concerns or the concerns of the Bridges
22 development in particular. And I know when I'm thinking
23 back through your testimony, I think what you said
24 several times is "We're willing to accommodate" or "We're
25 open to that."

1 Is there anything you would like to put on the
2 record at this time in terms of a specific proposal that
3 the company is offering relating to corridor width and
4 related issues that would be accommodations for the
5 Bridges in relation to that project?

6 A. Yes. To clarify for the record, the company's
7 position would be that we will propose or we are
8 proposing that we get approval for a 300-foot corridor
9 centered on the center of the roadways that we would be
10 adjacent to, assuming option A or C.

11 Option B would be slightly different if we were
12 along the freeway, and our intent would be there to be
13 centered on the alignment that we've identified.

14 Relative to accommodation specific to
15 Alternative A along the Park Avenue segment, we're
16 totally open to moving the line over to the west side of
17 Park.

18 And then along 36th, we commit to working with
19 the Bridges if it is -- if it is approved to be on the
20 south side of the road, that we would work with both the
21 Bridges and the Bourn property owners relative to the
22 actual placement of structures to minimize impact as much
23 as possible.

24 We have real concerns about placing the portion
25 along 36th Street on the north side of 36th.

1 CHMN. CHENAL: You're afraid you're going to
2 take out the kitchen and the bedroom if you do that?

3 MR. BECK: The kitchen and the bedroom and who
4 knows what else, yes.

5 So I think that is our position.

6 Q. BY MR. DERSTINE: Anything else, Mr. Beck,
7 Ms. Darling, that you would like to add at this point?

8 A. I don't believe so.

9 MR. DERSTINE: Okay. Then I think the applicant
10 will rest at this point, and I'll be prepared and ready
11 to present a closing if you want to do that.

12 CHMN. CHENAL: Let's go over the exhibits first.

13 MR. DERSTINE: Okay.

14 CHMN. CHENAL: I'm going to read off the
15 exhibits that I think we've covered. Okay?

16 TEP-1, 2, 3, 4, 4A, 5, 6, 7, 8, 9, 10, 11, 12,
17 13. I'm not -- 8A, I'm not sure. 1A, we have included.
18 4A.

19 MR. DERSTINE: So I think Ms. DeCorse did move
20 the admission of 8A as part of Mr. Beck's direct. And if
21 we failed to, we would do that now. I think 4A was
22 previously admitted.

23 CHMN. CHENAL: All right. So out of an
24 abundance of caution, I think the only one I can't swear
25 is the 8A. So that's been offered.

1 Is there any objection?

2 (No response.)

3 CHMN. CHENAL: Hearing none, 8A is admitted as
4 well.

5 So, because we have so many As, let's do one
6 more read of it. Okay? Why don't you do that. Why
7 doesn't the applicant do it, and I'll recheck it on my
8 list.

9 MS. DeCORSE: So we're going to go straight from
10 the beginning.

11 So TEP-1, 1A, 2, 3, 4, 4A, 5, 6, 7, 8, 9. We
12 have 8A, 10, 11, 12, 13.

13 CHMN. CHENAL: Okay. That's what I have.

14 So, to the extent there's any unclarity in the
15 record, those have all been offered and admitted into
16 evidence.

17 The Chair has three.

18 The first, I think, was identified as the letter
19 from Judy Dawson, owner of Sierra Court Mobile Home Park,
20 marked as Chairman 1.

21 Chairman 2 is the letter from Glenn Davis. And
22 Mr. Davis spoke as well.

23 And the third is a land use proposed development
24 plan for the Bridges and Bourn Property Development that
25 we've discussed as Chairman's 3.

1 So any objections to Chairman's 1, 2, and 3?

2 MR. DERSTINE: No objection.

3 CHMN. CHENAL: Hearing none, those are admitted.

4 And just a funny little side note to that, I
5 remember before my first hearing on the large SunZia
6 case, I asked Chairman Foreman -- I had asked a
7 hypothetical, since the Chairman can offer certain
8 exhibits, John, what happens if one of the parties
9 objects? I didn't hear back from him for about seven or
10 eight hours. I then got a text back from him from
11 Avignon, France, and he said, Just overrule it. So I'm
12 prepared to do that in every case.

13 So Chairman's 1, 2, 3 are admitted as well.

14 Before we have final -- final argument or final
15 statement, I guess I want to ask -- okay. Let me make a
16 suggestion as to how I think one way to proceed would be.
17 We can hear Mr. Derstine provide his final argument
18 tonight.

19 How long do you think it would be?

20 MR. DERSTINE: I always guess shorter than it
21 actually is, but I'm thinking 15 minutes, 15 or 30.

22 CHMN. CHENAL: I note that it's 4:30. 4:20.
23 I'm prepared certainly to hear that this evening if
24 that's the Committee's desire.

25 Alternatively, if the Committee would prefer

1 that we hear that tomorrow morning first thing, we can do
2 it then.

3 After that -- and I'll leave it up to you.
4 Whatever your preference is, is fine with me. After
5 that, how do we approach this case? How do we approach
6 how we handle this? And I'm just going to throw out
7 something for consideration by the Committee, and we
8 don't have to decide it tonight, but I did have this
9 discussion with Member Haenichen.

10 Assuming we proceed with a CEC, I think the
11 harder issue is going to be is which alternative route.
12 And I'm suggesting that maybe we have that discussion on
13 the record first and see -- kind of take a straw vote and
14 see how much unanimity there is, if there's unanimity or
15 not, and maybe have that discussion and then see where we
16 go with that and maybe narrow it down to one or two and
17 then proceed with the language of the CEC and then have
18 up-or-down vote on -- if there's only one, then fine. If
19 not, then we have a vote on the alternatives.

20 Well, if the straw vote and the discussion
21 reflects that there are differing opinions among the
22 Committee and that there are actually two alternatives
23 that are supported by the Committee, then at some point,
24 we're going to have to have a vote on each one. So
25 that's what I need.

1 MEMBER WOODALL: But we would resolve that
2 before we talk about the CEC? Is that what you're
3 saying?

4 CHMN. CHENAL: I mean, we could.
5 Alternatively --

6 MEMBER WOODALL: I wasn't sure.

7 CHMN. CHENAL: Alternatively, we could narrow it
8 down and then discuss the language of the conditions.
9 I'm not sure, regardless of the alternative chosen, if
10 there's more than one view, that the language is going to
11 really change on the conditions.

12 But, you know, we could -- so, to simplify it,
13 my thought would be is that we basically have discussion
14 on the record as to what people view as to the
15 alternative routes. And if we all agree on one, fine.
16 If not, I think we can then proceed with the discussion
17 on the language of the CEC and then decide how we're
18 going to handle a vote on them separately.

19 But that's something maybe we can reflect on
20 this evening and then come back tomorrow. But I think
21 that would be -- I'm kind of looking at it like a jury
22 trial in that sense. The jury goes back into the room
23 and has a straw vote. Let's see where we are. Which
24 we're able to do and have not done heretofore.

25 So I have no idea better than anyone in the

1 audience or the applicant what my fellow Committee
2 Members feel are their preferences.

3 Member Haenichen.

4 MEMBER HAENICHEN: I feel compelled to point out
5 that we have always been urging applicants to submit more
6 than one alternative. So if this becomes a problem,
7 we're kind of responsible for it.

8 MEMBER WOODALL: My sense would be that if we
9 make our initial decision with respect to the route, that
10 will help guide us because there may be specific
11 conditions that we'll make about size of the road or
12 etc., depending upon the route that's chosen.

13 So my -- and you regulate procedure. I
14 acknowledge that. But my sense would be if we can make a
15 determination of which route we're all supportive of
16 might make going through the CECs a little easier because
17 we know what conditions we need to put where, but that's
18 just my perspective.

19 CHMN. CHENAL: I don't disagree with that, but
20 the only way to, with finality, pick a route is to
21 actually vote on the CEC. So at some point we're going
22 to have to -- I'm not sure we can --

23 MEMBER HAMWAY: So you can't vote on a route?
24 Just kind of a straw poll, without --

25 CHMN. CHENAL: Well, we can on a straw poll.

1 But I mean, the actual vote that we vote on is the CEC.

2 MEMBER HAMWAY: Right. But I think
3 Ms. Woodall's point is well taken in that, you know, if
4 it's -- I don't know how many of us are here. If it's
5 like 6-6 or something, then I think that's an issue. But
6 if we can kind of take a straw poll and figure out which
7 route most of us are leaning towards, then I think our
8 time spent on the CEC is better served.

9 CHMN. CHENAL: Well, and that's exactly what I'm
10 proposing, is we do a straw poll, we get it down to --
11 you know, if there are two alternatives, we then proceed
12 to a discussion of the CEC language itself and would
13 obviously pick the one that is the one that has the most
14 votes and kind of work through the language of that one.

15 I'm just -- you know, I mean -- Member Noland.

16 MEMBER NOLAND: Please, Mr. Chairman, why don't
17 we close this hearing, the testimony, and do a straw
18 vote. Then we can think about it overnight. We know
19 where everybody is kind of leaning. We look at the CEC
20 and make our modifications or suggestions for those
21 areas, and we can work on that tomorrow morning with the
22 CEC.

23 CHMN. CHENAL: That's fine. And then that means
24 we proceed with the final closing statement of
25 Mr. Derstine this evening, then, which I'm fine with.

1 And then, certainly, we could have a straw vote at that
2 point. Okay?

3 MEMBER WOODALL: That's a good idea.

4 CHMN. CHENAL: Okay. Mr. Derstine, do you want
5 to take a five-minute break before you begin, or are you
6 ready to proceed?

7 MR. DERSTINE: Ready to go.

8 CHMN. CHENAL: Then let's -- all right. So
9 we've finalized the close of the evidence, and
10 Mr. Derstine will -- Mr. Derstine, I'm sorry, will give
11 us a final argument.

12 MR. DERSTINE: Well, I always start my closing
13 argument in these cases with a thank you. So thank you
14 to the -- Mr. Chairman, Members of the Committee. I said
15 it before, but I think it merits saying again that the
16 job you do, the work you do, is important, and we
17 appreciate all your time and the attention and the
18 careful consideration that you give to these issues.

19 Sometimes, when we think about sending out 30 --
20 41,000 notices and getting back 84 comments, that maybe
21 these cases don't matter, but we know they do. It's
22 important to the utility, the applicant, Tucson Electric
23 Power. It's important to the people and the residents
24 within our study area and along these routes, as you
25 know.

1 And so, again, thank you for your time and your
2 patience and your careful consideration and your
3 judgment. You all have different backgrounds and
4 experiences, and we're always kind of impressed by the
5 many questions and the manner in which you go about your
6 business. So thank you.

7 Ms. Woodall -- at the beginning, I think Member
8 Woodall asked the question of whether or not we kind of
9 grade these cases or are there similar cases or easier
10 cases than others I think was the nature of the question.
11 And I thought this was an easy case. When we talked
12 about it, I thought, Well, this isn't going to be any
13 fun.

14 But I think what it's taught me is that maybe
15 there are no simple cases. I thought it was a simple
16 project. It's connecting two new substations with a
17 138kV transmission line a couple miles apart. That
18 doesn't sound like a lot.

19 I thought I was doing it, but I wasn't. Patrick
20 was just reading my mind. Okay.

21 And the purpose and need. You know, you've
22 heard the evidence on the need for this project. I don't
23 think that's controversial. We've got an existing 46kV
24 system that's near its capacity serving this area. We
25 already have some reliability issues; but with the

1 planned development of the Bridges, a planned GEICO call
2 center, a planned hotel, various businesses that are
3 going in there, the load growth there will be
4 significant, and this system can't handle it. It needs
5 to be tied into TEP's 138kV system.

6 The substation to serve this area and tie it
7 into the 138 system has already been sited. That's the
8 new Kino Substation site.

9 And you've heard extensive testimony from
10 Mr. Beck that the Irvington Substation down on the
11 Irvington Campus is the best source to tie the Kino
12 Substation into the 138 system.

13 So the challenge and what's turned out to be
14 maybe getting from Irvington to Kino is not a hard thing.
15 It's how you do it in the right way. And how do you do
16 it in an urban environment where you need to minimize the
17 impacts on residents, businesses, schools, roadways,
18 traffic. You've heard from Ms. Darling that there are a
19 lot of considerations that went into considering how to
20 get from Irvington to Kino.

21 The company really went to great lengths to try
22 to figure out and do this in a scientific and objective
23 way while, at the same time, taking into account
24 preferences and the opinions and the concerns of the
25 people who live in the area, the businesses along the

1 route, the homeowners along the routes, the school along
2 one of the proposed routes.

3 We took into account public and stakeholder
4 input, took into account the impact to residents and
5 businesses.

6 Had to take into account construction
7 considerations. What's the constructability of these
8 three routes?

9 Environmental impacts. What are the existing
10 corridors and what's our access in terms of available
11 right-of-way that we can use for these routes?

12 And then what are the costs? And we've had some
13 discussion about costs, and costs matter. And when it
14 turns out -- when it shakes out to a number on a bill,
15 maybe \$2 million doesn't turn out to be a lot. But I
16 think, as Mr. Beck pointed out, as these projects are
17 built -- and this is our second case in a short amount of
18 time. We'll be before you again in several months with
19 another case. Every time we're throwing another \$2
20 million onto a bill, it adds up. It makes a difference.

21 And I think, as I noted for the record
22 previously, this applicant, Tucson Electric Power
23 Company, takes seriously its charge, its responsibility,
24 to serve its customers with safe and reliable power but
25 to do it in the most economic way possible. And we're

1 doing that in a way that minimizes impacts, but cost is a
2 consideration, and we think it should be a consideration
3 for this Committee.

4 So, through the process, we came forward with
5 three alternative routes. The costs range from
6 4.9 million to 6.6 million. The lengths of the three
7 route alternatives range from 3.6 to 4.6 miles. The pole
8 spans will be approximately 750 feet. They may be
9 shorter in places; they may be longer in places. And, as
10 Mr. Beck testified, we have the ability to adjust those
11 spans, those lengths, to try to minimize impacts on
12 residences such as the Sierra Court or work with the
13 Bridges to try to accommodate.

14 So the bottom line is, all three routes can be
15 constructed. We can build any or all of them.

16 And, as Ms. Darling testified to and you have
17 ample evidence, all of the routes are environmentally
18 compatible. If you look at the factors that are set
19 forth in the siting statute, all three alternatives
20 create little to no adverse impacts on the environmental
21 factors. There's no significant impact on wildlife or
22 vegetation, no significant adverse effect on the special
23 status species. Ms. Darling covered that in terms of the
24 few species that are found in this area, and it should
25 have no impact on them.

1 All three alternatives are consistent with land
2 use plans and policies. We don't believe that --
3 extensive modeling of the visual impact set forth in the
4 application uses a few of the simulations in
5 Ms. Darling's testimony. But we believe that the visual
6 impacts, when mitigated to the greatest extent possible,
7 will not obstruct major scenic views. We are not going
8 to restrict access to recreational sites. There is no
9 real effect on any historic properties or cultural
10 resources, and no real noise impacts.

11 So all three alternatives essentially score the
12 same on the key environmental factors that you folks are
13 used to hearing testimony about and you've heard
14 testimony over these past two days on.

15 So, again, what you have to do is decide which
16 route is the best. Alternative A is TEP's preferred
17 route.

18 TEP did take into account and I think gave
19 significant weight to the concerns of the school in
20 deciding that A was its preferred. It's not the only
21 factor. It wasn't -- we didn't pick A just to get around
22 the school, but it was considered, and it was given due
23 weight, I think.

24 Alternative A was also supported by the
25 residents in the area. We heard public comment from some

1 of the folks who live in this area. The people who came
2 out and turned out and live in this area prefer A.

3 But, at the same time, Alternative B is
4 supported by the Bridges. I think that came as a bit of
5 a surprise. We weren't aware that the Bridges did not
6 favor A. I'm not sure that we knew exactly. They
7 supported the project. They kept telling us they
8 supported the project. And you heard that they support
9 the project, but they prefer not to have poles on their
10 property, which I understand.

11 And you heard from the owners of the Sierra
12 Court on Benson Highway that they would prefer B.

13 So I think, at the end of the day, your job is
14 to balance the need versus the impact. The siting
15 statute has this language about balancing need versus the
16 impact on the ecology of the state, and it talks about
17 that in relation to cases that are brought back before
18 the Commission on a request for review. But I think what
19 the cases tell us and I think what happens in reality is
20 that this Committee engages in very much the same kind of
21 balancing.

22 And I think in doing that balancing and taking
23 into account all these factors and all this testimony
24 you've heard over the past two days, you'll recognize
25 that TEP's preferred route, Alternative A, is preferred

1 because it's based largely on cost, right-of-way access,
2 and maintenance. Those are concrete factors. It's
3 almost on par with C, which is the lowest cost. It's
4 only \$200,000 more. And it has -- it doesn't have the
5 access issues that B has.

6 Alternative A moves the line away from the
7 school. TEP can minimize the impact of Alternative A on
8 the Bridges and Sierra Court, as Mr. Beck put on the
9 record. TEP will adjust and work with the Sierra Court
10 in terms of pole placement on Benson Highway to make sure
11 that we're not impairing views from the Sierra Court to
12 the west of the Tucson Mountains.

13 Mr. Beck has already put on the record in terms
14 of the company's willingness and agreement to adjust its
15 corridor so that the centerline follows the roadway and
16 to work with pole placement again to minimize any impact
17 on Bridges.

18 I think, at the end of the day, there's
19 balancing and there's also fairness. The need for this
20 project is significantly being driven by this
21 development, the Bridges project, the GEICO call center,
22 the hotel, these other things that will be a significant
23 increase of the load in the area.

24 And I think, in fairness, the Bridges should
25 bear some of the burden of this project. And I was

1 encouraged by the candid and frank statement from Bruce
2 Wright of the U of A in response to a question about
3 Don't you think that it's appropriate that the Bridges
4 bear some of the burden and why aren't you in favor of
5 Alternative A? Well, we don't want the poles on our
6 project, but we want this project built. We appreciate
7 TEP bringing this project forward. We need it. We want
8 it. We can live with A. All things being equal, we'd
9 just as soon not have poles on our project, but we still
10 need it and want it.

11 And so, balancing fairness, all the things that
12 go into a decision like this, it's not a simple case, and
13 we recognize it's not and your decision is not simple.
14 But all three routes are good routes. They're buildable
15 routes. They're environmentally compatible routes. We'd
16 ask that you issue a CEC for Alternative A. It's 4.6
17 miles in length. It's for a single-circuit 138kV line on
18 the self-weathering structures. 300-foot corridor
19 centered on the roadway with a 100-foot right-of-way.

20 And with that, thank you again.

21 CHMN. CHENAL: Member Hamway.

22 MEMBER HAMWAY: So in the Pima County documents,
23 they're very concerned about the galvanized versus the
24 Cor-Ten. So if we go with A, how -- will 100 percent of
25 the poles be the weathering, or are there some County

1 poles that you would honor their galvanized request?

2 MR. DERSTINE: I'll ask Ms. Darling to respond
3 to that question.

4 MS. DARLING: On the Kino Substation, the park
5 property that's owned by Pima County, those poles would
6 be galvanized. That is the only place along
7 Alternative A that we would be required because
8 everything else would be in our franchise, under our
9 franchise agreement with Pima County, which does not
10 require galvanized. So it's three -- two poles for
11 Alternative A.

12 MR. BECK: Mr. Chairman, Members of the
13 Committee, just to clarify that, that is based on the
14 Pima County letter to us that indicated they would
15 require galvanized. There's a possibility, when we
16 actually acquire the right-of-way, they don't put that in
17 there. Our full expectation is they will, but it would
18 only be on that County property.

19 MR. DERSTINE: And how many structures would
20 that be, Mr. Beck?

21 MR. BECK: Probably two structures, possibly
22 three. But more than likely, two.

23 And just, also, to clarify, the substation
24 structures are typically galvanized inside our
25 substations. It's a different type of steel. It's

1 lattice type -- or tubular and/or H -- I-beam-type
2 structures. And that lends itself to galvanizing very
3 easily, and that's why we use galvanized within the
4 substation. So, from that point, it would match the
5 substation on that property.

6 CHMN. CHENAL: Any further questions?

7 (No response.)

8 CHMN. CHENAL: All right. I want to remind --
9 and we'll do a straw vote.

10 But I just want to remind the applicant that I
11 would be looking for the analysis or research on the
12 impact of these corridors, number one, tomorrow, if we
13 could have that in the morning.

14 Number two, I believe, Ms. Rozenberg, you have
15 copies which you can distribute to the Committee of the
16 applicant's conditions with additional language in red
17 that I'm -- I asked to be added for discussion purposes,
18 which we can review tomorrow. I thought it would be
19 helpful for you to have hard copies of that tonight, and
20 I appreciate the applicant making those copies for us.

21 So let me ask the Committee, do we do it as a
22 straw vote, up or down, just a nonbinding straw vote, or
23 would you like to -- yes, I was going to ask. My
24 preference would be that you have an opportunity to make
25 a few comments if you want to. So maybe we just go up

1 and down the line.

2 Would that be your preference, Member Haenichen?

3 MEMBER HAENICHEN: Yep.

4 CHMN. CHENAL: Then, Mr. Drago, Member Drago.

5 We've been picking on Member Noland. Why don't we start
6 with you and just have you kind of provide us with your
7 thoughts -- nonbinding thoughts on route alternatives.

8 MEMBER DRAGO: First of all, thank you for all
9 the evidence you provided us. I think it was very
10 helpful.

11 From my perspective, I like Alternative A for
12 the reasons of considering the public. It was very
13 important to me. And just some of the other items that
14 TEP has acknowledged. That was one of the major items
15 for me.

16 CHMN. CHENAL: Okay. If we just go down the
17 line.

18 Member Riggins.

19 MEMBER RIGGINS: So I also am in favor of
20 Route A. That was based on TEP's testimony, maintaining
21 that they prefer Route A, and that's based on their
22 spatial analysis, the route analysis, which I think was
23 important that it takes an objective and subjective look
24 at the data, as far as the comments of the stakeholders,
25 also including data in the analysis.

1 And I also think as far as impact goes, it seems
2 that A -- some of the opposition in support for A is
3 based on future development and planned development,
4 where B and C, there's already residential area, there's
5 already a lot of population there. So I'm in favor of A.

6 CHMN. CHENAL: Member Palmer.

7 MEMBER PALMER: Thank you, Mr. Chairman.

8 You know, these are difficult. You hear from
9 the public, and depending on where that public is
10 representing, there are different views. So with any
11 decision, there are winners and losers. But ultimately,
12 there's, I think, a great need. And I think, ultimately,
13 it's a win.

14 A few factors that entered into my deliberation
15 here, one is cost. And while 2.9 cents seems negligible,
16 in the old adage of government, a million here and a
17 million there, and soon you have real money. I think
18 it's irresponsible not to consider cost.

19 The second factor I look at is while this
20 project is not exclusively driven by new development,
21 there are some existing reliability issues. It is
22 substantially driven by new development, and I don't take
23 issue with them having a little skin in the game.

24 Finally, I think when you weigh all the factors
25 and when you balance it all out, and everything I've

1 heard and everything I've seen as we drove the routes
2 this morning, to me, Benson Highway, with the exception
3 of one stakeholder that I think can be worked around very
4 easily and mitigated very easily, the ability on Benson
5 Highway to move this line, the ability to perhaps move
6 across the street on Park Avenue, and then a minimal
7 impact of a few poles on the Bridges property, which, as
8 I mentioned, I don't have a problem with them having a
9 little skin in the game.

10 And for those reasons, I'm in favor of
11 Alternative A.

12 CHMN. CHENAL: Member Hamway.

13 MEMBER HAMWAY: Yes. I want to thank you both
14 too. I really enjoyed the geospatial discussion. I
15 thought that was really interesting.

16 I am supporting option A. And for me, it was
17 the cost, it was the existing neighborhoods, and it was
18 also the fact that Tucson nor Pima chose to be an
19 intervenor in this case. So while their ideas were
20 considered, I think option A is what I'm supporting.

21 CHMN. CHENAL: Member Woodall.

22 MEMBER WOODALL: I'm supporting option A. I
23 think that cost was a factor. I also agree that the
24 developer who's in part the reason why we need the line
25 should have some skin in the game in terms of the

1 location, and I'm also concerned about potential
2 development versus existing neighborhoods. So I support
3 Alternative A.

4 CHMN. CHENAL: Member Haenichen.

5 MEMBER HAENICHEN: I'd like to begin by
6 commending the applicant, in particular, Mr. Beck, for a
7 very informative and I believe very honest presentation.

8 In addition to all the technical discussion, he
9 informed the Committee of certain personal-type things
10 that he found in meeting with the community
11 representatives.

12 And so I have no reason to vote differently from
13 what he thinks is best in this particular case. So I
14 vote for A.

15 CHMN. CHENAL: Member Noland.

16 MEMBER NOLAND: Thank you, Mr. Chairman.

17 This has been a difficult one for me. I --
18 there's two options that I prefer, C and A.

19 C is less expensive. I think it impacts fewer
20 residential units. As far as the school goes, you know,
21 I consider them a user of electricity and a business the
22 same as other areas. The location of the poles would be
23 clear across the street and not, you know, within 3-, 400
24 feet of any structure or where the kids play or whatever
25 else.

1 So that just didn't -- I didn't give as much
2 weight as many other people did to the school. I gave it
3 to the residential facilities that will live with this
4 day in and day out. I also cared about how Sierra Court
5 felt on this, and I think they showed up as residents and
6 sat through this whole thing.

7 As far as the Bridges goes, you know, this has
8 been an underserved area electrically, commercially,
9 everything else for a long, long time for many, many
10 years. The growth has been in the east and the
11 northwest, so that's where, you know, the facilities
12 went. And now, we're finally seeing the growth down
13 here, and it's absolutely necessary that we extend these
14 lines and facilities.

15 But having said that, and right up to this
16 point, I was pretty much supporting C. I don't think you
17 could do any more harm to Ajo Way as far as I'm
18 concerned. And I do feel Benson Highway is what we want
19 as a gateway into the airport and to have people coming
20 into this community to see a different sight than they've
21 seen over the years.

22 I will support A as long as we go down to the
23 150 feet from the centerline of the road and we're on the
24 west side of Park Avenue up to 36th and then with as few
25 number of poles along 36th as possible for both the

1 residents on the other side of the road as well as the
2 Bridges and as well as for Bourn Properties and the
3 University of Arizona. So I'm willing to go with A under
4 those conditions.

5 CHMN. CHENAL: Thank you.

6 Well, okay. First of all, it's nonbinding. So
7 when we come in tomorrow, I think we begin the discussion
8 with the language, assuming that Route A is the approved
9 route, but there could be some change.

10 I like B because it did not impact the Benson --
11 you know, the scenic gateway from the airport and --
12 driving along Benson, I -- even though it is industrial
13 and commercial on the south side there off Benson
14 Highway, holy mackerel, I mean, there sure is a lot of
15 that stuff there, I mean, to the point where the workers
16 are parked along -- I don't know where you would put the
17 poles. I mean, it just seemed like it was -- you know,
18 just because it's commercial doesn't mean there aren't
19 people there that are impacted. They spend as much time
20 in there in the businesses working as they probably do at
21 their homes or the residences, at least during the week.

22 So I -- my preference doesn't really count, but
23 my preference is A. I mean, I was torn between A and B.
24 At the end of the day, it's the developers who I think --
25 some people say skin in the game. I mean, this project

1 is being driven in large measure, I think, by the demands
2 of the project. So the fact that it impacts the project
3 more, I'm sorry if the developer -- I have to say, to me,
4 falls deaf ears if they don't want the poles on their
5 property when it's their property and the development
6 there -- one of the reasons why the project -- the
7 transmission line is to be built.

8 I'm concerned, though, about the corridor,
9 concerned about a 300-foot corridor when, I mean, come
10 on, there's no need for a 300-foot corridor. Now, if
11 there's no impact or encumbrance on the property owners
12 and future development and all that, then I guess I don't
13 care.

14 But that's why I'm interested in seeing whatever
15 information and analysis you can provide, Mr. Derstine,
16 because that is a concern to me in this case because,
17 certainly, this project goes along areas where there is
18 already a lot of development and planned development.
19 And I just think we need to consider that as a Committee
20 as we craft the conditions.

21 So I favor A, but I think we need to spend a
22 little time tomorrow on -- you know, on that issue on
23 the -- whether the corridor, it creates an encumbrance.

24 And I also think there are certain areas that we
25 need to be careful. The concern of the Sierra Court

1 residents to craft a condition that -- and I think a
2 condition is necessary. I don't think we can just say
3 because it's in the record and Mr. Beck has said that TEP
4 will work with the residents to create -- to keep that
5 scenic view open for the sunset area.

6 That is no reflection on TEP, it's just -- I
7 just think if it's important that -- if we, as a
8 Committee, think that that's important, then we should
9 have some sort of a condition in there that kind of
10 reflects that.

11 And in certain areas of Route A, it seems to me,
12 based on the comments I've heard and just my own thought,
13 is we may want to be a little careful about
14 consideration -- we should consider what side of the road
15 the poles should be, and maybe we should address that in
16 the form of the -- of route description, maybe. Because
17 when you've got a 300-foot corridor, you know, they can
18 put it anywhere on either side of the street.

19 And I know the flyover, and there were
20 depictions of where they intend to put it, but I think in
21 certain areas, we ought to actually maybe be a little
22 more proactive tomorrow than maybe we have in other cases
23 as to where -- what side of the street the poles should
24 be in those instances where we think it's important that
25 it go on one side or the other. If we don't really care,

1 then that's okay, but there might be some areas.

2 And I tell you one area where I think we should
3 be careful is the north side of 36th Street. Excuse me,
4 but I think we should say they have to be on the south
5 side of 36th Street. And that's really the area I'm
6 thinking of.

7 So, yes, A, I think, to me, it was a little
8 closer call between A and B, but I'm persuaded -- from
9 the comments on the technical difficulties and
10 consideration of the residents and the school along
11 Campbell there, I think I'm persuaded that based on that,
12 on the totality of the circumstances, A is a better
13 route. But I think we need to consider Sierra Court, the
14 residents there and, you know, other areas where -- which
15 we can discuss tomorrow.

16 I don't think there's going to be much
17 controversy on the conditions themselves. I think when
18 you look at the additional language that I've included, a
19 lot of that language is frankly language from previous
20 CECs that we have included and the -- and it was not
21 included in what the applicant offered. And it wasn't
22 from sleight of hand. I'm not suggesting that. But I
23 think a lot of this language, it's not new. It's from
24 previous CECs, and you'll mostly be familiar with the
25 language.

1 There's a few that I don't think we necessarily
2 need to include but maybe to have a little discussion
3 just for educational purposes. But I don't think this is
4 going to be one of these laborious, take hours and hours
5 to go through the language. But I do think we should
6 concern ourselves with the impacts of a wide corridor and
7 think through that issue a little.

8 Member Noland.

9 MEMBER NOLAND: Mr. Chairman, I agree with you,
10 and I don't want to make Patrick work all night tonight
11 or whatever else, but I would really like to see the
12 corridor reflected from the centerline of the road along
13 Park Avenue and along 36th Street. I'd like to get a
14 better visual of how far that changes the whole aspect of
15 the corridor.

16 Basically, that, and I asked Mr. Beck if they
17 would help me -- I would write out ten little amendments
18 that I was going to offer. But I'm having trouble
19 writing, so they were going to type it up for me, and it
20 just basically says when they've acquired the
21 right-of-way, the corridor on adjacent properties is null
22 and void. It's done. So they've got the right-of-way,
23 there's no more corridor issue. And we've never done
24 that before, and I hope we include that, because it's
25 always been a gray area and I think this will help.

1 Oh, we've got it here, so then everybody can
2 take a look at it tonight. It's pretty simple, and I
3 might even revise it a little bit.

4 CHMN. CHENAL: Well, Member Noland, I'm
5 delighted that you're requesting that we consider an
6 additional condition.

7 MEMBER NOLAND: And I put it in writing ahead of
8 time. How about that?

9 CHMN. CHENAL: Wonderful.

10 I think, for the record, what we'll do is we'll
11 make a copy of these two tomorrow as additional exhibits.
12 Because when we refer to -- as we go through the
13 process -- I know the Committee is aware of this and the
14 applicant, but for the benefit of the people in the
15 audience, we will go through on the screen and use the
16 services of the applicant's staff to basically look at
17 the language of the route, kind of the prefatory
18 language, and then the actual conditions. And we can
19 look at each condition one by one, and then we'll discuss
20 this additional language.

21 But as we're doing it, we'll be referring to
22 either the applicant's exhibit or we'll talk afterwards
23 how we want to do it or we'll be reviewing mine. But
24 we'll have to refer to it by exhibit number so the record
25 is clear. And after we work through the language, we

1 vote on the CEC as a roll-call vote.

2 MR. DERSTINE: I think that all sounds
3 acceptable, and we'll be ready to screen the CECs
4 tomorrow.

5 I think Mr. Beck had a comment.

6 CHMN. CHENAL: Sure.

7 MR. BECK: Mr. Chairman, Members of the
8 Committee, I'd just like to point out, relative to the
9 corridor issue, I understand your concerns. We share
10 those concerns.

11 But one potential unintended consequence of
12 narrowing a corridor down, and we haven't got to that
13 point, but one thought that came to my mind is, okay, if
14 you're going to say we're going to be on, for example,
15 the west side of Park, we could write a corridor that's
16 just on that side of the street.

17 The problem that that creates for us is when we
18 go to negotiate right-of-way, that property owner knows
19 you have no choice but to go here, and it may impact the
20 price we have to pay. Just so that's on the record.

21 MEMBER NOLAND: I don't think that's what we
22 were suggesting, that it just be on one side of the road.
23 I think we were suggesting that possibly it be reduced on
24 both sides. That's what I was thinking. I'm not going
25 to speak for the Chairman, but, no, that wasn't my idea.

1 MR. BECK: So it plays into that whole question
2 of how wide is it. And we can narrow it on both sides,
3 but if we narrow it down to only the roadway corridor,
4 then we don't have the opportunity to potentially reach
5 out to the private property owners. So it's just a
6 thought for the Committee.

7 MEMBER NOLAND: Okay.

8 CHMN. CHENAL: What about -- let me ask this
9 question, Mr. Beck, with the Bridges. Let's assume we're
10 on 36th Street, and I think we can all acknowledge that
11 putting the poles on the north side of 36th Street is
12 difficult. So, for practical purposes, the poles would
13 be on the south side of the street along there along the
14 Bridges development.

15 But what is the process for you to acquire the
16 rights to put the poles in there? Is there a
17 right-of-way there, utility easement that we use, or
18 franchise agreement? Or would it be on their property?

19 MR. BECK: Along 36th, we still need to do some
20 final design analysis to determine exactly where we can
21 put the poles. There's a possibility they could be
22 located in road right-of-way, but we have indications
23 that the sewer line is so far towards the edge of the
24 right-of-way that we might have to go on the private land
25 and get onto the Bridges property.

1 And so we might have to buy a strip of
2 right-of-way from the Bridges along that route. And, you
3 know, we would buy it at market value as long as we
4 weren't held hostage relative to the price. Ultimately,
5 we do have condemnation rights. We would prefer not to
6 use them.

7 And I think this case is unique, and it's
8 very -- specifically, if we're going to be directed to be
9 on a certain side of the street, we'll do our best to
10 work with the property owners.

11 CHMN. CHENAL: Well, we'll work through that
12 tomorrow. I just -- I'm thinking of the north side of
13 36th Street as the area I have in mind.

14 We've had examples in the past where we've
15 discussed how we're going to define or refer to the
16 route, and I believe we've discussed today that you have
17 a legal description, Mr. Beck -- or yesterday, the legal
18 description, but that may change now because of our
19 discussion on the corridor width and centerline movement,
20 movement of the corridor?

21 MR. BECK: It would not change based on the
22 corridor width. It would change based upon side of the
23 road.

24 So right now, we have a legal description
25 written for the sides of the road that we applied for.

1 So along Park, it's on the east side. To write -- we
2 would have to change the legal to reflect being on the
3 west side. We may or may not have that first thing in
4 the morning. We can diligently work on it to try and get
5 it. We can have a map to reflect the alignment in a very
6 short time period.

7 CHMN. CHENAL: Member Woodall.

8 MEMBER WOODALL: I personally am not as
9 concerned about having that in front of me when we have
10 our deliberations because I believe that the applicant
11 will subsequently file it as a late-filed exhibit, so
12 we'll have it available. The map is probably more
13 important.

14 So I personally don't need to see that. I know
15 that you're working on it and you'll get it -- it will be
16 submitted to the Chairman for the CEC in due course.
17 That's for me personally.

18 MR. BECK: That absolutely would be the case to
19 the extent we didn't have something tomorrow.

20 CHMN. CHENAL: I would prefer before I file to
21 have that because I like to get these submitted right
22 away, and I think the applicants appreciate that.

23 MR. DERSTINE: We do.

24 CHMN. CHENAL: Okay.

25 Is there anything else from the Committee?

1 (No response.)

2 CHMN. CHENAL: I think this was a good
3 discussion. I know we've gotten off on a few discussions
4 on GIS methodology, and I also appreciate that
5 discussion.

6 We've talked about the encumbrance potential for
7 the corridors, and I just think -- but I think we're
8 going to have a necessary condition to deal with that.

9 And I think it's been a good process. I
10 appreciate everyone's input. I really do. I know
11 sometimes it seems like we go down rat holes, but I think
12 it's all for the good of the Committee and a better
13 process.

14 Member Woodall.

15 MEMBER WOODALL: With respect to your desire to
16 have conditions that reflect particular sides of the road
17 for construction of the project, perhaps we could ask the
18 applicant to have something ready for us in that regard
19 because I think we have expressed that. And if we're
20 going to have some suitable language, I think it might be
21 helpful in our deliberations. We might pick it apart and
22 reject it, but it would be nice to have something to
23 start with.

24 MR. BECK: Mr. Chairman, Member Woodall, again,
25 I would suggest that it may fit into the language of the

1 CEC document prior to the actual conditions as opposed to
2 conditions.

3 MEMBER WOODALL: That's what I'm suggesting.

4 CHMN. CHENAL: Anything else before we adjourn
5 for this evening?

6 (No response.)

7 CHMN. CHENAL: If not, then I look forward to
8 seeing everyone here tomorrow at 9 a.m., and we will
9 conclude tomorrow.

10 Thank you.

11 (The hearing recessed at 5:07 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

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4 BE IT KNOWN that the foregoing proceedings were
5 taken before me; that the foregoing pages are a full,
6 true, and accurate record of the proceedings, all done to
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11 I CERTIFY that I am in no way related to any of
12 the parties hereto nor am I in any way interested in the
13 outcome hereof.

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15 I CERTIFY that I have complied with the ethical
16 obligations set forth in ACJA 7-206(F)(3) and ACJA
17 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,
18 this 18th day of June, 2018.

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35 with the ethical obligations set forth in ACJA
36 7-206(J)(1)(g)(1) through (6).

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