

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE)	DOCKET NO.
APPLICATION OF CHEVELON BUTTE)	L-21080A-19-0171-00182
RE LLC, IN CONFORMANCE WITH)	
THE REQUIREMENTS OF ARIZONA)	
REVISED STATUTES 40-360, ET)	CASE NO. 182
SEQ., FOR A CERTIFICATE OF)	
ENVIRONMENTAL COMPATIBILITY)	
AUTHORIZING THE CHEVELON BUTTE)	
WIND GEN-TIE PROJECT, WHICH)	
INCLUDES THE CONSTRUCTION OF A)	
NEW 345 KV TRANSMISSION LINE)	
AND ASSOCIATED INTERCONNECTION)	
FACILITIES ORIGINATING IN)	
COCONINO COUNTY AND)	
INTERCONNECTING WITH THE APS)	
PREACHER CANYON-CHOLLA 345KV)	PREFILING CONFERENCE
LINE IN NAVAJO COUNTY,)	
ARIZONA.)	
_____)	

At: Phoenix, Arizona
Date: July 16, 2019
Filed: August 7, 2019

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED	MARKED
1	Map of Chevelon Butte Wind Farm	5	5
2	Draft notice of hearing	24	24
3	Applicant's proposed route tour schedule and protocol	25	25

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at the OFFICES OF THE ATTORNEY GENERAL, 15
5 South 15th Avenue, Phoenix, Arizona, commencing at
6 2:05 p.m. on the 16th of July, 2019.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9

APPEARANCES:

10

For the Applicant Chevelon Butte Wind RE, LLC:

11

DICKINSON WRIGHT, PLLC

12

Mr. Albert Acken

13

1850 North Central Avenue, Suite 1400

14

Phoenix, Arizona 85004

15

INTERESTED PARTIES:

16

Mr. Terrance Unrein

17

Senior Permitting Manager, sPower

18

Mr. Jeffrey Nemeth

19

Director of Wind Development, sPower

20

Ms. Jill Grams

21

Environmental Consultant, SWCA Environmental

22

Consultants

23

Ms. Marie Elena Cobb

24

Assistant to Chairman Chenal

25

1 CHMN. CHENAL: This is the time set for the
2 prefiling conference in the sPower Chevelon Butte Wind
3 Gen-Tie application anticipated to be filed.

4 May I have appearances, please.

5 MR. ACKEN: Good afternoon, Mr. Chairman.
6 Bert Acken of Dickinson Wright on behalf of the
7 applicant. The applicant for this project is going to
8 be Chevelon Butte Wind RE, LLC.

9 MR. UNREIN: My name is Terrance Unrein, and
10 I'm a senior permitting manager for sPower, who is the
11 owner of Chevelon Butte RE, LLC.

12 CHMN. CHENAL: Thank you.

13 MS. GRAMS: My name is Jill Grams, and I am
14 an environmental consultant with SWCA Environmental
15 Consultants and working with sPower on the Chevelon
16 Butte.

17 CHMN. CHENAL: Very good.

18 MR. NEMETH: My name is Jeffrey Nemeth. I am
19 the director of wind development for sPower.

20 MS. COBB: Marie Cobb, assistant to
21 Chairman Chenal.

22 CHMN. CHENAL: All right. Let's talk first
23 about -- a little about what the project is going to
24 entail so we have a summary of that on the record, and
25 then we'll ask about public interest in the project and

1 possible intervenors or any controversy involved with
2 the project.

3 So, Mr. Acken, if you want to just give us a
4 summary of the project, please.

5 MR. ACKEN: Mr. Chairman, with your
6 permission, I'd like Terrance to provide that overview.

7 CHMN. CHENAL: Sure.

8 MR. ACKEN: We have some maps that we can
9 hand out and mark these for identification as
10 Prefiling Exhibit 1. And then Jeffrey can talk a
11 little bit about the interconnection, because I think
12 it's important for you to understand.

13 CHMN. CHENAL: Sure.

14 MR. ACKEN: There's a few different moving
15 parts, and they can describe it much more concisely and
16 clearly than I can at this time.

17 CHMN. CHENAL: Wonderful. If we can provide
18 the court reporter with a copy, which we will have
19 marked as Exhibit 1.

20 (Prefiling Exhibit 1 was marked for
21 identification.)

22 MR. UNREIN: Mr. Chairman, would you like a
23 description of the overall wind energy project --

24 CHMN. CHENAL: Sure. Let's --

25 MR. UNREIN: -- including the transmission

1 features?

2 CHMN. CHENAL: Exactly, yeah. Just give an
3 overview of the entire project and how this fits into
4 it.

5 MR. UNREIN: So the Chevelon Butte Wind Farm
6 is a maximum capacity of 477 megawatts AC wind energy
7 project located in Coconino and Navajo Counties,
8 Arizona. It's located on what is commonly referred to
9 as the Chevelon Butte Ranch, which is approximately
10 42,000 acres of predominantly privately-owned land in
11 Coconino and Navajo Counties, and there's also a
12 mixture of State Trust parcels checkerboarded in that
13 are light blue on this map.

14 The project would consist of 125 to 175 wind
15 turbine generators that harvest electricity.
16 Underground collection cables would then be routed to
17 two on-site collector substations that would step the
18 voltage up from a low collection voltage to 345 kV.
19 And there would be a new aboveground 345 kV
20 transmission line, that's approximately 12 miles in
21 length, leading to a new interconnection switching
22 station on the southeast corner of the site.

23 And we intend to apply for two different
24 switching station locations: One on the west side of
25 Chevelon Canyon and one on the east side of Chevelon

1 Canyon. And we can provide more details as to why we
2 are seeking two alternative locations for that
3 switching station, if necessary.

4 But, yeah, the main project features are the
5 wind turbine generators, collection systems,
6 substations, aboveground transmission line, and the
7 switching station.

8 CHMN. CHENAL: And then where is this project
9 in relation to Winslow?

10 MR. UNREIN: It's about 25 miles south of
11 Winslow. Highway 99 bisects our site kind of right
12 down the middle.

13 CHMN. CHENAL: And is this -- What's the
14 topography of this area?

15 MR. UNREIN: On our site it's relatively
16 homogenous topography. It's kind of rolling, you know,
17 pinyon-juniper country. You know, there are quite a
18 few ephemeral drainages that bisect through the site.
19 So your main topography is going to be, yeah, just
20 drainages. So the site itself, you know, is relatively
21 flat, relatively uniform wind speed.

22 And then we're bisected on the west by Clear
23 Creek Canyon, which is a pretty cool, you know, deep
24 slot canyon. And then to the east we're bisected by
25 Chevelon Canyon. And our proposed transmission line

1 would cross Chevelon Canyon in an area that's already
2 crossed by several existing APS transmission lines.

3 And that's one key thing I've left out is
4 that there are three transmission lines that kind of
5 run really close in the southeast corner of our site,
6 and we're proposing to interconnect with one existing
7 345 kV APS line.

8 CHMN. CHENAL: And what's the size of that
9 line again? This project will -- This Gen-Tie line
10 will tie into which line?

11 MR. UNREIN: A 345 kV Cholla to Preacher
12 Canyon transmission line owned by Arizona Public
13 Service.

14 CHMN. CHENAL: Okay.

15 MR. ACKEN: So you would have 345 substation
16 to 345, 345 to 345 substation here, correct?

17 MR. UNREIN: Uh-huh.

18 MR. ACKEN: And then the switching --
19 switchyard to interconnect the 345 to the 345.

20 And, Jeffrey, I think it might be helpful for
21 you to explain. I do want the Chairman to understand
22 kind of what that interconnection is going to look
23 like.

24 MR. NEMETH: Sure. So we're currently
25 working with APS on the location, and it really comes

1 down to kind of an access and constructability. On the
2 eastern side of the canyon it's extremely difficult to
3 get there, very time consuming; you know, for example,
4 from Winslow it probably takes two and a half hours to
5 get to the site.

6 So what we've proposed to APS is to move the
7 switchyard to the western side of the canyon. And then
8 what we would only have on the eastern side would be
9 some dead-end towers in which -- where the line is cut,
10 it would go into a dead-end tower, and then it would
11 cross the canyon to a switching yard, and then from the
12 switchyard there would be a second line going from the
13 switchyard back across the canyon to another dead line.

14 So it's actually the same design layout that
15 would be on the eastern side or the western side. The
16 only difference is that if it's on the western side
17 there are two lines crossing the canyon, and if it's on
18 the eastern side there's only one line crossing the
19 canyon.

20 CHMN. CHENAL: So can you point out for me on
21 the map where the canyon is that you're talking about
22 that's on the eastern side?

23 MR. NEMETH: Sure. So kind of coming here
24 through the blue, it's right through this area there.

25 CHMN. CHENAL: All right. And maybe you

1 could draw that on the map that's marked as Exhibit 1
2 so we have a clear idea where that is.

3 MR. UNREIN: Sure.

4 CHMN. CHENAL: So just geography again,
5 location, how far north of the Mogollon Rim, the
6 dropoff, is this point?

7 MR. NEMETH: I'm not exactly sure where the
8 Mogollon Rim is.

9 CHMN. CHENAL: Okay.

10 MR. UNREIN: Are you familiar with Chevelon
11 Butte?

12 CHMN. CHENAL: I'm not familiar with Chevelon
13 Butte, per se, but I have flown over this area, from
14 Scottsdale over Winslow up to Colorado, numerous times
15 and I'm very familiar with that general area. I don't
16 know the names of the buttes or the canyons.

17 MR. ACKEN: Maybe it would be helpful if you
18 told him, where does 99 go to the south?

19 MR. UNREIN: It goes all the way into the
20 Apache-Sitgreaves National Forest.

21 MR. ACKEN: Is there a town there?

22 MR. NEMETH: No. Really the only thing that
23 gets back there is like the Chevelon Canyon
24 campgrounds.

25 MS. GRAMS: Like Happy Jack, it's maybe --

1 Do you know Happy Jack?

2 CHMN. CHENAL: Okay.

3 MR. UNREIN: That's about 8, 9 miles
4 southwest, I think.

5 MS. GRAMS: It's like south, yeah. It's
6 probably 10 miles north of the Happy Jack area, yeah.

7 CHMN. CHENAL: And any idea where it is with
8 the Rim where there's a sheer dropoff?

9 MS. GRAMS: Yeah, it's a long ways from the
10 Rim.

11 CHMN. CHENAL: North?

12 MS. GRAMS: Yes. A long ways north of the
13 Rim, yes. I couldn't say exactly, but it's not close
14 at all.

15 CHMN. CHENAL: Well, just anecdotally, I can
16 tell you from flying over that area south of Winslow to
17 where the Rim is, where you get into the Payson area,
18 is bumpy and windy, so probably a good place to put
19 windmills, turbines.

20 But anyway, go ahead.

21 MR. NEMETH: So we are currently working with
22 APS on that location. It's a little unusual for them,
23 because typically the substation or the switchyard is
24 adjacent to the line itself. But just kind of due to
25 the slope of the canyon near the line, as well as

1 access, constructability, you know, we proposed
2 building it on the western side. They seem to be in
3 favor of it, but they're running down through their own
4 checks within APS for that approval. So ideally we'll
5 have that within the next four to six weeks, kind of
6 based on conversations with them; however, what we
7 wanted to do is bring it to your attention now in case,
8 you know, one spot is chosen over the other.

9 CHMN. CHENAL: So it's either going to be
10 the east side or the west side for the interconnect?

11 MR. UNREIN: Yes, sir.

12 MR. ACKEN: Yes. And we are going to ask for
13 approval of either pending resolution of those
14 discussions with APS.

15 CHMN. CHENAL: Because it may be that the
16 hearing will take place prior to that decision --

17 MR. NEMETH: Yes.

18 MR. ACKEN: Correct.

19 CHMN. CHENAL: -- having been made?

20 Okay. Can you give me my pen back.

21 MR. NEMETH: Yes.

22 CHMN. CHENAL: Okay, good. So what's
23 basically the cost of the Gen-Tie project, the
24 estimated cost of just the Gen-Tie, the line and the
25 interconnections?

1 MR. NEMETH: Oh, to include the
2 interconnection, the substation cost? We haven't
3 received the cost from APS yet. In my experience, a
4 switchyard is typically about \$7 and a half million.
5 The Gen-Tie itself, I would estimate that it would
6 probably be about 750 to \$1 million per mile. We're
7 proposing a monopole, so single, most likely, you
8 know -- I can't remember how to say it right, pillar
9 driven, pile driven -- pile driven, so, you know, which
10 is basically directly embedded into the ground.

11 CHMN. CHENAL: How many miles again, roughly?

12 MR. NEMETH: Approximately 12 miles.

13 CHMN. CHENAL: Okay. Are there existing
14 roads there now?

15 MR. NEMETH: So there are some roads that are
16 crisscrossing through it, so we would have kind of our
17 construction easement in which we would be working
18 within for the construction of the line itself, but we
19 have no intention of building any temporary or
20 permanent access roads for the line itself. The only
21 access roads would be for access to the substations,
22 the switchyard, and to the turbines itself.

23 CHMN. CHENAL: And the line itself can be
24 constructed using existing access roads, or would you
25 have to construct new roads?

1 MR. NEMETH: We would not construct any roads
2 on it. We would have kind of our line of sight in
3 which they would be working within.

4 MR. ACKEN: Overground.

5 MR. NEMETH: Over the ground, yes. We would
6 not plan on building any new roads for it.

7 CHMN. CHENAL: So would the machinery
8 necessary to construct the lines be on existing roads
9 in order to get to the places where the poles need to
10 be constructed?

11 MR. NEMETH: We would make use of them, yes.

12 CHMN. CHENAL: All right. So there's enough
13 access -- There's enough existing roads right now that
14 you can use in order to construct the Gen-Tie line,
15 correct?

16 MR. NEMETH: Correct. There may be some
17 instances in which we have to go over land to get to
18 certain spots, but the area is crisscrossed with a
19 number of existing roads.

20 CHMN. CHENAL: Okay.

21 MR. UNREIN: And our acreage estimates that
22 you'll see in our CEC application conservatively
23 reflect, you know, some new roads and disturbance and
24 stuff to construct the Gen-Tie line.

25 And I think it's noteworthy to mention that

1 we're intending to request a 500-foot linear corridor
2 in our CEC materials for the Gen-Tie line.

3 MR. ACKEN: Two phases, so that's why you
4 have the two collector substations, but we will be
5 requesting approval for both phases in this
6 application. Single circuit -- Correct me if I'm
7 wrong. Single circuit from the northwest-most
8 collector substation to the southeast collector
9 substation, and ultimately potentially double circuit
10 from that middle second collector to the
11 interconnection point.

12 CHMN. CHENAL: Okay.

13 MS. COBB: So it's going to be single circuit
14 from here to here, and then double circuit from there
15 to there?

16 MR. ACKEN: At ultimate build-out.

17 MR. UNREIN: That's correct, yeah.

18 CHMN. CHENAL: So let's talk about public
19 interest and any controversy involved with the project.
20 Just a summary of that, please.

21 MR. ACKEN: So for this we notified the
22 affected areas of jurisdiction, that's Coconino County,
23 Navajo County, State Land, the Hopi, and one individual
24 who lives, I believe he lives to the southwest, who had
25 some concerns, he filed comments on the website. And

1 Terrance has been in communication with him and he
2 indicated a potential interest in participating, so we
3 informed him of the proceeding, but he couldn't come or
4 decided not to come.

5 I'm going to let Terrance explain to you some
6 of the public outreach that's been done. And there's
7 been an extensive public outreach to this point because
8 of the Coconino and Navajo County proceedings, and so
9 there's a lot to tell with respect to that story.

10 MR. UNREIN: Mr. Chairman, would you like the
11 explanation just on public outreach, or agency outreach
12 as well, or just public?

13 CHMN. CHENAL: Just a summary of both,
14 actually.

15 MR. UNREIN: Okay.

16 CHMN. CHENAL: I think of public as the
17 public agencies, but...

18 MR. UNREIN: Okay. So on the agency side
19 we've been -- we've been coordinating, on the federal
20 side, with Fish and Wildlife Service Region 2, the FAA
21 on the state side, AGFD, ASLD, and Coconino
22 County, Navajo County, we've met with the governor's
23 office here in Phoenix.

24 And at a high level we've been consulting
25 with AGFD and Fish and Wildlife Service Region 2 on our

1 wildlife survey plan extensively since late 2018. We
2 have, you know, pretty good concurrence and working
3 relationships with the agencies on what we're doing out
4 there with our environmental due diligence and our
5 wildlife studies, we've met with both agencies several
6 times in person. So wildlife side is looking pretty
7 promising.

8 On the cultural side, ASLD and SHPO and the
9 Arizona State Museum know about us and they know what
10 we're doing. And, yeah, we've done extensive cultural
11 groundwork and research out here, and will be
12 finalizing that in the coming months.

13 On the local side, we've had many in-person
14 meetings with local elected officials, with
15 supervisors, with the planning staff with both Coconino
16 and Navajo County, the Town of Winslow. So really all
17 the local, state, and federal agencies know about us,
18 and we've been having those discussions for quite some
19 time now. And I'm happy to provide any more details as
20 necessary.

21 CHMN. CHENAL: Any opposition so far?

22 MR. UNREIN: Yep. So from the agencies right
23 now, no. You know, if you asked me that question four
24 months ago -- We did have to have several in-person
25 meetings and some back and forth with Arizona Game and

1 Fish Department, but we're at a really good place now
2 and we came to a mutual agreement on what we're doing
3 and what we plan on doing going forward. So on the
4 agency side, no.

5 On the public outreach -- So in a nutshell,
6 we had publicly unveiled this project a couple of weeks
7 ago, and by publicly unveiling I mean we launched a
8 project website, we sent out mailers. We worked with
9 Coconino and Navajo County to identify like a mailing
10 notice buffer in each jurisdiction.

11 So in Coconino County we sent mailers to all
12 affected properties within 5 miles of our site
13 boundary, which is far in excess of what's required by
14 their ordinance. And then we also were asked by
15 Coconino County, and we obliged, to send fliers to a
16 bunch of HOAs and subdivisions that are 8, 9 miles
17 away. And on the Navajo County side, which is more
18 densely subdivided, we did a 2-mile notice buffer. So
19 we sent out all those mailers that had project details,
20 invitation to the open house, something pretty much
21 identical -- or, this is the map that folks got that
22 we're looking at. Newspaper ads advertising the open
23 house. I think I hit everything. And last night we
24 hosted an open house in Winslow.

25 So there have been some folks that have

1 expressed some viewshed concern in what's called the
2 Mogollon Ranch. It's actually a POA, property owners
3 association, not a homeowners association. So there's
4 been several folks that have expressed interest,
5 curiosity, and concern from the Mogollon Ranch POA; all
6 their concerns are limited to viewshed. They're 8 to 9
7 miles away. We're currently preparing visual
8 simulations for this project based on the tallest side
9 turbine model we're contemplating. And really at 8, 9
10 miles there's going to be a pretty negligible impact on
11 viewshed.

12 So like Bert had mentioned, we're
13 corresponding with several folks from the Mogollon
14 Ranch community to try to alleviate concerns and being
15 forthcoming in sharing information with them. But,
16 yeah, it's kind of unclear as to whether, you know,
17 they're going to participate in this process or county
18 permitting processes. You know, we just struck up that
19 conversation a couple weeks ago, so we'll see. But
20 like I said, we're confident that there's not going to
21 be, you know, appreciable viewshed concerns, and we're
22 currently preparing some additional visual models to
23 tangibly reflect that. So that might -- that might put
24 any concern -- or, that might alleviate any concern,
25 but kind of unknown. So that's kind of on the

1 opposition.

2 The Hopi Tribe. So there's no federal
3 permitting nexus on this project, so no --

4 CHMN. CHENAL: No NEPA?

5 MR. UNREIN: No. No, there's no --

6 CHMN. CHENAL: Why is that?

7 MR. UNREIN: There's just -- It's all
8 private land.

9 MR. ACKEN: State.

10 MR. UNREIN: Yeah, and, sorry, the State
11 Trust parcels. But, yeah, there's no -- we're not
12 interconnecting with --

13 CHMN. CHENAL: It's not part of any national
14 forest?

15 MR. UNREIN: Nope.

16 MR. ACKEN: Next to it.

17 CHMN. CHENAL: Next to it?

18 MR. UNREIN: Yeah, next to it.

19 CHMN. CHENAL: Got it. Okay.

20 MR. UNREIN: Yeah, we're interconnecting with
21 APS, not WAPA. That's a common trigger for NEPA in
22 this region.

23 CHMN. CHENAL: Yeah, sure. Okay.

24 MR. UNREIN: So there's no NEPA nexus, no
25 Section 106 consultation. But we decided, as a

1 company, in late 2018 to voluntarily reach out to nine
2 potentially affected tribes that ASLD and our
3 consultant helped us identify. We've received just
4 kind of, thank you, keep us posted responses from two
5 of those nine tribes. The Hopi Tribe did respond to us
6 and expressed interest, you know, cultural and avian
7 interest and potential concern in this project.

8 We've been -- We've been logistically
9 coordinating with them for many months on what the
10 appropriate venue to continue those conversations would
11 be, and that culminated in a pretty long in-person
12 meeting with the Hopi Tribe that happened yesterday in
13 Flagstaff, where the Hopi chairman, vice chairman,
14 cultural resources department, department of natural
15 resources, their general counsel, several tribal
16 counsel members, and several clan village leaders
17 attended a meeting with us, and we had a pretty
18 beneficial conversation where we exchanged information
19 on eagles and cultural resources.

20 One thing that's noteworthy on this project
21 is that we're not explicitly legally obliged to perform
22 Class III cultural pedestrian surveys on the private
23 land, but as a company we've decided to do that, which
24 is a pretty big, you know, time and -- time and cost
25 resources that go into that.

1 So we're voluntarily surveying any
2 potentially impacted acreage on this property, whether
3 it's State Trust land or private, and we're doing
4 everything we can to avoid any cultural resources that
5 we find on the site. And as you could expect in
6 northern Arizona, it's a pretty dense resource area.
7 We've found, I believe, 76 cultural archaeological
8 resources to date, and we're pretty confident we're
9 going to be able to avoid all 76 of those. So I think
10 the Hopi appreciated that.

11 We're doing extensive avian and eagle and
12 biological work on the site, some of which is above and
13 beyond what the Fish and Wildlife Service requires.
14 And we're currently working through various avoidance
15 schemes to pull turbines away from some of the higher
16 risk eagle nesting and eagle use areas, and we
17 explained that to the Hopi Tribe yesterday and they
18 appreciated that.

19 And they also discussed some of their own
20 renewable energy development ambitions. They have
21 several solar sites identified in Coconino County and
22 some other areas, so we talked about that.

23 So I guess where I'm going is, you know, the
24 Hopi Tribe had some concern with this project many
25 months ago. And I think, you know, it takes some time

1 working with the Tribe logistically and getting in
2 touch with the right people, but I think yesterday was
3 a big first step in the right direction to building a
4 constructive working relationship with them. And I'm
5 reasonably confident that they're -- as it stands right
6 now, they're not in strict opposition of our project
7 and I think they're very interested in working with us
8 on this project and other stuff in the area.

9 CHMN. CHENAL: Okay, very good. So at this
10 point we're not sure if there are going to be any
11 intervenors?

12 MR. ACKEN: Correct. Not anticipating any at
13 this time.

14 MR. UNREIN: And I think it is noteworthy
15 that, on the public side, you know, like I mentioned
16 Mogollon Ranch POA, all of those discussions and
17 viewshed concerns have been limited to wind turbines.
18 There hasn't been any concerns, whether in writing or
19 last night at the open house, hasn't been any explicit
20 concerns with the transmission lines or the substation,
21 substations.

22 CHMN. CHENAL: Okay, very good. Thank you
23 for that. That was a good summary.

24 Let's talk about the notice of hearing, the
25 posting, the publishing. So do you have -- Mr. Acken,

1 do you have a draft notice of hearing?

2 MR. ACKEN: I do, Mr. Chairman. We will hand
3 this out and mark it as Exhibit 2.

4 (Prefiling Exhibit 2 was marked for
5 identification.)

6 CHMN. CHENAL: So let's see what you have in
7 mind.

8 MR. ACKEN: All right. Thank you,
9 Mr. Chairman. We're looking at the hearing starting at
10 the High Country Conference Center in Flagstaff,
11 Arizona at 1:00 Monday, September 16th, and continuing
12 there the 17th and 18th.

13 If a tour is taken, we propose to do the tour
14 on the 17th, and we do have a tour protocol that Jill
15 can discuss as you see fit today. We are proposing
16 that tour begin at 7:00 a.m., and I know that that is
17 going to be really popular. But the thought was, from
18 timing and logistics and where we would be at various
19 points in time, to make lunch work in a place that
20 isn't remote, and then perhaps have the opportunity to
21 have further hearing in the afternoon, that's why we
22 propose 7:00 a.m. I understand that that may be a
23 little much.

24 CHMN. CHENAL: So how far -- How long does
25 it take to drive from Flagstaff to where the tour would

1 be?

2 MR. UNREIN: It will be over --

3 MR. NEMETH: It's about a two-hour drive.

4 MR. UNREIN: Yeah, over two hours.

5 CHMN. CHENAL: Each way?

6 MR. UNREIN: With a restroom break in Winslow
7 or elsewhere, it will be two hours minimum.

8 CHMN. CHENAL: So let's mark the tour
9 protocol as Exhibit 3, and we can talk about this for a
10 second first.

11 MR. ACKEN: Sure.

12 (Prefiling Exhibit 3 was marked for
13 identification.)

14 CHMN. CHENAL: So the High Country Conference
15 Center is the conference center associated with the
16 Drury Inn?

17 MR. ACKEN: Correct.

18 MR. UNREIN: Yeah, they're two separate
19 venues, and the hotel is connected -- like really close
20 walking distance to the conference center.

21 CHMN. CHENAL: Okay. On the second page, on
22 the back side of the first page of the proposed tour
23 schedule, Exhibit 3, I'm looking at 3 hours, 22
24 minutes, 176 miles. Is that the round trip?

25 MS. GRAMS: Yes.

1 MR. ACKEN: Just driving time.

2 MS. GRAMS: Just driving time, yes.

3 CHMN. CHENAL: Sure, understood.

4 MR. UNREIN: And there is some road
5 construction that's been going on on Route 40 there
6 before Winslow that has been slowing us down lately.

7 CHMN. CHENAL: All right. Taking a quick
8 look at the tour, it looks reasonable. I understand
9 why you want to start at 7:00.

10 Before we get back to the -- Well, let's go
11 back to the notice of hearing and talk about it. One
12 of the questions I want to ask is: How long do you
13 think the hearing is going to take?

14 MR. ACKEN: Sure. So the notice of
15 hearing -- We're looking at doing the tour on the
16 17th. The High Country Conference Center we have
17 reserved for the 16th, 17th, and 18th; it was not
18 available for the 19th. So if we have to continue the
19 hearing to Thursday, we have to move locations.
20 There's another location in Flagstaff, the Aspen Room.

21 To your question about how long do we
22 anticipate the hearing taking. If we can do the tour
23 7:00 Tuesday and start Monday at 1:00, I am hopeful and
24 optimistic we can get this done in a day and a half
25 without intervention. And if it slips, two days. I

1 don't see us going to three days. And when I say three
2 days, that means I'm thinking as Monday being a half
3 day, so three days would slip us into Thursday. I'm
4 not envisioning that occurring absent intervention,
5 which has not identified itself. But we do have that
6 Thursday hearing location; unfortunately, it's going to
7 have to be a different location.

8 CHMN. CHENAL: All right. So give me a
9 second to read this.

10 And where is the Aspen Room? I see the
11 address, but what's that associated with in Flagstaff?

12 MR. UNREIN: It's in Flagstaff and it's just
13 an independent meeting event rental. And I apologize,
14 Mr. Chairman, that was the only -- you know, September
15 in Flagstaff is really popular.

16 CHMN. CHENAL: I'm trying to figure out where
17 it is. I know Flagstaff pretty well.

18 MS. GRAMS: It's on the east side by -- off
19 of 4th Street.

20 CHMN. CHENAL: Okay.

21 MS. GRAMS: Does that help?

22 CHMN. CHENAL: It does help, yeah. I know
23 Flagstaff pretty well.

24 MR. UNREIN: And I tried hard to get all days
25 possible at one venue, and it just wasn't possible.

1 CHMN. CHENAL: Sure, understood.

2 So we have -- The evening of the first day
3 would be the public session?

4 MR. ACKEN: Correct, at the High Country
5 Conference Center.

6 Then this is straightforward, consistent with
7 prior notices, where we talk about where the
8 application will be available for inspection. Of
9 course ACC docket control in Phoenix, Winslow Public
10 Library, Flagstaff City-Coconino County Public Library,
11 and then the project website, that's where we're
12 proposing to make the application available.

13 Again, then you see standard boilerplate
14 about intervention. And I think that completes it with
15 respect to the notice of hearing itself.

16 CHMN. CHENAL: Good. Okay. I mean, we'll
17 look at it and see if there are any changes, but, yeah,
18 that looks good so far. I think it's reasonable.

19 I'm not sure I'm as optimistic as you that it
20 will be complete by Wednesday.

21 MR. ACKEN: Understood.

22 CHMN. CHENAL: That's just now based on some
23 experience. My instincts tell me we'll be into
24 Thursday. But unless there's something that surprises
25 us all, I can't imagine it going past Thursday. It

1 seems like that is -- that's a good, reasonable,
2 prudent thing to have that day if we need it. We might
3 get lucky, but, you know, I just...

4 There's a lot of traveling on Tuesday. It
5 takes a while to get the hearing started on Monday
6 afternoon, I mean, with logistics and how much
7 testimony we'll have. Tuesday we've got a tour, I can
8 see why we want at 7:00, we'll have the afternoon. I
9 could just see us going into Wednesday with
10 completing -- I mean, you'll tell me in a few minutes
11 the witnesses you have, but I'm sure there's going to
12 be interest in some of the questions I've already asked
13 about access, disruption to build, cultural resources,
14 things like that. And I generally don't like to start
15 the deliberations after we've had a marathon three
16 days; I'd rather start fresh the next morning, and I
17 just find that that's a much smoother, better process.

18 So, you know, instead of trying to rush to
19 get out of there, you know, on Wednesday, I just sense
20 that we're going to be going into Thursday and having a
21 little more time to deliberate and do it the right way.
22 I could be surprised. I think I've yet to have a
23 lawyer estimate correctly, though, how much time it
24 takes.

25 MR. ACKEN: I've been known to underestimate

1 once or twice.

2 CHMN. CHENAL: So we'll see. We'll see. So
3 we're betting. We'll see if there's a market for --
4 see if there's a bet we can make, a friendly wager of
5 Mr. Acken Wednesday and the Chairman Thursday. I think
6 I have an advantage on who's going to win that bet.

7 MR. ACKEN: Yeah, you can control that.

8 CHMN. CHENAL: We'll do our best. But
9 knowing the Committee as I do, this seems like --
10 especially with the amount of travel involved, I've
11 just found that it always works better to deliberate
12 fresh and go through, which Mr. Acken knows very well
13 the process we do to go through the CEC, and it just
14 seems it's much better to do that when people are fresh
15 than trying to do it at the end of a day when people
16 are a little tired. I'll just throw that out there.

17 MR. ACKEN: I've been informed that the
18 chairs are very uncomfortable at the Aspen Room.

19 MR. UNREIN: It's a unique venue, but it will
20 work if it needs to work.

21 CHMN. CHENAL: Well, that could work to
22 everyone's advantage, in a sense. Fresh of a mind to
23 get out quickly, with uncomfortable chairs. Yeah,
24 we'll see how it goes.

25 MR. UNREIN: The Aspen Room is where we had

1 our meeting with the Hopi yesterday, and all of our
2 backs hurt last night pretty bad.

3 CHMN. CHENAL: Well, we'll do the best we
4 can.

5 So the notice of hearing, just as I go
6 through my little checklist, looks good. Where do you
7 plan to publish?

8 MR. ACKEN: Mr. Chairman, the Arizona Daily
9 Sun, which is, as the name applies, a daily publication
10 to meet our required publication of twice within 10
11 days.

12 CHMN. CHENAL: And that's the Flagstaff
13 general newspaper?

14 MR. ACKEN: Flagstaff. And I understand that
15 also has circulation in Navajo County as well. Jill is
16 nodding her head.

17 The Tribune is a Navajo County newspaper,
18 it's a weekly; we anticipate publishing there as well
19 as a supplement. Don't know whether we'll be able to
20 publish twice in that, depending on how it breaks with
21 their publication requirements, but we view that as a
22 supplement to the Daily Sun publication.

23 CHMN. CHENAL: Just a word of advice on the
24 publication. I mean, we did have a case where we had
25 to put off the hearing because the publication

1 requirements weren't met, and it was tragic. It was
2 because of a 4th of July holiday, and the newspaper
3 just didn't, to no one's knowledge, just didn't publish
4 that day. And I caution you. I mean, I work closely
5 with the attorneys at the Corporation Commission, and I
6 think we all would rather err on the side of caution on
7 that one and we actually put off the hearing, you know,
8 unfortunately.

9 But let's strive to make sure we meet those
10 publication requirements. And when you file your
11 application, I mean, we'll have the notice of hearing
12 turned around rather immediately. And I'd just hate to
13 have a problem develop, when you can publish it well in
14 advance. Just a caution.

15 MR. ACKEN: Understood. We share that
16 concern.

17 CHMN. CHENAL: Yeah. You know, you hate
18 self-inflicted wounds when they're so easy to avoid.
19 And I promise we'll get the notice of hearing back to
20 you so you're not in a bad situation.

21 Now, interesting. Signage and locations of
22 signage, this one sounds like it's challenging.

23 MR. ACKEN: Yes, it is. So for sign
24 locations we're very limited. Right now we are
25 thinking about putting what you expect to see, the

1 large format 4-by-4 sign, but there's really only one
2 location that we can think to put it that's going to be
3 accessible to the public in the vicinity of the
4 project, and that's along State Route 99 where the
5 proposed route crosses the project. Actually, I think
6 right now it says at the Chevelon Butte Ranch Road
7 entrance. So is that in the general vicinity of where
8 it will cross?

9 MS. GRAMS: Yep.

10 MR. ACKEN: So, again, that's the primary
11 location for ranch public access, and there is public
12 access to the ranch, and so we thought that that made
13 sense to put it there.

14 CHMN. CHENAL: It does.

15 Question: Are there any major access roads
16 that cut across where the line is going to be that's
17 highly used? I see a lot of heads shaking no.

18 MR. NEMETH: No, sir.

19 MS. GRAMS: No.

20 CHMN. CHENAL: So 99 would be the only route
21 that's traveled to any extent through the project?

22 MS. GRAMS: Yes.

23 CHMN. CHENAL: How far north is the
24 interstate?

25 MR. NEMETH: The interstate, from that

1 location, would be about 25 to 30 miles, give or take a
2 little bit.

3 CHMN. CHENAL: So looking at Exhibit 3 there,
4 the distance from Winslow south to the project is
5 probably 25 -- approximately 25, 30 miles?

6 MR. NEMETH: Yeah.

7 CHMN. CHENAL: Okay. Well, as soon as I saw
8 the map I was thinking signage, and I was thinking this
9 is going to be an interesting challenge. Sounds like
10 that's reasonable.

11 MR. ACKEN: Okay, thank you.

12 CHMN. CHENAL: I mean, if the purpose is to
13 give notice, you put it where the people pass. And if
14 that's the only place, sounds like that's a reasonable
15 place to put it. And if there's no other, you know,
16 traveled access ways for property owners and homeowners
17 associations and property owner associations, then it
18 sounds like that would be a reasonable place to put it.

19 Notice to affected jurisdictions. I think
20 you already commented on that, Mr. Acken.

21 MR. ACKEN: Yes. Coconino County, Navajo
22 County, and State Land.

23 CHMN. CHENAL: All right. Now, a lot of the
24 things that we're going to talk about on my checklist
25 we've already covered. So the hearings will be held in

1 Flagstaff. Looks like they'll be starting the 16th of
2 September at 1:00 in the afternoon. The tour would be
3 Tuesday at 7:00 a.m. I suspect we'll have the tour,
4 because there will be people that will be interested in
5 taking the tour. We'll have the public comment session
6 the evening of the 16th, Tuesday have the hearing and
7 the tour, Wednesday maybe complete the hearing. If
8 not, on Thursday we'll move venues to the Aspen Room in
9 Flagstaff, and we should be able to finish on Thursday.
10 I don't anticipate any problem with finishing by
11 Thursday. So the hearing has to commence within 30
12 to -- but less than 60 days after the filing of the
13 application. What's the estimated filing date?

14 MR. ACKEN: July 29th, and we are still on
15 target for that.

16 CHMN. CHENAL: Okay. Lodging.

17 MR. ACKEN: We mentioned this earlier.
18 Drury Inn, we have reserved a block of rooms for the
19 Committee, as well as our team. One note. Again,
20 given the limitations of the high season in Flagstaff,
21 we had to reserve suites, so it's at a little higher
22 price point, so it's higher than the standard rate, the
23 standard government rate. I assume that's something we
24 can work through with the Commission, but I wanted to
25 make sure you were aware of that. I'm not sure how

1 else to manage it.

2 CHMN. CHENAL: Well, what we've done, where
3 we can, is we have the applicant pay for it directly.

4 MR. ACKEN: Okay.

5 CHMN. CHENAL: And then we don't have to go
6 through a reimbursement mechanism, which can complicate
7 things quite a bit. So in almost every case that's how
8 it's been done, because it makes just life easier for
9 everybody. So, you know, the rooms are reserved, the
10 Committee members pay for any incidental expenses, but
11 the rooms are covered and on check out there's just no
12 charge. So that's really worked well. And I can only
13 think of one hearing that I've done where that was not
14 followed, and it was more difficult.

15 MR. ACKEN: Okay.

16 MR. UNREIN: That's what we were planning on
17 doing.

18 CHMN. CHENAL: Yeah. So that shouldn't be a
19 problem.

20 What about, you know, meals and things like
21 that? What are your plans there?

22 MR. ACKEN: We will have meals for the
23 Committee, lunches --

24 CHMN. CHENAL: Yeah, lunches and --

25 MR. ACKEN: -- for the Committee.

1 CHMN. CHENAL: And the breakfast is served by
2 the hotel?

3 MR. ACKEN: I believe that's correct.

4 MR. UNREIN: I would have to double-check
5 that, Mr. Chairman.

6 MS. COBB: Most Drurys do have a full
7 breakfast.

8 CHMN. CHENAL: And I think that's normally
9 how we like to do it. The dinners can just be on --
10 the Committee can just handle that themselves. I guess
11 they put in for reimbursement for that at the approved
12 state rate, whatever that is. But I think we've found
13 that that's generally better. Where the applicants
14 have provided dinner, it's usually at times that don't
15 meet everyone's schedule, because it's usually earlier.
16 It's just easier that people just go on their own.

17 MR. ACKEN: Might make sense in a remote
18 location where you don't have any options, but that's
19 not our situation.

20 CHMN. CHENAL: Right.

21 MR. ACKEN: Did you want lunch for the
22 Committee that Monday on the drive up before we get
23 there -- before the hearing starts? Excuse me.

24 CHMN. CHENAL: Maybe. That's probably a good
25 idea. I suspect people will be getting in, and we can

1 notify them -- and thank you for that -- we can notify
2 them that that will be available. I think most of them
3 will take advantage of it, yeah.

4 MR. UNREIN: Do you mean lunch at the
5 conference center?

6 CHMN. CHENAL: Like a buffet or something
7 like that.

8 MR. UNREIN: Yeah.

9 MS. COBB: Do you have an idea of what time?
10 If it starts at 1:00, what, 12:00, 11:30?

11 MR. UNREIN: Yeah, probably 12:00. I'll have
12 to confirm with the venue.

13 CHMN. CHENAL: Yeah, noon would be good.

14 MS. COBB: Just let me know, and then I can
15 notify the Committee.

16 MR. NEMETH: Any dietary restrictions?

17 CHMN. CHENAL: Not that I'm aware of.

18 MS. COBB: Not that we're aware of.

19 CHMN. CHENAL: But there may be a dinner,
20 so -- I mean, generally we've never encountered a
21 problem. Breakfast and lunches are usually provided by
22 the applicant, and it's worked out very well.

23 MS. COBB: We do have a new Committee member,
24 though.

25 CHMN. CHENAL: Well, like I said, let's have

1 breakfast and lunch available, and then the Committee
2 will be on their own for dinner and put in for
3 reimbursement for that.

4 We've talked about the tour. And the
5 protocol can be filed with the Corporation Commission
6 in the docket.

7 MR. ACKEN: Mr. Chairman, would you like that
8 to be an exhibit, or you want us to file that before
9 the prehearing?

10 CHMN. CHENAL: It can be an exhibit. Let's
11 make it an exhibit.

12 MR. UNREIN: An exhibit to the CEC?

13 CHMN. CHENAL: No. Just an exhibit to the --
14 hearing exhibit.

15 All right. Let's talk about a prehearing
16 conference.

17 MR. NEMETH: Everybody is getting out their
18 calendars.

19 CHMN. CHENAL: We like to have the prehearing
20 within 10 days of -- well, yeah, 10 business days,
21 let's say, of the hearing.

22 MS. COBB: That would be September 2nd.

23 MR. NEMETH: That would be Labor Day.

24 CHMN. CHENAL: I'm looking at maybe Tuesday,
25 the 3rd of -- Wednesday, the 4th of September. Is that

1 a possibility for everybody?

2 MR. NEMETH: The 4th, yes.

3 CHMN. CHENAL: The 4th of September, that's
4 not right next to Labor Day. I'm actually leaving that
5 Friday and coming back -- won't be back in the office
6 until the following Tuesday. And I'd rather not do it
7 Tuesday, Wednesday, Thursday, or Friday, when we have
8 the hearing the next week, so I'd like to do it the
9 week of Labor Day. I guess we could do it before Labor
10 Day, we could do it the previous week, if that's
11 better.

12 MR. ACKEN: Mr. Chairman, my preference would
13 be to do it the 4th, if that works for you.

14 CHMN. CHENAL: Yep.

15 MR. ACKEN: Because then that gives us --
16 That's the right distance before the hearing. We don't
17 want it too soon, because we might still have some
18 moving parts, but the 4th seems like a good time.

19 MS. COBB: Is 2:00 p.m. okay?

20 CHMN. CHENAL: 2:00 p.m. is fine. And I'm
21 always available for anything that comes up if we need
22 to meet before or after that. But this would be, I
23 think, the appropriate time in advance. And like I
24 said, I'm leaving Friday through Monday, so that works
25 well for me. If it works for you, that's what we'll

1 do.

2 Okay. Are there any -- Is there any
3 litigation involving the project?

4 MR. ACKEN: None.

5 MR. UNREIN: No.

6 MR. NEMETH: No.

7 CHMN. CHENAL: All right. When you file the
8 application, Mr. Acken, could you provide us an
9 electronic version of that?

10 MR. ACKEN: So, Mr. Chairman, this is on my
11 list to discuss with you --

12 CHMN. CHENAL: Okay, very good.

13 MR. ACKEN: -- and Marie. In light of the
14 Commission now going to e-filing for many dockets, not
15 quite all, have either of you heard of how they are
16 planning to handle Line Siting dockets? Because
17 obviously we'll be the first since they transitioned to
18 e-filing.

19 MS. COBB: I did reach out to our Committee
20 member Laurie Woodall, and she said there are no plans
21 at this time for Line Siting to -- I know, I feel your
22 pain.

23 MR. ACKEN: Great.

24 MS. COBB: It would be really nice to not
25 have to walk across the street in 120 degrees, but,

1 yeah, right now there are no plans for Line Siting to
2 transition to that. And in the public announcement
3 that came out from the ACC last week, I believe it was,
4 there was specific mention Line Siting is excluded from
5 electronic filing.

6 MR. ACKEN: Okay. To your question, we will
7 make electronic copies to whoever wants them, and it
8 would be our preference to do that. But if we're
9 required to hand deliver 25 copies, we will.

10 CHMN. CHENAL: Well, okay. If a CEC is
11 issued in this case and it goes before the Corporation
12 Commission, that might be an appropriate time -- I
13 attend those and I present those to the Corporation
14 Commission -- might be an appropriate time for me to
15 maybe raise the issue with them. Off the top of my
16 head, I don't remember if there are statutory
17 requirements that require the filing of applications
18 and rules and regulations at the Corporation
19 Commission. I believe that there are, and that may
20 complicate the ability to just authorize e-filing. So
21 I think that may be part of the issue.

22 Okay. But we will have an electronic
23 version. And if that's provided to us, when that's
24 provided to us, we provide that to the Committee.

25 MR. ACKEN: Okay.

1 CHMN. CHENAL: What some applicants have been
2 doing, it's not necessary, but what some applicants
3 have been doing have been providing iPads or surface --
4 some sort of a tablet with the application and the
5 exhibits preloaded onto the tablet and making those
6 available to the Committee during the hearing. And
7 I've found more and more that that's what the Committee
8 uses. Because in most cases we've had recently that's
9 been available, and that's what the Committee seems to
10 use. Not an obligation, but just offer it to you. If
11 that's something you'd like to make available to the
12 Committee, I know that it's been appreciated in
13 previous cases.

14 MR. UNREIN: One tablet or 10?

15 CHMN. CHENAL: 10, yeah. Yeah, we would be
16 fighting over the one.

17 MS. COBB: And you'd win.

18 CHMN. CHENAL: No, no. I know who'd win; it
19 wouldn't be me.

20 So yeah. I know it's going to be an expense,
21 but it really has become a useful tool for the
22 Committee and it puts them in a good mood.

23 MR. ACKEN: On the electronic copy for you,
24 Mr. Chairman, are you thinking USB, ShareFile, do you
25 have a preference?

1 MS. COBB: In the past it's been a USB, at
2 least for the last several cases.

3 CHMN. CHENAL: Yeah.

4 MS. COBB: Before USBs it was CDs.

5 MR. ACKEN: Right.

6 CHMN. CHENAL: I mean, USBs I think is fair.
7 I don't know if our Committee members have access to
8 ShareFile or if it's possible to do that. They like --
9 Yes, of course, we get the binder and they have that.
10 But I think more and more they are moving towards
11 themselves using -- having it on their computers and
12 their own devices to look at the materials. So I guess
13 USBs, and then we can mail them to -- we can mail them.
14 It's just too large to e-mail, so we can --

15 Does a zip file work to e-mail, or is it even
16 too large for that? I've now reached the limit of my
17 technical --

18 MS. GRAMS: I don't know how big the file is
19 going to end up being, so it's hard to say.

20 CHMN. CHENAL: Okay. Well, USB would be
21 great.

22 MR. ACKEN: Okay.

23 CHMN. CHENAL: I don't know if there's a need
24 to review the procedural order. It won't be really any
25 different than previous procedural orders that we've

1 used. The most recent -- I expect the procedural
2 order I'll issue in this case will be pretty much the
3 same as the one that was issued in Case 181, and just
4 the dates and times and items changed. If you had any
5 specific questions...

6 MR. ACKEN: No, Mr. Chairman. I've reviewed
7 those, I may or may not have shared some of those with
8 you, but that's what we expected and it makes perfect
9 sense.

10 CHMN. CHENAL: Yeah, I don't think there's
11 going to be -- I mean, the date we'll put in for the
12 prehearing conference will be September 4th, as we
13 discussed, so there shouldn't be any surprise there.

14 Draft CECs. Obviously I'd like to get that,
15 you know, prior to the prehearing conference. One
16 thing I'd like, Mr. Acken, and I know you'll do this,
17 where we have changes from, say, the last CEC that
18 we've used and you make changes to it, if you could
19 show not only the additions, but also the deletions.
20 It's just easier for us to follow.

21 MR. ACKEN: Will do.

22 CHMN. CHENAL: Okay. Public comment, we've
23 talked about that. As you know, if there are people
24 that show up and would like to provide public comment
25 at other times, we try to fit them in as best we can at

1 the beginning of the session that day, the morning
2 session, say, right after the break, you know, whenever
3 people show up. Public officials, if they want to make
4 public comment, we'll accommodate their schedules as
5 much as possible.

6 Permit status. What permits will need to be
7 obtained for this, in addition to the CEC?

8 MR. UNREIN: The main discretionary permits
9 needed for this project, in addition to the CEC, are a
10 special use permit from Navajo County --

11 CHMN. CHENAL: Navajo.

12 MR. UNREIN: -- and a conditional use permit
13 from Coconino County.

14 CHMN. CHENAL: And where are you with those
15 permits?

16 MR. UNREIN: Application materials are in
17 process now, and we plan to submit applications with
18 both counties in late August or early September. So
19 the permit applications will almost certainly be
20 submitted before this hearing, but will be in process,
21 and there's potential we could have a hearing with one
22 or both counties right around the September hearing.

23 CHMN. CHENAL: Okay.

24 MR. UNREIN: And then whether those permits
25 end at the respective counties' planning and zoning

1 commissions or go up to the board of supervisors is
2 unknown.

3 CHMN. CHENAL: Sure. Oh, I already jumped
4 ahead to one of the topics, technology, electronic
5 copies, so I've got that.

6 Robust WiFi, that's always good to have.

7 MR. ACKEN: Understood.

8 CHMN. CHENAL: Try and make sure that we have
9 robust WiFi.

10 MR. NEMETH: I would like to point out, they
11 may be very lucky if they have cell phone coverage on
12 the site tour.

13 CHMN. CHENAL: On the tour, yeah. Sure.

14 MR. NEMETH: On the tour it's very likely
15 they will not have any coverage out there.

16 CHMN. CHENAL: That's pretty much all I have.
17 Are there any issues or matters that you'd like to
18 discuss?

19 MR. ACKEN: Mr. Chairman, looking at my list,
20 we've covered everything on my list. I'll ask my team
21 if there's anything else.

22 MR. UNREIN: Mr. Chairman, I didn't have
23 anything else.

24 CHMN. CHENAL: Oh, I did have something. How
25 many witnesses?

1 MR. ACKEN: Oh.

2 CHMN. CHENAL: Who would be your witnesses?

3 MR. ACKEN: At this time, you're looking at
4 the likely witnesses. Some combination of these three
5 will be the primary witnesses that I intend to call,
6 but I don't envision there being a need to call anyone
7 in addition to the folks in this room.

8 MR. UNREIN: The only thing I could see is if
9 we really needed to take a deep dive into any natural
10 resource or cultural issues, we have some additional
11 specialists available. But I can handle a lot of that,
12 depending on the depth of it, or Jeffrey or Jill.

13 MR. ACKEN: Well, and that's something --
14 Mr. Chairman, I would envision for our direct case this
15 is what we would put on. If there were questions that
16 got drilled down into a level of detail on a resource
17 that these three didn't feel comfortable with, then
18 we'll make sure that we have somebody available on our
19 rebuttal case to answer those questions.

20 CHMN. CHENAL: Okay. One area that does come
21 up frequently now in our CECs is how to describe where
22 the project is going to be placed.

23 MR. UNREIN: Could you repeat that?

24 CHMN. CHENAL: How do we indicate where the
25 project -- where the corridor for the project is going

1 to be located and where we have some alternatives, for
2 example.

3 So we've had a lot of discussion lately on
4 our previous hearings, and where possible we like to
5 have a legal description, but I understand that
6 presents some difficulties. Other times we like to
7 have basically, you know, a map showing where the
8 project is going to be located, and the corridors
9 specifically. And I can tell you that in a number of
10 cases we've had both.

11 Probably the more -- I wouldn't say this is
12 a general rule, but probably the more urban the more
13 the need for a legal description, the more remote
14 probably the Committee seems less demanding for the
15 legal description. And some of that has to do with the
16 level of opposition and the intervenors.

17 But what do you anticipate for this case,
18 Mr. Acken?

19 MR. ACKEN: Mr. Chairman, I envision a map
20 and a narrative description, given the nature of this
21 project. We could -- We have two landowners, a
22 private land owner and state land. And so that makes
23 it easier, from that standpoint, to say, do you really
24 need a legal description. And frankly, I think in this
25 case the map and narrative description will provide

1 more clarity and be easier to understand than a legal
2 would, and so that's what I envision.

3 I think it will be a bit tricky, and we will
4 have it in our draft CEC, and welcome your thoughts as
5 well on the notice of hearing. Because of how we're
6 doing this in two phases, the one line is single
7 circuit, the one line is double circuit, and how all
8 that is described, and now we've got two potential
9 switchyard locations, in my mind that lends itself much
10 easier to maps and narrative description than trying to
11 do it in a legal. But even the map and narrative, I
12 think, is going to require careful thought and
13 drafting.

14 CHMN. CHENAL: The concern of some members of
15 the Committee is this corridor and going through
16 private property. And, I mean, we've had legal
17 memoranda that the corridor does not impact the -- does
18 not create any property interest in or impact the
19 property so much, but I know there's still a concern
20 among some members of the Committee of the corridor
21 and, at least for the benefit of the private land
22 owner, to provide some clarity to the private land
23 owner where precisely the corridor is located. I mean,
24 I can't predict what the Committee is going to say
25 here. I certainly hear your arguments about there's

1 less of a need for absolute precision as to where a
2 corridor is going to be located, given the nature of
3 the land here. But hypothetically, how difficult would
4 it be to come up with a legal description for the
5 corridor?

6 MR. UNREIN: I don't think that would be
7 possible before -- or, by July 29th, just to be honest.
8 We have a surveyor in the field, you know, doing
9 boundary surveys right now. And given the magnitude of
10 that corridor, to be honest, it wouldn't be possible,
11 in the next 13 days, to get that done.

12 If it's any benefit, I will say that we have
13 some really great figures, with a variety of underlying
14 base maps, both like USGS topo maps, kind of property
15 owner maps. So we have a variety of figures of
16 different scales that will be in our CEC. And our
17 consultant and Jill are doing a great job of having a
18 bunch of different maps available in the materials, and
19 then, like Mr. Acken said, pretty detailed project
20 descriptions to accompany those maps and figures.

21 CHMN. CHENAL: So how precise could the
22 corridors be if they were to be superimposed on maps,
23 on the various maps you might have?

24 MR. UNREIN: How precise?

25 CHMN. CHENAL: Yes.

1 MR. UNREIN: I mean, I don't know the margin
2 of error. I mean, there's highly competent GIS folks
3 producing these figures, and they're fully keyed in
4 with our external civil and electrical engineers that
5 are working on this project. So I don't know what the
6 margin of error would be.

7 MR. NEMETH: So the big thing, like if we
8 wanted to do a map per section, that would show a much
9 greater level of detail. Now, if we were trying to do
10 kind of a map like this, that would be much more
11 granule. I think we could -- We have a center line, a
12 proposed center line for the route, and then we're
13 using the width buffer on this. I think we would be
14 able to show it accurately on a map, and it would be a
15 map per section, so then you could see a lot greater
16 detail of actually how far that's kind of extending
17 into each section. Because I'm assuming most of the
18 Commission is very familiar with like the size of a
19 section and that footprint, so I think that would give
20 them a scale to be able to compare it to.

21 CHMN. CHENAL: I think the goal of the
22 Commission is to know where this corridor is going to
23 be located on the property. In certain projects, like
24 in urban areas and where we're talking about small
25 corridors affecting a lot of residential property, I

1 think the desire is to be as precise as possible. My
2 own feeling is for this project that's not necessary.
3 But I know it's been a topic of conversation on
4 projects to be able to define, with some precision, the
5 exact location of the corridor.

6 And I just throw that out to you, that that's
7 probably in the best interest of the applicant to come
8 prepared to present this in such a way and be prepared
9 to provide the exhibit to the CEC in such a way that
10 will, you know, not be a very broad, general, okay,
11 it's somewhere over here. But the more precise, the
12 better, so the Committee can say with some certainty,
13 yeah, it's going to be in this location.

14 MR. UNREIN: Yeah. You know, the center line
15 of the transmission line is, you know, based on -- it's
16 based on external civil and electrical engineers that
17 we've retained, and then we're building a buffer off of
18 that. So it's pretty -- Yeah, there are Arizona
19 registered PEs providing the underlying inputs that go
20 into these maps, so I think it's very accurate. I
21 think it's just a question of, yeah, like how close do
22 you want to be zoomed in in the figures.

23 And we can think about -- Because we do have
24 several large figures like this, they're more zoomed
25 in, but we could potentially break that up into two or

1 three pages to show more granularity.

2 CHMN. CHENAL: Yeah, that's probably good.

3 You know where the line is going to go.

4 MR. UNREIN: Yeah.

5 CHMN. CHENAL: In some projects, I can think
6 of SunZia, for example, you had a huge corridor. And
7 basically it was, well, we won't know where the line is
8 going to be until we actually start building it,
9 because there might be something to do with the
10 topography here, we've got to move it, and it's going
11 to be -- basically we're going to build it as we go and
12 decide where within that corridor it has to be.

13 My impression, from what's just been said, is
14 that you pretty much know where this line is going to
15 be. And I'm suggesting that the more precise that is
16 reflected on the exhibit to the CEC, the better.

17 MR. ACKEN: Understood. I appreciate that.
18 Thank you.

19 CHMN. CHENAL: Anything else?

20 MS. COBB: You had mentioned earlier,
21 Terrance, that you felt like you guys could avoid the
22 76 cultural resources that you have discovered thus
23 far.

24 MR. UNREIN: That's correct.

25 MS. COBB: Does this take those into account,

1 what you've proposed on this map?

2 MR. UNREIN: That's correct.

3 MR. NEMETH: So we will -- I do want to
4 clarify. If a site is identified, our intent is not to
5 place a pole there. We may have a line spanning above
6 it, but there would be no intent of putting a pole
7 there. I do want to make sure that's clear.

8 CHMN. CHENAL: I understood it to be as you
9 described it.

10 I think we've covered everything that could
11 possibly be covered. So unless there's anything
12 further, we'll adjourn the meeting, and I look forward
13 to seeing you all September 4th at 2:00. And, again,
14 if something comes up or any questions, just let me
15 know, and we can either meet or we can try to take care
16 of it informally. Meeting adjourned.

17 (The prefiling conference concluded at
18 3:16 p.m.)

19
20
21
22
23
24
25

1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

3

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

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

13 I CERTIFY that I have complied with the
14 ethical obligations set forth in ACJA 7-206(F)(3) and
15 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,
16 Arizona, this 1st day of August, 2019.

17

18

19

20



KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

21

22

23 I CERTIFY that Coash & Coash, Inc., has
24 complied with the ethical obligations set forth in ACJA
25 7-206(J)(1)(g)(1) through (6).

26

27

28

29



COASH & COASH, INC.
Registered Reporting Firm
Arizona RRF No. R1036

30

31

32