

1                                   BEFORE THE ARIZONA POWER PLANT  
2                                   AND TRANSMISSION LINE SITING COMMITTEE  
3   IN THE MATTER OF THE APPLICATION )  
4   OF TUCSON ELECTRIC POWER COMPANY ) DOCKET NO.  
5   ("TEP), IN CONFORMANCE WITH THE ) L-00000C-18-0103-00178  
6   REQUIREMENTS OF ARIZONA REVISED )  
7   STATUTES § 40-360, et seq., FOR )  
8   A CERTIFICATE OF ENVIRONMENTAL )  
9   COMPATIBILITY AUTHORIZING THE ) LS CASE NO. 178  
10   IRVINGTON TO KINO 138 KILOVOLT )  
11   (kV) TRANSMISSION LINE PROJECT, )  
12   WHICH INCLUDES THE CONSTRUCTION )  
13   OF A NEW 138 kV TRANSMISSION )  
14   LINE AND ASSOCIATED FACILITIES )  
15   ORIGINATING AT THE IRVINGTON ) DELIBERATIONS  
16   SUBSTATION, SECTION 03, )  
17   TOWNSHIP 15 SOUTH, RANGE 14 ) and  
18   EAST, AND TERMINATING AT THE )  
19   KINO SUBSTATION, SECTION 30, ) VOTING  
20   TOWNSHIP 14 SOUTH, RANGE 14 )  
21   EAST, EACH LOCATED WITHIN PIMA )  
22   COUNTY, ARIZONA. )  
23   \_\_\_\_\_ )

14  
15   At:            Tucson, Arizona  
16   Date:          June 14, 2018  
17   Filed:         June 19, 2018

18                                   REPORTER'S TRANSCRIPT OF PROCEEDINGS

19   VOLUME III  
20   (Pages 413 through 500)

21   COASH & COASH, INC.  
22   Court Reporting, Video & Videoconferencing  
23   1802 North 7th Street, Phoenix, AZ 85006  
24   602-258-1440    staff@coashandcoash.com

24   By: Carolyn T. Sullivan, RPR  
25   Arizona Certified Reporter  
   Certificate No. 50528

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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 9:16 a.m. on the 14th  
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:

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

25 and

26 TUCSON ELECTRIC POWER COMPANY  
27 Ms. Megan J. DeCorse  
28 88 East Broadway Boulevard  
29 MS HQE910  
30 Tucson, Arizona 85702

31

32

1 CHMN. CHENAL: Good morning, everybody. This is  
2 the time set for the continuation of the CEC application  
3 of TEP. And we will -- I'll first ask the Committee if  
4 there are any matters we need to discuss before we  
5 proceed with the deliberations and work on the CEC.

6 Is there anything the applicant would like to  
7 say before we begin?

8 MR. BECK: Mr. Chairman, Members of the  
9 Committee, what we intended to do is show the CEC  
10 document that you provided with your markups but with  
11 some additional markups that we made overnight to help  
12 with the corridor issue, the side of the road, and some  
13 comments on some of the conditions.

14 CHMN. CHENAL: Okay. And that's fine. I looked  
15 at those before the meeting. And as I said before, even  
16 though we had a kerfluffle, if that's a good word to  
17 spell, in me getting you the CEC with some language that  
18 I thought we should consider, I prepared that before the  
19 hearing began, so -- and I've said, I think, from the  
20 beginning that I don't believe that all the language  
21 that's included is necessary for the CEC by any means,  
22 but I did think it was something we should at least talk  
23 about.

24 So, as is normally the case, we'll proceed with  
25 the language that was basically the CEC form that was

1 provided by the applicant as part of the application  
2 process, which will show in black ink, and then the  
3 additional language that I've included for discussion  
4 purposes will be in red.

5 And as our normal practice, we'll go through it  
6 basically, paragraph by paragraph, we'll vote as we go  
7 through, and then we'll do an up-or-down vote at the end.

8 And so, with that, if you'd like to begin and  
9 put it up on the screen. And, Ms. DeCorse, you're going  
10 to be the official scrivener today.

11 MS. DeCORSE: I am. And don't judge my  
12 spelling.

13 CHMN. CHENAL: So let's do this: Let's take a  
14 hard copy, not necessarily now, but at the break -- we'll  
15 take a hard copy of what we're showing on the screen, and  
16 we'll make that Chairman's Exhibit 4. So when we refer  
17 to the screen, we'll know that we're talking about  
18 Chairman's Exhibit 4.

19 Now, at the conclusion of this exercise,  
20 Ms. DeCorse, you will have a document with changes that  
21 reflect the discussions and deliberations of the  
22 Committee. And that's what we will vote on. But we will  
23 need you to make a hard copy of that, and that will be  
24 Chairman's Exhibit 5.

25 And that way, when someone's reviewing the

1 record, they'll be able to compare 4, which is the  
2 beginning of the process, and 5, which will be the  
3 conclusion of the process, and that will make sense, as  
4 we've learned the hard way on some other cases.

5 All right. So when we refer to the screen,  
6 we'll be referring to Chairman's Exhibit 4, and we'll  
7 have --

8 MR. BECK: Mr. Chairman, the one on the left  
9 will be the static Chairman's 4.

10 CHMN. CHENAL: Okay. And the one on the -- the  
11 screen on the right will be Chairman's 5?

12 MR. BECK: Correct.

13 CHMN. CHENAL: All right. Before we begin that  
14 process, I had asked yesterday, and Member Woodall  
15 reminded me, if there was any research or analysis done  
16 on the corridor issue.

17 And, Mr. Derstine, if you want to just comment  
18 on that.

19 MR. DERSTINE: Mr. Chairman, Members of the  
20 Committee, we did do some work over the evening, and what  
21 I have before me is kind of the cleaning up of the final  
22 written product that I haven't -- not yet had an  
23 opportunity to review with my client, which is important  
24 to do before I turn it over to you and the Committee.

25 CHMN. CHENAL: Sure.

1           MR. DERSTINE: But I think the upshot based on  
2 the analysis that we've done is that the designation of  
3 the corridor is a planning tool, not different from  
4 similar planning activities done by highways, flood  
5 control districts. And Arizona law is clear with cases  
6 from the Arizona Supreme Court that indicate that the  
7 designation of a corridor or these types of planning  
8 corridors has no legal effect on the property itself and,  
9 further, that a property owner is not entitled to any  
10 sort of compensation simply because their land falls  
11 within a corridor.

12           The landowner may continue with development  
13 activities, commence development activities, even with  
14 knowledge that a portion of their land or all of their  
15 land falls within this corridor. And that landowner will  
16 be compensated if and when the property is taken through  
17 condemnation. But up until that time, the simple fact of  
18 designation of a corridor for -- whether it's a  
19 transmission corridor or a floodplain, a flood control  
20 district, any of these sorts of planning mechanisms,  
21 which are important for property owners to understand and  
22 for future development activities, etc., that that does  
23 not change the legal status. It doesn't create a cloud  
24 on title.

25           That will be the conclusion we'll give you in

1 our memo.

2 CHMN. CHENAL: Perfect.

3 And if you would, while I'm thinking out loud,  
4 maybe it would be appropriate if we could -- if that  
5 could be filed, and then, if you provide a copy to me, I  
6 will provide a copy to the Members of the Committee  
7 because I think that would be helpful for us to have and  
8 review. And I understand that will come after the  
9 hearing.

10 MR. DERSTINE: And I just want to also add to  
11 Member Noland's point and I think your concern, this  
12 Committee has -- and I'm sure it will in this case --  
13 make a judgment about tailoring the corridor to what is  
14 necessary to the project and that there's no need for,  
15 and there are -- although there's no legal impact -- some  
16 practical effect of having overly broad corridors.

17 This applicant, Tucson Electric Power Company, I  
18 think has always been cognizant of not seeking 500-foot,  
19 1,000-foot corridors when that would be unnecessary. So  
20 I think it is important to -- necessarily to tailor the  
21 corridor to the needs of the project and the environment  
22 for which the project is being built.

23 But at the same time, using this term that we've  
24 used before, balancing, the corridor is a critical  
25 element of these cases and is important under the CEC

1 because it gives the applicant the flexibility to do what  
2 you want us to do, which is to mitigate the impact of our  
3 structures, to work around the impact that we impose on a  
4 landowner, to attempt to move the line or structure maybe  
5 to the other side of the road or to increase the span  
6 length to try to mitigate. And without an appropriate  
7 corridor, if it's overly narrow, then I think it goes  
8 counter to what everyone here wants to do, which is to  
9 mitigate the impacts of the project.

10 CHMN. CHENAL: Okay. Very good. I think that's  
11 good to have the analysis for the Committee to review.  
12 And I think a number of us have felt that's probably the  
13 result of a corridor designation, but it helps to have  
14 some analysis to back that up.

15 Having said that, you know, I still feel like  
16 there are disclosure requirements on landowners when they  
17 build projects that are within the corridor. I would  
18 expect that there are certain disclosure requirements.  
19 And, I mean, obviously, a corridor means something  
20 because, by your own admission, TEP has taken efforts not  
21 to ask for 1,000-foot corridors and have had the  
22 corridors more carefully tailored to the project,  
23 300-foot or -- if it has absolutely no significance, then  
24 why do we care if it's 300 versus 1,000. I mean, we do,  
25 so it has some impact, but maybe not an encumbrance-type

1 impact, so anyway ...

2 MR. DERSTINE: I think the distinction is that  
3 in terms of the legal effect in terms of changing the  
4 status of the property, the conclusion is, and supported  
5 by good case authority, there is none.

6 At the same time, I think the applicant  
7 recognizes and the Members of the Committee recognize  
8 that there are some practical effects. If you are a  
9 landowner, you would say that a portion of my land falls  
10 within this corridor creates some uncertainty about,  
11 until the project is built and the actual right-of-way  
12 has been acquired, where those structures will be placed.

13 So we recognize there is this practical effect  
14 until the project is built and the right-of-way and the  
15 specific -- and the project has been designed and located  
16 that there is that uncertainty, and that uncertainty may  
17 create some practical issues in terms of disclosure  
18 obligations separate and apart from under Arizona law or  
19 just some impact or belief on the marketability of the  
20 property.

21 So we recognize that the corridor does have an  
22 effect. It's important for the planning of these  
23 projects. But I think, going to the issue that was  
24 raised yesterday, is, well, what happens to the corridor  
25 after the project has been built? It's a planning tool.

1 It's used to give us the flexibility to do what you want  
2 us to do and we always agree to do, which is to mitigate  
3 and minimize the impacts of these projects. But once the  
4 line has been built, there's no effect of that planning  
5 tool, and there should be no effect in terms of the  
6 landowner.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: So, Mr. Chairman, I understand  
9 what you're saying. I still have the disclosure issue  
10 that hangs over this, slightly different opinion than we  
11 received many years ago about the corridor.

12 But would you have any objection to putting the  
13 language in that says: Once right-of-way has been  
14 acquired, the designated corridor for the adjacent  
15 properties will no longer exist?

16 I changed my wording just a little bit because  
17 it would be the corridor on each side of the  
18 right-of-way.

19 MR. BECK: Mr. Chairman, Member Noland, we have  
20 a proposed condition for discussion based upon the  
21 language we talked about yesterday.

22 MEMBER NOLAND: Okay.

23 MR. BECK: So the applicant doesn't have an  
24 issue with it.

25 MEMBER NOLAND: We don't have to go into it now,

1 but I just wanted to know if you had an issue with that.

2 MR. DERSTINE: And if I could add to Member  
3 Noland's comment, you are correct, Member Noland, in  
4 terms of this issue came up and was extensively  
5 litigated. I think it was the TS-5 West Valley case, an  
6 APS case --

7 MEMBER NOLAND: Yes.

8 MR. DERSTINE: -- where corridors and future  
9 developments were very much at issue and the width of  
10 corridors and where these corridors would be placed.

11 But I think the authority that I cited to you  
12 was cited by the parties in that case. It hasn't changed  
13 in terms of the -- what is the legal effect of a  
14 designation of that line transmission corridor.

15 MEMBER NOLAND: Thank you.

16 CHMN. CHENAL: Okay. Very good. Thank you. I  
17 think it's helpful discussion that we have this  
18 opportunity to discuss this.

19 So, shall we begin the process, Members of the  
20 Committee, going through the draft CEC.

21 So, again, the screen on the left is Chairman's  
22 4, static. It has some language I've offered for  
23 discussion purposes only, some comments from Mr. Beck.  
24 And then on the right-hand screen will be Chairman's  
25 Exhibit 5, which will be the working document that, at

1 the conclusion of which we will take a vote on, and the  
2 actual CEC will then be the document that will be  
3 Chairman's 5.

4 So I guess we should just begin on -- so let me  
5 ask this question: As we look at them now, is 5 the same  
6 as 4?

7 MS. DeCORSE: Yes.

8 CHMN. CHENAL: Okay. So --

9 MS. DeCORSE: Would it be helpful if I put at  
10 the top right here -- just marked it as Exhibit 5 right  
11 now?

12 CHMN. CHENAL: Yes.

13 MS. DeCORSE: Okay. And then, on the other  
14 screen, we'll mark that as Exhibit 4.

15 CHMN. CHENAL: Yes.

16 So will you be moving -- I mean, will we be  
17 seeing both screens move and be looking at the same  
18 language?

19 MS. DeCORSE: Yes.

20 CHMN. CHENAL: Okay.

21 All right. So let's start with the caption, if  
22 there's any comments that the Committee has regarding the  
23 caption.

24 MEMBER NOLAND: No. Mr. Chairman, no problem  
25 with the caption.

1           If we move down to line 15, we've got the dates  
2 of June 12th through June 14th, 2018.

3           And on line 18, I don't know what that is.

4           MR. BECK: So, Mr. Chairman, do we want to go  
5 into paragraph 2 or --

6           CHMN. CHENAL: Yes. Okay. Let's do. Let's  
7 take a look at paragraph 1. If we put paragraph 1 up on  
8 the screen and just take a quick look at it.

9           Member Haenichen reminded me after a previous  
10 hearing that I need to go over these a little more slowly  
11 and give everyone an opportunity to read it and not just  
12 rush through. So I'm going to advise -- I'm going to  
13 follow Member Haenichen's advice.

14           MEMBER NOLAND: Well, Mr. Chairman, having read  
15 through this three times already, I think it's just the  
16 dates we have, and the April the 25th date was the filing  
17 of the certificate.

18           So I would move that we make those two date  
19 modifications and approve page 1, which is lines 1  
20 through 23.

21           MEMBER HAENICHEN: Second.

22           CHMN. CHENAL: Motion and second.

23           All in favor say aye.

24           (A chorus of ayes.)

25           CHMN. CHENAL: Thank you.

1           Let's move to the next page, and we'll look at  
2 the lines 1 through 14.

3           MEMBER NOLAND: Mr. Chairman, I move that we  
4 adopt lines 1 through 14 with the already modified  
5 Members that are not present.

6           CHMN. CHENAL: All right. We have a motion.  
7 Do we have a second?

8           MEMBER HAMWAY: Second.

9           CHMN. CHENAL: Motion and second.  
10 All in favor say aye.

11           (A chorus of ayes.)

12           CHMN. CHENAL: Let's go to the next paragraph,  
13 the conclusion of the page, lines 15 through 25.

14           Now, let me ask a question of the applicant.  
15 Line 23, the 4.64 miles, I assume that's the  
16 Alternative A length?

17           MR. BECK: Yes, Mr. Chairman. I changed the  
18 mileage to reflect Alternative A with the assumption that  
19 that would be voted upon. We would have to change it if  
20 something else is selected.

21           CHMN. CHENAL: Okay. So is there any discussion  
22 necessary on the last -- on line 25? It's a mixture of  
23 tangent and deadend steel monopoles.

24           MEMBER NOLAND: No. Mr. Chairman, I suggest  
25 that we allow you to put in the final vote at the end

1 without having to go back to it.

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

3 MEMBER PALMER: Motion to approve.

4 MEMBER HAMWAY: Second.

5 CHMN. CHENAL: Motion and second for lines 15  
6 through 25.

7 All in favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: All right. Thank you.

10 Let's take lines 2 through 7.

11 MEMBER HAMWAY: Motion.

12 MEMBER NOLAND: Second.

13 CHMN. CHENAL: Motion and second.

14 All in favor say aye.

15 (A chorus of ayes.)

16 CHMN. CHENAL: Okay, let's look at lines 7  
17 through 13.

18 MEMBER HAENICHEN: Mr. Chairman, do we still  
19 want that to say 3.63 to 4.64?

20 CHMN. CHENAL: No. I think, Member Haenichen,  
21 that that's stricken, that language. And so it will  
22 read: The Project is 4.64 miles in length.

23 MR. BECK: Mr. Chairman, just to clarify for the  
24 record, the mileage reflects Alternative A, and then we  
25 took out any references to alternatives. And so this CEC

1 would be specific to Alternative A at this point.

2 CHMN. CHENAL: Right. And I should make a note  
3 that last night, before we broke, we kind of had a  
4 discussion, and the Committee was of the belief that  
5 Alternative A was the one that was the appropriate  
6 alternative. So for the purposes of discussion today,  
7 we're assuming that Alternative A is the route that will  
8 be adopted.

9 MR. BECK: Very good.

10 CHMN. CHENAL: So we have lines 7 through 13.  
11 Do I have a motion?

12 MEMBER HAMWAY: So moved.

13 CHMN. CHENAL: Second?

14 MEMBER DRAGO: Second.

15 CHMN. CHENAL: All in favor say aye.

16 (A chorus of ayes.)

17 CHMN. CHENAL: And, again, that's the language  
18 as reflected on Exhibit 4, track changes being accepted.  
19 I think that's a standard throughout the discussion  
20 today.

21 So let's look at page 2, lines 14 through 24.

22 MR. BECK: So, Mr. Chairman, just for the  
23 record, this is where we attempted to reflect the  
24 corridor concerns and wrote it such that we were  
25 requesting the corridor of 300-foot in width based on the

1 centerline of the various road alignments that we would  
2 be along.

3 CHMN. CHENAL: All right. Let's -- give us an  
4 opportunity to read it. This is new language.

5 MEMBER NOLAND: Mr. Chairman, Mr. Beck, you can  
6 keep reading, but I'm missing the Benson Highway -- east  
7 side of Park Avenue from Benson Highway. Where is it  
8 from Benson Highway between -- at the full length of  
9 Benson Highway that it's on what side?

10 MR. BECK: So we intend to site the blue line on  
11 the south side of Irvington, the east side of Park from  
12 Benson Highway to the northern right-of-way of Interstate  
13 10, at which point it will cross Park Avenue and be  
14 placed on the west side of Park up to 36th Street. And  
15 then we'll site on the south side of 36th Street.

16 MEMBER NOLAND: I'm still missing Benson  
17 Highway.

18 MEMBER PALMER: Yeah, I am too.

19 CHMN. CHENAL: The south side of Benson Highway.  
20 Irvington to Park.

21 MR. BECK: Yes. You are correct.

22 MEMBER NOLAND: Am I correct?

23 MR. BECK: Yes, you are.

24 MEMBER NOLAND: Oh, well thank you. That's  
25 better. Thank you.

1 MR. BECK: It was rather late at night when I  
2 was typing this.

3 MEMBER NOLAND: I'm sure.

4 And, Mr. Chairman, with that, I would move that  
5 we adopt this language.

6 MEMBER WOODALL: Second.

7 CHMN. CHENAL: Okay. We have a motion and a  
8 second for page 2, lines 14 through 24.

9 All in favor say aye.

10 (A chorus of ayes.)

11 CHMN. CHENAL: Thank you.

12 Now we go to the conditions.

13 Now, the language is shown in blue, but that's  
14 really my language. And, again, I'm not suggesting that  
15 in every case we need this. But there are a number of  
16 CECs, including the last -- well, 76, where we had that  
17 language. So I thought, Well, it wasn't proposed by the  
18 applicant. We ought to at least talk about it. So the  
19 additional language is the part that says "enforceable  
20 against TEP as they relate to the Project."

21 MEMBER WOODALL: Mr. Chairman, if I may.

22 CHMN. CHENAL: Yes.

23 MEMBER WOODALL: I think this language is  
24 superfluous, negatory, and to whom else would this CEC  
25 apply. So I think that it's completely unnecessary, and

1 I recommend that it not be included in any CEC, including  
2 for future ones.

3 MR. BECK: And, Mr. Chairman, I just comment  
4 again Case 176, to remind the Committee, was a merchant  
5 project.

6 MEMBER WOODALL: Right.

7 MR. BECK: So it may be slightly different than  
8 a regulated Arizona utility.

9 MEMBER NOLAND: If that was a motion, I'll  
10 second it.

11 CHMN. CHENAL: All right. We have a motion and  
12 second.

13 Any discussion?

14 I'm thinking out loud here, which is dangerous,  
15 but why do we include it in this? I mean, if people feel  
16 that way now, why did we include it in that one and I  
17 assume other ones? It could have been that the applicant  
18 proposed that language.

19 MR. BECK: Well, Mr. Chairman, I will go out on  
20 a limb. In that particular case, there was an outside  
21 attorney from Texas who was drafting the CEC conditions  
22 of the document. And I believe there was some language  
23 added in that -- or at least the typical Arizona  
24 utilities would never have put in.

25 MEMBER NOLAND: And it was -- Mr. Chairman, it

1 was a merchant case. It was different than this.

2 So I agree. I think it's superfluous in this  
3 case.

4 CHMN. CHENAL: All right. We have a motion and  
5 second.

6 All in favor say aye.

7 (A chorus of ayes.)

8 CHMN. CHENAL: All right. So the record is  
9 clear, though -- again, I just want to make sure the  
10 record is clear.

11 So the vote was to remove the additional  
12 language on lines 1 and 2. So the condition -- yes.  
13 Let's show these changes as a track change.

14 MS. DeCORSE: Mr. Chairman, can we do a  
15 strikethrough so it way it doesn't disappear on the  
16 redlines?

17 CHMN. CHENAL: Yes. That's what I was going to  
18 suggest, a track change, a strikethrough. And that's  
19 fine. That way I think we will see what it was in 4 and  
20 then compare it to 5, and I think it will be easy to see,  
21 if someone wants to take the time to read this part of  
22 the transcript, what we're intending.

23 So let's refer to Condition 1. And this time  
24 I'll just refer to the condition numbers without lines  
25 and pages. So Condition 1, let's take a minute and look

1 at it.

2 And I just want to note that the reason that the  
3 reference is made to CEC-177, Condition 1, is just --  
4 that will not be in the final, obviously. That's just  
5 basically where this condition -- where my assistant  
6 found this condition in a previous case. So it's only  
7 for background.

8 Now, so seven years. Is there any discussion we  
9 want about the seven years?

10 MEMBER NOLAND: Mr. Chairman, I do.

11 CHMN. CHENAL: Okay. Member Noland.

12 MEMBER NOLAND: My suggestion is we do a  
13 five-year. It seems that this project is imminent.  
14 We've heard they are going to begin immediately. It just  
15 doesn't seem that it should take more than five years.

16 MR. BECK: Mr. Chairman, Members of the  
17 Committee, the applicant will not argue the point of five  
18 versus seven in this case because it is an imminent  
19 project.

20 Just a reminder that there always is the chance  
21 the project gets delayed. And we do have the right to  
22 come back and ask for an extension, and I don't think it  
23 would be an issue in this case. So we're not going to  
24 push the question of seven versus five, but seven has  
25 tended to be a decent time frame for projects in the

1 past. This one is a little bit further along in the  
2 process, so it's not a large concern with the applicant.

3 MEMBER NOLAND: Mr. Chairman, I move that we  
4 make it five years.

5 MEMBER HAENICHEN: Second.

6 CHMN. CHENAL: We have a motion and second.  
7 Any further discussion on Condition 1?

8 (No response.)

9 CHMN. CHENAL: All in favor say aye.  
10 (A chorus of ayes.)

11 CHMN. CHENAL: Thank you.

12 Now let's look at Condition 2.

13 MR. BECK: Mr. Chairman, if I may.

14 CHMN. CHENAL: Sure, Mr. Beck.

15 MR. BECK: Just as a preview of something to  
16 come later on in the condition, there is a condition  
17 regarding should we need to request an extension, the  
18 relative language of that, we are going to suggest that  
19 it be moved up after 1, so it follows along.

20 CHMN. CHENAL: Let's do that when we get there,  
21 but good point. We can do that.

22 MEMBER NOLAND: Mr. Chairman, I'm just going to  
23 make one comment on 2. I'm not going to fall on my sword  
24 on this, but we've gone through it many times.

25 I don't think that language is necessary. I

1 think that it's covered within following all the  
2 statutes, ordinances, so on, so forth. We've gone  
3 through this before. I think when you start getting  
4 specific, you tend to box yourself in, and maybe somebody  
5 comes back and says, Well, you weren't specific about  
6 this, so now I don't have to do that.

7           The applicable air and water pollution control  
8 standards are covered in county, city, and state and  
9 federal law. And so I don't know why we have to put that  
10 specific language in there. That's just my feeling.  
11 That's just for discussion sake.

12           MEMBER WOODALL: I associate myself with  
13 Ms. Noland's remarks because I find this language to be  
14 duplicative, repetitive, and, plus, it says the same  
15 thing twice already. So I just don't think it's helpful.

16           CHMN. CHENAL: Well, I have a different view of  
17 it, but I'd like to hear what Member Drago has to say  
18 about it and Member Riggins, if there are comments that  
19 they'd like to make about this, because I think this is  
20 more in their purview.

21           And I will state a different view. I think if  
22 you have "including, but not limited" language, that  
23 makes it clear that, in fact, it's not limited to these,  
24 but it does emphasize these and that these are items that  
25 we expect that the applicant comply with, but I'd like to

1 hear what Member Drago has to say.

2 MEMBER DRAGO: Yeah. So I agree that there's  
3 some duplication here. But given the fact that this is a  
4 CEC, the emphasis is on environmental. I would suggest  
5 we keep it.

6 CHMN. CHENAL: Member Riggins.

7 MEMBER RIGGINS: I also agree with Member Drago.

8 MEMBER NOLAND: Then, Mr. Chairman, I defer to  
9 them. I just still think it's a little dangerous to be  
10 this specific.

11 CHMN. CHENAL: Okay. And I'll be the  
12 counterpoint to that.

13 Member Haenichen.

14 MEMBER HAENICHEN: I move that we approve this  
15 as written.

16 CHMN. CHENAL: Okay. We have a motion.  
17 Do we have a second?

18 MEMBER RIGGINS: Second.

19 CHMN. CHENAL: Okay. Mr. Beck.

20 MR. BECK: Mr. Chairman, just one comment. I've  
21 been on the record in the past regarding some of the  
22 duplicity of some of these. In this case, I didn't feel  
23 the need to argue it. But relative to the City of South  
24 Tucson, because the project is not in South Tucson, I  
25 think we can remove --

1 CHMN. CHENAL: Yes, that's fine. Again, this  
2 was prepared before this hearing began. I don't know  
3 that I was sure whether this impacted South Tucson or  
4 not. That's a very good point. So we'll strike the City  
5 of South Tucson on lines 13 is 14.

6 But we have a motion and second for the  
7 remainder of the language.

8 All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: Thank you.

11 MEMBER WOODALL: Nay.

12 CHMN. CHENAL: Then let's go to the next  
13 condition, No. 3.

14 Now, the first thing I will note on Condition 3  
15 is it also includes the language in the City of South  
16 Tucson, so I think we can safely exclude that wherever  
17 it's located in the document, and I don't think the  
18 Committee has a problem with that.

19 MEMBER NOLAND: Mr. Chairman, I move that we  
20 adopt No. 3 as modified.

21 MEMBER WOODALL: I have some comments.

22 CHMN. CHENAL: Member Woodall.

23 MEMBER WOODALL: The essence of the CEC is a  
24 permit for them to construct it. I don't think we have  
25 any authority to require them to operate or maintain it.

1 It's just -- this is what they have to do in order to  
2 build it. And having said that, I will say no more.

3 MEMBER NOLAND: Mr. Chairman, since there's no  
4 second to my motion, I'll withdraw it.

5 CHMN. CHENAL: Well --

6 MEMBER NOLAND: Remember, I was the  
7 parliamentarian for this. That drives me crazy.

8 CHMN. CHENAL: Can we go back up so we can see  
9 the -- oh, there we go. Okay.

10 We have, for a number of cases now, included  
11 conditions that do require ongoing obligations for the  
12 applicant to, for example, maintain, operate the project.  
13 I'm thinking specifically of environmental conditions  
14 that require -- you know, that construction vehicles that  
15 provide maintenance in the future have to clean the tires  
16 so they don't bring in, you know, a foreign -- you know,  
17 vegetation. I can think of all kinds of things that is  
18 forward-looking and not simply to the point where they  
19 draw up a permit and construct it. So I think this is a  
20 pretty big point, and we've had this language in a lot of  
21 cases recently.

22 And so, Member Drago -- I think you look like  
23 you want to say something, Member Woodall.

24 MEMBER WOODALL: I just want to note that this  
25 is the same language that we have in 2, so that would be

1 my other comment.

2 CHMN. CHENAL: Member Drago.

3 MEMBER DRAGO: Again, just to restate, it is a  
4 CEC. We did put in the prior language. We left it in  
5 there. And in this case, I think it's applicable because  
6 there are requirements leading up to constructing the  
7 whole project. So I would say leave it in.

8 MEMBER WOODALL: What I wanted to say is this  
9 language is exactly the same language as is in Condition  
10 No. 2, so I don't know why we need to repeat it.  
11 That's -- I mean, it makes it more confusing in my  
12 opinion.

13 CHMN. CHENAL: Well, let's go to No. 2.

14 So No. 2 talks about complying with all existing  
15 regulations and statutes. No. 3 requires the applicant  
16 to pull all necessary permits.

17 So, as in other cases, we've drawn the  
18 distinction and said that's -- we should have both  
19 conditions, and that's -- could we roll down to No. 3  
20 again. "Shall obtain all approvals and permits necessary  
21 to construct, operate and maintain the Project."

22 So I think 3 addresses a different topic than  
23 Condition 2.

24 MEMBER WOODALL: I would suggest that compliance  
25 with applicable pollution control standards and

1 regulations would, in fact, require getting an  
2 application. So I think it is duplicative. So I'm not  
3 going to fall on my sword, but I think the language just  
4 doesn't really say anything that No. 2 doesn't have.  
5 Because if you're complying, that means you have to get a  
6 permit. So I don't think this adds anything, and I think  
7 it's unduly confusing.

8 And having said that, I will say no more.

9 CHMN. CHENAL: Member Haenichen.

10 MEMBER HAENICHEN: I think we should leave it.  
11 It doesn't hurt anything, and it's just comforting to  
12 have it in there.

13 MEMBER NOLAND: Mr. Chairman, I just want to say  
14 that when I started doing this ten years ago, our CEC  
15 used to be about eight pages long. And every time we add  
16 more language, we just make them longer and longer. This  
17 is a fairly straightforward, simple project.

18 But if it makes you feel better, I'm okay with  
19 it. It just becomes harder and harder to read these and  
20 make sure you're hitting all the points and doing all the  
21 right things. So I don't mind this clarification.

22 I move that we adopt it as modified.

23 MEMBER HAENICHEN: Second.

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

25 All in favor say aye.

1 (A chorus of ayes.)

2 MEMBER WOODALL: Nay.

3 CHMN. CHENAL: Now, No. 4. Now, prior to a  
4 hearing, you don't know what the evidence is going to  
5 show. So this is exactly one where I am not sure it's  
6 necessary, especially given the testimony of Ms. Darling.  
7 But I thought it was something that we've had in previous  
8 cases; and in most cases, we include this condition. So  
9 I'm not sure if it's necessary in this or not, but I  
10 think it's worthy to discuss it and not just simply  
11 ignore it and move on.

12 MEMBER NOLAND: Mr. Chairman, I move that we  
13 delete this, the reason being is that it isn't applicable  
14 to this particular case. But even if they happen to have  
15 something that would fall under this, they have to follow  
16 it under the State of Arizona laws anyway. It's  
17 required. They know it's required. It's always been  
18 required. And it's covered in the other language in the  
19 CEC.

20 MEMBER WOODALL: Second.

21 CHMN. CHENAL: Okay. We have a motion and a  
22 second.

23 Is there any further discussion?

24 (No response.)

25 CHMN. CHENAL: Okay. All in favor say aye.

1 (A chorus of ayes.)

2 CHMN. CHENAL: Okay. Next is No. 5. This is  
3 another one that, again, I didn't know if this was going  
4 to be applicable or not, but it was not included in the  
5 form submitted by the applicant, and it is a rather  
6 standard condition, so I thought we should at least talk  
7 about it.

8 Now, again, to Member Noland's point, yes, I  
9 agree with that sentiment. On the other hand, I mean,  
10 you could say a lot of these conditions are required by  
11 Arizona law, so we could simply have a CEC that's two  
12 paragraphs long that says, you know, thou shalt comply  
13 with all Arizona laws and rules and regulations of every  
14 entity having jurisdiction over it.

15 MEMBER NOLAND: I'd make a motion on that.

16 CHMN. CHENAL: And the other thing is, for the  
17 record, if you haven't guessed by now, I'm trying to come  
18 up with, as we go through this process, a standardized  
19 set so we don't have to go through every single time and  
20 reinvent the wheel and have these long discussions. I'm  
21 trying to come up with a set that we have agreed on in  
22 recent cases and we can use and decide whether it's  
23 applicable or not but not labor so much over the exact  
24 wording of it unless it's necessary for a particular  
25 case.

1           Now, this one, on No. 5, this is one that we've  
2 normally had in cases. But, again, I'd acknowledge that,  
3 given the nature of this project, it may not be  
4 applicable. So I guess I'm waiting for a motion.

5           MEMBER HAENICHEN: I'm going to move it.

6           CHMN. CHENAL: Member Haenichen has made a  
7 motion that we include Condition 4 -- Condition 5.

8           Do we have a second?

9           MEMBER NOLAND: Second.

10          CHMN. CHENAL: We have a motion and a second.  
11 Any further discussion?

12          (No response.)

13          CHMN. CHENAL: All in favor say aye.

14          (A chorus of ayes.)

15          MEMBER WOODALL: Nay.

16          MEMBER NOLAND: Nay.

17          MEMBER HAMWAY: Nay.

18          Call for a vote.

19          CHMN. CHENAL: Let's call for a vote on No. 5.  
20 Member Drago.

21          MEMBER DRAGO: Aye.

22          MEMBER RIGGINS: Aye.

23          MEMBER PALMER: Nay.

24          MEMBER HAMWAY: Nay.

25          MEMBER WOODALL: Nay.

1 MEMBER HAENICHEN: Aye.

2 MEMBER NOLAND: Nay.

3 CHMN. CHENAL: Aye.

4 How may is --

5 MEMBER NOLAND: 4 to 4.

6 MS. WOODALL: It doesn't pass.

7 CHMN. CHENAL: So 5 is not included.

8 Let's go to No. -- I'm going to say No. 6.

9 Now, I'm looking at the screen, and I'm looking  
10 at Chairman's Exhibit 5 on line 17, and I see a 4 that's  
11 struck and then a 6 next to it.

12 So as we go through this discussion, these  
13 numbers may change. So -- but I'm going to use the  
14 number that is the live number. So No. 6. I'll refer to  
15 this as -- I just want the record to be clear at the end,  
16 I'll be referring to 6.

17 MR. BECK: Mr. Chairman, it appears the numbers  
18 are correct and that the No. 4 was struck out. And so  
19 the condition numbers are consistent. But, to your  
20 point, if we change the order of the one when we talk  
21 about it later, then it will be numbered.

22 CHMN. CHENAL: So is this No. 6 or is this  
23 No. 4, Mr. Beck?

24 MR. BECK: This would be No. 6.

25 CHMN. CHENAL: That's what I thought. Well,

1 we'll discuss it as No. 6.

2 So we have the language including the words "and  
3 operation of the Project," with a reference to where this  
4 was in some previous CEC conditions.

5 So I have a motion?

6 MEMBER HAENICHEN: I move we include it.

7 CHMN. CHENAL: We have a motion.

8 Do we have a second?

9 MEMBER PALMER: Second.

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

11 All in favor say aye.

12 (A chorus of ayes.)

13 MEMBER WOODALL: Pass.

14 CHMN. CHENAL: No. 7 includes some additional  
15 language that will apply to TEP or its assignees, but it  
16 has a reference to raptors, cranes, waterfowl, and other  
17 avian species. And I think, Mr. Beck, you have a comment  
18 that's hard to read.

19 "These were specific to Southline," and that's  
20 exactly where this language came from.

21 MR. BECK: So, Mr. Chairman, specific to our  
22 case, I'm not aware of any cranes or waterfowl in the  
23 vicinity of the project.

24 And another note, while we don't object to the  
25 addition of the language "or its assignees," it's very

1 clear in the later condition that an assignee has to  
2 take --

3 CHMN. CHENAL: Agree.

4 MR. BECK: -- all of the requirements into  
5 consideration.

6 CHMN. CHENAL: And I agree with that comment.

7 MEMBER NOLAND: Mr. Chairman.

8 CHMN. CHENAL: Member Noland.

9 MEMBER NOLAND: I move we strike this, No. 7.

10 MEMBER HAENICHEN: Second.

11 CHMN. CHENAL: Oh, wait a second. Strike what,  
12 Member Noland?

13 MEMBER NOLAND: No. 7.

14 CHMN. CHENAL: The entire condition?

15 MEMBER NOLAND: The entire No. 7.

16 Mr. Chairman, the reason being, it was one we  
17 crafted for Southline. They do have to comply with any  
18 of the standards of the State or the County. That's  
19 covered. And I think it's superfluous.

20 CHMN. CHENAL: I'm -- okay. I thought you were  
21 talking about -- when you said "strike it," you were  
22 talking about the additional language. But you're  
23 talking about striking the entire condition.

24 MEMBER HAENICHEN: Second.

25 MEMBER NOLAND: Yes.

1 CHMN. CHENAL: And, Member Haenichen, did you  
2 second that?

3 MEMBER HAENICHEN: I seconded it. I'd like to  
4 make a comment at this point.

5 The same issue keeps coming up with me of these  
6 things. I think, regardless of what we do on this case,  
7 we need to address this as a Committee in general because  
8 if we're going to philosophically change the way we  
9 handle these things, we're going to leave them out, we're  
10 going to put them in, this just consumes a lot of time to  
11 go through ten things that are all of the same issue.

12 With that, I'll shut up.

13 MEMBER PALMER: Mr. Chairman.

14 CHMN. CHENAL: Yes, Member Palmer.

15 MEMBER PALMER: While I don't disagree in  
16 concept, this one is specifically referring to the 2006  
17 standards of the Avian Power Line Interaction Committee.

18 And while I think it's relevant to what we're  
19 doing, and while I don't think we need to include cranes  
20 and waterfowl, I think the condition should probably  
21 should be in every CEC.

22 CHMN. CHENAL: I mean, that's my view. I'm not  
23 sure there's one that's more important than this in terms  
24 of, you know, this is a transmission line, and birds hit  
25 transmission lines. And it just seems as though the

1 standard that comes up is the Avian Power Line  
2 Interaction Committee standards from 2006. That seems to  
3 be kind of a standard source. And those, I don't think  
4 would apply but for this condition.

5 I mean, there's no regulatory authority of the  
6 Avian Power Line Interaction Committee over TEP, I don't  
7 believe, to necessarily comply with that. So if it's not  
8 a condition, I'm not sure they would have to.

9 And it's just -- the first sentence there says  
10 "design the Project to incorporate reasonable measures to  
11 minimize impacts to avian species." I mean, what's more  
12 important than that?

13 MR. BECK: Mr. Chairman, the applicant -- I'm  
14 not aware that we have a requirement anywhere in rules  
15 and regs that would follow that particular guideline, but  
16 TEP does, and we commit to it. So whether it's in as a  
17 condition or not, we're going to do it. We have a very  
18 specific raptor protection program in our company, and  
19 these guidelines are part of that program.

20 MEMBER NOLAND: Mr. Chairman.

21 CHMN. CHENAL: Member Noland.

22 MEMBER NOLAND: Understanding your feelings on  
23 this, we didn't put it in in, you know, a hundred  
24 different CECs, and it seemed to work okay.

25 But I'll withdraw my motion if Mr. Haenichen

1 will withdraw his second.

2 MEMBER HAENICHEN: I will.

3 MEMBER NOLAND: And make a substitute motion to  
4 approve 7 without the language of "or its assignees"  
5 or -- and without the language "raptors, cranes,  
6 waterfowl and other."

7 MEMBER HAENICHEN: And I will second that as  
8 modified.

9 CHMN. CHENAL: Okay. Thank you.  
10 We have a motion and second.

11 Any further discussion?

12 (No response.)

13 CHMN. CHENAL: All in favor say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Thank you.

16 No. 8.

17 All right. So I guess this is kind of a  
18 standard condition that we've seen in a lot of cases. To  
19 me, this is a protection for the residents with  
20 transmission lines in the near vicinity.

21 Yes, we have included the additional language,  
22 the words "identify and correct," in some previous CECs,  
23 as noted there. Yes, I could make the argument that, you  
24 know, you don't need that language because the word  
25 "correct," for example -- because below, it says: "TEP

1 shall respond to complaints and implement appropriate  
2 mitigation measures."

3 But we've used it. It states it up front. It's  
4 not buried in the language. And I think if I were a  
5 resident near there and I had radio interference,  
6 frankly, I would prefer to have that language in there  
7 than not have it in there, but that's just me.

8 MEMBER NOLAND: Mr. Chairman.

9 CHMN. CHENAL: Member Noland.

10 MEMBER NOLAND: But what if it isn't TEP's  
11 problem, and they can't correct it? It's not the line.  
12 It's something else. How are they going to do that? I  
13 guess if they identify it, how can they correct it if  
14 it's not their issue?

15 CHMN. CHENAL: Well, the language of the  
16 condition says "from operation of the Project." So if  
17 it's not --

18 MEMBER NOLAND: Okay.

19 CHMN. CHENAL: -- something from the project --

20 MEMBER HAENICHEN: It ties it to the project.

21 MEMBER NOLAND: Okay.

22 CHMN. CHENAL: Yeah, they wouldn't have any  
23 obligation there.

24 MEMBER HAENICHEN: Mr. Beck, do you have any  
25 problem with that one?

1 MR. BECK: No. I know that language has been in  
2 previous -- we don't have an issue with those added  
3 words, and the condition itself has been pretty standard  
4 over the years.

5 MR. HAENICHEN: Then I move that we approve this  
6 condition.

7 MEMBER HAMWAY: Second.

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

9 All in favor say aye.

10 (A chorus of ayes.)

11 CHMN. CHENAL: Thank you.

12 No. 11. I'm sorry. No. 9.

13 MEMBER NOLAND: 9.

14 Same objection, Mr. Chairman. You know, if you  
15 want it, okay. It's giving the statute number, which is  
16 under the State of Arizona. But, you know, if you want  
17 it in there, I'm okay.

18 CHMN. CHENAL: Is that a motion, Member Noland?

19 MEMBER NOLAND: It's a motion.

20 CHMN. CHENAL: We have a motion.

21 Do we have a second?

22 MEMBER HAENICHEN: Second.

23 CHMN. CHENAL: Any further discussion?

24 MS. DeCORSE: Mr. Chairman, Committee Members.

25 I was just told by Ms. Darling that "or operation" may

1 not be necessarily correct. It would be during  
2 maintenance that we would find those types of object.  
3 During operation, we're no longer constructing.

4 CHMN. CHENAL: Yes. Actually, that's a good  
5 point.

6 MS. DeCORSE: So -- sorry.

7 MEMBER NOLAND: Mr. Chairman, I would change my  
8 motion, then, to approve this but strike "or operation."  
9 Put in "maintenance," "or maintenance."

10 CHMN. CHENAL: That seems reasonable.

11 MEMBER HAENICHEN: Given that, I'll move this  
12 one.

13 CHMN. CHENAL: We have a motion.

14 A second?

15 MEMBER HAMWAY: Second.

16 CHMN. CHENAL: All in favor say aye.

17 (A chorus of ayes.)

18 MEMBER WOODALL: Pass.

19 CHMN. CHENAL: No. 10.

20 This one, I'm going to have to rely on the  
21 expertise of the Committee. This one, again, the  
22 language was in a previously CEC. It was not in the  
23 language offered by the applicant. And, again, I thought  
24 we should at least discuss it.

25 MR. BECK: Mr. Chairman, if I may, I believe

1 this may have been a discussion in our previous siting  
2 case, where I think I may have argued that we didn't have  
3 to be that specific. And I think it may have got taken  
4 out in the last case, and that's why we didn't show it in  
5 this case.

6 CHMN. CHENAL: That may be. That may be. I'm  
7 not sure we should have that language in there. I just  
8 saw it in the previous case and -- a number of them and  
9 thought we should talk about it.

10 I know, for example, Mr. Beck had indicated that  
11 trying to post one of the signs in this case along the  
12 freeway of the Benson -- the I-10 portion of the project,  
13 it was very difficult to access the right-of-way. And  
14 I'm not sure if you put it in another right-of-way or in  
15 an area that was not in a right-of-way, but --

16 MR. BECK: We put it in a different -- Country  
17 Club Road right-of-way.

18 CHMN. CHENAL: But that might actually restrict  
19 where you could place signs and it would be  
20 counterproductive, so I'm not advocating that language.  
21 I just thought we should talk about it.

22 MEMBER WOODALL: I don't want to hurt anyone's  
23 feelings, but when we saw the signs as we were driving  
24 by, I don't know that anyone could actually read them.  
25 And I'm not suggesting that you put up gigantic

1 billboards.

2           So I don't really think this is very effective,  
3 and I would be supportive of eliminating the requirement  
4 in its totality.

5           MEMBER NOLAND: Mr. Chairman, I don't quite  
6 agree with that. I think we should still have signs, but  
7 I kind of agree. I went by another sign that was like 4  
8 by 4 on another project. And if you're driving, you  
9 can't read it. And I was trying to read it. You would  
10 have to stop or be walking by it. But if you care  
11 enough, you should then stop and get the information.  
12 And I agree with this.

13           CHMN. CHENAL: Agree with --

14           MEMBER HAENICHEN: What?

15           MEMBER NOLAND: With putting this language in,  
16 especially "within or near the public right-of-way"  
17 because each jurisdiction has different requirements too  
18 about where you can or can't put signs.

19           MR. BECK: Mr. Chairman, just to give a little  
20 bit of flavor for some of the issues the applicant sees  
21 when we have to post signs, is we have to go through the  
22 Blue Stake process. And to get all of that done in the  
23 time frame required by the requirements is -- can be very  
24 difficult and is a real push to get it done. We do our  
25 best.

1 I'm not arguing against the sign in general, but  
2 one of the issues is we've been required over the years  
3 to add more information onto the signage.

4 MEMBER NOLAND: Yeah.

5 MR. BECK: And I've argued in the past that a  
6 big notice and maybe a project title and a contact  
7 information is probably sufficient for those who are  
8 interested to actually pursue finding out about the  
9 project. And we can make that text visible enough that  
10 hopefully it is more readable or legible when someone is  
11 driving along. But we've had to add considerable  
12 additional information onto our signs, which has then  
13 caused all the text to get smaller, and then it becomes  
14 almost unreadable when you're driving by.

15 It's kind of a separate issue, but it goes with  
16 the signage issue.

17 MEMBER NOLAND: That's true.

18 CHMN. CHENAL: All right. Well, the next case  
19 we have, we'll talk -- we can devote more time at the  
20 prehearing conference to what language should be included  
21 in the sign to that point.

22 As far as this condition goes, the -- I believe  
23 the Committee will -- let's just hear what the Committee  
24 has to say on whether we should adopt the language. I'm  
25 looking for a motion, I guess, at this point and whether

1 or not we should include that additional language on line  
2 23.

3 MEMBER WOODALL: If somebody thinks signs is a  
4 good idea, that's great, but I would modify this  
5 condition that what has to be on the sign is, in essence:  
6 A transmission line is going to be built here. And if  
7 you want more information about it, call this number.

8 And so I would eliminate the subsections (a),  
9 (b), etc., and just have it be a simple -- because I  
10 think what Mr. Beck is suggesting is going to make it a  
11 lot of more effective in terms of signage so people know  
12 what's going on.

13 I honestly couldn't read a single sign, and we  
14 were slow going by. So if you had something like: This  
15 is the route of a 138kV transmission line. If you want  
16 more information, contact blank.

17 I think that would be great because people could  
18 actually use it. But that's just my thought.

19 CHMN. CHENAL: Can you scroll down so we can  
20 see.

21 Okay. So would we not want to include in the  
22 sign a site's been approved for a transmission line? I  
23 would think we would, that it has something to do with  
24 the transmission line. (b) is the expected date of  
25 completion.

1 MEMBER NOLAND: No.

2 CHMN. CHENAL: Well, let's just talk about them.  
3 (c) is a phone number.

4 MEMBER HAMWAY: Yes.

5 CHMN. CHENAL: The name of the project.

6 MEMBER HAENICHEN: It doesn't matter.

7 MEMBER NOLAND: Who cares.

8 CHMN. CHENAL: The applicant.

9 MEMBER HAMWAY: Yes.

10 CHMN. CHENAL: And a website.

11 MEMBER HAMWAY: Yes.

12 MEMBER HAENICHEN: Well, is the website the most  
13 appropriate thing or just a phone number?

14 Mr. Beck, what would you suggest?

15 MR. BECK: I think the issue is that if someone  
16 really wants to know what the sign says is going to have  
17 to stop. And taking the time to write down the website  
18 driving by -- there is the potential they would remember  
19 a phone number.

20 So, to me, the key items are site of a future  
21 transmission line that may incorporate a project name,  
22 telephone number, and probably either the company's name  
23 or logo so that it indicates who it is.

24 I think those three pieces would provide enough  
25 information for someone to pursue further information.

1 MEMBER HAENICHEN: Mr. Chairman, I think that  
2 language just proposed by Mr. Beck would be more  
3 effective than what we have.

4 MEMBER WOODALL: Me too.

5 MEMBER HAMWAY: I like the website myself. If I  
6 were concerned about this, that's the first place I'd go,  
7 to see what's there, so that when I did call somebody, I  
8 would be more informed about it, and I could ask  
9 intelligent questions.

10 MEMBER HAENICHEN: But there are certain people,  
11 in particular, elderly ones, that don't even have a  
12 computer. I think everybody has a phone.

13 MEMBER HAMWAY: Well, have the phone. But if  
14 you want a website and want more information, what is  
15 the -- if the sign requirement isn't in this, what  
16 requires TEP to put up signage? Anything else? Or is  
17 this the only thing that requires you to do the sign?

18 MR. BECK: This is why we do signage, because of  
19 this requirement. So we're not arguing that we shouldn't  
20 put signs up. I think the easier we can make it for the  
21 public to see and actually respond to that would be our  
22 interest.

23 MEMBER HAMWAY: I think the name of the  
24 applicant, a phone number and a website, and what's going  
25 there.

1 CHMN. CHENAL: Okay.

2 Member Palmer.

3 MEMBER PALMER: Mr. Chairman, just to take a  
4 stab at maybe something that would clarify this, that  
5 TEP's name be included in (a). And then we have in this  
6 condition (a), (c), and (f). But that the applicant's  
7 name be included in (a), which I think it naturally would  
8 be.

9 MEMBER WOODALL: Mr. Beck, you're likely to have  
10 your logo in the corner or someplace, aren't you?

11 MR. BECK: Yes. We would incorporate, whether  
12 it's in the name or in the corner, and that helps because  
13 it does allow us to increase the text if we reduce it by  
14 two lines. So anything we can do to increase the  
15 visibility is important.

16 MEMBER HAMWAY: Well, I think a phone number  
17 too.

18 CHMN. CHENAL: Member Haenichen, and then we'll  
19 have Member Riggins.

20 MEMBER HAENICHEN: I think we're narrowing in on  
21 it now, but the applicant should have the freedom to  
22 wordsmith this to make it as simple and as small as  
23 possible.

24 CHMN. CHENAL: Member Riggins.

25 MEMBER RIGGINS: I agree.

1 CHMN. CHENAL: With?

2 MEMBER RIGGINS: With Member Haenichen, with  
3 making it so the company can tailor this so it's as  
4 user-friendly as possible.

5 But one thing I would suggest is the logo for  
6 TEP or TEP's name is large so people who are driving by  
7 would just be able to see that it's a project, the  
8 company's name, and then be able to look it up.

9 Even if they don't see the website or the phone  
10 number, I know that would be essentially what I would do  
11 if I was driving by and wanted to know what was going on  
12 there. If I saw TEP's symbol or name, I would just look  
13 it up and then search for the project in that area.

14 MEMBER WOODALL: And I'm sure that TEP loves to  
15 use the largest size logo they can on these signs.

16 MR. BECK: It depends on which group you're  
17 working in within TEP, that is true.

18 And I think -- to Member Riggins' point, I think  
19 the logo or just the name recognition drives a lot of  
20 interest on this TEP project. You either do or don't  
21 want to know about it. And then they can look to the  
22 further information.

23 So reducing it down to those three components  
24 would be very helpful from our perspective.

25 CHMN. CHENAL: Well, let's go forward with

1 Member Palmer's suggestion, and let's just get some  
2 language up there that reflects his thoughts, and then we  
3 can discuss it further.

4 So, Member Palmer, do you want to help wordsmith  
5 your thoughts here?

6 MEMBER PALMER: I think (a) could say: The site  
7 has been approved for construction of a power line by  
8 Tucson Electric Power Company.

9 And then: For more information, a phone number  
10 and a website.

11 MEMBER WOODALL: Could someone read (c) to me,  
12 what we're proposing.

13 MR. BECK: For more information, the phone  
14 number for public information regarding the project. So  
15 we'll just put the phone number on the sign itself.

16 MEMBER WOODALL: Okay.

17 CHMN. CHENAL: That seems a little awkward, the  
18 language there.

19 MEMBER WOODALL: I kind of like the way it was  
20 originally. "A phone number for public information  
21 regarding the Project."

22 MEMBER HAENICHEN: Well, for instance, you don't  
23 need to say "been approved for the construction." I  
24 think you just have to say: There's going to be this  
25 project, a TEP power line. And just the more words you

1 can take out of it, the more likely an observer will get  
2 it.

3 MEMBER PALMER: What if it just said: Future  
4 site of?

5 MEMBER HAENICHEN: Of a TEP power line.  
6 That's much better.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: Mr. Chairman, I agree with all  
9 of that. And if we're comfortable with that, the only  
10 thing I'd like to suggest is the line following (f), that  
11 we modify that to say "be repaired or replaced and  
12 removed at completion of the Project," so it doesn't look  
13 like it goes on in perpetuity or anything.

14 CHMN. CHENAL: Very good.

15 MEMBER NOLAND: Repaired or -- no. At the end  
16 of that sentence, "be repaired or replaced and removed at  
17 the completion of the Project."

18 MEMBER HAMWAY: Second.

19 CHMN. CHENAL: Let's get the language up there.

20 MEMBER NOLAND: Perfect.

21 CHMN. CHENAL: Member Drago.

22 MEMBER DRAGO: To Member Palmer's suggestion to  
23 include the website, I would just suggest, for  
24 streamlining it, on (c), just state a phone number and  
25 website and then strike (f).

1 MEMBER NOLAND: Good.

2 MEMBER PALMER: Motion to approve as written.

3 CHMN. CHENAL: We have a motion.

4 Do we have a second?

5 MEMBER NOLAND: Second.

6 CHMN. CHENAL: All in favor say aye.

7 (A chorus of ayes.)

8 CHMN. CHENAL: I think it's 10:30, and I think  
9 we had a previous request for a break at 10:30. So if we  
10 could be take a break and resume right after that.

11 (A recess was taken from 10:25 a.m. to  
12 10:46 a.m.)

13 CHMN. CHENAL: So the next condition is No. 11.

14 MR. BECK: Mr. Chairman, on this one, I  
15 questioned the "not more than 365 days." I think part of  
16 the concept is to get the information regarding the  
17 project out to everyone early, and I'm not sure why that  
18 restriction from a previous CEC was in there.

19 CHMN. CHENAL: Yeah. I'm not exactly sure  
20 either. That's why I put it in there, because it was in  
21 our last CEC. And I wanted to ask the Committee,  
22 frankly, if there was a reason why we had it in there and  
23 if we wanted to keep it in there.

24 It's, again, the idea of trying to standardize  
25 some of these conditions. So I'd like to hear what the

1 Committee has to say.

2 MEMBER WOODALL: I would vote this off the  
3 island.

4 CHMN. CHENAL: All right. So do we -- is there  
5 a motion? Member Woodall?

6 MEMBER WOODALL: I move that we eliminate the  
7 language on line 6 on page 7 ", but not more than three  
8 hundred sixty-five (365) days."

9 CHMN. CHENAL: But approve the remaining  
10 language of Condition 11?

11 MEMBER WOODALL: Sure.

12 MEMBER NOLAND: Second.

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

15 (A chorus of ayes.)

16 CHMN. CHENAL: Okay. No. 12. I think we can  
17 strike the words "or its assignees" because there's  
18 another condition that addresses that.

19 MEMBER NOLAND: Then, Mr. Chairman, I move that  
20 we adopt No. 12 without that language.

21 MEMBER HAENICHEN: Second.

22 CHMN. CHENAL: We have a motion and second.  
23 All in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Condition 13.

1 Do we have a motion and second?

2 MEMBER NOLAND: Second.

3 CHMN. CHENAL: Motion and second.

4 All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Okay. Now, Condition 14.

7 This is -- the language in black is a very  
8 standard condition. The language in blue that's after  
9 that is language that we took from a previous CEC in  
10 regard -- it refers to FAA regulations. The reason I put  
11 that in there for discussion is that, you know, this is  
12 not exactly next to, but it's, you know, in proximity to  
13 two airports, Davis-Monthan and Tucson International.

14 Mr. Beck, I think you have a comment?

15 MR. BECK: Yes, Mr. Chairman. It's standard  
16 practice for us to deal with the FAA on transmission  
17 lines, so we have no concern about that language. It is  
18 an addition -- I know it's been in a previous CEC.

19 The one issue I did have, and it's with the word  
20 "construction standards" right after National Electrical  
21 Safety Code, because the National Electrical Safety Code  
22 is more than just construction standards. It's clearance  
23 requirements and so on.

24 So I suggest that we would strike the word  
25 "construction" and just leave it as "standards." And it

1 was just a duplicative word in there.

2 CHMN. CHENAL: Okay.

3 MEMBER NOLAND: Mr. Chairman?

4 CHMN. CHENAL: Member Noland.

5 MEMBER NOLAND: Wouldn't it be sufficient to  
6 just say "and Federal Aviation Administration regulations  
7 and standards"?

8 CHMN. CHENAL: I personally think it would be.  
9 This was language that was in a previous CEC, so I didn't  
10 want to not include all the language, but that thought  
11 occurred to me as well.

12 MEMBER WOODALL: I associate myself with the  
13 Mr. Chairman and Mrs. Noland's remarks.

14 MEMBER NOLAND: So, Mr. Chairman, I move that we  
15 adopt No. 14 with the word "construction" deleted and  
16 eliminating the language after "FAA regulations."

17 MEMBER HAENICHEN: Second.

18 CHMN. CHENAL: Okay. Let me also suggest on  
19 line 8, the word "and," maybe we want to remove that.

20 MEMBER NOLAND: I include that.

21 CHMN. CHENAL: All right. I have a motion and  
22 a -- comment. Sorry.

23 Member Drago.

24 MEMBER DRAGO: Is the word "standards" in there  
25 twice or am I misreading that?

1 MR. BECK: It was, and it's struck through.  
2 It's hard to see.

3 MEMBER DRAGO: Thank you.

4 CHMN. CHENAL: Motion and second.

5 All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: Condition 15.

8 Do we have a motion?

9 MEMBER WOODALL: So moved.

10 CHMN. CHENAL: Second?

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: Motion and second.

13 All in favor say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Okay. No. 16. Let's see.

16 Here --

17 MR. BECK: Mr. Chairman, this is the language  
18 you added, but there was a misspelling of "steps" in  
19 there. That's why it's showing up in red.

20 CHMN. CHENAL: Any --

21 MEMBER HAENICHEN: Pretty standard.

22 I move.

23 CHMN. CHENAL: We have a motion.

24 Do we have a second?

25 MS. HAMWAY: Second.

1 CHMN. CHENAL: All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Let's look at No. 17. And let's  
4 read it first, No. 17.

5 Now, Mr. Beck would you provide your comment.  
6 Again, this is another one where I'm not proposing this  
7 is applicable, but I think it deserves discussion.

8 MR. BECK: Yes. Mr. Chairman, Members of the  
9 Committee, that condition came out of one of the merchant  
10 cases. It's, to me, very specific to a merchant case.  
11 It could be applicable to a utility on the bulk electric  
12 system, which, for us, is 345kV and above where it might  
13 have interconnectors. In this case, it's a 138kV line.  
14 We do not have transmission service agreements because it  
15 really only services our own load, so it's really not  
16 applicable.

17 CHMN. CHENAL: Okay. So may I have a motion to  
18 delete that condition, 17?

19 MR. HAENICHEN: Motion.

20 MS. HAMWAY: Second.

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

22 All in favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: Now, let's read 18.

25 MEMBER NOLAND: Mr. Chairman, I move that we

1 delete 18.

2 CHMN. CHENAL: I'd like to have Mr. Beck address  
3 why it's not applicable, but I need a second to read it.

4 Okay. And I think we had a discussion about  
5 this provision, Mr. Beck, at the prehearing conference.

6 MR. BECK: Yes, we did.

7 CHMN. CHENAL: And this is a little different  
8 concept than the previous one.

9 MR. BECK: It's slightly different. On our  
10 138kV system, we will not have other transmission  
11 providers or utilities typically interconnecting to that  
12 line. We could have a renewable project, such as a solar  
13 project, that wants to interconnect, but that is kind of  
14 the nuance between this and the previous one.

15 CHMN. CHENAL: So I would entertain a motion to  
16 delete 18.

17 MEMBER WOODALL: So moved.

18 MEMBER PALMER: Second.

19 CHMN. CHENAL: We've a motion and a second to  
20 delete 18.

21 All in favor say aye.

22 (A chorus of ayes.)

23 CHMN. CHENAL: Let's look at Condition 19.

24 MR. BECK: Mr. Chairman, in Condition 19, we did  
25 propose a couple things for consideration. One is this

1 is a longstanding condition, and there is a requirement  
2 that we would supply the letter to the Governor's Office  
3 in addition to the Attorney General's Office. It made  
4 sense when there was an energy department at the state  
5 level. But since there no longer is one, I'm not sure  
6 who it would even go to at the Governor's Office.

7 CHMN. CHENAL: Member Haenichen is a casualty of  
8 that change. Yes, that makes sense.

9 MEMBER HAENICHEN: Or a beneficiary.

10 MR. BECK: And then the issue of the City of  
11 South Tucson is in there.

12 CHMN. CHENAL: Yes. So with those two  
13 deletions, may I have a motion on 19?

14 MEMBER HAENICHEN: Move it.

15 MEMBER HAMWAY: Second.

16 CHMN. CHENAL: Motion and second.

17 All in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Let's have you make the change  
20 for the Governor's Office and City of South Tucson.

21 Probably should be Arizona Attorney General's  
22 Office.

23 MS. DeCORSE: Mr. Chairman, since there wasn't a  
24 limited appearance, do you want to leave that in as well?

25 CHMN. CHENAL: That's the last clause: "and all

1 parties who made a limited appearance in this docket."

2 MS. DeCORSE: I don't know if that's standard --

3 CHMN. CHENAL: Let's leave it in, because every  
4 time we change that, then the next time I've got to go  
5 back and add that language in. Even though it's not  
6 applicable, I'd like to try to standardize these.

7 And we have a number of people who have  
8 submitted written documents in writing that arguably  
9 could comply with the statute for making a limited  
10 appearance by filing a statement in writing. So let's  
11 just avoid all those legal issues and leave it in.

12 So I think we've got a motion and second to  
13 approve that.

14 So let's go to the next one, 20.

15 Let's vote on 19 to be sure.

16 All in favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: Okay. And then 20. And I think  
19 we removed the language referring to the City of South  
20 Tucson.

21 MEMBER PALMER: Motion to approve.

22 CHMN. CHENAL: Do we have a second?

23 MEMBER NOLAND: Second.

24 CHMN. CHENAL: We have a motion and a second for  
25 paragraph 20.

1 All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: 21.

4 MR. BECK: Mr. Chairman, on Condition 21, this  
5 is the one that I propose would be after Condition No. 1  
6 so it follows right along with the ability to extend the  
7 time.

8 CHMN. CHENAL: Okay. Do I have a motion to  
9 approve the language and move it to -- Mr. Beck, where  
10 was that previous?

11 MR. BECK: It would be between 1 and 2, right  
12 after No. 1.

13 MEMBER WOODALL: So moved.

14 MEMBER HAENICHEN: Second.

15 CHMN. CHENAL: Motion and second.

16 All in favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: Let's go to No. 22. Do I have a  
19 motion to approve 22?

20 MEMBER PALMER: So moved.

21 MS. NOLAND: Second.

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

23 All in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Let's go to No. 23. And let's

1 strike the language of "City of South Tucson."

2 MEMBER NOLAND: I move we adopt 23 as revised.

3 MEMBER HAENICHEN: Second.

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

5 All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: 24. Do we have a motion to  
8 approve 24?

9 MEMBER NOLAND: I move we approve 24 as  
10 modified.

11 MEMBER PALMER: Second.

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

13 All in favor say aye.

14 (A chorus of ayes.)

15 MEMBER WOODALL: Nay. I don't think we should  
16 be dictating what goes into the contracts of third  
17 parties.

18 CHMN. CHENAL: No. 25. This is one that was not  
19 in -- this is one in previous cases, and I think it's  
20 something that addresses some of the matters that have  
21 been raised in this case.

22 MR. BECK: And, Mr. Chairman, just as a  
23 forewarning, I've added a condition following this one  
24 specific to a party, an interested party.

25 CHMN. CHENAL: So 25, again, is language that I

1 think is, you know, beneficial to the private landowners  
2 and has been one that has been included in the previous  
3 cases. And here, we know there's going to be some  
4 private land that's impacted by this project, so that's  
5 why I thought it was important at least we discuss it.

6 So may I have a motion?

7 MEMBER HAENICHEN: I'll move it.

8 MEMBER WOODALL: Second.

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

11 (A chorus of ayes.)

12 CHMN. CHENAL: Now we have No. 26, which I think  
13 is Mr. Beck's additional language.

14 MR. BECK: Yes. It's based on what was in 25,  
15 but this is specific to the Sierra Court community  
16 because they're not a landowner that would be dealing  
17 with, but we have agreed that we would work with them on  
18 pole placement.

19 MEMBER HAENICHEN: I'll move.

20 CHMN. CHENAL: Second?

21 MEMBER WOODALL: Second.

22 CHMN. CHENAL: We have a motion and second.  
23 All in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: No. 27, as we're looking at the

1 screen, is, again, another one from previous cases.

2 MEMBER NOLAND: And, Mr. Chairman -- which one?

3 CHMN. CHENAL: No. 27.

4 MEMBER NOLAND: 27.

5 CHMN. CHENAL: "TEP shall pursue reasonable  
6 efforts to work with private landowners."

7 MEMBER WOODALL: That's on Chairman's Exhibit 5.

8 CHMN. CHENAL: 5.

9 MEMBER NOLAND: I move that we adopt 27 as  
10 written.

11 Mr. Beck had something to say. I withdraw that.

12 MR. BECK: I just wanted to comment that, again,  
13 this was based on a rural project, so there's some  
14 subparts of this that are very specific to things that  
15 are more rural. I don't know that it really complicates  
16 it from our perspective, but to the extent you're trying  
17 to create kind of more generic CEC language, I just  
18 wanted to point that out.

19 CHMN. CHENAL: Not necessarily more generic CEC  
20 language, Mr. Beck, standardized language.

21 MR. BECK: I stand corrected.

22 CHMN. CHENAL: I understand. I understand the  
23 applicant would like it to be more generic.

24 But fair point on -- for this case.

25 MEMBER NOLAND: True. Mr. Chairman, Mr. Beck,

1 would the first portion be acceptable without going into  
2 "at a minimum"?

3 MR. BECK: I would suggest that would be much  
4 better language for this case, to just stop with "after  
5 consultation with the landowner," and leave it at that.

6 MR. HAENICHEN: I'll move that as modified.

7 MEMBER NOLAND: I second.

8 CHMN. CHENAL: Okay. So it would be -- let's  
9 see what it looks like as a track change. I'm not sure  
10 we have captured all the track changes that Member Noland  
11 has --

12 MEMBER HAENICHEN: Well, you can't just stop at  
13 the word "landowner."

14 CHMN. CHENAL: Right.

15 MR. HAENICHEN: You have to add some.

16 MR. BECK: Well, actually, maybe we don't even  
17 need the sentence. "Such right-of-way agreements  
18 shall" -- maybe we just stop at "will work in good  
19 faith."

20 MEMBER NOLAND: "Good faith." Yes.

21 MEMBER HAENICHEN: Yeah, that's better.

22 MEMBER NOLAND: Second.

23 MEMBER HAENICHEN: I'll withdraw my motion and  
24 move the -- as now modified.

25 MEMBER NOLAND: Second.

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

2 I'm going to -- I mean, I think it's appropriate  
3 for this case. Now I'm thinking ahead to the next case  
4 where the additional language is more appropriate. And  
5 like a SunZia kind of case.

6 And so I just -- the next case we have where  
7 this is going to come up, where it would be applicable,  
8 we'll be back to looking at the larger version of this.  
9 So I'll -- in trying to create a standard set of CEC  
10 conditions, we'll have a version A and a version B for  
11 this one.

12 But having said that, we have a motion and a  
13 second.

14 All in favor say aye.

15 (A chorus of ayes.)

16 CHMN. CHENAL: Okay. The ayes have it again.

17 And now we have Member Noland's condition. I  
18 think she's proposed some language.

19 So, Member Noland, if you would walk us through  
20 your language.

21 MEMBER NOLAND: Thank you.

22 And I'm going to modify this slightly. After I  
23 thought about it overnight, I saw it in writing and  
24 thought about it.

25 I'd like to suggest that it says: Once

1 right-of-way has been acquired, the designated corridor  
2 for the adjacent properties will no longer exist.

3 Because you could acquire right-of-way, say, on  
4 the south side, and you would take the corridor away on  
5 that side for sure. But there's still a corridor on the  
6 other side of the street because you're doing it 150 feet  
7 on each side.

8 CHMN. CHENAL: I understand.

9 MEMBER NOLAND: You're looking puzzled.

10 CHMN. CHENAL: No. I'm thinking we may want to  
11 add a little language there.

12 The designated corridor -- what corridor? The  
13 corridor that's depicted on Exhibit A?

14 MEMBER NOLAND: Yes.

15 CHMN. CHENAL: That's what I'm thinking. How do  
16 we -- what corridor?

17 MEMBER NOLAND: Yes.

18 CHMN. CHENAL: And so maybe it's not depicted on  
19 Exhibit A, but help us find out where we would go to see  
20 what the corridor is.

21 MEMBER WOODALL: The approved corridor will --  
22 shall be void?

23 MR. BECK: The description for the corridor is  
24 in the language in the front of the CEC. We do have --  
25 will have or plan an exhibit that will generally show the

1 alignment of the line, but it's not describing the  
2 corridor per se. The corridor is strictly based on the  
3 centerline of the road rights-of-way.

4 CHMN. CHENAL: Can you direct us to that  
5 language?

6 MR. BECK: I believe it's before the conditions  
7 start.

8 MEMBER NOLAND: It's in the project description.  
9 It's in the second paragraph of the project description.

10 MR. BECK: Right. It's on the left-hand screen,  
11 that lower paragraph.

12 CHMN. CHENAL: All right. Maybe we go back to  
13 that part. And when we refer to the corridor -- I see  
14 that language -- maybe we define the corridor with a  
15 capital C. And then when we refer to it in Member  
16 Noland's condition, we use a capital C for the corridor.  
17 That's way we know what the Corridor is.

18 Yes, Member Haenichen.

19 MEMBER HAENICHEN: I would be a little more  
20 comfortable at the end to say "will be null and void"  
21 instead of "will no longer exist."

22 MS. DeCORSE: Mr. Chairman, I added the "as  
23 described in the project description" when we were  
24 discussing that, but I believe it's changed that. So do  
25 you want me to take that out or --

1 CHMN. CHENAL: Yeah, I would go -- if you look  
2 at Exhibit 4, which is the left screen, on line 15, it  
3 says: "TEP is requesting a general 300-foot corridor for  
4 the route, to allow for siting flexibility to either side  
5 of the road." And then maybe we -- after the word  
6 "right-of-way," we put a paren, quote, Corridor, with a  
7 capital C, quote, paren. And then we know what the  
8 Corridor is. And we just define the term.

9 And then, in Member Noland's condition, we can  
10 just use a capital C, and then we know which one it is.

11 I'm suggesting that, but we have to make sure  
12 Member Noland is agreeable to that.

13 MEMBER NOLAND: Yeah.

14 CHMN. CHENAL: And then the next word, the  
15 corridor -- "This Corridor" would have a capital C, then.

16 And then Member Noland's condition would be a  
17 capital C.

18 MR. BECK: Mr. Chairman, do you need to vote on  
19 that change?

20 CHMN. CHENAL: We will. We'll go back and vote  
21 on that.

22 MEMBER NOLAND: Mr. Chairman, I don't have any  
23 problem with Mr. Haenichen's change that says "null and  
24 void." It had gone through my mind before too.

25 MEMBER HAENICHEN: "Will be null and void."

1 MEMBER NOLAND: "Will be."

2 CHMN. CHENAL: Instead of "no longer exist," it  
3 will be "null and void."

4 MEMBER HAENICHEN: You need a "be." "Will be."

5 MR. BECK: Mr. Chairman, for clarity and for  
6 purposes of what is actually null and void, could we say:  
7 The portion of the Corridor within which the right-of-way  
8 is obtained?

9 Because, as we go through and do right-of-way,  
10 we may not have the whole thing at once, so we don't want  
11 to lose the whole corridor.

12 CHMN. CHENAL: Yes. Yes.

13 MEMBER HAENICHEN: Very good.

14 CHMN. CHENAL: And, Mr. Beck, the way you said  
15 it sounded better than what I'm reading.

16 MR. BECK: We're working on it.

17 MEMBER NOLAND: Congratulations. There's no  
18 longer any words I suggested in this sentence.

19 MR. BECK: I apologize for that.

20 MEMBER PALMER: It still says "once."

21 MS. DeCORSE: Read it.

22 MR. BECK: So right now, the way it reads for  
23 your consideration: Once right-of-way has been acquired,  
24 the portion of the Corridor for which the company has  
25 obtained right-of-way will be null and void.

1 CHMN. CHENAL: That's not -- is that what you --  
2 isn't it the part that has not been obtained for  
3 right-of-way will be null and void?

4 MR. BECK: No. The portion that we obtain  
5 right-of-way, we can cancel the corridor, but everything  
6 else would still need the corridor until we get the  
7 actual --

8 CHMN. CHENAL: Oh, right.

9 MEMBER NOLAND: So I move that we adopt this as  
10 modified.

11 MEMBER HAENICHEN: Second.

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

13 All in favor say aye.

14 (A chorus of ayes.)

15 MEMBER WOODALL: Pass.

16 CHMN. CHENAL: Okay. Let's go back to the  
17 language on --

18 MEMBER NOLAND: Project Description.

19 CHMN. CHENAL: -- page 2, I want to say. Is  
20 that page 1 or page 2? Maybe it's page 3.

21 MEMBER NOLAND: 3.

22 CHMN. CHENAL: Okay. Page 3.

23 MEMBER NOLAND: Mr. Chairman.

24 CHMN. CHENAL: Yes.

25 MEMBER NOLAND: I make a motion that we amend

1 under the Project Description on page 3, line 15, to add  
2 ("Corridor") and then this -- we better spell Corridor  
3 properly, with a capital C, Corridor.

4 CHMN. CHENAL: We have a motion.

5 Do we have a second?

6 MEMBER PALMER: Second.

7 CHMN. CHENAL: Motion and second.

8 All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: All right. Very good.

11 So let's go back to Chairman's 5. And now we've  
12 gone through the conditions, I believe.

13 And now we are -- before we get -- we can do the  
14 Findings of Fact and Conclusions of Law, which will be  
15 pretty quick, but then, I guess, we can go to the  
16 exhibits.

17 Member Haenichen.

18 MEMBER HAENICHEN: Just for thoroughness, did we  
19 make that change of shifting the one to this -- to be  
20 Condition 2?

21 MR. BECK: Yes.

22 MS. DeCORSE: I had not physically moved it yet  
23 because I wanted to keep the number sequencing, but can I  
24 go back now and move it.

25 MEMBER HAENICHEN: Okay.

1 MEMBER NOLAND: Mr. Chairman, can I ask a  
2 question.

3 CHMN. CHENAL: Member Noland.

4 MEMBER NOLAND: On the exhibits, then, are we  
5 talking about the -- do they have the map changed with  
6 the -- showing the centerline as the 150-foot portion?

7 MR. BECK: Mr. Chairman, Member Noland, we did  
8 not prepare a map showing the centerline of the corridor.  
9 What we prepared was Exhibit A, which gives the general  
10 alignment of the line. And we felt that the written  
11 description was sufficient based on road centerlines.

12 MEMBER NOLAND: Okay. Thank you.

13 CHMN. CHENAL: All right. So, Ms. DeCorse, have  
14 you rearranged the conditions so that condition was now  
15 moved up to Condition 2?

16 MS. DeCORSE: That is correct.

17 CHMN. CHENAL: Okay. Great.

18 So let's look at the Findings of Fact and  
19 Conclusions of Law, and let's look at the first sentence.  
20 "This Certificate incorporates the following Findings of  
21 Fact and Conclusions of Law."

22 And look at Finding of Fact No. 1. And if  
23 someone could make a motion.

24 MEMBER HAENICHEN: I will move.

25 MEMBER NOLAND: Second.

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

2 All in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: And look at Finding of Fact

5 No. 2.

6 MEMBER NOLAND: I move that we adopt Finding No.

7 2.

8 MEMBER HAMWAY: Second.

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

10 All in favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Let's move to No. 3.

13 Do we have a motion?

14 MEMBER HAMWAY: So moved.

15 MEMBER NOLAND: Second.

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

17 All in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: No. 4.

20 May I have a motion, please?

21 MEMBER PALMER: Motion to approve.

22 CHMN. CHENAL: And a second?

23 MEMBER HAMWAY: Second.

24 CHMN. CHENAL: Motion and second.

25 All in favor say aye.

1 (A chorus of ayes.)

2 CHMN. CHENAL: And No. 5, please.

3 And may I have a motion for 5?

4 MEMBER HAMWAY: So moved.

5 CHMN. CHENAL: And a second?

6 MEMBER NOLAND: Second.

7 CHMN. CHENAL: Motion and second.

8 All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: And No. 6, please.

11 MEMBER NOLAND: I move that we adopt No. 6.

12 MEMBER HAMWAY: Second.

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

14 All in favor say aye.

15 (A chorus of ayes.)

16 CHMN. CHENAL: All right. Before we move to the  
17 exhibits, will someone make a motion that I can make the  
18 standard motion to make scrivener's errors?

19 MEMBER WOODALL: So moved. And I move that you  
20 be endowed with that authority in perpetuity.

21 CHMN. CHENAL: I need a second.

22 MEMBER HAMWAY: Second.

23 CHMN. CHENAL: Motion and second.

24 All in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Good. I like that.

2 Now, let's go to the exhibit.

3 Mr. Beck, if you would be kind enough to kind of  
4 walk us through it.

5 MR. BECK: Mr. Chairman, Members of the  
6 Committee, we've prepared an exhibit titled Exhibit A  
7 that shows the alignment of the line that would be  
8 approved via this CEC.

9 So, again, it shows the line starting at the  
10 Irvington Campus, coming across on Irvington Road, going  
11 up along Benson Highway, turning north onto Park. We've  
12 tried to make it clear that it would cut across Park  
13 Avenue, be on the opposite side of the road up to 36th,  
14 and then along 36th.

15 And I think the specifics regarding both the  
16 corridor and side of the road were written into the  
17 actual physical description in the description of the  
18 CEC.

19 CHMN. CHENAL: Can we refer to that language?  
20 Can we pull that up?

21 MR. BECK: Yes.

22 So here's the language regarding the corridor:  
23 300-foot corridor based on Irvington Road, Benson  
24 Highway, Park Avenue, and 36th Street. So that would  
25 define the corridor itself.

1           And then the next part: TEP intends to site the  
2 new line on the south side of Irvington, south side of  
3 Benson Highway from Irvington to Park, east side of Park  
4 Avenue from Benson Highway to the northern right-of-way  
5 line of Interstate 10. So that just gets us right across  
6 the interstate. At which point the line will cross Park  
7 Avenue and be placed on the west side of Park up to 36th  
8 Street, and then will be sited on the south side of 36th  
9 Street.

10           MEMBER WOODALL: May I ask a question?

11           CHMN. CHENAL: Yeah. sure.

12           MEMBER WOODALL: So, Mr. Beck, you're not going  
13 to have a quasi-legal description attached to this  
14 Exhibit A? You're going to rely upon the description  
15 within the body of the CEC?

16           MR. BECK: Yes. Based on the change that we're  
17 using roadway centerlines, I didn't see any value in  
18 writing the legal description of the line because the  
19 line will be where we can get right-of-way.

20           MEMBER WOODALL: Okay. I just wanted to  
21 understand.

22           CHMN. CHENAL: And I just wanted to ask one  
23 question regarding -- okay. It's No. 4. It's on line 20  
24 there. I just want to make sure we're all agreeable to  
25 that.

1           Once it crosses Benson Highway, across I-10, it  
2 will then proceed up Park Avenue on the west side of Park  
3 Avenue up to 36th Street. Actually, you probably should  
4 put "Avenue" next to "Park" there where the cursor is  
5 just so we're consistent.

6           But I just want to make sure that we're all on  
7 the same page there, that it would be along the west side  
8 and not on the east side. Because I know we had some  
9 discussion about the developer having the skin in the  
10 game. And on the other hand, that's where a lot of the  
11 intensive real estate, the new development, is going to  
12 be. And I believe the developer has acquired some of the  
13 properties on the west side of Park Avenue. But I just  
14 think that's the only question in my mind, is to make  
15 sure that we're all clear on what's -- of what this will  
16 dictate, where it should go.

17           MR. BECK: And that was my understanding, that  
18 it would be on the west side from Interstate 10 north to  
19 36th Street. And if we need to adjust the language, we  
20 can.

21           MEMBER NOLAND: I think the language is good.

22           MR. BECK: The one thing, Mr. Chairman, that we  
23 didn't catch until now is it says "TEP is requesting."  
24 And since this is the CEC, it should say "TEP is approved  
25 for" or "granted."

1 CHMN. CHENAL: I think that's appropriate.

2 MEMBER WOODALL: Granted.

3 CHMN. CHENAL: Granted. And we'll vote again on  
4 the language.

5 So on the Project Description, lines -- line 14,  
6 we inserted the word "granted. We inserted the word  
7 "Avenue" on line 21.

8 So do we have a motion to approve those changes?

9 MEMBER WOODALL: So moved.

10 CHMN. CHENAL: And a second?

11 MEMBER HAMWAY: Corridor, is that struck out on  
12 "corridor" right there where the cursor is?

13 MEMBER NOLAND: They struck it out when I  
14 mentioned it before.

15 MEMBER HAMWAY: It's hard to tell.

16 MS. DeCORSE: I believe it's not an E. I think  
17 it's because it's struck through that it looks like an E.

18 MEMBER PALMER: It was a small C.

19 MEMBER NOLAND: Yes.

20 CHMN. CHENAL: So we have a motion and second.  
21 All in favor say aye.

22 (A chorus of ayes.)

23 CHMN. CHENAL: Okay.

24 MEMBER NOLAND: Mr. Chairman, I move that we  
25 adopt this CEC as modified.

1 MEMBER HAMWAY: Second.

2 CHMN. CHENAL: Okay. We have a motion and a  
3 second.

4 Let me just ask one more question. Is there  
5 anything -- attachment other than Exhibit A?

6 MR. BECK: At this time, the applicant didn't  
7 intend to have any other attachments.

8 CHMN. CHENAL: Okay. Now, I want to make sure  
9 that the Committee is comfortable with that, that we'll  
10 have a map without a legal description.

11 MEMBER WOODALL: I am because it's in the body  
12 of the CEC, and this isn't going to be used for anything.  
13 People that are going to look at this and want to know  
14 where it's at are going to have a very good visual for  
15 it.

16 CHMN. CHENAL: Well, the time has come. So we  
17 have a motion and a second.

18 We'll do a roll call vote.

19 Member Noland, would you please take the honors  
20 and start since it's your motion.

21 MEMBER NOLAND: Gee, thanks.

22 Mr. Chairman, I would like to just explain my  
23 vote.

24 Again, I really was leaning toward option C. I  
25 felt it had the least amount of impact on residences and

1 followed more of some other lines that had already been  
2 installed and so on.

3 But going with the Committee's feelings and the  
4 modifications that we've made and moving to the  
5 centerline, which I think is really the right thing to  
6 do, Mr. Beck, not, you know, where the right-of-way would  
7 be or the line's supposed to be located, I'm going to  
8 vote yes for this CEC using option A.

9 But I want to thank all of the Committee for  
10 indulging some of my idiosyncrasies. They've been mine  
11 for a long time. I really appreciate adding this  
12 language about the corridor because that has always  
13 bothered me. I think we've kind of narrowed down what it  
14 really means now and what the impacts are. But then we  
15 wouldn't have to have somebody always, for the rest of  
16 that property's life, having to disclose about a  
17 corridor.

18 And I appreciate it. I appreciate the hard work  
19 of all of you, and thanks for indulging in the changes  
20 that we wanted and how we wanted to see things a little  
21 more clear in our mind. It was a good job, and you did  
22 it very rapidly, and I know you worked late, so I  
23 appreciate it.

24 So I vote aye.

25 CHMN. CHENAL: Thank you.

1 Member Haenichen.

2 MEMBER HAENICHEN: I'd like to explain my vote,  
3 Mr. Chairman.

4 For the benefit of the members of the public and  
5 private landowners that are present in the audience  
6 today, I want you to know that this Committee has great  
7 respect for your rights.

8 Having said that, building transmission  
9 facilities in a highly developed urban area like the City  
10 of Tucson is not an easy task, and it's essentially  
11 impossible to make a siting that is not exactly loved by  
12 somebody, and we had that happen here.

13 But I do have confidence in the utility and  
14 Mr. Beck, based on past experience with this company,  
15 that they will do everything they can to ameliorate any  
16 negative effects for the landowners.

17 So with that, I vote aye.

18 CHMN. CHENAL: Thank you.

19 Member Woodall.

20 MEMBER WOODALL: The quality of the testimony  
21 was excellent, and it enabled me to vote aye with  
22 complete confidence. So thank you.

23 CHMN. CHENAL: Thank you.

24 Member Hamway.

25 MEMBER HAMWAY: I vote aye and feel the same way

1 as many of the Members here.

2 I was actually leaning towards B, and the cost  
3 certainly was an issue. And when you have, you know, 50  
4 percent, it was -- you know, when I -- when the public  
5 spoke, I wrote down what route they liked, and it was  
6 equally mixed between B and A.

7 And so it is a hard decision, but I do have  
8 confidence in TEP, and they will do the best they can to  
9 site these poles, which are never easy.

10 So with that, I vote aye.

11 CHMN. CHENAL: Thank you.

12 Member Palmer.

13 MEMBER PALMER: I'd like to thank the applicant  
14 for a great presentation. I've heard this Committee many  
15 times lament that they didn't have options, and today you  
16 gave us options. Sometimes you have to be careful what  
17 you ask for, but I think it led to a robust discussion.

18 I know that's not always possible when you're  
19 dealing with entities like BLM and state trust lands, it  
20 has to be narrowed down ahead of time. But I think we  
21 had an opportunity to look in depth at three different  
22 options, and I feel confident that we came up with the  
23 best option.

24 And with that, I vote aye.

25 Thank you.

1 CHMN. CHENAL: Thank you.

2 Member Riggins.

3 MEMBER RIGGINS: I also want to thank and  
4 commend the applicant for a very thorough analysis.  
5 Their inclusion and their consideration of public input  
6 throughout all the analysis I thought was important.

7 So I vote aye.

8 CHMN. CHENAL: Thank you.

9 Member Drago.

10 MEMBER DRAGO: I echo the comments of the team  
11 here that the applicant team I thought did an outstanding  
12 job, similar to Member Palmer's comments about giving us  
13 three options, which demonstrated to me that you all did  
14 a lot of due diligence in finding the most comprehensive  
15 options there were out there and be able to present all  
16 three and have us listen to the testimony and make a  
17 decision, I thought was great.

18 So thank you all.

19 I vote aye.

20 CHMN. CHENAL: Before I make my vote, I just  
21 remembered that we have two exhibits here that I --  
22 Chairman's Exhibit 4 that I will offer into evidence and  
23 Chairman's Exhibit 5, which we don't have yet, but I will  
24 be provided -- you will provide that to the court  
25 reporter with a copy to me -- well, 4 and 5. And then if

1 they could be marked as Chairman's 4 and Chairman's  
2 Exhibit 5.

3 I assume there's no objection, so they'll be  
4 deemed admitted.

5 Are there any other housekeeping items?

6 (No response.)

7 CHMN. CHENAL: Okay. I want to thank -- I vote  
8 aye as well.

9 I think the applicant did a great job. I look  
10 forward with interest to the legal analysis that we'll  
11 receive.

12 If you would provide me with a copy of the final  
13 document to be filed, we'll review it and sign it and get  
14 it filed very quickly.

15 I think the legal team did a very -- a great job  
16 with the presentation, the witnesses, Mr. Beck, as usual.  
17 And I think you have earned the respect and confidence of  
18 the Committee. And we know you'll work in good faith  
19 with the neighbors and the residents.

20 I was leaning towards B, but I was persuaded by  
21 the testimony of some of the people that testified as  
22 well as the testimony of you, Mr. Beck, that A would be,  
23 you know, the best alternative under all the  
24 circumstances.

25 So I want to thank you for again a very

1 excellent presentation.

2 And if there are no -- Member Woodall.

3 MEMBER WOODALL: I just wanted to express my  
4 appreciation to Ms. Darling because, in addition to doing  
5 all the analysis and preparing for testifying and exhibit  
6 preparation and the like, she also handled the logistics  
7 for this facility. And it went flawlessly, without a  
8 hitch, and that's a job in and of itself. So I wanted to  
9 compliment her on that.

10 And also our crack team of technical owls who  
11 handled the audio and visual. Thank you so much.

12 MEMBER HAENICHEN: Bravo.

13 CHMN. CHENAL: Well --

14 MEMBER NOLAND: Oh, Mr. Chairman, one cannot go  
15 without thanking the audience. I saw you people here  
16 every day, every hour. And it's not the most exciting  
17 thing in the world, but it shows you cared. And it makes  
18 a difference, and we appreciate you sitting in on this  
19 too. So thank you.

20 MEMBER DRAGO: I'd also like to thank the court  
21 reporter. Did an outstanding job.

22 CHMN. CHENAL: Any other comments before we  
23 adjourn?

24 (No response.)

25 CHMN. CHENAL: I guess this is the time where we

1 adjourn the hearing and thank everyone for a job well  
2 done.

3 MR. BECK: Mr. Chairman, did you want us to put  
4 the vote in there while she's got it up there?

5 CHMN. CHENAL: I think that's probably a good  
6 idea. So the vote is 8 to 0.

7 If that's not a -- is that a scrivener's --

8 MEMBER WOODALL: It is.

9 CHMN. CHENAL: Okay. We don't need to revote on  
10 that.

11 Very good.

12 Okay. We're adjourned. Thank you, everybody.

13 (The hearing concluded at 11:33 a.m.)

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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

3

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  
7 the best of my skill and ability; that the proceedings  
8 were taken down by me in shorthand and thereafter reduced  
9 to print under my direction.

10

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.

14

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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CAROLYN T. SULLIVAN, RPR  
Arizona Certified Reporter  
No. 50528

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I CERTIFY that COASH & COASH, INC., has complied  
with the ethical obligations set forth in ACJA  
7-206(J)(1)(g)(1) through (6).

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