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BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

In the matter of the Joint Application) DOCKET NO.
of Nogales Transmission, L.L.C. and) L-00000F-17-
UNS Electric, Inc. ("UNSE"), in) 0246-00176
conformance with the requirements of)
Arizona Revised Statutes §40.360, et) L-00000CCC-17-
seq., for Certificates of Environmental) 0246-00176
Compatibility authorizing construction)
of the Nogales Interconnection Project)
and the UNSE Nogales Tap to Kantor) Case No. 176
Upgrade Project, including an)
approximately 27.5-mile upgrade of)
UNSE's existing 138-kV transmission)
line from a point near the existing)
Western Area Power Administration)
("WAPA") Nogales Tap in Pima County)
and the existing UNSE Kantor Substation))
in Santa Cruz County, a new)
approximately three-mile 138-kV double)
circuit transmission line in Santa Cruz))
County from a point near the existing)
UNSE Valencia Substation to the)
proposed Gateway Substation and)
associated facilities, and a new)
approximately two-mile 230-kV)
transmission line and associated)
facilities in Santa Cruz County to)
interconnect the proposed Gateway)
Substation to the Mexican National)
Electric System.) PREHEARING
CONFERENCE

18 At: Phoenix, Arizona
19 Date: August 29, 2017
20 Filed: September 1, 2017

REPORTER'S TRANSCRIPT OF PROCEEDINGS

22 COASH & COASH, INC.
23 Court Reporting, Video & Videoconferencing
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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 OFFICE OF THE ATTORNEY GENERAL,
5 15 South 15th Avenue, Conference Room 402, Phoenix,
6 Arizona, commencing at 2:04 p.m. on the 29th of August,
7 2017.

8
9 BEFORE: THOMAS K. CHENAL, Chairman

10 APPEARANCES:

11 For the Applicant Nogales Transmission, L.L.C.:

12 EVERSHEDES SUTHERLAND (US) L.L.P.
13 By Mr. James E. Guy and Ms. Erin Elizabeth Morrisey
14 One American Center
600 Congress Avenue, Suite 2000
Austin, Texas 78701

15 For the Applicant UNS Electric, Inc.:

16 UNS ENERGY CORP.
17 Legal Department
18 By Ms. Megan DeCorse
88 East Broadway Boulevard
Tucson, Arizona 85701

19 and

20 SNELL & WILMER, L.L.P.
21 By Mr. J. Matthew Derstine
22 One Arizona Center
400 East Van Buren, Suite 1900
Phoenix, Arizona 85004

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1 APPEARANCES:

2 For the Arizona State Land Department:

3 OFFICE OF THE ATTORNEY GENERAL
4 By Mr. David F. Jacobs
5 Assistant Attorney General
6 416 West Congress Street, 2nd Floor
7 Tucson, Arizona 85701

8 For the Arizona Corporation Commission Staff:

9 Mr. Charles H. Hains and Ms. Naomi Davis
10 Staff Attorneys
11 1200 West Washington Street
12 Phoenix, Arizona 85007

13

14

POTENTIAL INTERVENORS AND PARTIES OF INTEREST:

15

16 SunZia Transmission, L.L.C.
17 By Mr. Lawrence V. Robertson, Jr.

18 Mr. Marshall Magruder
19 Pro Se, appearing via teleconference

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1 CHMN. CHENAL: My name is Tom Chenal. I chair
2 the Line Siting Committee. And we are here to hold the
3 prehearing conference with regard to the, what we have
4 called the Nogales Transmission/UNSE project that's CEC
5 No. 176.

6 May we have appearances, please. We will start
7 with the people in the room. And then we will proceed
8 to you, Mr. Magruder.

9 MR. GUY: Good afternoon. My name is James Guy
10 with the law firm Eversheds Sutherland. We are here on
11 behalf of the applicant, Nogales Transmission and UNS
12 Electric.

13 MR. DERSTINE: Matt Derstine and Megan DeCorse
14 from UNS Electric.

15 MR. JACOBS: David Jacobs with the Arizona
16 Attorney General's Office for the Arizona State Land
17 Department.

18 MR. ROBERTSON: Mr. Chairman, thank you.
19 Lawrence V. Robertson, Jr. I am here on behalf of
20 SunZia Transmission, LLC.

21 SunZia is not an intervenor in this proceeding.
22 As of this juncture we do not anticipate making a
23 limited appearance. But I will be attending the Siting
24 Committee hearings and also going on such tours as might
25 be conducted. I am in an observer capacity.

1 MR. HAINS: Thank you. Good afternoon,
2 Chairman. Charles Hains and Naomi Davis on behalf of
3 Commission Staff of the Utilities Division.

4 CHMN. CHENAL: All right. Very good.

5 Mr. Magruder, would you introduce yourself,
6 please.

7 MR. MAGRUDER: I am Mr. Magruder, representing
8 myself.

9 CHMN. CHENAL: All right. I have a checklist
10 that I normally follow just to make sure that we have
11 complied with the procedural order and that the, you
12 know, logistics are in place and if there are any legal
13 issues that we have to decide for the hearing.

14 So first I just want to confirm, Mr. Guy, that
15 the lodging arrangements for Committee members, the
16 court reporter have been made.

17 MR. GUY: They have.

18 CHMN. CHENAL: And that's both Nogales and
19 Tucson?

20 MR. GUY: That's right.

21 CHMN. CHENAL: I know it is almost a rhetorical
22 question because I have gotten, I have received the
23 information on it. But I just want the record to be
24 clear that, you know, there will be lodging for our
25 members traveling to Nogales and Tucson.

1 We have some requests for, well, notices of
2 intervention and a request for intervention. So let's
3 address that now.

4 We have a notice of intervention by the Arizona
5 Corporation Commission. And, by statute, they have the
6 right to intervene since they are a state agency. So we
7 will note that the Corporation Commission will be
8 permitted to intervene.

9 And we have the Arizona State Land Department
10 has filed a notice of intervention. And last I heard,
11 they are a state agency, so they will be allowed to
12 intervene as a matter of right.

13 Today I received a notice of intent to become a
14 party and initial comments on the CEC application by
15 Mr. Magruder, which I have not had the chance to review
16 in any detail. But I will note that Mr. -- that the
17 Committee will decide interventions that are not of
18 right. And so the issue of whether or not Mr. Magruder
19 will be allowed to intervene will be taken up by the
20 Committee when we begin our hearing in Nogales next
21 Tuesday.

22 Now, Mr. Magruder, you have indicated that you,
23 based on what I have read in your notice of intent, that
24 you will not be able to physically attend the hearing.
25 I also note that the notice was filed not within the

1 required time, at least ten days before. So, you know,
2 there is, I guess, a legal issue on the notice of
3 intent. There is also the fact that the Committee will
4 have to make the decision on Tuesday. And you have
5 requested that, if you are allowed to intervene, that
6 you would like to have the hearing continue for a period
7 of time after next week so that you can cross-examine
8 witnesses and such.

9 I guess these are all factors that will weigh
10 into whether the Committee will allow you to intervene.
11 But I will tell you it has been very difficult to find
12 the dates for this hearing. We are basically, I use the
13 words, crunching it in, with people's vacation schedules
14 and such. And I don't know how likely it is going to be
15 that this will continue past next week, assuming the
16 hearing would otherwise be completed by the, by next
17 week, by the end of next week. So I wanted to alert you
18 to that possibility that we will continue -- if you are
19 permitted to intervene, that we will hold the hearing
20 and may very well complete it next week.

21 Now, having said that, if the Committee does
22 vote to allow you to intervene, I suppose there are a
23 couple options we have. Well, if they don't allow you
24 to intervene, we can adopt your notice as a written
25 statement, which will be, which I will make a part of

1 the record. So, at a minimum, we can do that.

2 If you are allowed to intervene, decided by the
3 Committee, there may be a way to allow you, if your
4 schedule permits, to appear telephonically for all or
5 portions of the hearing. And maybe that will allow you
6 some leeway in what you would like to accomplish by
7 appearing in the hearing. I just throw that out. I
8 don't know what the Committee is going to do with this.
9 We leave it up to the Committee, I leave it up to the
10 Committee to make these decisions. But I wanted to at
11 least say that and see if, if the availability of having
12 you appear telephonically would be of any benefit to
13 you.

14 MR. MAGRUDER: Chairman, I understand the
15 predicament that I put you in. On Tuesday I am in an
16 airplane all day, which would not be a good time to
17 participate. Wednesday morning, I am meeting with my
18 Naval Academy classmates and we are going to the
19 cemetery, placing roses on the tombstones of my
20 classmates. And I also will pass a rose on my mother,
21 my father, my grandfather, my grandmother, uncle and
22 other Magruders so buried at that cemetery. So Tuesday
23 is not a good day --

24 CHMN. CHENAL: Wednesday morning.

25 MR. MAGRUDER: Wednesday morning, excuse me.

1 And this was scheduled months ago.

2 The afternoon I will be driving to Annapolis to
3 participate in my 55th reunion for my class at the Naval
4 Academy. And I will be there for the rest of the week.

5 And that's my schedule for next week, which
6 is -- I make it so it is fairly difficult to
7 participate. I might be able to work in Tuesday
8 afternoon. If you gave me an hour or so, I could call
9 on the phone and possibly do that. That's about the
10 best I think I can do and not cause my family lots of
11 problems.

12 CHMN. CHENAL: Okay. We might be able to
13 accommodate you. The problem is that the Tuesday
14 afternoon -- the hearing starts at 1:00 p.m. And I am
15 not sure the witnesses will be there. They certainly
16 will not have testified by then. So I would suggest
17 that if there would be a way to break out, and, again,
18 this is all hypothetical, but if there is a way to break
19 out, you know, Thursday or Friday -- and even Thursday
20 morning we have a tour, I think, if I remember
21 correctly.

22 Mr. James, we have got, or Mr. Guy, we have got
23 tours Wednesday and Thursday morning.

24 MR. GUY: That's correct.

25 CHMN. CHENAL: Wednesday is shorter and Thursday

1 is a little longer.

2 So, Mr. Magruder, if there were a way to break
3 away, you know, Wednesday, I know there is a time
4 difference here of three hours, but Wednesday afternoon
5 or Thursday afternoon or, you know, Friday morning, I
6 will try to accommodate, you know, your predicament. I
7 don't know if that will offer you any solace, but we can
8 try.

9 MR. MAGRUDER: I understand. And I almost feel
10 it is close to impossible next week, that week, to do
11 something. That's why I have tried to respectfully
12 request that, if the hearings continue after the 12th
13 when I return home, that I could then participate in any
14 such meeting, but only on the condition that the normal
15 course of events would have something else that would
16 bring the group together.

17 Would that make sense?

18 CHMN. CHENAL: Well, that would, sir. If the
19 case is not completed by the end of next week, we will,
20 I am sure we will be able to accommodate your schedule
21 better.

22 MR. MAGRUDER: Yes.

23 CHMN. CHENAL: At a minimum, as I said, if you
24 can't appear Tuesday afternoon by telephone, maybe there
25 are, you know, maybe there is some way we could, if

1 there are witnesses available, allow you to ask some
2 questions. Certainly we can treat your notice of intent
3 to become a party and comments on the CEC application as
4 a written statement which we can enter into the record.
5 And if you have additional materials in light of your
6 predicament that you would like to submit, I think, you
7 know, my philosophy is to be as liberal as possible on
8 creating a record, so I am sure we would accommodate you
9 in that regard as well, so...

10 MR. MAGRUDER: Yes, I appreciate that. And I am
11 really not trying to take up everybody's time on this,
12 but I didn't really see the notice of the hearing until
13 Saturday. So I am -- I didn't have a lot of lead time
14 here because I have been out of town. And that's why I
15 am so late. And I normally try to be very prompt and on
16 time whenever I deal with the Commission or Line Siting
17 Committee or any other such proceeding. And this is
18 probably an exception to my normal practice.

19 CHMN. CHENAL: Okay. Well, we understand.
20 Thank you for your service.

21 So let's move on with my checklist, Mr. Guy.

22 MR. GUY: Okay.

23 CHMN. CHENAL: Notice of affected jurisdictions,
24 I notice you have filed a, you know, service.

25 MR. GUY: We have. We filed our notice of

1 effective jurisdictions, and including -- I can run off
2 who we sent the notice to.

3 CHMN. CHENAL: Sure.

4 MR. GUY: But Pima County, Santa Cruz County,
5 City of Tucson, City of Nogales, Town of Sahuarita, the
6 State Land Office, Arizona Game & Fish Department, the
7 Arizona Department of Transportation, United States
8 Section of the International Boundary and Water
9 Commission, Custom and Border Patrol, and the Department
10 of Energy. Not all of those were affected jurisdictions
11 under the definition of affected jurisdiction but those
12 were the entities we included in our mailings.

13 CHMN. CHENAL: Very good.

14 Could you comment on the record on the posting
15 and publishing of the notice of hearing.

16 MR. GUY: Absolutely. We arranged for
17 publication of the notice of hearing in three
18 newspapers, two occasions in each newspaper. The
19 Arizona Daily Star publication appeared on August the
20 4th and August the 5th. The Nogales International, it
21 appeared on August 4th and August 8th, and then the
22 Green Valley News on August 6th and August 9th.

23 In addition to that, we of course posted signs
24 on various locations along the route. And we have taken
25 photographs of those signs and identified them on maps.

1 And we have actually included those in some of our
2 prefiled exhibits that were submitted yesterday.

3 I think we also placed a copy of the application
4 in a couple of libraries, the Nogales-Rochlin Library
5 and the Sahuarita Public Library, as well as a copy of
6 the application with the ACC of course in the Legal
7 Division, Utilities Division, and the Tucson office as
8 well.

9 CHMN. CHENAL: And, Mr. Robertson, did you
10 happen to see the notice in the Green Valley
11 publication?

12 MR. ROBERTSON: I did, sir, in both the Daily
13 Star and the Green Valley News.

14 CHMN. CHENAL: That wasn't meant to impeach
15 Mr. Guy.

16 MR. ROBERTSON: I didn't take it that way. It
17 was free advertising for those two publications.

18 CHMN. CHENAL: Very good.

19 Okay. Let's look at the agenda, make sure that
20 that's complete and correct. And that has been filed in
21 the docket. And I just, I normally ask if anyone has
22 any corrections or suggestions since there is time to
23 amend that prior to the hearing.

24 MR. GUY: We reviewed the agenda, and it was
25 fine from the applicant's perspective.

1 CHMN. CHENAL: Okay. All right. Let's talk
2 about the hearing itself.

3 Mr. Guy, would you just kind of summarize the
4 logistics of the hearing process. I know we have had
5 discussions about this and tried to accommodate a number
6 of different interests. So why don't you just give a
7 summary, and then we will see if there are any questions
8 after that.

9 MR. GUY: Absolutely. So as you mentioned
10 earlier, the hearing will begin on September 5th at
11 1:00. And we will be holding the hearing in a
12 conference room at the Quality Hotel Americana Nogales
13 in Nogales, Arizona. The hearing then will go from 1:00
14 until approximately 5:00, subject to your revising that
15 schedule. The applicants then will provide dinner for
16 the Committee members and themselves. And then we have
17 some time set aside for public comment after dinner.

18 And then the next morning, on Wednesday,
19 September 6th, starting at 9:00, we have made
20 arrangements for a tour, if the Committee decides it
21 would like to take a tour and see the locations near
22 Nogales. I think that tour is scheduled to take a
23 couple of hours if that's something we do.

24 And then we will go back to the Quality Hotel
25 Americano Nogales after the tour and finish with the

1 hearing through the close of business on Wednesday,
2 September 5th, I mean September 6th.

3 The next day, September 7th, we will move the
4 hearing location to the Desert Diamond Casino & Hotel
5 just outside Tucson, or just southern side of Tucson.
6 But we will start, we will start there, but we will
7 start September 7th in the morning with another
8 opportunity for a tour if the Committee decides that
9 would be helpful. And that tour is scheduled to take
10 roughly from 9:00 a.m. in the morning until close to
11 lunch. After the, after the tour, or if a tour is not
12 taken, we will start the hearing at the Desert Diamond
13 Casino Hotel, and it is scheduled to run, again, until
14 roughly 5:00. And then there is an opportunity for
15 public comment at the end of that day as well.

16 That then gets us, I believe, to Friday,
17 September 8th now, which we will continue the hearing at
18 the Desert Diamond Casino & Hotel. And we expect to
19 conclude by close of business on that Friday, the 8th.

20 CHMN. CHENAL: Okay. Very good. I don't know
21 when people are going, the out-of-town people will be
22 going to the various hotels, but I suspect that some
23 will do like I will do, which will be to check in the
24 night before the hearing in Nogales and then stay Sunday
25 night, Monday night, excuse me, Monday night and Tuesday

1 night -- Monday is a holiday -- Monday night and Tuesday
2 night, but then, after the hearing Tuesday, I think that
3 day, after hearing, I would move to Tucson. I suspect a
4 lot of people would do that.

5 MR. GUY: That makes sense. And we have been
6 coordinating with Ms. Rossmell on those kinds of
7 arrangements. And I believe she has -- we reserved the
8 rooms and the Committee members are making their own
9 reservations, I believe.

10 CHMN. CHENAL: Okay. Good.

11 Now, let's talk about the status of the exchange
12 of witness summaries or written testimony. Let's -- I
13 know the applicant has filed, you know, testimony of the
14 witnesses.

15 MR. GUY: What we have, Mr. Chairman, we filed
16 yesterday and provided a copy to, electronically, to
17 both Staff as well as the Arizona State Land Department
18 as of toward the close of business yesterday, and then
19 also provided Mr. Magruder a copy of that material early
20 this morning. And what we have filed is several things
21 we have yet to talk about.

22 But we filed a proposed tour schedule. We have
23 also prefiled, we have actually prefiled written
24 testimony to the extent it is helpful for the Committee
25 members. And in addition to the prefiled written

1 testimony, we have also, each witness has prepared a
2 PowerPoint presentation, so that we have both written
3 form of testimony, if it is helpful, but then we also
4 intend to provide live testimony through the
5 presentation materials. Each of those -- the prefiled
6 testimony has a number of exhibits attached to it that
7 we believe is helpful.

8 In addition to that material -- I am looking at
9 my exhibit list here that we filed yesterday. I mean I
10 think that's basically what we have filed. We also
11 filed a proposed form of CEC. And, as I believe we
12 discussed in the prefiling meeting, we are actually
13 anticipating getting two CECs for this proceeding, one
14 for each entity, each of the joint applicants. So we
15 have filed two proposed CECs, one for each entity.

16 We provided that information to Staff, the other
17 parties, like I said, but we have not had a chance to
18 really visit with those parties, you know, about whether
19 they have any suggested changes to those. We received
20 presentation materials, prefiled exhibits from Staff
21 yesterday. And I believe they have proposed some
22 proposed conditions as well similar to some of what we
23 have proposed. So we expect that we will talk to Staff
24 about that and come to a version that we both agree on.

25 CHMN. CHENAL: Has State Land filed any proposed

1 testimony?

2 MR. JACOBS: We have not. And we can do it as
3 you all tell me is appropriate. I mean currently the
4 Land Department and UNS are discussing a way to
5 possibly, I guess hopefully, resolve the issue or any
6 disagreements, or at least some of the disagreements. I
7 know, I believe they are talking about this. And UNS
8 may know more than I do about that. And I imagine it
9 could continue until tomorrow or the next day if they
10 can't work everything out.

11 So I mean we are drafting and prepared to file
12 as though there, you know, there will not be an
13 agreement, but I am not totally pessimistic either. So,
14 at the same time, the Land Department doesn't kind of
15 lightly intervene in these issues, so we don't want to
16 file something if it turns out we agree. We don't want
17 to go down that path and withdraw it. We would just
18 rather do it if we have to.

19 So I guess we would propose filing something
20 perhaps Thursday afternoon, if that works for people. I
21 think that would be enough time to see if we could
22 actually resolve it, and it would also allow us to, you
23 know, focus the issues in if there are things we can
24 narrow down to what the actual disagreement is, and, you
25 know, more specific instead of more general. So that's

1 what I would propose, if it is okay.

2 CHMN. CHENAL: All right. Mr. Guy, do you have
3 any objection to --

4 MR. GUY: We don't. I agree with everything
5 Mr. Jacobs said. I know there is a meeting scheduled
6 for this afternoon. And our expectations are that we
7 will actually be able to reach an agreement on the best
8 way to address State Land Department's issues. But if
9 we don't, for whatever reason, and they choose to file
10 something on Thursday, I think that's fine with us.

11 CHMN. CHENAL: Okay. All right. Because I just
12 want to make sure that there is no -- we don't start a
13 hearing with a lot of moving parts and a lot of moving
14 venues and then on the fly, you know, the applicant for
15 the first time sees you are going to bring in witnesses
16 and they are going to testify about X, Y and Z.

17 MR. JACOBS: No, certainly. There would be --
18 we would give full information about what we intend to
19 do.

20 CHMN. CHENAL: All right. Very good,
21 Mr. Jacobs.

22 Mr. Robertson.

23 MR. ROBERTSON: Just an information question of
24 Mr. Jacobs and Mr. Guy, if I might. Is the disagreement
25 with respect to the Nogales Tap-Kantor project or the

1 Nogales interconnection project or both.

2 MR. GUY: The former, the first.

3 MR. ROBERTSON: The first. Thank you.

4 CHMN. CHENAL: And what is, I mean, what is the
5 nature of the disagreement?

6 MR. GUY: One or more of the alternative routes
7 actually would go across state lands. And so
8 essentially their interest is an affected landowner.
9 And so we need to have conversations about whether there
10 are changes we can make to a route to address their
11 concerns or do we need to remove that route from
12 consideration. We have filed multiple routes. And
13 so --

14 CHMN. CHENAL: Sure.

15 MR. GUY: -- that's certainly on the table.

16 CHMN. CHENAL: Okay. All right. Well,
17 hopefully it can be resolved. If it will, I assume it
18 will be resolved in the form of an appropriate condition
19 to be placed in the CECs, correct?

20 MR. GUY: Sure. That would be correct.

21 CHMN. CHENAL: Now, you mentioned there are
22 going to be two CECs. We are familiar with that from
23 the last hearing. Will the -- of course, the CECs will
24 each address different projects or aspects of the
25 projects, but will the conditions --

1 (Cell phone rings.)

2 CHMN. CHENAL: Uh-oh, excuse me. I'm sorry.

3 Mr. Magruder, I just want you to hear that it is
4 right around the corner. Excuse me. We at Notre Dame
5 have a great respect for the Naval Academy, but we still
6 want to crush them every year that we play them.

7 MR. MAGRUDER: We did fine last year.

8 CHMN. CHENAL: I remember. I remember.

9 Well, but will the conditions be the same for
10 both or will the conditions be different?

11 MR. GUY: They will largely be the same. And I
12 believe what we filed, I don't know what percentage, but
13 they are largely the same. And the additions would only
14 be different if they merited being different. So, for
15 example, this issue we just talked about with State
16 Land, if that's a condition that we need to place on
17 that entity and that project, then it obviously wouldn't
18 apply to the other because it is just not a relevant
19 issue.

20 CHMN. CHENAL: But do the draft CECs have the
21 same conditions at this point?

22 MR. GUY: Yes.

23 MS. MORRISEY: In large part, Mr. Chairman --

24 CHMN. CHENAL: Sure.

25 MS. MORRISEY: Erin Morrisey. In large part,

1 the conditions do, unless to the extent that they are to
2 accommodate certain conditions that would be
3 necessitated by a presidential permit, so those types of
4 measures.

5 CHMN. CHENAL: Do me a favor, if you could.
6 Send me just an -- you know, e-mail me the conditions,
7 the CECs to kind of reflect the differences between the
8 two so I am not looking through each one of them to try
9 to find the --

10 MR. GUY: That's a good idea.

11 CHMN. CHENAL: -- here is this sentence not in
12 this one but it is in this one. It would be easier,
13 just kind of track-change or something like that. That
14 would be very helpful.

15 MS. MORRISEY: Absolutely.

16 CHMN. CHENAL: And just so people know, if they
17 haven't been through these proceedings before, what we
18 intend to do when we get to the conclusion of the
19 hearing and after the deliberation, we actually walk
20 through the CEC, you know, the findings of the fact,
21 conclusions of law, summary, and then the conditions.
22 And we work through the language, you know, condition by
23 condition. And then we approve it as a Committee as to
24 form. And then at the end we do a vote up or down on,
25 you know, whether we adopt the CEC.

1 So maybe you all have been in the hearings where
2 we have done that, but if you haven't, that's how we
3 like to do it, and complete it by the end of the
4 scheduled hearing. If it goes past next week, then we
5 will have to figure out a date to do it, which won't be
6 easy, but we will do it. But I think we are all
7 anticipating we would be finished next week.

8 All right. So exchange of exhibits. Summaries
9 have all been exchanged. Have exhibits been exchanged?

10 MR. GUY: Yes.

11 CHMN. CHENAL: Mr. Hains.

12 MR. HAINS: Staff has exchanged exhibits with
13 the company but not yet with State Land or with
14 Mr. Magruder yet. We will do that before the end of the
15 day.

16 CHMN. CHENAL: Okay. Fine. Perfect.

17 If there are any exhibits, what would be the
18 preference? ACC, Mr. Hains, for --

19 MR. HAINS: At the Commission we stick with S
20 for Staff. But we have gotten used to at the Committee
21 that it is ACC, so we are happy to leave it at that.

22 CHMN. CHENAL: What would you like?

23 MR. HAINS: ACC is fine. ACC would be fine.

24 CHMN. CHENAL: ACC is fine. We will mark you
25 down with ACC.

1 Mr. Jacobs, SLD for State Land Department, if it
2 goes that far?

3 MR. JACOBS: Sure. Sounds great.

4 CHMN. CHENAL: All right. I know the record
5 shows already that the applicant and the State Land
6 Department have been narrowing down their issues.

7 Does Staff have any legal issues regarding the
8 application?

9 MR. HAINS: At the moment Staff does not have
10 any legal issues with the application as presented.

11 CHMN. CHENAL: Okay.

12 MR. HAINS: Okay. I will just say we have no
13 legal issues with the application.

14 CHMN. CHENAL: I was going to ask you what would
15 change that, what would cause that legal issue to rise
16 to the forefront.

17 MR. HAINS: A substantial change.

18 CHMN. CHENAL: All right. Very good.

19 I am assuming at this point there are no legal
20 issues that we need to deal with today, that those will
21 be dealt with at the hearing or concluded by agreement
22 of the parties. But if there is any legal issue that
23 you believe should be, you know, that we should bring up
24 and discuss now, I guess now is the time.

25 MR. GUY: Mr. Chairman, I am not aware of any

1 from the applicant's perspective.

2 CHMN. CHENAL: Okay. Staff? Mr. Jacobs?

3 MR. JACOBS: Not from State Land.

4 CHMN. CHENAL: Financial arrangements with the
5 ACC, Mr. Guy, would you comment on that, please.

6 MR. GUY: Absolutely. We, of course, many of
7 the things such as the hotel reservations, other things,
8 the applicants have agreed to cover. In addition, we
9 have spoken with ACC Staff and assured them that we are
10 also able and willing to reimburse the Committee members
11 and others that experience costing reimbursement for the
12 hearing.

13 CHMN. CHENAL: All right. And I know you have
14 done these before and there has never been a hiccup in
15 that regard. And I obviously don't anticipate one now.
16 But I assume that the applicant will cover those costs
17 that are incurred by the Committee and court reporter --

18 MR. GUY: Yes, we will.

19 CHMN. CHENAL: -- the normal course expenses?

20 MR. GUY: That's correct, yes.

21 CHMN. CHENAL: Now, we are going to a casino.
22 How far would that go? Okay, I am sorry.

23 MR. HAINS: And, just to clarify, when you say
24 with Commission Staff, you mean with the Business
25 Office.

1 MR. GUY: I am sorry, yes, yes. Carla Bowlin is
2 the Business person we spoke with.

3 CHMN. CHENAL: All right. I have not had an
4 opportunity to review the proposed CEC. I don't know if
5 any of the other -- I don't know if the Staff has
6 proposed a CEC or any conditions other than one
7 condition that I did read about regarding the gas lines
8 and testing and the normal condition.

9 MR. HAINS: That is correct, Chairman.

10 CHMN. CHENAL: Okay. At the last hearing, what
11 I tried to do is to circulate some additional conditions
12 that I thought should have been included in the CEC in
13 the last case and sent it out in an e-mail. And I think
14 there is a better practice there, because I then had to
15 file with the Commission on the docket a, you know, the
16 e-mail that I had sent and the conditions that were
17 attached. And while I think that's not -- I think it is
18 proper, I think it would be better, and I think I have
19 been kind of adopting -- this is learn as we go --
20 adopting a different practice of I will just introduce
21 that at the hearing itself and make it a Chairman's
22 exhibit and then provide maybe an electronic version of
23 it or Word version of it to the applicant.

24 Because, again, what we like to do when we get
25 to the point where we deliberate and review the

1 conditions is we like to add to what the applicant has
2 proposed, kind of a redline or track-change version,
3 which shows additional conditions to be considered.
4 And, you know, I think the Committee is at a
5 disadvantage if I spring those on them at the last
6 minute.

7 So I think if there is any -- what I would like
8 to consider at this time, I think I would like to do
9 that early on and maybe just put on the record, mark it
10 as a Chairman's exhibit, whatever, distribute it so
11 people have it, and provide an electronic version to the
12 applicant to incorporate into when we get to that part
13 of the deliberations. And I think that's just a cleaner
14 way to do it. So that's what I am going to do. I don't
15 know if I am going to have any, but if I do, I think
16 that's the way we will do.

17 And I guess that's the way I propose that anyone
18 else does it as well. We know already the condition
19 from Staff. But if anyone else has conditions,
20 Mr. Jacobs or any intervenors that's allowed to
21 intervene, I think that's a cleaner way to do it.

22 Now, if State Land and the applicant can agree
23 on a condition or conditions and if it is by
24 stipulation, we will just put those in and that won't be
25 a problem. We can deliberate with those as we normally

1 do.

2 MR. GUY: Okay.

3 CHMN. CHENAL: All right?

4 Having done a few of these now, we come to what
5 is a topic that is of interest to the Committee, which
6 is how do we describe the route of the CEC. And if you
7 were to ask me what, how it has been done in the past, I
8 am not sure I can tell you with clarity how it has been
9 done. In some cases I see a metes and bounds. In some
10 cases I see a legal description. In some cases I see
11 basically a map, you know, and sometimes a number of
12 pages, you know, a pretty, you know, close range map
13 that shows the, as exactly as possible, the proposed
14 location of the route. But this is a longer line.

15 So what might the applicant propose as to how
16 the route will be described?

17 MR. GUY: Well, our assumption, and certainly
18 subject to feedback from yourself and the parties, is
19 the combination of the narrative description along with
20 a map that's the best scale we can give you, which may
21 be multiple pages.

22 We are not likely to do a legal description, if
23 you will, because part of our request is actually
24 approval of a route within a corridor. And so we don't
25 really, we won't have a legal description of a route,

1 but we will have a map with a corridor with a proposed
2 alignment within the corridor. And then we will have a
3 narrative description with geographic, you know, east,
4 quarter mile east of this location, those sorts of
5 things. And we will try to be as precise in that
6 description as we can be.

7 CHMN. CHENAL: This is just thinking out loud,
8 but how precise is that? And I know that's the way it
9 makes sense, I think, to do it in this case. But, I
10 mean, how precise is it if you have a map and if it is a
11 scale that's -- I mean it is not -- I don't want to
12 suggest what the scale might be, but it seems like when
13 the engineers go out or the surveyors go out and
14 actually mark where you would like to put the line, I
15 mean how, how -- with the way the map is drawn with a
16 corridor, I mean I guess it is possible that, you know,
17 depending on the scale, you could be off where you
18 actually want to put it. So, I mean, how do you make it
19 work?

20 MR. GUY: Well, the way that, and, again, the
21 way that we did it in the one other proceeding that I
22 had before you as Chairman is we had conditions that not
23 only spelled out the route, the corridor, both in
24 narrative and mapping form, but we also had conditions
25 that required the applicants to consult with landowners

1 and discuss the location of the line and to accommodate
2 their concerns and their desires. And I think that's
3 consistent with what we would propose in this case, is
4 we will be as precise as we can within the maps and
5 narrative but then have conditions that say, you know,
6 our engineer doesn't go out and set the lines until he
7 has had a conversation with the landowner to address the
8 location of the line.

9 CHMN. CHENAL: Any comment from Staff or
10 Mr. Jacobs?

11 MR. HAINS: Chairman, from Staff, I might just
12 say I guess it would depend. I don't know that there is
13 one preferred way to do the description in any one -- I
14 guess it is going to depend on the nature of the CEC
15 requested, how congested is the area it is going
16 through. Obviously the more congested it is the more
17 you are going to want to fine tune it to notice people
18 what they are in for.

19 I do think that, you know, when you are noticing
20 or providing the description, you don't necessarily have
21 to give the legal description of the corridor so much as
22 a centerline. It is a centerline off which you can say,
23 you know, 150 feet off or 200 feet in width. That is
24 going to be the nature the corridor.

25 That said, not every situation lends itself to

1 that. If you are going through barren tracts of the
2 middle of nowhere, as it were, where you don't have a
3 whole lot of other people who are going to be interested
4 in it, I think the interest is a little bit less in
5 having a very fine tuned, you know, legal metes and
6 bounds description, whereas, if you are going downtown
7 Tucson, that would probably be very different.

8 CHMN. CHENAL: I think this case presents both
9 of those.

10 MR. HAINS: As the case may be.

11 CHMN. CHENAL: It is congested in Nogales but
12 also a relatively rural area. I mean I can just see
13 this will be an issue. I don't have an answer but I
14 suggest that the Committee will be interested in how the
15 routes are defined. I just throw that out.

16 MR. JACOBS: May I add, Mr. Chairman?

17 CHMN. CHENAL: Sure.

18 MR. JACOBS: From the Land Department's
19 perspective, I think the Department is used to, as
20 Mr. Hains said, having a centerline with a width on both
21 sides. And then when the actual right-of-way is issued,
22 the precise legal description will come out then, from
23 the Land Department's perspective.

24 CHMN. CHENAL: Sure.

25 Mr. Guy, any other jurisdictional permits that

1 will be required for this project, assuming a CEC is
2 issued?

3 MR. GUY: Well, of course the, I don't want to
4 characterize it as the most significant, but the one
5 that's out there that is the most significant for the
6 project to go forward, if you will, is the presidential
7 permit with the Department of Energy. And that's,
8 that's in process. They are actually waiting until a
9 route is approved by the Committee before they would,
10 before they finalize that because they want to know
11 which route to finalize their assessment of. That's the
12 main one, other than local, you know, local crossings
13 and things like that, there are some issues.

14 I mean State Land, for example, I mean we would
15 need to work with the right-of-way agreements and things
16 like that if those go forward. There are conditional
17 use permits. You know, it came up in the pre-filing
18 conference the Custom and Border Patrol mentioned some
19 issues. I mean there is the Roosevelt Easement right
20 along the border, but that sets spanning that.

21 So the short answer is we have a couple of
22 additional authorizations that we would need to
23 finalize, but I think the Line Siting Committee CEC is
24 the most significant at this point.

25 CHMN. CHENAL: And you mentioned Border Patrol.

1 I remember at our prefiling conference there was a
2 representative from Border Patrol. Are you in
3 discussions, is the applicant in discussions with Border
4 Patrol? I think they had to accommodate, I think they
5 had some frequency issues.

6 MR. GUY: We are. And I may have to ask
7 Mr. Beck to give us an update on that, but we have had
8 some discussion.

9 MR. BECK: Yeah, Mr. Chairman. We have
10 discussed directly with the Border Patrol their
11 concerns. We are providing language to DOE to include
12 in their EA to address the issues they raise. And we
13 will also have that in our -- during our hearing we will
14 mention the issues that they raised.

15 CHMN. CHENAL: Okay. Do you anticipate the need
16 for a condition in the CEC with respect to any issues
17 that involve the border, Border Patrol?

18 MR. BECK: Don't foresee a need for a condition.
19 I think we will address everything, hopefully to the
20 satisfaction of the Committee, that we are taking into
21 consideration. And we are designing to accommodate the
22 issues that were raised to mitigate them. And I don't
23 foresee the need for specific conditions other than
24 there typically already is a condition regarding radio
25 interference. So that is a standard condition, and we

1 already put that into our prefiling material also.

2 CHMN. CHENAL: Is, since you mentioned it
3 earlier, is there a condition in the CEC regarding
4 working with landowners to place the line appropriately?

5 MR. GUY: There is. We based our proposed CEC
6 on the two most recent cases that you have been Chair of
7 that have been approved by the Commission. So we
8 tracked the language from those cases.

9 CHMN. CHENAL: Okay.

10 MR. MAGRUDER: This is Mr. Magruder.

11 In Case 111, which is similar to this on a
12 border crossing, there were two conditions that were
13 unique. And one of them was an interface agreement with
14 CFE, the Mexican electric company, that was required to
15 be approved before construction could begin, which I
16 think is prudent anyway. But the two companies have to
17 agree on how they are going to interconnect.

18 Does that make sense?

19 CHMN. CHENAL: Mr. Beck.

20 MR. BECK: Mr. Chairman, relative to that issue,
21 part of the presidential permit process is to validate
22 the interconnection with Mexico. And so to the extent
23 DOE approved the interconnection through the
24 presidential permit process, they have already addressed
25 the reliability issues on the U.S. side.

1 MR. MAGRUDER: Okay. And the other thing that
2 was unique was that the approval of the substation is a
3 City of Nogales function, and this Gateway substation is
4 vastly different than the previously approved Gateway
5 substation. And I assume that you will have to have
6 city approval for the substation.

7 MR. BECK: Mr. Chairman, that's true. We will
8 need a conditional use permit for buildout of the
9 Gateway substation. We will have to apply for that. We
10 will do that a little bit later in the process, once we
11 have a CEC and know that the project is going forward.
12 And the conditional use permit we had previously has
13 long since expired. So it doesn't apply.

14 MR. MAGRUDER: Yeah. Okay.

15 CHMN. CHENAL: Okay. Very good. Yeah, good.

16 Are there any other federal issues that are
17 involved with this project other than with -- was it BLM
18 or Border Patrol?

19 MR. GUY: Well, there was a -- with respect to
20 this project, we don't expect any of the federal issues.
21 We expect the Department of Energy to issue as part of
22 their assessment a finding of no significant impact. So
23 there won't be any sort of more detailed environmental
24 analysis or record of decision, for example. We expect
25 there will not be that sort of issue.

1 CHMN. CHENAL: Okay. All right. Well, I am
2 almost concluded with my list.

3 The applicant will have obviously notebooks for
4 the exhibits for the Committee members?

5 MR. GUY: We are. We are planning to do a
6 couple of things. And, number one, we will have
7 notebooks, three-ring binders, with all the applicant's
8 exhibits. We will leave room for additional exhibits
9 that could be offered in the hearing or that Committee
10 members may want to keep track of.

11 We also are planning to provide tablets on a
12 temporary basis, iPads or tablets on a temporary basis
13 to Committee members during the hearing so that they can
14 maintain all the electronic files on that tablet and
15 have the ability to access them. We are hoping that's a
16 little more convenient, a little bit easier to use than
17 the three-ring binders. But we will make both
18 available.

19 CHMN. CHENAL: And they will be preloaded with
20 the documents?

21 MR. GUY: We will update them on a daily basis
22 to the extent additional exhibits come in.

23 CHMN. CHENAL: How will the documents be held in
24 the iPad?

25 MR. GUY: I think we are still working through

1 those. I know there are certain apps you can use. I
2 mean down in the weeds a little bit is we may actually
3 create independent G-mail accounts just for the purpose
4 of downloading documents and saving them on them. We
5 are still exploring what is the best app for this kind
6 of function.

7 CHMN. CHENAL: I am looking at Yvonne, because
8 we have been through this many times with the iPad and
9 its ability to, you know, hold and manage documents. It
10 is not as user friendly as you would think. I thought
11 you had a breakthrough here, Mr. Guy, that --

12 MR. GUY: There is an app called GoodReader that
13 works really well that allows you to save in folders --

14 CHMN. CHENAL: All right.

15 MR. GUY: -- PDFs and have multiple files open
16 at one time.

17 CHMN. CHENAL: All right. That's nice.

18 MR. GUY: That may or may not be the one but
19 that's one that does work.

20 CHMN. CHENAL: Now, are games downloadable on
21 this? I have got to keep a sharp eye on some of the
22 Committee members here. No Solitaire.

23 MR. GUY: I defer to your judgment,
24 Mr. Chairman.

25 CHMN. CHENAL: Okay, good. All right. Does

1 anyone have any issues that we should raise? I think I
2 am, I am -- I have concluded my list.

3 Mr. Hains.

4 MR. HAINS: Yes. Thank you, Chairman.

5 And I apologize. I didn't bring it up with
6 Mr. Guy but I did allude to it with Mr. Derstine while
7 we were waiting downstairs before this began. One thing
8 we wanted to address with regard to scheduling was the
9 possibility of a date certain for our Staff's witnesses,
10 the presentation of those witnesses. We were hoping, if
11 it is possible, in light of the schedule and in light of
12 how quickly the matter may move, we didn't want to push
13 too late, typically Staff does go last, but we were
14 thinking possibly on September 7th, if we could lock
15 that down as a day when Staff would present its case.

16 CHMN. CHENAL: Wednesday.

17 MR. HAINS: Thursday.

18 CHMN. CHENAL: I am sorry. Tuesday, Wednesday.
19 Thursday in the afternoon.

20 MR. HAINS: In the afternoon.

21 CHMN. CHENAL: Because Thursday morning we will
22 have the tour. That could consume the morning.

23 MR. GUY: Yeah. No, I think that's close to
24 where I would have predicted Staff would fall, in any
25 event. Either late Thursday or early Friday was sort of

1 what we were projecting. So if we need to schedule a
2 date certain for Thursday afternoon, we can do that.
3 And if we need to take them slightly out of order to
4 accommodate, we could do that.

5 CHMN. CHENAL: How would you like to handle that
6 issue? Would you like to decide among yourselves what
7 that date should be or would you prefer that I just
8 order now what that date, that date is?

9 MR. HAINS: If we accommodate or reach an
10 agreement here between the parties, I think that would
11 be fine, as long as it works with the Committee needs.

12 CHMN. CHENAL: Right. But we can always take
13 items out of order a little. And I think this is one
14 where it would make sense. If your witnesses are coming
15 down, you know, we would like to accommodate them.

16 How many hours do you think you will need?

17 MR. HAINS: In terms the direct presentation, I
18 think it is probably about 40 minutes for the two of
19 them together. That said, I have no idea how much
20 cross-examination there may be for either witness. But
21 that's what I would anticipate right now based on the
22 dry runs we have done so far.

23 CHMN. CHENAL: Do you think your witnesses would
24 prefer to be down here Thursday afternoon or Friday
25 morning?

1 MR. HAINS: Well, Thursday afternoon is what we
2 suggested because we didn't want to foreclose the
3 possibility we could be done before Friday.

4 CHMN. CHENAL: Right, okay. So --

5 MR. GUY: That's fine with us. We can make that
6 work.

7 CHMN. CHENAL: Okay. Well, we will just say
8 that your witnesses, we will make time Thursday for
9 Staff's witnesses. And obviously we are talking about
10 obviously in the afternoon because I suspect -- well, we
11 will have a tour Thursday morning, because, as I have
12 said, if one person wants a tour, we will do one, and I
13 am one of those that wants a tour. So guess what? I
14 get to call that one. So we will have the tour.

15 And if that -- so we will start up in the
16 afternoon. And, you know, as long as we know we have
17 enough time for your witnesses and get them on and out
18 if they want to come back that day, we are -- they don't
19 have to -- I am just saying Thursday, would they
20 anticipate going back to Phoenix on Thursday?

21 MR. HAINS: That would be the idea.

22 CHMN. CHENAL: Okay. So probably earlier in the
23 afternoon would be better than later. Maybe we pick
24 them up first thing right after lunch and start them
25 right away. That will give them a little more time to

1 get back.

2 MR. GUY: That's fine with me.

3 CHMN. CHENAL: And not hit the rush hour traffic
4 from Tucson to Phoenix.

5 MR. HAINS: The consideration is much
6 appreciated and we look forward to that. And thank you.

7 CHMN. CHENAL: Okay. So let's plan on that.
8 And if you will agree amongst yourselves there is some
9 leeway, that's fine, but otherwise we will just plan on
10 having Staff's witnesses start off the afternoon session
11 on Thursday.

12 Anything else?

13 MR. JACOBS: Mr. Chairman, I guess in that
14 light, so the portion that the State Land Department is
15 concerned with is primarily the Wilmot Road portion, if
16 we have an idea when, if State Land Department's witness
17 has to be available, when that might come up. Because I
18 guess I was assuming only in Tucson, but am I wrong
19 about that?

20 MR. GUY: The sequence of the hearing, the way
21 the applicants are currently thinking to present their
22 case probably doesn't lend itself to dividing the
23 projects and inserting. But we could work with a date
24 certain on any particular witness. I mean the Wilmot
25 routing issue will probably come up as early as Tuesday

1 afternoon.

2 But just sort of in the order in presentation,
3 what would normally happen is the applicant would
4 present our entire case, and then typically, you know,
5 Land Department would come right before Staff. But we
6 can accommodate any way we need to.

7 CHMN. CHENAL: How many witnesses would you
8 anticipate?

9 MR. JACOBS: I imagine just one and, you know,
10 probably also 20, 30 minutes. But they would also like
11 to hear the presentation about that stretch as well,
12 so... And I can relate it to them. But it would be
13 helpful to --

14 CHMN. CHENAL: Well, if it doesn't resolve
15 itself by, you know, by agreement, Mr. Guy, if you could
16 anticipate and give some notice to Mr. Jacobs on when
17 you believe, you know, that portion of your case will be
18 presented, he could have his witness there and maybe we
19 could take that witness out of order. If it is going to
20 be 20 or 30 minutes, we could take that witness out of
21 order, you know, as an accommodation --

22 MR. GUY: I think that's fine. We can do that.

23 CHMN. CHENAL: -- without too much disruption.
24 We would be focusing on one narrow issue and we would
25 get in and get out. It is, yeah, it is hard. It is

1 difficult when you have got employees like that, and I
2 want to accommodate them. Okay.

3 MR. JACOBS: Okay. Thank you.

4 CHMN. CHENAL: But it sounds like you are moving
5 in a direction where that won't be necessary.

6 MR. JACOBS: I don't think so.

7 CHMN. CHENAL: Okay. Any other issues?

8 MR. GUY: The only thing we haven't mentioned
9 that maybe there was an assumption, but just mention --
10 it's in front of me here -- is we were expecting to
11 present our witnesses on panels, two panels in
12 particular. And, you know, the first panel would likely
13 be Tuesday afternoon and finish up on Wednesday, and
14 then the second panel would start on Wednesday and
15 finish up probably on Thursday, was our thought process
16 just as far as the way the hearing is likely to proceed
17 from the applicant's perspective.

18 CHMN. CHENAL: So Tuesday would be the first
19 panel, and finish up, if necessary, on Wednesday, and
20 then the second panel Wednesday. Because we will have
21 some time Wednesday because the tour is relatively
22 short. It is only a few hours.

23 MR. GUY: Right. I think the second panel is
24 the environmental panel. So, from a prefiling
25 perspective, that's the bulk of the testimony. Now, if

1 there are not a lot of questions on the environmental
2 piece, they would finish up early Thursday. But we have
3 at least thought about them continuing through close to
4 the end of the day on Thursday, subject to accommodating
5 Staff's.

6 CHMN. CHENAL: So Thursday then would be the
7 tour, would be Staff's witnesses, possibly Mr. Jacobs'
8 Wednesday or Thursday. I am thinking Wednesday would be
9 better just in terms of how to accommodate everybody.
10 But then Friday would be any rebuttal maybe.

11 MR. GUY: Friday, under, I apologize, under our
12 current thought, is testimony would finish up Friday, if
13 needed, but then the bulk of Friday would be spent
14 finalizing the CECs. We are allotting some time to do
15 that.

16 CHMN. CHENAL: Now, there are two of them, and I
17 suspect this will take a little longer than some. And
18 if you remember, if you remember, the discussion about
19 the route and the description of the route took a little
20 time and where, if I remember correctly, you had your
21 experts come back and have to prepare, I am not going to
22 say cobble together, but prepare the maps to show where
23 the route was. And I just want to make sure that, you
24 know, we don't wait until the last minute.

25 And I mean we, collectively, thought you -- I

1 mean if the Committee is going to want to see this
2 presented a certain way, I would hate to be dealing with
3 this, you know, late Friday morning or Friday afternoon
4 and for the first time trying to figure out, well, how
5 we are going to put this route together.

6 MR. GUY: I think -- and that's good, good
7 feedback and advice. And I think what our presentation
8 would do is, early on on Tuesday, we would discuss the
9 routing at that point, and we would at least be able to
10 present to the Committee the kind of maps and the kind
11 of descriptions that we are expecting to use. And so if
12 we hear that that doesn't quite do it, it gives us a
13 couple days to make revisions.

14 CHMN. CHENAL: And why don't you actually raise
15 that in the course of your presentation and just remind
16 me if I don't bring it up. That would be the perfect
17 time to have a little discussion about that with the
18 Committee, so that if you have to have your experts, you
19 know, put something together, that they will have time
20 to do it.

21 MR. GUY: Okay. We will do that.

22 CHMN. CHENAL: Okay. All right. Mr. Magruder.

23 MR. MAGRUDER: Yes, is here.

24 CHMN. CHENAL: Yes. Let's talk logistics for
25 you, sir, if you are able to call in. Let's talk about

1 how that would occur, what numbers would be used, and
2 let's just talk about that.

3 So I don't know, Mr. James, if, if you had
4 anticipated that we would have a telephone, anyone
5 appearing by phone.

6 MR. GUY: I did not, but we can make those
7 arrangements. That's not a problem.

8 CHMN. CHENAL: I will tell you at the last
9 hearing we actually had to have that issue. There were
10 a few people that couldn't make it that were on the
11 Committee. And to have of a quorum, we actually had to
12 gerrymander a telephone, a cell phone with a microphone
13 and an amplifier next to the telephone and the court
14 reporter. And it worked. But it was pretty amazing.

15 But I think if we had that capability ahead of
16 time and if you could provide maybe Mr. Magruder with a
17 call-in number or your number so if he, if he has the
18 ability to call in, he could call you perhaps on your
19 cell phone and we could then bring him in.

20 MR. GUY: We will do that, yes.

21 CHMN. CHENAL: Okay.

22 MR. MAGRUDER: Mr. Chairman, Marshall Magruder.

23 I would, I think, by Thursday have a reasonable
24 time period that I might be able to call in that would
25 be workable with my schedule. I have to do some

1 finagling to get to that point from right here. And I
2 will send an e-mail, if that's possible, to the
3 principal, to the applicant's staff, and you on what
4 would be a good time. Or maybe I will just send it to
5 the applicant and let them work it in the schedule.

6 CHMN. CHENAL: Okay. And that would be for
7 purposes of asking questions of the panels, is that
8 correct?

9 MR. MAGRUDER: Yes, and mainly to -- yes, and
10 also to answer any questions that I might have, yes,
11 to -- oh, let's see. I have got to look at the panels.
12 The panels I am really not -- well, let me see. I have
13 to do a lot of work. Let me just see. When I get your
14 schedule, I will try to respond to it in the next two
15 days.

16 CHMN. CHENAL: All right. And you can always
17 call the applicant's attorney, Mr. Guy, and discuss this
18 with him.

19 MR. MAGRUDER: Okay, okay.

20 CHMN. CHENAL: Again, I have to caution you that
21 this, it depends as to whether or not the Committee will
22 allow intervention. But if that occurs, you know, we
23 will accommodate you as best we can, Mr. Magruder.

24 MR. MAGRUDER: Thank you.

25 CHMN. CHENAL: So maybe exchange e-mails with

1 contact information and then, you know, we will try to
2 do the best we can.

3 MR. GUY: We have already done that. We have
4 exchanged e-mails and we have spoken to Mr. Magruder on
5 the phone.

6 CHMN. CHENAL: All right. Is there anything
7 else that we should bring up? Or, if not, I guess
8 1:00 p.m. in Nogales?

9 MR. GUY: That sounds --

10 CHMN. CHENAL: Mr. Hains.

11 MR. HAINS: Just for thoroughness, since Mr. Guy
12 brought it up too, I will point out that Staff was
13 planning to present its witnesses as a panel as well. I
14 hope that's okay.

15 CHMN. CHENAL: Sure, absolutely, absolutely,
16 absolutely. I prefer it like that.

17 Okay. So we will see everybody in Nogales on
18 Tuesday.

19 MR. GUY: Tuesday, 1:00.

20 CHMN. CHENAL: So if there is anything else that
21 comes up, just let me know between now and then. But,
22 otherwise, we will conclude the hearing now. And I will
23 see you Tuesday.

24 (The proceeding concluded at 3:02 p.m.)

25

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
9 reduced 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
16 ethical obligations set forth in ACJA 7-206(F)(3) and
17 ACJA 7-206 (J)(1)(g)(1) and (2). Dated at Phoenix,
18 Arizona, this 31st day of August, 2017.

19

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21

COLETTE E. ROSS
Certified Reporter
Certificate No. 50658

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23

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

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

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