

1 BEFORE THE ARIZONA POWER PLANT AND  
2 TRANSMISSION LINE SITING COMMITTEE  
3

4 IN THE MATTER OF THE )  
APPLICATION OF UNS ELECTRIC, ) DOCKET NO.  
5 INC. AND ITS ASSIGNEES, IN ) L-00000F-21-0050-00188  
CONFORMANCE WITH THE )  
6 REQUIREMENTS OF A.R.S. ) LS CASE NO. 188  
§ 40-360, et seq., FOR A )  
7 CERTIFICATE OF ENVIRONMENTAL )  
COMPATIBILITY AUTHORIZING )  
8 THE GOLDEN VALLEY 230 KILOVOLT )  
(KV) TRANSMISSION LINE )  
9 PROJECT, WHICH INCLUDES THE )  
CONSTRUCTION OF A NEW 230 KV )  
10 TRANSMISSION LINE ORIGINATING )  
NEAR THE INTERSECTION OF )  
11 INTERSTATE 40 AND SHINARUMP )  
DRIVE (TOWNSHIP 20 NORTH, )  
12 RANGE 17 WEST, SECTION 4) AND )  
TERMINATING NEAR U.S. HIGHWAY )  
13 93 AND MINERAL PARK ROAD AT )  
THE PLANNED MINERAL PARK )  
14 SUBSTATION (TOWNSHIP 22 NORTH, )  
RANGE 18 WEST, SECTION 3), )  
15 MOHAVE COUNTY, ARIZONA )  
\_\_\_\_\_ )

16  
17 At: Kingman, Arizona  
Date: April 30, 2021  
18 Filed: May 5, 2021

19 REPORTER'S TRANSCRIPT OF PROCEEDINGS

20 VOLUME V  
(Pages 846 through 979)

21  
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NO.	DESCRIPTION	IDENTIFIED	ADMITTED
CHMN-3	Draft CEC displayed on left screen	891	--
CHMN-4	Final CEC displayed on right screen	891	--

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 Hampton Inn & Suites, 1791 Sycamore  
5 Avenue, Kingman, Arizona, commencing at 9:31 a.m. on  
6 the 30th of April, 2021.

7

8

BEFORE: THOMAS K. CHENAL, Chairman

9

MARY HAMWAY, Cities and Towns  
10 JACK HAENICHEN, Public Member  
JIM PALMER, Agriculture  
11 PATRICIA NOLAND, Public Member  
RICK GRINNELL, Counties  
12 LEONARD DRAGO, Department of Environmental Quality  
JOHN RIGGINS, Arizona Department of Water Resources  
13 (Videoconference)  
KARL GENTLES, Public Member (Videoconference)  
14 ZACHARY BRANUM, Arizona Corporation Commission  
(Videoconference)

15

16

APPEARANCES:

17

For the Applicant:

18

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One Arizona Center  
20 400 East Van Buren Street, Suite 1900  
Phoenix, Arizona 85004

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22

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25

1 CHMN. CHENAL: Good morning, everyone. This  
2 is the time for resumption and conclusion of the case  
3 in chief and the beginning of the deliberations by the  
4 Committee on the CEC application by the applicant for  
5 CEC 188.

6 Mr. Derstine, any matters that we need to  
7 discuss before we turn it back to you to close your  
8 case?

9 MR. DERSTINE: I just want to mention, we've  
10 handed out a draft of the CEC. It incorporates edits  
11 that you asked us to make or proposed language  
12 concerning some of the matters you asked us to make  
13 overnight. I think we've also incorporated the  
14 language that Mr. Cunningham has given us on his road  
15 condition or provision. He's also given us some  
16 alternative -- we sent him our draft that we worked on  
17 overnight and shared that with him this morning. He's  
18 given us a response and some alternative language. I  
19 think that's also incorporated in the draft that you  
20 have.

21 That draft incorporates the changes you made,  
22 Chairman, and then we did our redline on proposed edits  
23 in addition to that. And again, it incorporates some  
24 language suggested by Mr. Cunningham. So that's what  
25 we have to work through.

1           We need to e-mail that to Tod so that the  
2 Members of the Committee who are appearing virtually  
3 can get that in front of them. We'll do that right  
4 away. But yes, we're ready to wrap up, do some  
5 concluding remarks and testimony from our panel of  
6 witnesses, and then close the case.

7           CHMN. CHENAL: And then when we begin  
8 deliberations, will the Committee Members appearing  
9 virtually be able to see the two screens with the  
10 changes being made? Okay. I'm being told that, yes,  
11 they can. So the three Members appearing by Zoom will  
12 still be able to follow along, even if they don't have  
13 the document e-mailed to them, which should happen, but  
14 you'll still be able to follow along.

15           MR. DERSTINE: Yes.

16           CHMN. CHENAL: So is there anything else we  
17 should discuss before we start?

18           (No response.)

19           CHMN. CHENAL: If not, Mr. Derstine, why  
20 don't you conclude your case and then we'll begin our  
21 deliberations.

22           MR. DERSTINE: Okay. Thank you.

23  
24           ERIC RAATZ, ED BECK, AND MIKE WARNER,  
25 called as witnesses on behalf of the Applicant, having

1 been previously sworn en masse by the Chairman to speak  
2 the truth and nothing but the truth, were examined and  
3 testified as follows:

4

5

CONTINUED DIRECT EXAMINATION

6 BY MR. DERSTINE:

7 Q. This is our concluding chapter. It's our  
8 opportunity to kind of wrap up what the Committee has  
9 heard from you folks, Mr. Raatz, Mr. Beck, and  
10 Mr. Warner, over the past four days.

11 And I'm going to start with you, Mr. Raatz.  
12 We've got a -- I think it's Slide R45, which is our --  
13 we prepared back when we prepared this slide deck as  
14 kind of the high points and the reasons why UNSE has  
15 selected E1 as the preferred route. Why don't you  
16 cover that for the Committee.

17 A. (BY MR. BECK) 145?

18 Q. 145. Did I say just 45? I apologize.

19 Can the Committee Members who are appearing  
20 virtually see that on the slide? Great. Okay.

21 Mr. Raatz.

22 A. (BY MR. RAATZ) Thank you, Mr. Derstine. I'd  
23 just like to go over why alternative E1 is UNSE's  
24 preferred alternative. As Mr. Beck and Mr. Warner have  
25 testified to, this project was subjected to a long

1 federal permitting process that resulted in alternative  
2 -- excuse me -- that resulted in an EA. And E1 was the  
3 preferred alternative, as selected by the BLM, for  
4 reasons both Mr. Beck and Mr. Warner have spoken to.

5           The public overwhelmingly supported the  
6 eastern alternatives over the western alternatives.  
7 Again, as Mr. Beck and Mr. Warner have both testified  
8 to, the eastern alternatives were born out of public  
9 discussion and public opposition to the western  
10 alternatives.

11           And this project is needed to support future  
12 energy demand and maintain system reliability. The  
13 eastern alternatives do provide the best alternative  
14 for responding to interconnection requests within the  
15 Kingman area. UNSE will be able to efficiently respond  
16 to interconnection requests from the Kingman area a lot  
17 quicker than if a western alternative were selected.

18           And this project is replacing aging 69 kV  
19 infrastructure. The eastern alternative does replace  
20 approximately 3 miles more than any of the western  
21 alternatives of existing 69 kV infrastructure. And if  
22 one of the western alternatives were selected, we would  
23 still have to go and rebuild portions of that existing  
24 69 kV infrastructure. So we would end up spending an  
25 additional \$3 million just to replace that existing

1 69 kV infrastructure, not the 300 million that  
2 Mr. Derstine...

3 And then the project is compatible with the  
4 environment and ecology of the state of Arizona.

5 And one thing to note here, the project --  
6 the E1 alternative does align with UNSE's preferred --  
7 or, excuse me -- design criteria of being in a common  
8 corridor or an existing corridor. UNSE tries to  
9 utilize existing corridors to the extent possible so as  
10 to minimize disturbance to the area, and it will  
11 require less right-of-way acquisition. So on past  
12 projects we've always taken that approach, and that is  
13 why E1 is the selected preferred alternative for UNSE.

14 Q. And the term "corridor" you're using there,  
15 you're not referring to BLM corridors, which we spent a  
16 lot of time hearing about and talking about. You're  
17 talking about corridors, that is, right-of-way with  
18 existing UNSE infrastructure, correct?

19 A. (BY MR. RAATZ) That is correct.

20 Q. I think you have another slide here.

21 A. (BY MR. RAATZ) So in closing, UNSE is  
22 requesting a CEC for the project for the preferred  
23 route -- or, excuse me -- alternative E1, a continuous  
24 500-foot corridor that will allow us flexibility in the  
25 design of the project, and a 125-foot right-of-way,



1 with the exception of where Member Noland has requested  
2 we remain within the existing right-of-way, and that  
3 has been denoted on the legal prepared for this  
4 project.

5 Q. And that segment that you're referring to,  
6 that's 50 feet, that we would pinch down our  
7 right-of-way from 125 feet to 50 in that one spot to  
8 accommodate the, I guess it's a trailer park that's  
9 there, is that right?

10 A. (BY MR. RAATZ) That is correct.

11 Q. All right. Mr. Beck -- well, yeah, let me go  
12 to Ed, to you, Mr. Beck. You have some things you want  
13 to mention. Let me just start with you by asking,  
14 during public comment -- in his second public comment  
15 yesterday Mr. Cunningham talked about the reasons why  
16 the Cunningham family has selected the high route over  
17 the ridge, and he mentioned that it preserves the views  
18 of the east wall of the canyon. And I assume he's  
19 entirely right about that. It's his property and he  
20 knows it well.

21 But can you speak to that? In terms of  
22 placing the line high on the ridge, I gather it does,  
23 in fact, preserve the views of the east wall of the  
24 canyon, it keeps the line off of that Cook Canyon area,  
25 which probably has the highest likelihood of being

1 developed at any point in time in the near future for  
2 residential or commercial or business use.

3 A. (BY MR. BECK) That is correct. Placement of  
4 the line up on the Mesa, as far east as we could go,  
5 does preserve the views in Cook Canyon, as I think the  
6 Committee saw as we did the presentation. In  
7 particular, it preserves the view of his brother, who  
8 lives down in Cook Canyon today, and I think maybe it  
9 was also a cousin.

10 Any future development through Cook Canyon  
11 also benefits from the fact that the line is not  
12 through that piece of property in the bottom of Cook  
13 Canyon. And by being as far east as it is, it's very  
14 little visibility from down below. So it does preserve  
15 that value of Cook Canyon, which is currently occupied  
16 today and likely for the sooner development than Box  
17 Canyon would be.

18 Q. If the Cunningham family is successful at  
19 some point in time in selling lots and homes in that  
20 area of Cook Canyon, how would we serve -- how would  
21 UNSE serve those homes in that area given that the line  
22 that's there -- UNSE owns the right-of-way, there's an  
23 existing 69 kV line there, but it's only being  
24 energized and essentially used as a distribution  
25 circuit? Can a number of homes still be served off

1 that as a distribution circuit?

2 A. (BY MR. BECK) What could be built in Cook  
3 Canyon likely can be served using that existing line or  
4 we have to upgrade conductor, but we could utilize that  
5 existing alignment and the existing poles for the most  
6 part. So it's ready for and primed for development on  
7 that piece, as opposed to Box Canyon, which doesn't  
8 have any infrastructure at this point.

9 The other point that we have -- the company  
10 has agreed to work with the landowner on is use of  
11 roads. So to the extent -- if E1 is selected and we're  
12 building that project, as we get access roads cut into  
13 our structure locations, it likely creates access for  
14 future development in Box Canyon. And there's a pretty  
15 good price related to that or value of that, the road  
16 system that would be put in.

17 Q. And this alignment, the high alignment that  
18 the Cunninghams have selected and prefer, that also, to  
19 a large degree, preserves the views from Box Canyon at  
20 least with regard to what Mr. Cunningham has described  
21 as the million-dollar views out to the west, to the  
22 Hualapais. Am I right about that?

23 A. (BY MR. BECK) That's correct. By having the  
24 line on the mesa that's west of Box Canyon, as  
25 Mr. Cunningham had indicated, the views to the

1 Hualapais are the key part of that. And so while the  
2 line will be above them, it's going to be a secondary  
3 view typically from their homesites. So while they  
4 will still see the line if they develop in Box Canyon,  
5 their primary viewshed to the Hualapais would be  
6 unobstructed.

7 Q. You had some other topics that you wanted to  
8 at least remind the Committee about or address?

9 A. (BY MR. BECK) Yes, I do. If we could bring  
10 up the Slide 20. Yes. And then -- so first of all,  
11 this has been a unique hearing experience with the  
12 extended limited appearance process. The company does  
13 appreciate the fact that by having that, versus full  
14 intervention, that likely did shorten the hearing, so  
15 that was good.

16 I just wanted to make a couple of points  
17 regarding load and why E1 is our preferred and has  
18 value. One of the things that has not been mentioned  
19 yet, and it's not directly tied to which route is  
20 selected, and I haven't heard anything to indicate that  
21 the Committee thinks there's no need for the project,  
22 but just to point out that there is a load up north of  
23 -- northeast of Dolan Springs, and it's the Hualapai  
24 Sky View viewing point on the Grand Canyon. They are  
25 continuing to expand their facilities. They're

1 building a hotel, some commercial property.

2 And they had requested service from UNSE,  
3 which it is our service territory. And because we  
4 don't have the capacity to get up there, the costs of  
5 the facilities that we would need to build they  
6 couldn't afford or were not willing to pay for. And so  
7 we have agreed with them to cede that little piece of  
8 service territory over to Mohave Electric Co-op, who  
9 apparently does have some facilities nearby and they  
10 will extend down and feed that load.

11 So that's an additional piece, that UNSE has  
12 forgone that load because we don't have the capacity.  
13 And having a 230 distribution point closer to that  
14 would have been very helpful, but their timing was such  
15 they needed it sooner than we could even build this  
16 project.

17 Relative to why E1 makes so much sense to us,  
18 on the right-hand screen -- it's very hard to see up on  
19 the screen, but there's been some discussion about  
20 there's more private property crossed by this line,  
21 this alignment. And that is true, there is a lot of  
22 private property in this portion of the E1 alignment.  
23 Well, the private property is where there's going to be  
24 future development. It's not going to be on BLM lands.  
25 So having this path, again, provides a great dropoff

1 point for UNSE to serve future needs in that Kingman  
2 area.

3           And if we are on the western route, we'll  
4 have to, in the future, come back with probably a 230  
5 line -- if there were a major load to develop in the  
6 Kingman proper area, we would extend a 230 line in the  
7 future up into that and be back before the Siting  
8 Committee with a different project and likely be going  
9 through more of the central downtown portion of  
10 Kingman, or possibly going through more. So by getting  
11 this path in here, getting it sited here, we have that  
12 opportunity to build future 230-to-69 facilities to  
13 support any load growth in the Kingman proper area.

14           I had mentioned that we have the two import  
15 points into Kingman from Western, one being Hilltop,  
16 which is kind of down in this facility, the other being  
17 Griffith, which is probably just below the edge of the  
18 map on the screen. And by putting this new Harris  
19 substation in, it gives us a new offtake point from  
20 Western, which would serve whether it be west or east.  
21 But again, that east gives us that opportunity for  
22 future load growth in the Kingman area.

23           We heard from Mr. Cunningham yesterday in his  
24 public comment some discussion about Slide 90, which  
25 was the pie chart, and 241 people had no opinion, no

1 choice. And that's a little bit misleading. The  
2 company, when it did its -- prepared its numbers, went  
3 down the column within the comment form that had either  
4 an east or a west in that box. And if it didn't have  
5 an east or a west, then it fell into the comment of no  
6 choice.

7 But I'd just like to point out that, I was  
8 looking through that comment table this morning,  
9 several of the comments were contractors asking for bid  
10 information, how they could get on our bid list. So  
11 yeah, they had no choice or no thought on a route,  
12 because that's not what they were looking for.

13 Another example. One of the community  
14 members said, "I'm trying to find out placement, as we  
15 have property in Golden Valley in escrow and need to  
16 find out if the lines are anywhere near" where she does  
17 not want them to be. So that was not put into the  
18 column of east as a check box, but I would read that to  
19 be she probably prefers the eastern route.

20 One more comment. "Have two properties in  
21 Golden Valley. Don't want line anywhere near these  
22 residential areas. Would like to speak to someone."  
23 So again, it didn't vote on a route, but to say it  
24 didn't have a -- to say it was noninterest is probably  
25 not correct.

1           And just one more example. "Corporations and  
2 industries wanting to expand and increase their  
3 production and revenue should cut over the mountains  
4 and keep it away from us." So again, that wasn't put  
5 as a check box in the east, but to me that's saying I  
6 don't want it on the western routes. So just a little  
7 bit more color on those numbers.

8           I think that UNSE has put on a compelling  
9 case for why E1 is the best choice. As the Committee  
10 heard from the City Councilman, UNSE had convinced the  
11 council previously why the eastern route was best at  
12 that time. And he indicated that UNSE made a very good  
13 presentation to convince the City that the eastern  
14 route was good.

15           I am confident that when we are afforded the  
16 opportunity to address the City, they will again see  
17 the benefit of the eastern route and they would be  
18 supportive of that. It's not the best situation that  
19 this kind of came up right at the end, while we were in  
20 the hearings, because we would have done more outreach  
21 to the City. But again, both the City and in  
22 particular the County position came in within the last  
23 couple of weeks.

24           I also think that with the County we would  
25 have a chance of convincing them that the eastern route



1 would be good, as opposed to -- they've had one point  
2 of input, obviously from Mr. Cunningham, based on the  
3 language in their letter, which reflects exactly what  
4 Mr. Cunningham had put in his commentary to this  
5 Committee.

6           Last point. One of the issues during the  
7 case has been the number of residents that will be  
8 affected. And there was a point made that we should be  
9 looking at the thousand foot number versus 100 or 500.  
10 And I hope that the Committee found the pictures that  
11 we presented yesterday compelling that at a thousand  
12 feet it's much less visible and that the really likely  
13 place you should be looking are the 100 or 500 foot  
14 numbers. And when you do that, number of residents  
15 affected basically are a wash whether you go east or  
16 west.

17           So I urge the Committee to approve E1 so that  
18 UNSE will have a line that offloads the two existing  
19 Western subs and brings a bulk electric path into north  
20 Kingman, as well as on to Mineral Park substation.

21           Q. Thank you, Mr. Beck.

22           Mr. Warner, I think you have some concluding  
23 remarks or thoughts that you want to relay to the  
24 Committee.

25           A. (BY MR. WARNER) Thank you, Mr. Beck -- I

1 mean, Mr. Derstine and Mr. Beck.

2 I'm going to touch on some of the subjects  
3 that he mentioned. I'll have three topics. I'm going  
4 to touch on the BLM and then I'm going to touch on  
5 Mohave County and the City and then I'm going to touch  
6 on residences.

7 Let me walk through the BLM first. I was the  
8 individual that informed the utility company that we  
9 could get through this process in about six months at  
10 the very beginning, as Mr. Beck testified to. So this  
11 has been the longest project that I've ever been on.  
12 So I'll start with that statement.

13 But let me refer to the BLM for a moment and  
14 say, the BLM was not hasty. That's an obvious  
15 statement. But I want to say that they weren't hasty  
16 from the positive side. They were very deliberative  
17 and they were very conservative in considering all of  
18 the facts that were related to this choice that they  
19 made with E1.

20 And I'll point out just a couple of things.  
21 Certainly they looked strong at the alternatives and  
22 added things that they thought were important. But  
23 when they went out to a thousand feet, that wasn't for  
24 the BLM. That was so that they could gather a thorough  
25 examination of what the impacts were going to be to

1 everyone so that they could examine them and make sure  
2 that they got past a point of reasonable concern so  
3 that they could include that as part of their  
4 deliberative process.

5           They've done their own outreach. They have a  
6 discretionary process that is their own. They can make  
7 choices on their own about what they intend to do, and  
8 they've made them clear so far that E1 is what they've  
9 decided to do. Now, they also have a deliberative  
10 process that will change if they want to change it in  
11 these last steps. Now, let's walk through what that  
12 might look like.

13           Certainly they'll have to reconcile the fact  
14 that the preferred alternative that's stated in the EA  
15 might need to change. They have to align themselves  
16 with this Committee if -- and the Commission if they're  
17 going to build this route, because there are no  
18 alternatives along any these considerations that don't  
19 cross the BLM. Everything crosses the BLM at some  
20 point.

21           Q. Are you speaking now to the possibility that  
22 the Committee would select a western route and what  
23 that would prompt BLM to do or not to do?

24           A. (BY MR. WARNER) Yes, that's right.

25           So they will have to align themselves in some

1 respect, and that process may take a couple of forms.  
2 They may choose to -- and probably they will rewrite  
3 some of their EA if they agree that the Committee has  
4 made the right decision. And they may not agree. Then  
5 they will also likely go out for public comment again,  
6 and they will listen to that public comment and factor  
7 that into the decision making that they intend to do in  
8 the future. That may take some time and will -- and  
9 may take a life of its own. So those are the  
10 considerations that they will take, and they take those  
11 seriously and deliberatively, and so we can expect  
12 that.

13           Let me move to Mohave County. Mohave County  
14 and the City, I'll combine them together, on the early  
15 days of the project were also deliberative and  
16 thoughtful and they engaged themselves regularly. We  
17 went out on a tour with them on buses to examine  
18 different parts of the route in the early days. They  
19 were together in those buses, the City and the County,  
20 commingled. We went out and looked on western routes  
21 and on eastern routes and pointed at things, and they  
22 thoughtfully considered all of the things that were  
23 going on.

24           And because it was a deliberative process in  
25 that time, it wasn't a surprise to me that the City

1 developed a resolution that declared that the eastern  
2 alternatives were preferred. I was also not surprised  
3 that the County didn't do that. They have competing  
4 interests on both sides, and maybe coming out  
5 officially for one or the other wasn't necessary for  
6 their point of view. But they were engaged and they  
7 were thoughtful. They weren't hasty.

8 I think it is easy to look superficially at  
9 this project and identify a table that sort of supports  
10 a particular point of view, but I think you've already  
11 concluded that this project has a lot of details that  
12 need to be examined and thoughtfully considered. And  
13 that's why you're a deliberative body that can get into  
14 the details and thoroughly examine them.

15 Let me touch on the residences. The  
16 residences are a primary concern and consideration of  
17 impacts and also what is going to happen. Mr. Beck  
18 already talked about private land, which is of concern,  
19 of course, but the difference is private land that's  
20 planned for commercial purposes and needs high doses of  
21 electrical energy is one thing, residences are  
22 different. Residences are more fragile in some  
23 respects from an infrastructure and can be supplied  
24 with distribution lines.

25 On the western side we saw testimony of

1 somebody that had a camera in his hand and he was at  
2 the edge of the Cerbat Foothills Recreation Area. Now,  
3 the Cerbat Foothills Recreation Area is a unique  
4 facility. It's managed for recreation, roadless area.  
5 It's managed for scenic beauty. Having a house near  
6 that area is a unique circumstance. There isn't a  
7 picket fence between those homes and -- those platted  
8 homes and that Cerbat Recreation Area. There's  
9 nothing. They can walk directly onto that property  
10 from their area. So the consideration about an  
11 existing home or existing platted homes that people  
12 have bought to be adjacent to that, I'm positive that  
13 that's a very deliberate choice that they made for that  
14 particular environment.

15 I think from the other aspects of the  
16 alternatives in terms of environmental considerations,  
17 many of the environmental considerations slightly and  
18 unimportantly favor one or the other. But I think it's  
19 important to consider the deliberative process that  
20 went through selecting E1. Thank you.

21 Q. As a panel, I don't know who wants to weigh  
22 in here, but I think it's important for the Committee  
23 to hear, in terms of whether it's ranking or -- how you  
24 grade the western routes. If the Committee were to  
25 select a western route, are they all the same in terms

1 of either one -- and maybe just from the perspective of  
2 BLM's reaction to one route versus another, do either  
3 of you have an opinion? Mr. Warner, you can start  
4 there, or Mr. Beck, it looks like you have your pointer  
5 out, you're ready to start in terms of grading 1, 2, 3,  
6 and 4 in terms of what we would anticipate BLM's  
7 reaction to if the Committee were to go that direction?

8 A. (BY MR. BECK) Yes. If the Committee takes  
9 the position to go with a western route, our order of  
10 preference would be W4, then W3, then W2, then W1.  
11 Interesting how our numbering system -- we're going in  
12 backwards order, but that's how it turned out.

13 The reason for slight preference to W4 and W3  
14 is we eliminate some of the edge pieces going along  
15 BLM, so it reduces the amount of encroachment into BLM  
16 land. It's at least a couple miles less if we go on  
17 either 3 or 4, and so hopefully that would reduce the  
18 risk of being forced into a full EIS and a BLM corridor  
19 rehash or relook in their RMP.

20 My big concern is that there is enough public  
21 opposition on the west that we go with those routes, it  
22 gets into the BLM process, I fully expect that BLM will  
23 reissue the EA for comment, that they won't simply say,  
24 well, we're making a different selection in their  
25 Record of Decision. I think they will go back, redraft

1 and reissue the EA, get public comment. And all it  
2 will take is a few of those members of the public on  
3 the west side to say to BLM, you need to redo the  
4 corridors analysis, and then we're talking potentially  
5 years of EIS process.

6 Q. I'm sorry to interrupt you, but why would --  
7 why would members of the public say, redo the corridor  
8 analysis? What would be the reason for them to urge  
9 that?

10 A. (BY MR. BECK) For one thing, it would delay  
11 the project. And in the RMP process it may come out  
12 from BLM that, no, we don't want an additional BLM  
13 designated corridor west of the Cerbat Foothills area,  
14 that you've already got one, use that, don't do any  
15 more. So if nothing else, it will delay the project,  
16 delay the process, and from the homeowner's standpoint  
17 at least delay their future view of a line if that's  
18 their big concern.

19 So I think there's some risk to that. But  
20 again, any of the western routes are buildable. We can  
21 build them. But in order of preference I would say W4  
22 on down to W1 would be the order of preference.

23 Q. And that ranking is based on you believe that  
24 4, 3 is an easier path for BLM to adopt as opposed to 1  
25 or 2, is that right?



1           A.     (BY MR. BECK)   That's my opinion.  I think  
2     it's a tradeoff between the public outcry from going on  
3     more private land versus using the public land.  But  
4     from a BLM perspective, I think there's at least less  
5     risk that we get forced into a full EIS.

6           Q.     And yet I'm recalling public comment where a  
7     number of folks said, I'm along 3 or I'm along 4, I  
8     don't want it there, right?  So you may have more -- 3  
9     or 4 may be easier from a BLM perspective; it may be  
10    harder in terms of a public response?

11          A.     (BY MR. BECK)   That's true.  I mean, the  
12    overwhelming public response was, go east.  So if  
13    you're not going to go east, then on the west who do  
14    you cause a problem for?  Yeah, it's a tradeoff.

15          Q.     Mr. Warner, did you want to add anything to  
16    Mr. Beck's opinion on the ranking of routes in the west  
17    from the BLM's perspective if they were asked to change  
18    their position and adopt a western route as their  
19    preferred route?

20          A.     (BY MR. WARNER)  I share his opinion.  I  
21    think that that's probably right.  There are some -- I  
22    think that the -- I think the BLM will listen carefully  
23    to impacts to the residences by choosing that.  But as  
24    we're talking here and discussing that deliberative  
25    process that we're doing intellectually, they'll have

1 to do their own. And so they'll have to align  
2 themselves ultimately with the CEC, and it's possible  
3 that -- it's possible that they could go through  
4 another iteration of maybe choosing another alternative  
5 that was more favorable. But I agree with Mr. Beck.

6 Q. Anything that any of you would like to add or  
7 mention at this stage before we close our case and  
8 we're done?

9 A. (BY MR. BECK) Not from me.

10 A. (BY MR. WARNER) No.

11 MR. DERSTINE: Any questions from the  
12 Committee before we close the evidence from the  
13 applicant's perspective?

14 CHMN. CHENAL: Member Drago.

15 MEMBER DRAGO: Yeah. Thank you,  
16 Mr. Chairman.

17 To anyone on the panel, if we were to choose  
18 E1, you mentioned Box Canyon, future development,  
19 residential, viewpoints. To the west, if I recall,  
20 would be the line. Where are the Hualapais, which way?

21 MR. BECK: They are southeast of Box Canyon.

22 MEMBER DRAGO: Okay. So you could plan a  
23 development such that if folks preferred their backyard  
24 to face the Hualapais, you could then point to the  
25 southeast of the Hualapais, right?

1 MR. BECK: There would be ways to do that. I  
2 mean, it might reduce the number of homes that would  
3 have that view. It's all in placement. But for the  
4 most part, yeah. That's what Mr. Cunningham has told  
5 us, that he thinks that the million-dollar views are a  
6 view towards the Hualapais. And so you would get the  
7 majority of your homes to look in that direction with  
8 their primary views.

9 MEMBER DRAGO: That was my question. Thank  
10 you.

11 MR. DERSTINE: Well, with that, we will rest  
12 our case and close our evidence.

13 CHMN. CHENAL: Okay. Very good.

14 MR. DERSTINE: I have a short closing. I  
15 hope it's short. If I could ask for a short  
16 restroom -- morning restroom break. It doesn't have to  
17 be long.

18 CHMN. CHENAL: We can do that. Let's take a  
19 short break. I was going to suggest it at some point  
20 here before we actually dive into the deliberations.  
21 So let's take a short break now and then we'll hear the  
22 closing argument and then we will begin the  
23 deliberations.

24 (Off the record from 10:09 a.m. to  
25 10:32 a.m.)

1 CHMN. CHENAL: Let's go back on the record.  
2 And Mr. Derstine, I think you're prepared to give some  
3 closing comments. If there's anything else you need to  
4 address before that, feel free.

5 MR. DERSTINE: No, I think this is it, the  
6 last piece.

7 I had a call from one of my kids last night,  
8 my daughter Greta. She's down in Tucson. And she  
9 said, I want to come up and see you this weekend. Are  
10 you going to be home?

11 And I said, yeah. We'll be done and I'll be  
12 back home in Phoenix.

13 She said, how is it going?

14 And I won't share everything I said to her on  
15 the phone, but I said, you know, this is not an easy  
16 case.

17 And she said, well, why isn't it easy?

18 And I said, well, you know, in many of these  
19 transmission cases -- and I've talked with her about  
20 what I do -- you know, it's an easy choice, either the  
21 Committee may not be presented with a choice or the  
22 choice is obvious.

23 You know, the last case you had for Tucson  
24 Electric Power down in Tucson was rebuilding a WAPA  
25 line, 64 miles of a WAPA line. 99 percent of it was

1 existing right-of-way. There weren't really any new  
2 impacts to residents or people or land.

3 And I think the case you had before that was  
4 in Flagstaff. That was a 500 kV Gen-Tie line up in  
5 Navajo County. There's nothing around. It went from a  
6 solar project to the Cholla substation. No real issues  
7 or impacts. I mean, it's important for the Committee  
8 to understand the project and impose the right  
9 conditions, but no real hard decisions to make.

10 I think this one, honestly, is different.

11 So what I told her was -- I said, this case  
12 is -- the choice is that you have a route called the  
13 eastern route. It's mostly on federal land, but it  
14 covers a big chunk of private land, and that block of  
15 private land is owned by a family. And the family has  
16 lived in Kingman for a long time and two of the family  
17 members live on the property, the rest of the family  
18 live elsewhere, Phoenix or Houston or wherever.

19 The other route, the other choice, is, I'll  
20 call it, the western route. And that also covers  
21 largely federal land, but also covers a block, an area  
22 and comes near to private homeowners, people who don't  
23 own a lot of land, but own smaller parcels, an acre,  
24 2 acres, and they live there.

25 And I said, you know, the big family who

1 lives -- who owns this block of land on the east, they  
2 don't want the eastern route. They want the western  
3 route. And the folks who live out west, they don't  
4 want the western route. They want the eastern route.  
5 And I said, both groups, the family and the people who  
6 live out west, they're all going to benefit from this  
7 project, but they don't want it near them and they  
8 don't want to see it.

9 So Greta said, who do you want to win?

10 And I said, well, I'm not in the business of  
11 picking a winner. I said, the federal government, BLM,  
12 has selected the eastern route, and they have their  
13 reasons for doing that. And I said, my client, UNS  
14 Electric, the power company, they've also picked the  
15 eastern route. But, I said, it's not our choice to  
16 make. I said, this Committee has to make that choice.

17 And she said, well, how does the Committee  
18 decide?

19 And I said, well, they have to follow the  
20 law. I said, there's a statute that gives them some  
21 guidance on what they have to look at and what they  
22 have to consider and how they apply it to each case.

23 And so by that time she was bored and said,  
24 okay, well, I'll call you later and I'll see you later.

25 But what I raised with Greta, I have in front

1 of you on the screen, 40-360.06. That says that the  
2 Committee "shall consider the following factors as a  
3 basis for its action with respect to the suitability of  
4 either plant or transmission line siting plans." So I  
5 thought maybe there's some value in going through these  
6 and applying them to this case.

7           The first one is, existing plans of state and  
8 local government and private entities for other  
9 developments within the vicinity of the project. You  
10 know, Mr. Warner covered land use, existing land use,  
11 planned land use. You know, the project does not  
12 negatively impact any sort of existing plans.

13           Fish, wildlife, and plant life. Mr. Warner  
14 testified that the impacts from the biological wealth  
15 are not different -- they're not significant, and they  
16 don't vary significantly from route -- one route to  
17 another.

18           Noise emission levels and interference with  
19 communication signals. We've spent a fair amount of  
20 time talking about the concerns of the radio stations,  
21 but power lines in proximity to radio stations are not  
22 new. The condition -- the standard condition in the  
23 CEC has been there for a long time, I think as long as  
24 I've been doing these cases. And it requires that, to  
25 the extent there is interference, that we address it

1 and make it right.

2           The company here, because this project does  
3 have two radio stations in proximity to the eastern  
4 route, has gone beyond that and committed to be  
5 proactive. Not to wait until the project is built to  
6 see if there's interference, but to use an RF  
7 engineering firm, consult with them at the design  
8 phase, and get advice up front on the engineering and  
9 design of this project, or at least the structures that  
10 are close to those two radio stations, and to avoid  
11 interference. And again, if there is interference,  
12 we're going to have to deal with it and fix it and make  
13 it right.

14           Proposed availability of the site for public  
15 recreational purposes. You know, Mr. Warner, I think  
16 in his comments today, but it was throughout his land  
17 use testimony -- that Cerbat Recreation Area is -- it's  
18 a big deal. It's an important area to -- it's an  
19 important recreation area to this area, to the folks  
20 who live in this area, both from a view perspective --  
21 we saw the folks in public comment with their iPhone  
22 and the Cerbats behind them. They look out onto that  
23 space, that open space that's preserved by BLM, and  
24 it's an important part of what brought them here and  
25 why they live where they do out in the west valley.



1 But it's also an important recreation area for hiking,  
2 nonmotorized recreation.

3 No impacts to historic sites or structures or  
4 archaeological sites from either eastern or western  
5 routes.

6 The total environment of the area. We've got  
7 Kingman, we've got a city with commercial and business.  
8 The eastern route goes through much of that commercial  
9 and business area, but then moves onto federal land and  
10 open space. The western route is focused more on the  
11 residential and open space, but also covers federal  
12 land as well. The environment, you know, obviously you  
13 take into account the Hualapais or the Cerbat  
14 Recreation Area, the views that are there.

15 Technical practicability of achieving  
16 proposed objective. That just means, can you build it?  
17 And we can build any of these routes. We can build the  
18 eastern route, we can build the western route.

19 Estimated cost of the facilities. We had the  
20 cost chart, we saw that. E1 is more expensive by, I  
21 think, a couple million dollars. But as Mr. Raatz has  
22 testified, the benefit, one of the reasons for  
23 selecting E1 is that it allows us to co-locate the  
24 existing 69 with this new project. It allows the  
25 company to then, for an area -- a 3-mile stretch that

1 they would have to spend approximately \$3 million to  
2 rebuild, to avoid those costs. So when you net out the  
3 cost savings for rebuilding the 69 kV with the  
4 co-location against the other routes, they're roughly  
5 the same. No significant cost difference between the  
6 routes.

7 Any additional factors that require  
8 consideration under applicable federal and state laws.  
9 I think 9 goes to the issue of the federal permitting  
10 process, the issuance of an EA, BLM's selection of the  
11 eastern route as its preferred route. How much weight  
12 this Committee gives to that factor is up to you, but I  
13 think we can't overlook the 11-year process that was  
14 involved, all the studies that were done, all the  
15 public outreach that was done, and where the BLM came  
16 out on their decision of selecting E1 as the preferred  
17 route.

18 Can I go to the next slide, Jason? I'm not  
19 going to mess with this clicker. Or if you want me to,  
20 I will. Oh, you got it. Thanks.

21 So that was (A).

22 (B) says, "The Committee shall give special  
23 consideration to the protection of areas unique because  
24 of biological wealth or because they are habitats for  
25 rare and endangered species." Mr. Warner has testified

1 that the environmental studies show that, in terms of  
2 rare and endangered species, there are no significant  
3 impacts. But as to endangered species or important  
4 habitats, that there's ways that, with the burrowing  
5 owl, for example, that we can span and stay away from  
6 those areas and mitigate any impacts to rare or  
7 endangered species. And there are no significant  
8 differences between the eastern routes and the western  
9 routes with regard to the (B) factor.

10 (D) simply just says that any certificate  
11 granted by this Committee shall be conditioned on the  
12 applicant's compliance with ordinances, master plans,  
13 and regulations of state, county, cities, or towns.

14 The other language there says that if it is  
15 going to violate or run up against an existing  
16 regulation, then there's a process for making that  
17 municipality or that county a party to the proceeding  
18 and deal with that conflict between existing plans and  
19 the proposed project, but we don't have that here. The  
20 project doesn't conflict with any existing plans of  
21 cities or municipalities.

22 Next slide. Thanks, Jason.

23 That takes us to 40-360.07(B). This portion  
24 of the siting statute is really directed at the  
25 Commission. When you folks make a decision and you get

1 to the Commission, what the Commission should do with  
2 your decision. That last sentence is the operative  
3 language. It says, "In arriving at its decision, the  
4 Commission shall" --

5 But I want to note that we have case law from  
6 the Arizona Supreme Court that says that this body, the  
7 Committee, also does the same sort of balancing that  
8 the statute, 07, says that the Commission should do.

9 And that says, "In arriving at its, decision  
10 the Commission shall comply with the provisions of  
11 Section 40-360.06" -- those are the factors that we  
12 just went through -- "and shall balance, in the broad  
13 public interest, the need for an adequate, economical,  
14 and reliable supply of electric power with the desire  
15 to minimize the effect thereof on the environment and  
16 ecology of this state."

17 So it's not a mathematic formula, it's not an  
18 algorithm that's going to spit out an answer, but it  
19 gives you the methodology on how you address these  
20 cases. You take the 06 factors and you balance the  
21 need for adequate, reliable power with the desire to  
22 minimize the effect of the project on the ecology and  
23 the environment of the state of Arizona, and in this  
24 case, the ecology and the environment of this area, the  
25 Cerbat Foothills, the city of Kingman, and the people

1 who live here.

2 Can I have the next slide, please.

3 Historically, and in my experience, this  
4 Committee really focuses on and gives priority to three  
5 main factors. One is the importance of public outreach  
6 and comment. Did you engage the public? Did you ask  
7 them what they think about the project and what did  
8 they say? The impact on private land. And the impact  
9 in particular on residents, people living in houses.

10 This was the chart that broke down the public  
11 comment from the most recent scoping phase. This is  
12 2016, 2021. Yes, there's a lot of gray that didn't  
13 necessarily check a box. But I think as Mr. Beck  
14 commented, it doesn't mean those folks didn't have an  
15 opinion. And if we were to read through those pages  
16 and pages and pages of comments, we'd probably get some  
17 more granular information. But I wouldn't misread the  
18 gray as meaning those people don't care. They do care.

19 But we had to come up with a way and a matrix  
20 to try to give the Committee the information on,  
21 through our public outreach what did the public say.  
22 And you can see here in the most recent -- or, the  
23 early phase, I'm sorry, this is 2007 to 2010, the  
24 Phase 1, the early permitting phase, 81 to 9 said, we  
25 don't want this route in the west. We want an eastern

1 route. Pick an eastern route. We prefer the eastern  
2 route.

3 The next phase --

4 Can you go to the next slide? There we go.

5 Phase 2 public comments, 32 to 13, three to  
6 one still in the second phase of this project, people  
7 who expressed a preference for a route said, pick the  
8 eastern route. We don't want the western route.

9 So that's the public outreach. You know,  
10 sometimes we get involved in cases where we don't have  
11 any sort of clear direction from the public on a route  
12 preference. Either it's split or, just because of the  
13 nature of the case and the routes we brought forward,  
14 there's no clear public preference. But this is one in  
15 which, tallying up the comments in which there was a  
16 clear expression of a preference for a route, you have  
17 a pretty strong tally of people who have said, pick the  
18 eastern route. And BLM followed that.

19 And importantly, I think that whatever weight  
20 the BLM placed on public outreach and public comment,  
21 the company put a great amount of weight on that public  
22 comment in going along with the BLM and selecting the  
23 eastern route as its preferred. We have had the clear  
24 message from this Committee in the past, listen to the  
25 public. Do what the public tells you. That that's an

1 important consideration. And we found that to be  
2 critical here, and we placed a high amount of  
3 importance on those charts and the numbers of folks who  
4 expressed a preference and said the eastern route is  
5 the better route.

6 Next slide.

7 Next one is -- this is that chart that we saw  
8 during the case, existing UNSE transmission line  
9 easement on private lands for each alternative. This  
10 is the slightly revised chart from the one that was in  
11 the application. So it excludes the common area  
12 alignment, that is, the portion of the project in which  
13 all the routes come together, but it gives you the  
14 breakdown of total miles of private land that were  
15 crossed by each alternative and the miles of existing  
16 UNSE transmission line on that private land. And then  
17 the last column is how much of the project is on  
18 private land without an existing transmission line.

19 So on that basis, E1, the preferred route for  
20 BLM and for UNSE in its CEC application, total miles  
21 crossed are 5.3. 1.8 of those miles are within an  
22 existing transmission line easement, they'll either be  
23 co-located or in the existing right-of-way for a  
24 transmission line. That leaves 3.5 miles on private  
25 land without an existing transmission line.

1           But as Mr. Beck noted, in doing the  
2 comparison between E1 and the western routes, it's  
3 important to recognize that the E1 total is to some  
4 degree driven by the Cunningham's choice. We consulted  
5 extensively with the Cunninghams, because we're  
6 sensitive to the fact that we're crossing their land,  
7 and there was a lot of communication and discussion  
8 with the Cunninghams about where they wanted this line.

9           If UniSource just decided to select a route  
10 and put it across the Cunningham's, they would have put  
11 it in the existing easement. They would have put it in  
12 the existing right-of-way. And that means that total,  
13 the miles of existing UNSE transmission line easement  
14 on private land, would have been larger than 1.8, and  
15 the miles on private land without a transmission line,  
16 the 3.5, would have gone down. And those numbers would  
17 be then very close in terms of comparing private land  
18 impacts between E1 and the western alternatives.

19           But again, the thing we did here is the thing  
20 that this Committee has directed us to do, and that is  
21 work with private landowners, work with folks who are  
22 affected by your project, listen to them, do what you  
23 can to accommodate their concerns, their interests.  
24 And we did that here, and that drove that number.  
25 Because otherwise, we would have put it in the existing



1 alignment. We have a line in Cook Canyon. We would  
2 have put the line there. And we would have worked with  
3 the Cunninghams, Patrick Cunningham's brother and his  
4 cousin who live there, to span that area, to move the  
5 structures around to one side or another of those  
6 homes.

7 But they told us they didn't want it there,  
8 and so that drove the number, the 3.5 number of miles  
9 of transmission line on private land without an  
10 existing transmission line up. So again, I would say  
11 the private land impacts are fairly comparable when you  
12 take that into account.

13 Next slide, Jason.

14 A piece, an importance piece, I think, of the  
15 private land impacts are impacts on residences, people  
16 in homes. This chart shows the number of homes within  
17 a hundred feet of each alternative, 500 feet of each  
18 alternative, and a thousand feet of each alternative,  
19 but also breaks out how many of those homes within each  
20 distance range also have an existing transmission line.

21 So if you look at E1 at a hundred feet,  
22 there's eight houses that are within a hundred feet of  
23 E1 on that total segment of line. All eight of those  
24 houses have an existing transmission line. Comparable  
25 for the western routes, there's one more house within a

1 hundred feet. Not all of those nine houses on the  
2 western routes have an existing transmission line. W1  
3 and W2 have -- seven of the houses have an existing  
4 line, that means two of them don't. W3, W4, six and  
5 five, so some of those houses are going to get a new  
6 transmission line if we're screening for 100 feet.

7           Within 500 feet, 28 houses are within  
8 500 feet of E1, the preferred route. All 28 of those  
9 houses have a transmission line already within that  
10 distance. If you look at the western routes, again,  
11 more houses within 500 feet and less homes have an  
12 existing transmission line. So more houses are  
13 impacted, and the houses that are impacted don't have a  
14 line outside their door near their property.

15           At a thousand feet more homes are within  
16 proximity to the eastern route than are the western  
17 routes. E1 has 93 houses within a thousand feet. The  
18 western routes range from 79 on W3 to -- and then 72  
19 for W4 and then 66 each for W1 and W2. But of the 93  
20 homes within a thousand feet of E1, the preferred, 92  
21 of those already have an existing transmission line.

22           And this goes to the point that Mr. Raatz  
23 raised in his testimony, that one of the objectives of  
24 UNSE and TEP, in looking at these projects and building  
25 projects, is to use existing right-of-way, use existing

1 transmission lines whenever possible. Don't build a  
2 new line somewhere if you don't need to. And that's  
3 what E1 does.

4 Next slide, Jason.

5 This is the same slide that Mr. Raatz spoke  
6 to. These are the reasons why UNSE selected E1 as the  
7 preferred. I'm not going to go through all of it  
8 again, but these are the factors and the considerations  
9 that the company had. The one bullet that's not there  
10 is, as Mr. Raatz mentioned, the issue that I just  
11 touched on. It's using existing right-of-way, using  
12 existing transmission lines to place this new project  
13 to minimize and reduce the impacts and putting a new  
14 line next to folks who didn't have one and didn't  
15 expect to have one.

16 Next slide.

17 So as set forth in the CEC application, UNSE  
18 is requesting a CEC for the preferred route, E1,  
19 500-foot corridor, 125-foot right-of-way. But the  
20 reality is, this Committee can select any of these  
21 routes. We brought them all forward. We brought all  
22 of the routes, all six of the routes that were  
23 considered by BLM, to this Committee for you to make  
24 your own decision. We thought that was important.

25 We didn't try to preselect, even though there

1 was some early discussion, well, BLM has selected E1 as  
2 the preferred. Shouldn't we just bring that one  
3 forward and maybe one of the western routes or play it  
4 off against an alternative? I said, bring them all  
5 forward. Let the Committee see and evaluate all of  
6 these routes and have a choice. And you have a choice.

7           What I would say is that if you were to  
8 choose a western route, I would not do what  
9 Mr. Cunningham told you to do. I wouldn't tell the  
10 people in the west, we've selected a western route  
11 because the Cunningham family has done enough for  
12 Mohave County. The Cunningham family has been here a  
13 long time, they own a lot of land, they're well  
14 connected, they've held government positions, they sell  
15 water inexpensively to the steel plant.

16           Those are not factors for this Committee to  
17 consider. The fact that the Cunninghams owned a lot of  
18 land and 30 years ago the federal government forced  
19 them to sell land for I40 has nothing to do with the  
20 consideration and the decision this Committee has to  
21 make. And I think you'd be doing a disservice to this  
22 Committee and to your process to look to those factors.  
23 And I guarantee you the folks in Golden Valley could  
24 give a lick about what the Cunninghams have done and  
25 that's a reason why they should have a transmission

1 line on their side of the valley.

2 I think what you have to do and what you  
3 should tell the folks in the west, if you're going to  
4 pick a western route, is we applied the law. We looked  
5 at the factors. We did the balancing that the statute  
6 requires. And this Committee decided, using all the  
7 testimony and the evidence before it over these four  
8 days of hearing, we decided that we disagree with the  
9 BLM. We disagree with UNS. We think the western route  
10 is better route. And that's a decision you can make.  
11 And if you make that decision, we'll have to go back to  
12 BLM and see what happens. But I think your decision  
13 has to be grounded in the law and what the statute  
14 says.

15 You know, what you do is not easy, but it's  
16 important, and we appreciate it and we thank you.  
17 That's it.

18 CHMN. CHENAL: Thanks very much.

19 Now we begin deliberations, and this is going  
20 to be interesting. I've given some thought on the best  
21 way to handle this, and I think what we should do is  
22 decide first the route. Because some of the conditions  
23 that will be under consideration don't apply to the  
24 western route, but they do to the eastern route. So I  
25 think we should start there and decide.

1           And so I'm going to suggest that we start, as  
2 we always do, with the two forms of the CEC up on the  
3 screens. The left screen would have the draft CEC  
4 proposed by the applicant with a few changes that I  
5 have for consideration and with some additional  
6 language that was added that is the collaborative  
7 effort of the applicant and Mr. Cunningham to discuss.  
8 And again, those additional conditions would not apply  
9 if the route goes to the east, so -- to the west.

10           So let's put those two up on the board. And  
11 Mr. Derstine, help me decide which exhibit numbers we  
12 want these to be, the starting form and then the ending  
13 form.

14           MR. DERSTINE: I think we're on Chairman 3  
15 and 4 at this point. So the left screen could be 3 and  
16 the right screen could be 4, the final version being 4.

17           CHMN. CHENAL: So we'll say Chairman's 3 or 3  
18 and Chairman's 4 or 4. 3 is what we start with, and  
19 that will remain static. 4 will be a document that  
20 will be changed as we go through it. And when we end  
21 up with it and we vote, that will be the -- that will  
22 become the CEC if we grant it.

23           I want to make sure that the Members that are  
24 virtual can see both of the -- both forms. And  
25 hopefully the left will be 3 and the right will be 4.

1 MR. MOELLER: I'm putting those up right now  
2 for them.

3 CHMN. CHENAL: Okay. Give him a second.

4 And while that's happening, my proposal to  
5 the Committee, and I'm open to suggestions, my proposal  
6 to the Committee is that we kind of go through,  
7 Committee Member by Committee Member, and ask for their  
8 preliminary thoughts on the route. Not binding,  
9 because maybe their views will change as they hear  
10 other comments from other Committee Members, but kind  
11 of a preliminary view. And I would start with the  
12 members that are virtual, and then we'll finish with  
13 the ones here.

14 So let's start with -- we'll get down to that  
15 language. And when we get to the language of the CEC  
16 where we have to decide, I think maybe that's when we  
17 do that.

18 So who's the master scrivener here?

19 MR. DERSTINE: Ms. Odisho will be doing the  
20 edits on the fly and --

21 I'm not sure I know how to pronounce Stacey's  
22 last name.

23 MS. MIKULOVSKY: Mikulovsky.

24 MR. DERSTINE: Mikulovsky, did I say it  
25 right?

1 MS. MIKULOVSKY: No. Mikulovsky.

2 MR. DERSTINE: Ms. Mikulovsky will be running  
3 the left screen.

4 CHMN. CHENAL: Okay. Well, thank you both  
5 for helping. This is very important and this is how  
6 we've done it. I think we've learned that this is the  
7 best way to do it. Especially when someone is reading  
8 the transcript, they can follow along and see the  
9 changes.

10 So if on the left screen we could -- if on  
11 Exhibit 3 we could scroll down to the first full  
12 paragraph.

13 MR. BECK: Mr. Chairman, just for the record,  
14 the changes that you had proposed are highlighted in  
15 yellow, so they stand out. And then all of the changes  
16 that the applicant made last night in preparation for  
17 today show up in blue with no highlighting.

18 CHMN. CHENAL: Okay. And thank you for that.  
19 And some of the comments I made are to highlight maybe  
20 a previous condition or number within the CEC. And  
21 let's just make the standard request that Gourjia, if I  
22 may use your first name, that those will all be removed  
23 as we go through.

24 So on the left screen we see the first  
25 paragraph on Page 1.



1 MEMBER NOLAND: Mr. Chairman.

2 CHMN. CHENAL: Member Noland.

3 MEMBER NOLAND: Were you going to poll the  
4 Committee before we got into the CEC?

5 CHMN. CHENAL: We can. I was going to wait  
6 until we get to that part of the CEC, but we could do  
7 it right now if you'd rather.

8 MEMBER NOLAND: I think so.

9 CHMN. CHENAL: Okay. Because it's on the  
10 next page, but we can do that.

11 So let's start with Member Riggins.  
12 Member Riggins, if we can ask you for your preliminary  
13 thoughts on which route.

14 MEMBER RIGGINS: Sure. Thank you,  
15 Mr. Chairman.

16 Just real quick, I'm still only seeing -- I  
17 don't know about the other Members who are virtual, but  
18 I only see one. I don't see any side-by-side CEC.

19 MR. MOELLER: I'm in process right now.

20 CHMN. CHENAL: All right. We were just  
21 informed Jason is going to put that up.

22 MEMBER RIGGINS: Okay. So, yeah. Thank you,  
23 Mr. Chairman.

24 Thank you, Mr. Derstine, for your closing. I  
25 thought that was important to go point by point through

1 Title 40 of the Arizona Revised Statutes. It's  
2 something that I do every hearing, I have it printed  
3 out and I go through the considerations that we need to  
4 make, so I think that's important to touch on those  
5 highlights.

6 And I've prepared some notes. As far as a  
7 preferred route, to me it seems that E1, which is the  
8 preferred route by the BLM, the preferred route by the  
9 applicant, would be the route that I would select. As  
10 far as viewshed impact, it does appear to actually be  
11 the least. Just because of the topography relative to  
12 the flat to topography of Golden Valley and the  
13 existing right-of-way that exists on the Kingman  
14 portion of the eastern route, it does seem like it  
15 would be less impact to the viewshed.

16 As far as the radio towers and any sort of  
17 impact to communications, as was testified by  
18 Mr. Warner and Mr. Beck, the applicant is taking all  
19 the necessary steps to mitigate any sort of  
20 communication issues that may arise. And if they do  
21 arise, that they will be handled also in accordance  
22 with the CEC conditions that we approve.

23 And I think more to the point, there's an  
24 existing BLM corridor, as was testified, the RMP  
25 utility corridor from 1993, which I think is an

1 important component, because it is an established  
2 utility corridor by the federal government that exists.  
3 And there is a utility that's currently in this  
4 corridor, and E1 falls well within this utility  
5 corridor, all portions of it.

6 So I think the existing corridor, existing  
7 land use plan is, again, a consideration that we need  
8 to make pursuant to Title 40 of the Arizona Revised  
9 Statutes.

10 And then finally, public comment, which we  
11 heard quite a bit, probably more than, in the almost  
12 five years of being on this Committee, that I've ever  
13 heard, and I thought it was great. I think it's an  
14 important component that we do take very seriously and  
15 we consider very seriously.

16 And I understand the Cunningham family's  
17 willingness to work with the applicant to improve the  
18 viewshed, move the line to a location to where they  
19 won't see it. There seems to be willingness from the  
20 Cunningham family to work with the applicant to  
21 mitigate if the line did have to go across their  
22 property and to work with them to make sure that it  
23 meets their needs as far as if it did have to go on  
24 their property.

25 From everything we've heard from the

1 residents of Golden Valley, there is no -- there is no  
2 mitigating the line going anywhere near their property.  
3 They just do not want it. So I think the overwhelming  
4 support appears to be the E1 that is proposed by the  
5 applicant.

6 So taking all those factors into effect, I  
7 would support E1 as the preferred route for this  
8 application.

9 CHMN. CHENAL: Thanks, Member Riggins.

10 Member Branum, can we get your thoughts on a  
11 preferred route?

12 MEMBER BRANUM: Yes. Thank you, Chairman.

13 And I'd like to thank the applicant too. I  
14 thought it was very thorough, the pace and the  
15 structure of the testimony, so thank you.

16 I think primarily I would echo a lot of the  
17 comments made by Member Riggins. I have some notes  
18 here. And I think one of the things that really stood  
19 out to me throughout the testimony or the impression I  
20 was given is that if the western route were to be  
21 pursued, it's my opinion that lines on the eastern side  
22 are inevitable or will eventually be needed to serve  
23 future growth in Kingman.

24 And so as I've sat here and considered the  
25 impacts and trying to weigh the cost of energy and the

1 need for future infrastructure with minimizing that  
2 ecological impact, I think E1 is the ideal choice. I  
3 think there are benefits with the co-location, as  
4 described by the applicant. I have a concern, I think,  
5 that -- you know, I kind of hinted at this or mentioned  
6 it, that over time there will be lines on that east  
7 side. It's just a matter of time. And so if the  
8 eastern route is pursued now, my hope would be that  
9 we're minimizing the impact to the environment for the  
10 longest time possible before further growth on the west  
11 is needed.

12 So those are the things I've been thinking  
13 about. I won't repeat the comments Member Riggins  
14 made, but I agree with what he had said. So thank you.  
15 I appreciate it.

16 CHMN. CHENAL: Thanks for your comments.  
17 Member Gentles.

18 (No response.)

19 CHMN. CHENAL: If you're with us, you're on  
20 mute. If you're not with us, we'll move on to Member  
21 Drago and come back to you if you're able to join us  
22 for this part. Doesn't look like Member Gentles is  
23 with us.

24 Member Drago.

25 MEMBER DRAGO: Thanks, Mr. Chairman. The

1 things that Member Riggins said I had on my notes as  
2 well. Some of the things I'd like to highlight on some  
3 of those is the public opinion was very strong to E1,  
4 and that was a weighting factor for my vote, which will  
5 be E1.

6 The other thing is, the fact that you have  
7 this existing power line that you can then improve and  
8 then also provide for future growth in the north part  
9 of Kingman, I think that's significant. You have a  
10 city or town already under growth, and then to be able  
11 to enable that even further through E1 I think is  
12 significant. Because you already have a lot of the  
13 base utilities in the area, you have housing, you have  
14 commercial, you have a lot going on there, so I thought  
15 that was significant.

16 The fact that the Cunninghams were able to  
17 provide an alternative on their property I thought was  
18 significant as well. The fact that they can continue  
19 to build out the Box Canyon area and provide a nice  
20 viewshed of the Hualapai Mountains is a nice factor as  
21 well.

22 And I think that's about all I wanted to  
23 comment on. Thank you, Mr. Chairman.

24 CHMN. CHENAL: Thank you, Member Drago.

25 Member Grinnell.

1 MEMBER GRINNELL: Thank you, Mr. Chairman.

2 Being new to this process, it's been quite an  
3 education, that's for sure. I've been through some  
4 NEPA process evaluations. And the old adage is, if  
5 both sides are unhappy with a decision, then you  
6 probably did it right. It's just the way it is.  
7 Compromise has to be met. With respect to that, I  
8 think Mr. Cunningham's willingness to compromise and  
9 work with the applicant is a significant movement  
10 toward a resolution.

11 I do have some concerns with the public  
12 hearings, though. And this is not directed at the  
13 applicant. I'm more concerned with the public  
14 officials showing up at the last minute to make a  
15 decision. I was like, you've known about this for how  
16 many years? More importantly, they have the newspaper.  
17 I know they read it; they're politicians. They can't  
18 help it. If their name is not in it, they're upset.

19 So I'm really leaning toward E1. I will say  
20 that I think the west side seems to be a much easier  
21 dig, if you will, as far as putting this up. And to  
22 somebody else's -- I think Mr. Drago's comment about  
23 having -- the utility is going to span both sides of  
24 this region anyway at some point, and how that's  
25 directed will be up to future decisions.

1           So my preliminary support goes to E1 with my  
2 backup support for W4 at the applicant's suggestion.  
3 Thank you, sir.

4           CHMN. CHENAL: Thanks, Member Grinnell.  
5 Member Noland.

6           MEMBER NOLAND: Thank you, Mr. Chairman.  
7 My choice is W1, and I'd like to tell you  
8 why. I think that on the west side there are more  
9 existing plans for development, more platted sites on  
10 the west, and we've also heard previously of a planned  
11 30,000-home development.

12           The total environment of the area, biological  
13 resources, all of that, that's pretty much the same.  
14 Cost for acquisition for right-of-way is the lowest on  
15 W1 of all routes. It's the second lowest total cost,  
16 overall cost, on the west routes.

17           It's possible that there will be additional  
18 time that it will take to get approved by BLM. Maybe  
19 it would have to go through a whole rework of it, we  
20 don't know. But there's been no testimony on the  
21 absolute immediate need for this project.

22           On the findings of fact and conclusions of  
23 law, it's pretty much a wash on all routes.

24           There is a -- it's inevitable that there is  
25 going to have to be a line on the west side. It is



1 going to develop, and there aren't the lines out there  
2 to accommodate the future growth and development. And  
3 bottom line, the viewshed is less of an impact because  
4 of the topography on the west side.

5 I look at the public comment, and we heard  
6 about the charts, the charts from over 14 years, that  
7 were more people, lots of people, vocal people not  
8 wanting this on the west side. But now we get to the  
9 charts from 2016 to 2021. More people on that chart  
10 have not wanted the east side and less people have come  
11 out to say they didn't want the west side. So the  
12 numbers have risen on those that don't want the east  
13 side and they've declined in the numbers that don't  
14 want the west side.

15 This has been a difficult case. I've been on  
16 this Committee for 12 years. And I am familiar with  
17 this area, I travel through it all the time. Most of  
18 the development and population has been on the east  
19 side, and I think they will be impacted by the view of  
20 the towers. No matter who suggested where they are,  
21 they're going to be impact.

22 I really, from my experience and background,  
23 believe that the development is going to be to the  
24 west, not to the east, because of topographical  
25 constraints and planned and platted already -- planned

1 and already platted land on the west side. So again, I  
2 am going to be supporting West Option 1.

3 CHMN. CHENAL: Thank you.

4 Member Palmer.

5 MEMBER PALMER: Thank you, Mr. Chairman.

6 I find -- as I look at this, I'm reminiscence  
7 of -- I spent 20 years as a county supervisor in a  
8 rural county, where constituents are more than just  
9 constituents, they're your friends, they're people you  
10 see at church, they're people you see at your kids'  
11 ballgames, at the store, and subsequently, the many  
12 years on this Committee. More times than I care to  
13 think about, I've been put in a position to have to  
14 pick winners and losers. And sadly, in some of those  
15 instances, I lost friends over those decisions.

16 But what I found was, if I let my guiding  
17 light be what I honestly believed was the best outcome,  
18 was the best final solution, then things just seemed to  
19 work out better. And did I ever lose friends over  
20 those decisions? Sadly, it happens.

21 But we have -- this has been a difficult  
22 case, and we've heard very strong feelings on both  
23 sides of where this route should run. We've heard from  
24 people who this line will go through their yard,  
25 basically, within a few feet of their house, within

1 40 feet of their house. And I put myself in their  
2 position, and that's concerning. If that were my yard,  
3 I would have strong feelings as well.

4 I certainly understand the feelings of the  
5 Cunningham family and the radio stations.

6 So putting all the personalities aside,  
7 putting the friendships aside, and looking for what I  
8 honestly believe is the best final outcome of this,  
9 what will serve the most immediate need as far as  
10 looking into the future, which is what we do on this  
11 Committee quite often, we look into the future and what  
12 those needs are going to be and we balance that with  
13 the cost of doing it, it's my belief that the most  
14 immediate need to balance the impact will come through  
15 the east route.

16 I believe there are going to be needs in the  
17 west, and I've watched that area grow over the years as  
18 I've traveled through on numerous occasions. And there  
19 is growth out there. It's not fast growth, but it's  
20 growth. The population is not dense, it's very sparse,  
21 but it's coming, and there will be future needs out  
22 there.

23 But I think the needs that will serve the  
24 more immediate need, that will be the best build as far  
25 as using existing infrastructure, using the ability to

1 co-locate lines, the ability to use the corridors that  
2 have been established by the BLM and the existing  
3 corridors that the utility company has, it's my belief  
4 that the east route will be the best final solution,  
5 and preliminary that's where my support is at this  
6 point.

7 CHMN. CHENAL: Thank you, Member Palmer.  
8 Member Haenichen.

9 MEMBER HAENICHEN: Thank you, Mr. Chairman.

10 MEMBER GENTLES: Mr. Chairman, the audio is  
11 breaking up for us on the call.

12 MR. MOELLER: Yeah, we just had an Internet  
13 notification on our end that said the Internet is  
14 affecting our stream. So just hold for one moment.

15 CHMN. CHENAL: We were just informed by the  
16 technical crew that there's been a disruption in the  
17 Internet service up here. So hopefully that will go  
18 away and you'll be able to hear us again. Can you hear  
19 us now, Member Gentles?

20 MEMBER GENTLES: Yes, I can hear you clearly.

21 CHMN. CHENAL: Okay. Member Haenichen.

22 MEMBER HAENICHEN: Yes. Thank you,  
23 Mr. Chairman.

24 I've been on this Committee a long time,  
25 starting out when I was actually an employee of the

1 State, now as a member representing the public. I  
2 doubt if we will ever have a case on this Committee  
3 that doesn't have viewshed issues. Let's face it,  
4 these facilities are large, they're visible, and all  
5 you can do is to try to minimize the impact.

6 That being said, I believe the east route is  
7 the best because the eastern part of this whole fracas  
8 has been pretty well developed for a long time. Not to  
9 say there won't be more, but I believe the Golden  
10 Valley project is going to be built out, it will  
11 probably take 20, 25 years to complete it. But I  
12 honestly believe that new -- prospective new residents  
13 of that build-out will have the same opinion as the  
14 vigorous testimony we've heard -- not testimony, but  
15 comments from citizens that are already in that  
16 facility.

17 Another point that I wish to make is that  
18 going away from El, or eastern routes in general, I  
19 honestly believe will result in a protracted, clumsy  
20 time period of federal government bureaucracy  
21 reentering the picture, and that is going to result in  
22 a tremendous delay.

23 The final thing I'd like to say is, I've  
24 known Ed Beck for a long time, and I have great  
25 confidence in his integrity and I value his judgments

1 on things. And with that, I will say that I'm  
2 definitely going to vote for the eastern route.

3 The only last comment I want to make is  
4 congratulating Kathryn for her usual wonderful job.

5 Thank you, sir.

6 CHMN. CHENAL: I think we all echo that.  
7 Kathryn does a tremendous job.

8 Member Hamway. Oh, excuse me. Member  
9 Hamway, and then we'll go to Member Gentles.

10 MR. MOELLER: May I interrupt just to be  
11 certain that the participants on Zoom are able to see  
12 and hear us well at this point?

13 MEMBER GENTLES: Yes, I can hear you.

14 CHMN. CHENAL: Okay. Member Hamway.

15 MEMBER HAMWAY: All right. Thank you,  
16 Chairman.

17 And my congratulations to the applicant for  
18 putting on an interesting case by and large.

19 And I agree with Member Palmer that I think  
20 these decisions are hard, and when you represent local  
21 constituents they matter. You do run into these  
22 people, and they will let you know how they feel about  
23 your decision.

24 So in that regard, I am listening to the  
25 board of supervisors and the Mayor of Kingman, because

1 they're the ones that have to meet these people at the  
2 grocery store and go to church with them and defend the  
3 decision that they have made publicly. So how they  
4 feel weighs in pretty heavily with me.

5 And the 2008 resolution, you know, there's  
6 only one current council member that's currently on the  
7 council that was in there in 2008. And since we  
8 haven't heard from Kingman, other than the Mayor, and  
9 she was speaking for herself, I'm just going to kind of  
10 set the City of Kingman aside and not really consider  
11 too much of what they offered.

12 And then as far as the BLM corridor goes, you  
13 know, originally this was going to serve the west, it  
14 was going to serve the mine, it was going to serve  
15 Golden Valley. And BLM just abandoned their own  
16 corridor in the beginning for an easy run to satisfy  
17 those needs.

18 And the fact that the County nor the City has  
19 adopted these corridors gives me a little pause.  
20 Granted, there is existing utilities and all of that.  
21 And I do -- and I do appreciate the applicant's effort  
22 to use existing lines.

23 But on the other hand, the growth that is  
24 driving this is really going to be Golden Valley and  
25 the mine and then that new Hualapai -- I probably am

1 messing up the pronunciation, but the Sky View on the  
2 south end of the Grand Canyon. You know, those are the  
3 things that are kind of driving it.

4           Because this is basically a  
5 build-it-and-they-will-come kind of application because  
6 there's no -- I mean, everybody agrees it's necessary,  
7 but nobody wants it in their backyard. And while I  
8 appreciate and understand the rallying of the people  
9 from Golden Valley, I also kind of have a red flag  
10 because they all say the same thing. They brought  
11 nothing to the table in the form of a compromise. They  
12 basically just don't want to see it. They don't really  
13 care about the recreation aspects of the Cerbat area.  
14 And it's just basically they've got 80 people who come  
15 out and say the same thing.

16           And so we were critiquing the elected  
17 officials because they were saying the same things that  
18 the Cunningham family had put forward. Well, I can say  
19 the same thing for the Golden Valley 80 people who  
20 showed up. They all said the same thing. There was no  
21 open for compromise. They just don't want to see it,  
22 and they don't really care about the rest of the  
23 valley. That kind of came clear to me.

24           So I am supporting W1, and I am doing that  
25 because the Mohave energy demand has been 2.5 percent,



1 and then the Golden Valley has already -- is already  
2 experiencing voltage issues and regulation. So I think  
3 that serving and getting that development going -- and  
4 I agree with Member Noland. I think the growth is  
5 going to be there, and I do believe that there will be  
6 lines on all -- completely around that area.

7           So I am supporting W1 now so that we can get  
8 that built and supply the western part of the valley  
9 before it becomes even more built out and there's more  
10 controversy.

11           CHMN. CHENAL: Thank you, Member Hamway.  
12           Member Gentles.

13           MEMBER GENTLES: I too have had a real  
14 challenge with this case. It's been protracted, it's  
15 gone on for many years, it's been very confusing at  
16 times, and it pits a community split in two, half  
17 against each other. And so that's just -- and to  
18 Member Palmer's point and Hamway, who have actually  
19 served as elected officials, that is just a very  
20 difficult situation that I find ourselves in and I find  
21 myself in. So it's just been a confusing case for a  
22 multitude of reasons.

23           Now, to our newest member, this is one hell  
24 of a case to come in and start on, that's for sure. So  
25 you learned -- you have got up to speed immediately, so

1 you can thank the applicant for that.

2 But I am torn, in all honesty, between E1 and  
3 W1. Let me just share a couple of reasons why.

4 You know, I actually do favor E1, but I'm  
5 concerned about the private property rights of the  
6 Cunningham family and the others that exist along that  
7 route. And the reason is because, as I understood it,  
8 the reason why that line doesn't go closer and up I40  
9 is because of some restrictions in the ADOT corridor  
10 there, particularly when it gets to a certain pinch  
11 point in the pathway. So really what has happened, in  
12 my opinion, in that respect is that ADOT's needs have  
13 trumped the private property owner's needs, and I don't  
14 particularly agree with that.

15 But at the same time, the western route, I  
16 think, to all the -- and I don't need to repeat all of  
17 the reasons, but obviously the growth is going to be in  
18 that area, there's going to be a need for some power to  
19 that area in the future, but the challenge I also have  
20 is that this is not an immediate need issue. This is a  
21 future need issue, and we are kind of projecting what  
22 the future need is going to be. And as we recall, this  
23 project started out with a very specific need, which  
24 was the mine. That need has gone away, and now a new  
25 need has been presented as a rationale for this.

1           So for all of those things, I'm still really  
2 torn between E1 and W1. If I had to lay down my card  
3 right now, I'd probably go with W1. But I would  
4 certainly love to see some compromise on that E1  
5 corridor, particularly as it relates to moving closer  
6 to the ADOT corridor along I40. But right now I really  
7 can't tell you exactly where I'm going, so that's the  
8 best I can do for you, Chairman.

9           CHMN. CHENAL: That's all right. You've got  
10 about 10 minutes --

11           MEMBER GENTLES: Oh, thank you.

12           CHMN. CHENAL: -- before we get to that. No,  
13 you probably have a little more time than that.

14           All right. Well, I remember as a young  
15 lawyer, which is obviously years and years and years  
16 ago, when I was, I think, trying my first jury trial.  
17 One of the old partners told me, never forget that the  
18 jury collectively, not individually, but the jury  
19 collectively will remember everything that is said and  
20 presented as evidence.

21           And I think that hearing these very  
22 insightful comments from the Members of the Committee  
23 confirms that point and drives that point home. I'm  
24 very impressed, personally, with the comments and the  
25 insight of the Committee and their explaining their

1 positions. And I know that each could have gone on  
2 longer and in more detail, but these are very, very  
3 insightful comments.

4           On my part, I'm leaning towards E1, I'll tell  
5 you, for the reasons that have already been said.  
6 There's another factor that weighs in on me; and that  
7 is, this has gone through an extensive process, you  
8 know, with the BLM. And I don't feel bound by that,  
9 certainly we're not bound by that, but I think since  
10 it's gone through such a comprehensive process I better  
11 have a pretty good reason if I'm going to deviate from  
12 that and deviate from the corridors that have been  
13 established.

14           And I can't come up with a really good reason  
15 to deviate. In light of the public opinion that's been  
16 expressed favoring the east side, I'm not seeing  
17 anything that draws me away from the fact that it's the  
18 preferred route. It seems to be -- at least the  
19 citizens who have appeared have vocalized that their  
20 strong preference is for the east side.

21           And I can appreciate and understand the  
22 reasons that have been expressed for the west side, and  
23 certainly Mr. Cunningham has been very articulate in  
24 the reasons expressed.

25           But I, probably like a lot of people, have

1 given this a lot of thought, and it's not an easy  
2 decision. It isn't. It obviously hasn't been easy for  
3 the applicant. From the get-go it was the western  
4 route, and then it's the eastern route, and it's  
5 obviously gone through its various stages.

6 And, you know, if the federal process was  
7 held today, who knows, it might even deviate from the  
8 decisions that were made, and the corridors that were  
9 established years ago might be put in different  
10 locations now than then. But as Mr. Derstine went  
11 through the factors, those are factors that we need to  
12 at least consider, and they weigh in my decision.

13 So we're not bound by any of the preliminary  
14 thoughts that we gave. Certainly we will have another  
15 opportunity to consider our positions. But I would say  
16 at this point it seems that the E1 route is favored, at  
17 least preliminarily.

18 I say we go through the CEC as we normally  
19 do. And pretty quickly, Member Gentles, pretty quickly  
20 we're going to get to where we're going to have to do a  
21 preliminary vote on selecting a route. And even then,  
22 even then as we go through then and continue with the  
23 CEC, we're not doing a final vote. We won't do that  
24 until the end. But I think pretty soon we'll do that  
25 vote and come up with one of the routes. And it won't

1 be unanimous, it looks like, and that's okay. And then  
2 we'll continue on with the rest of the conditions and  
3 then do a final vote.

4 So unless anyone feels differently, I'd say  
5 we dive into it right now and go back to -- on the left  
6 remember that's Exhibit 3, Chairman's Exhibit 3, and on  
7 the right-hand screen will be Chairman's Exhibit 4.

8 Let me make sure we have that for the folks  
9 remotely. And I see that it looks like we do, and I  
10 appreciate that.

11 So on the left-hand screen --

12 MEMBER PALMER: Mr. Chairman.

13 CHMN. CHENAL: Yes, Member Palmer.

14 MEMBER PALMER: Can I just throw a little  
15 lighthearted moment in here before we dig into the  
16 heavy lifting? Something I heard early on in my  
17 political career was that some of my friends think the  
18 answer should be A, or in this case E, and some my  
19 friends think the answer should be B, or in this case  
20 W, and I agree with my friends.

21 CHMN. CHENAL: Well, let's see when we do the  
22 final vote, Member Palmer, you don't lose any friends.

23 All right. If I could ask Gourjia to fill --  
24 okay, you've done that on Screen 4, the date.

25 So Page 1, Lines 18 through 24 of Exhibit 3,

1 with the dates being added now, hearings through  
2 April 30, April 26th through April 30th, any changes?

3 (No response.)

4 CHMN. CHENAL: If not, may I have a motion to  
5 approve?

6 MEMBER GRINNELL: So moved.

7 MEMBER PALMER: Second.

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

10 (A chorus of ayes.)

11 CHMN. CHENAL: And just to remind everyone,  
12 this is just as to form now. So we're just kind of  
13 going through as to form, voting on the form. We won't  
14 do the final substantive vote until the end.

15 And for the remaining lines of Page 1, Lines  
16 25 through 28, may I have a motion to approve?

17 MEMBER HAMWAY: So moved.

18 CHMN. CHENAL: And a second?

19 MEMBER PALMER: Second.

20 CHMN. CHENAL: All in favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Let's go to Page 2, Lines 1  
23 through 11. You'll see I added Member Grinnell as one  
24 of the Members of the Committee. Are there any  
25 changes?

1 (No response.)

2 CHMN. CHENAL: If not, may I have a motion to  
3 approve Page 2, Lines 1 through 11?

4 MEMBER HAENICHEN: So moved.

5 CHMN. CHENAL: And a second?

6 MEMBER GENTLES: Second.

7 MEMBER HAMWAY: Second.

8 CHMN. CHENAL: All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: Thank you. Let's move down to  
11 Page 2, Lines 13 through, what can we see, through 22.

12 MEMBER PALMER: Motion to approve.

13 MEMBER GRINNELL: Second.

14 CHMN. CHENAL: We have a motion and a second.  
15 Any further discussion?

16 (No response.)

17 CHMN. CHENAL: All in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Thank you. And then Page 2,  
20 Lines 24 through 27. Let's take a minute to review.

21 Any further discussion?

22 (No response.)

23 CHMN. CHENAL: If not, may I have a motion to  
24 approve?

25 MEMBER HAMWAY: So moved.



1 CHMN. CHENAL: And a second?

2 MEMBER HAENICHEN: Second.

3 CHMN. CHENAL: All in favor say aye.

4 (A chorus of ayes.)

5 CHMN. CHENAL: Thank you. Let's move to the  
6 top of Page 3, Lines --

7 This is coming up now, Member Gentles.

8 MEMBER HAMWAY: Here we are.

9 CHMN. CHENAL: Here we be.

10 -- Lines 1 through 11. Is there any further  
11 discussion -- and maybe this is for Member Noland as  
12 well -- any further discussion of at least Lines 1  
13 through 8?

14 MEMBER HAENICHEN: I move those.

15 MEMBER HAMWAY: I'll second.

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

17 And Member Noland, the sentence, "The  
18 applicant plans to require a 125-foot right-of-way  
19 except as shown on the map attached as Exhibit A," is  
20 that okay for now? We can always come back.

21 MR. BECK: Mr. Chairman, I think the  
22 applicant actually has a typo in there. It should be  
23 "acquire."

24 CHMN. CHENAL: Yes, I was going to say  
25 acquire, plans to acquire.

1           So we have a motion and a second for at least  
2 Lines 1 through 5 on Exhibit 4. All in favor say aye.

3           (A chorus of ayes.)

4           MEMBER NOLAND: Are you going to ask about  
5 opposed?

6           CHMN. CHENAL: 1 through 5, Lines 1 through  
7 5.

8           MEMBER NOLAND: I understand. No. That  
9 states that E1 is the preferred route, and my vote is  
10 no.

11           CHMN. CHENAL: I think it says, "the federal  
12 permitting process with BLM ultimately selecting Route  
13 E1 as their preferred route."

14           MEMBER NOLAND: Okay.

15           CHMN. CHENAL: So I intentionally didn't go  
16 down to Lines -- and I'm now reading on Exhibit 4,  
17 because the lines and the pagination changes. So I'm  
18 going to look at --

19           MEMBER NOLAND: Can I explain my vote on  
20 that, my no vote?

21           CHMN. CHENAL: Sure.

22           MEMBER NOLAND: One of the reasons on that is  
23 I really am concerned that the BLM corridor was  
24 selected 30 years ago and there's been no update to it  
25 since then. And there are many things that should

1 cause an update, or a review at least, and that has to  
2 do with development, topography, you name it. But my  
3 vote is still no.

4 CHMN. CHENAL: Okay. Let me go back and just  
5 clean up the record a little. I think I should have  
6 stayed with Exhibit 3.

7 Let's have a motion to approve Page 3,  
8 Lines 1 through 7 -- excuse me -- 1 through 8. May I  
9 have a motion to approve Lines 1 through 8?

10 MEMBER PALMER: So moved.

11 CHMN. CHENAL: And a second?

12 MEMBER HAENICHEN: Second.

13 CHMN. CHENAL: All in favor say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: All opposed say nay.

16 MEMBER NOLAND: No.

17 MEMBER HAMWAY: No.

18 CHMN. CHENAL: Okay. We have two no.

19 Now, the big question for Member Gentles.

20 The time has come. I'm going to suggest that in  
21 Line 10 -- and again, I'm reading from Exhibit 3 --  
22 that "Route E1" be placed in there, just based on the  
23 preliminary comments made by the Committee. So Line --  
24 "The Committee has approved Route E1 for the Project."  
25 And we'll have further discussion.

1           Now, considering Exhibit 3, Lines 8 through  
2 11, may I have a motion to approve, with "E1" having  
3 been added?

4           MEMBER HAENICHEN: I'll move it.

5           MEMBER PALMER: Second.

6           CHMN. CHENAL: Any further discussion?

7           (No response.)

8           CHMN. CHENAL: All in favor say aye.

9           (A chorus of ayes.)

10          CHMN. CHENAL: All opposed say nay.

11          MEMBER NOLAND: No.

12          MEMBER HAMWAY: No.

13          MEMBER GENTLES: No.

14          CHMN. CHENAL: Thank you. Now, we have the  
15 option of going into the conditions or discussing  
16 Exhibit A, which is the map.

17          MEMBER GENTLES: Mr. Chair, a point of  
18 clarification.

19          CHMN. CHENAL: Yes, Member Gentles.

20          MEMBER GENTLES: We have not fully voted in  
21 support of the route at this point, correct?

22          CHMN. CHENAL: That's correct.

23          MEMBER GENTLES: We are just voting on  
24 Lines 8 through 11?

25          CHMN. CHENAL: That's correct.

1 MEMBER GENTLES: And so there will be a vote  
2 at the end of these conditions for the preferred route,  
3 correct?

4 CHMN. CHENAL: That's correct.

5 MEMBER GENTLES: Okay. Thank you.

6 CHMN. CHENAL: Sure.

7 Maybe we continue to go with the conditions,  
8 and then at the end we'll discuss the map. And again,  
9 these are conditions that, unless you see a change,  
10 these were proposed by the applicant. So Condition 1,  
11 and I'm not going to refer to the page and line  
12 numbers, because the conditions -- we can usually get  
13 all of them up on the screen, each condition. May I  
14 have a motion to approve Condition 1?

15 MEMBER HAMWAY: So moved.

16 MEMBER HAENICHEN: Second.

17 CHMN. CHENAL: And a second?

18 MEMBER HAENICHEN: I seconded.

19 CHMN. CHENAL: We have a motion and a second.  
20 Any further discussion?

21 MEMBER NOLAND: Mr. Chairman, I'm just  
22 wondering if they need more than 10 years, based on the  
23 history of this project.

24 MEMBER HAMWAY: Well, they said their  
25 build-out is five years. So I think let's just keep it

1 at 10. I mean, it's gone on already for 13. What's  
2 another --

3 MEMBER NOLAND: My point exactly.

4 MEMBER HAMWAY: I know. I know. I know.

5 CHMN. CHENAL: Mr. Beck.

6 MR. BECK: Mr. Chairman, 10 years is fine at  
7 this point. We plan to build this project.

8 CHMN. CHENAL: Okay. We have a motion and a  
9 second. Any further discussion?

10 (No response.)

11 CHMN. CHENAL: If not, all in favor say aye.

12 (A chorus of ayes.)

13 CHMN. CHENAL: Thank you. Let's see if we  
14 can get Condition 2 on the screen. And we can't. So  
15 on Exhibit 3, Lines 19 through 28 and onto the next  
16 page -- so we now have on the screen all of  
17 Condition 2. May I have a motion to approve?

18 MEMBER HAMWAY: So moved.

19 CHMN. CHENAL: And a second?

20 MEMBER NOLAND: Second.

21 CHMN. CHENAL: Any further discussion?

22 (No response.)

23 CHMN. CHENAL: If not, all in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Thank you. Let's move to

1 Condition 3. Here is one where I actually added and  
2 suggested we include the Arizona State Land Department,  
3 because there was testimony that the project does touch  
4 Arizona State Land. So I thought that they should be  
5 included for purposes of notification and such in  
6 complying with the regulations at least where it  
7 applies to Arizona State Land Department.

8 So with respect to Condition 3, we can't get  
9 all of it up on the screen, but let's go from --  
10 Condition 3, Lines 3 through 16, with the change  
11 including Arizona State Land Department, may I have a  
12 motion to approve?

13 MEMBER HAENICHEN: I move approving it with  
14 the change.

15 MEMBER HAMWAY: Second.

16 CHMN. CHENAL: We have a motion and a second.  
17 Any further discussion?

18 (No response.)

19 CHMN. CHENAL: All in favor say aye.

20 (A chorus of ayes.)

21 CHMN. CHENAL: Thank you. Let's pick up the  
22 rest of Condition 3. Now, yesterday I had asked and I  
23 think I'm going to suggest we adjust a little more  
24 language to what's on the screen as 3.6. Because I had  
25 asked the applicant to come up with a condition that

1 would make the measures that were discussed in  
2 Appendix C applicable to the entire project. And I'm  
3 afraid the way it reads is that those conditions would  
4 apply -- those measures would apply, but only on the  
5 BLM land, so I would like to add the following. After  
6 "measures," add the following language: "For the  
7 entire Project," with a capital P.

8 MR. BECK: Mr. Chairman, would it be down  
9 lower in that?

10 CHMN. CHENAL: Yes, it would be at Line 17.  
11 And again, I'm looking over at Exhibit 3. But on  
12 Exhibit 4 it's on Line 17. And it would be a capital  
13 P. And I think that captures the intent that I was  
14 hoping, that we would have a -- that these conditions  
15 would apply for the entire project, not just BLM land.

16 So let me see if I can get a motion to  
17 approve Condition 3, Lines -- and again, I'm looking at  
18 Chairman's Exhibit 3 -- Lines 12 through 21, with the  
19 additional language that I just added. May I have a  
20 motion to approve?

21 MEMBER HAENICHEN: Mr. Chairman.

22 MEMBER GENTLES: Mr. Chairman.

23 CHMN. CHENAL: Yes, Member Gentles.

24 MEMBER GENTLES: Well, I'll let beauty go  
25 before me.



1 CHMN. CHENAL: Member Haenichen.

2 MEMBER HAENICHEN: Yeah. Is this okay with  
3 the applicant, this language?

4 MR. BECK: Yes, it's acceptable to us.

5 CHMN. CHENAL: Member Gentles.

6 MEMBER GENTLES: Mr. Chairman, it's just a  
7 little bit difficult to read. Actually, let me see if  
8 I can -- let me see what I can do here. Okay. That's  
9 a little bit better. Thank you.

10 The challenge is the blue -- the light blue  
11 doesn't show up very well on Zoom here.

12 CHMN. CHENAL: So if you see the red language  
13 on the left side of the screen, Member Gentles, the  
14 only thing that was added was the words "for the entire  
15 Project."

16 MEMBER GENTLES: Oh, okay. Yeah, I see that.  
17 Okay.

18 CHMN. CHENAL: So did I ask for a motion to  
19 approve?

20 MEMBER DRAGO: Mr. Chairman.

21 CHMN. CHENAL: Yes, Member Drago.

22 MEMBER DRAGO: Yeah, sorry. This appears to  
23 hammock under Department of Environmental Quality and  
24 ADWR. And working for ADEQ, I don't know every single  
25 regulation, but I'm not certain that would fit under

1 the DEQ part and I'm not certain about ADWR. So I'm  
2 wondering, should that stand alone as Number 4 and then  
3 move on? Because I don't think -- you know, DEQ  
4 doesn't -- it's all the federal. We're a State agency.  
5 So those requirements about the Environmental  
6 Assessment, they're not dictated by ADEQ.

7 CHMN. CHENAL: I'm lost, Member Drago.

8 MEMBER DRAGO: So go up a little bit. It  
9 says --

10 CHMN. CHENAL: So why don't you just read  
11 what you're --

12 MEMBER DRAGO: So go up on the right screen.  
13 It said something about the following. Okay. So  
14 Number 3.3, "All applicable water use, discharge," and  
15 then it's -- I thought all of those underneath were  
16 hammocked, so I was wrong. Yeah, I think we're good.

17 CHMN. CHENAL: Okay. Because this is a  
18 standard provision we've had in the past 10 cases.

19 MEMBER DRAGO: Yeah, I thought those were  
20 indented. I apologize.

21 MEMBER NOLAND: Mr. Chairman.

22 CHMN. CHENAL: Yes, Member Noland.

23 MEMBER NOLAND: Well, my only concern is on  
24 land that is not BLM land, what happens if their  
25 requirement is contrary to the State requirements?

1 That's the only hesitation I have on this. Because I  
2 think our State knows what's going on and what we need  
3 to do for environmental quality and water resources,  
4 whereas BLM may not have as drilled down a requirement  
5 as we do.

6 CHMN. CHENAL: So let's add a little language  
7 after "Project." And put a comma after "Project."

8 MS. ODISHO: I'm sorry. What was that?

9 CHMN. CHENAL: Let's go on Screen 4 --  
10 Exhibit 4, Line 17. After "Project," where the cursor  
11 is blinking, put a comma after "Project."

12 MEMBER HAENICHEN: Instead of the period.

13 CHMN. CHENAL: And then put, comma, "to the  
14 extent not inconsistent with Arizona laws and  
15 regulations."

16 MEMBER DRAGO: Very good.

17 MEMBER NOLAND: Mr. Chairman, then I move  
18 that we adopt that language from Line -- whoops, where  
19 are we -- 17 through 21.

20 CHMN. CHENAL: Yes.

21 MEMBER HAENICHEN: Second.

22 CHMN. CHENAL: Motion and a second. Any  
23 further discussion?

24 (No response.)

25 CHMN. CHENAL: All in favor say aye.

1 (A chorus of ayes.)

2 CHMN. CHENAL: Thank you. Let's look at  
3 Condition 4. Again, this is a standard condition. May  
4 I have a motion to approve?

5 MEMBER PALMER: Motion to approve 4.

6 MEMBER HAMWAY: Second.

7 CHMN. CHENAL: We have a motion and a second.  
8 Any further discussion?

9 (No response.)

10 CHMN. CHENAL: All in favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Thank you. On Condition 5,  
13 this is -- again, I added this. I'm not going to fall  
14 on my sword with it by any means, but it was language  
15 from Case 187, Condition 5. So we included it then,  
16 and I think it's good to include here, but I offer it  
17 for just a proposal for your consideration.

18 So let me just do it like we've been doing.  
19 May I have a motion to approve Condition 5 with the  
20 changes I made?

21 MEMBER HAENICHEN: So moved.

22 CHMN. CHENAL: And a second?

23 MEMBER PALMER: Second.

24 CHMN. CHENAL: Any further discussion?

25 (No response.)

1 CHMN. CHENAL: All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Any opposed?

4 (No response.)

5 CHMN. CHENAL: Number 6. The only change  
6 you'll see there is I thought -- the language that was  
7 struck by me was language from a previous condition,  
8 but it was specific to that case. And I didn't think  
9 that language was applicable to our case, so I struck  
10 it.

11 So may I have a motion to approve  
12 Condition 6?

13 MEMBER NOLAND: So moved.

14 CHMN. CHENAL: And a second?

15 MEMBER GRINNELL: Second.

16 CHMN. CHENAL: Any further discussion?

17 (No response.)

18 CHMN. CHENAL: All in favor say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: Thank you. Condition 7. May  
21 I have a motion to approve?

22 MEMBER HAMWAY: So moved.

23 CHMN. CHENAL: And a second?

24 MEMBER HAENICHEN: Second.

25 CHMN. CHENAL: Any further discussion?

1 (No response.)

2 CHMN. CHENAL: All in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Let's move to Condition 8.

5 May I have a motion to approve?

6 MEMBER NOLAND: So moved.

7 MEMBER HAMWAY: Second.

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

9 Any further discussion?

10 (No response.)

11 CHMN. CHENAL: All in favor say aye.

12 (A chorus of ayes.)

13 CHMN. CHENAL: Thank you. Condition 9.

14 MEMBER HAENICHEN: I'll move 9.

15 CHMN. CHENAL: Well, let's just -- if you

16 look forward, those of you who have the hard copies,

17 and if you have received an e-mail with the suggested

18 conditions, you'll see that the applicant has proposed

19 a Condition Number 17 which would be in addition to 9.

20 And Mr. Cunningham has -- I'm sorry. The applicant has

21 proposed a version of 17, and Mr. Cunningham has

22 proposed an alternative 17 that is -- deals with

23 remediation and interference with the towers. It may

24 be a little out of place there. We can talk about

25 moving it at a later point, but I think that we can get

1 to that and then reconsider 9.

2 But for now I think 9 is okay for us to  
3 consider and approve, and then 17 will be actually an  
4 additional one that will be even more specific as to  
5 interference. So let me do this. Let me ask for a  
6 motion to approve Condition 9.

7 MEMBER HAENICHEN: So moved.

8 CHMN. CHENAL: And a second?

9 MEMBER HAMWAY: Second.

10 MEMBER GENTLES: Mr. Chairman.

11 CHMN. CHENAL: Yes, Member Gentles.

12 MEMBER GENTLES: So this condition speaks  
13 specifically to interference with the -- with the radio  
14 station?

15 CHMN. CHENAL: Actually, Member Gentles,  
16 you'll see one -- and unfortunately, I'm sorry you  
17 don't have it. You'll see Number 17 will be more  
18 specific to the AM towers.

19 MEMBER GENTLES: Can you scroll back up for  
20 me, please? My apologies. I don't have a copy, a hard  
21 copy in front of me.

22 CHMN. CHENAL: Well, it isn't up, it's down.

23 MEMBER GENTLES: Yeah, I see. I'm on Line 9,  
24 "Applicant shall make every reasonable effort."

25 CHMN. CHENAL: Right. And what I'm

1 suggesting is maybe we take a look at the two versions  
2 of 17, which, in effect, supplement 9.

3 MR. BECK: Mr. Chairman, relative to the two  
4 17s, the applicant is fine with Mr. Cunningham's  
5 suggested language.

6 CHMN. CHENAL: Okay. The only difference --  
7 well, okay. Could I ask to scroll down, yes, to the  
8 second version. I'd ask the Committee to look at 17,  
9 the one you see on Exhibit 3, which discusses that --  
10 which is the one -- has the language proposed by  
11 Mr. Cunningham, and the applicant has just said they  
12 agree with it. So I think you read these two together,  
13 9 and 17, and I think those together provide the  
14 protection that I was looking for.

15 MEMBER PALMER: Mr. Chairman.

16 CHMN. CHENAL: Yeah.

17 MEMBER PALMER: Just a comment. I like  
18 Mr. Cunningham's version because. The first one said,  
19 "within 500 feet." And I believe we were at like 550,  
20 and that kind of lets them off the hook.

21 CHMN. CHENAL: Well, I was wondering -- I was  
22 going to ask a few questions about that, because it was  
23 a condition without applicability because the closest  
24 was 550, so it wouldn't have applied.

25 MEMBER PALMER: And we probably have a typo



1 there on the top line where it says, "fifteen five  
2 hundred."

3 CHMN. CHENAL: Right. We'd strike the word  
4 "five."

5 Let's do this. Let me suggest that we do  
6 this, that we go back to 9 and approve it, and work our  
7 way up to 17 and then adopt 17 with the changes that,  
8 Member Palmer, you suggested. So let's look at 9 again  
9 and see if --

10 MEMBER HAMWAY: Mr. Chairman, I think  
11 everything is covered in 9 in the Cunningham 17, with  
12 the exception of the five-year period of which records  
13 will be retained. I mean, everything else is kind of  
14 implied.

15 CHMN. CHENAL: Well, my only concern with  
16 that is 17 is with specific reference to the towers,  
17 the AM towers. This is interference in general and  
18 could be any residence along the line. It's a much  
19 broader -- I think it's a much broader condition.

20 MEMBER GENTLES: Okay. Mr. Chairman, that's  
21 helpful.

22 MR. BECK: Mr. Chairman, if it makes sense to  
23 the Committee, we could move 17 up right after 9 just  
24 so they're --

25 MEMBER HAMWAY: Together.

1 MR. BECK: -- consecutive.

2 CHMN. CHENAL: I was going to suggest that.

3 MEMBER GENTLES: That's a good idea.

4 CHMN. CHENAL: I was going to suggest that.

5 So let's deal with 9. May I have a motion  
6 to approve -- I think we've already asked this, but a  
7 motion to approve?

8 MEMBER GENTLES: So again, this,  
9 Mr. Chairman, is just a general statement, not specific  
10 to the radio towers?

11 CHMN. CHENAL: Exactly.

12 MEMBER HAMWAY: So moved.

13 CHMN. CHENAL: We have a motion. May I have  
14 a second?

15 MEMBER HAENICHEN: Second.

16 CHMN. CHENAL: Motion and a second. Any  
17 further discussion on 9?

18 (No response.)

19 CHMN. CHENAL: If not, all in favor say aye.

20 (A chorus of ayes.)

21 CHMN. CHENAL: Now if we could move  
22 Mr. Cunningham's 17 right after 9.

23 MEMBER GENTLES: Mr. Chair, I have a  
24 question.

25 CHMN. CHENAL: Yes, Member Gentles.

1 MEMBER GENTLES: So the mitigation efforts,  
2 do these kick in pre construction or post construction?

3 MEMBER HAMWAY: Post.

4 MEMBER NOLAND: Post.

5 CHMN. CHENAL: Well, I'm thinking post. I  
6 don't think you could have interference unless --

7 MEMBER GENTLES: Well, I understand.

8 CHMN. CHENAL: -- unless they're going to  
9 analyze it. There's probably some analysis that could  
10 be done ahead of time for potential interference.

11 MEMBER GENTLES: Yeah, I understand that.  
12 One of the things we heard clearly through the  
13 testimony of our -- of the general public was that they  
14 were concerned that once -- you won't know what kind of  
15 interference occurs until after construction is done,  
16 and then the mitigation issues would be put in place.  
17 That was my concern or the basis of my comment.

18 MEMBER NOLAND: Mr. Chairman.

19 CHMN. CHENAL: Yes, Member Noland.

20 MEMBER NOLAND: I think it says during the  
21 operation of the project, not the construction of the  
22 project. It's pretty --

23 CHMN. CHENAL: And where is that? I'm sorry,  
24 Member Noland.

25 MEMBER HAENICHEN: What line?

1 CHMN. CHENAL: What line on the left screen,  
2 Member Noland?

3 MEMBER NOLAND: Well, now you're confusing  
4 me, because we've moved them all over.

5 MEMBER DRAGO: 5, I think it is.

6 CHMN. CHENAL: Oh, yes.

7 MEMBER NOLAND: On the previous -- on  
8 Number 9 it says during the operation of the project,  
9 and it's very specific about that. So do we --

10 MEMBER GENTLES: Member Noland.

11 MEMBER NOLAND: Do we need to be as specific  
12 in the new Number 10?

13 CHMN. CHENAL: And I think -- to your point,  
14 I think if you look on the left screen for Exhibit 3,  
15 Line 5, it discusses that there will be "no material  
16 adverse impacts to the AM tower or to public safety  
17 when both the radio tower and the Project are in  
18 operation."

19 MEMBER NOLAND: Okay.

20 MEMBER GENTLES: So Mr. Chairman, again, you  
21 know, sometimes I might be a little slow on the uptake.  
22 So does that mean that they are going to work to  
23 mitigate those issues before operation commences?

24 MR. BECK: Mr. Chairman.

25 CHMN. CHENAL: Mr. Beck.

1 MR. BECK: I have a suggestion for some words  
2 that might help with this issue.

3 CHMN. CHENAL: Sure.

4 MR. BECK: So in that -- the first line of, I  
5 guess it's new Number 10, second sentence, "Applicant  
6 shall, at its own expense, perform radiofrequency  
7 studies prior to construction to show that the  
8 Project's location," so on and so on.

9 CHMN. CHENAL: So after the word "performed"  
10 you would add the words "prior to construction"?

11 MR. BECK: "At its own expense," add the word  
12 "perform," scratch "ensure." So it will say, "perform  
13 radiofrequency studies," scratch "are," and say, "prior  
14 to construction to show that the Project's location  
15 parallel to" -- well, then the "parallel" doesn't  
16 fit -- "within 1500 feet of the transmission line  
17 results in no material adverse impacts to the AM  
18 tower."

19 MEMBER HAENICHEN: So you need to scratch  
20 "are" and "performed," correct?

21 MR. BECK: Correct.

22 MEMBER HAENICHEN: And then take that "five"  
23 out of there on Line 3.

24 MEMBER NOLAND: Mr. Chairman.

25 CHMN. CHENAL: This word as well needs to

1 come out, I think.

2 MEMBER PALMER: Yeah, that needs to go.

3 MEMBER NOLAND: I have a little problem with  
4 that. They're only going to do it before they  
5 construct the tower?

6 MEMBER PALMER: No. I think if you read on,  
7 it...

8 MEMBER GENTLES: Yeah, I'd like to see what  
9 the rest of it says, because I think I have a similar  
10 concern as Member Noland.

11 CHMN. CHENAL: On the right-hand side can we  
12 see the rest of -- is it possible to reduce the size so  
13 we can see it all on the screen, on the right screen?

14 MS. ODISHO: Yes, I can reduce the size.  
15 Whoever is virtual, it might get smaller for them.

16 CHMN. CHENAL: Right.

17 MEMBER GENTLES: Oh, boy. Yeah, we can't  
18 read that.

19 CHMN. CHENAL: Can you make it a little  
20 bigger? We're working on it.

21 MEMBER NOLAND: I've got a question. Are we  
22 doing the first 17 or the second 17?

23 CHMN. CHENAL: We're doing the second 17.

24 But let's get 10 blown up so the Members on  
25 the virtual can see it. Okay. Let's take a moment to

1 read 10 as it now reads.

2 MEMBER GENTLES: Can you scroll just a little  
3 bit left -- no -- scroll right so the left side shows  
4 up? Yep, that's good.

5 MEMBER NOLAND: And Mr. Chairman, my concern  
6 is eliminated with the language on the second 17 that's  
7 now become 10.

8 CHMN. CHENAL: And what's the concern?

9 MEMBER NOLAND: It was that -- it was before  
10 it was constructed, not during operation. But that  
11 language is in the second 17.

12 MEMBER DRAGO: Yes, it's in there.

13 CHMN. CHENAL: So what we see up on the  
14 screen in Exhibit 4, Paragraph 10, which was previously  
15 Mr. Cunningham's 17, so 10, let's look at that and see  
16 if that is acceptable to the Committee.

17 MEMBER GENTLES: I'm comfortable with it,  
18 Mr. Chair.

19 MEMBER PALMER: If there's no objections,  
20 I'll go ahead and make a motion to approve to get the  
21 discussion.

22 MEMBER DRAGO: Second.

23 MEMBER GRINNELL: Mr. Chairman.

24 CHMN. CHENAL: Member Grinnell. And I  
25 actually do have a question about the language.

1 There's something that's not right there.

2 MEMBER GRINNELL: Yeah, forgive me. I'm  
3 looking at this. I think there needs to be a distinct  
4 clarification or inclusion of pre con, operation, post  
5 construction time periods.

6 CHMN. CHENAL: That's exactly what I was  
7 going to say, and I'll show you why. So we say  
8 applicant is going to perform the studies prior to  
9 construction to show that it will result in no material  
10 adverse impacts to the tower or to public safety when  
11 both the radio tower and the project are in operation.  
12 We're talking about preconstruction, but then it seems  
13 to blend in the post operation, which we also need to  
14 include. So something is not right there.

15 MR. BECK: Mr. Chairman, relative to the  
16 ongoing issue, I think it kind of falls back to  
17 Number 9. So we do -- for the radio station  
18 specifically we will do the studies prior to identify  
19 any concerns or issues. Once it's in operation, 9 is  
20 still applicable.

21 MEMBER HAENICHEN: Right.

22 CHMN. CHENAL: Or we could also add some  
23 language after "prior to construction, and thereafter  
24 as necessary," after the word "construction."

25 MR. BECK: The applicant would be open to



1 that, as long as there's a time element involved in  
2 that. So up to within a year of construction, after  
3 construction.

4 MEMBER HAENICHEN: Couldn't you just take the  
5 10 out of there and make the whole thing 9?

6 CHMN. CHENAL: Member Haenichen, I think this  
7 is specific to the radio towers. The other relates to  
8 interference of residential units and everything else.

9 MEMBER HAENICHEN: True. True. Right. Good  
10 point.

11 CHMN. CHENAL: Let's try Mr. Beck's language,  
12 "prior to construction and within a year after," let's  
13 say, "operations begin," comma.

14 MEMBER HAENICHEN: The radio stations won't  
15 be happy with a whole year. What if it screws up their  
16 transmission right away?

17 MEMBER PALMER: No, this is within a year.

18 MR. CUNNINGHAM: How about just saying, "and  
19 during operations."

20 MR. BECK: Well, the intent of that language  
21 is just to limit the radio station's ability to come  
22 back to the applicant and say, you've caused a problem.  
23 So if they don't identify it within the first year,  
24 it's not likely caused by our line. That's the intent  
25 of that language.

1 MEMBER HAENICHEN: But doesn't it give the  
2 utility -- the applicant the ability to not solve it  
3 for a whole year?

4 CHMN. CHENAL: No, after a year. I think the  
5 way this reads is the studies --

6 MEMBER HAENICHEN: It says, "within a year  
7 after operations begin."

8 CHMN. CHENAL: So the applicant, at its  
9 expense, would perform studies prior to and within a  
10 year after operation.

11 MEMBER HAMWAY: If necessary, maybe.

12 MEMBER DRAGO: So Mr. Chairman, I think we're  
13 missing the word "baseline." So Mr. Beck, are you  
14 getting to the point where you're going to establish  
15 the baseline and then you're going to compare the  
16 operation of the system against that baseline?

17 MR. BECK: That is -- yeah, that's one of the  
18 issues.

19 MEMBER DRAGO: I think that's what's missing  
20 here. We need to -- the intent to do it  
21 preconstruction is to have a baseline without this  
22 system in place in the first place.

23 CHMN. CHENAL: Let me see if I can explain it  
24 as I see it, and then see if -- because this is  
25 acceptable to me now, but let me see if I can explain

1 it the way I'm reading it.

2           So where the line is going to be within  
3 1,500 feet of a tower, that kicks in an obligation for  
4 the applicant to do some studies and to pay for  
5 studies, and there's a time limit on that. The  
6 applicant has to perform the studies within -- prior to  
7 construction and within a year after operation, and  
8 that deals with studies. And to Mr. Beck's point, if  
9 the interference hasn't happened by that time, it  
10 probably isn't the result of the line. But again, all  
11 that language deals with just one thing, and that is  
12 the applicant, at its expense, performing studies.

13           The next sentence deals with mitigation. It  
14 says, "Applicant shall take appropriate steps at its  
15 expense to ensure that any material adverse impacts are  
16 mitigated by detuning or other appropriate methods."  
17 Now, there's no date limitation on that. That happens  
18 at any time. After the first year, year 10, whenever  
19 the interference occurs, there's an obligation by the  
20 applicant to fix it.

21           So the first part, with the limitation of one  
22 year, is doing studies. The second portion of  
23 Paragraph 10, as I'm reading it, is there's a  
24 continuing and constant obligation to fix the  
25 interference.

1           MEMBER NOLAND: Mr. Chairman, but I thought  
2 that was contrary to what Mr. Beck said. I thought he  
3 wanted -- because other things could happen after a  
4 year that the project is up and running. That if  
5 they've taken a year and there's been no interference  
6 with the project or they've mitigated it by the  
7 detuning equipment, they shouldn't have to keep having  
8 to prove it if it's other things that have interfered  
9 with that.

10           Mr. Beck, is that what you said?

11           MR. BECK: Yes, Member Noland, that's exactly  
12 the point. We don't want to be on the hook forever  
13 into the future should there be interference somewhere  
14 down the road and it's likely not related to our line.  
15 But if the language is such that we have to still keep  
16 doing studies and so on, that would be a problem.

17           CHMN. CHENAL: Member Palmer.

18           MEMBER PALMER: My question to that is -- and  
19 I don't know, so that's why I'm asking the question --  
20 do the detuning devices malfunction or stop working at  
21 some point, that you still need to be on the hook to  
22 make sure that that's corrected?

23           MR. BECK: I guess potentially they could go  
24 bad, and we would go out and repair them. So from our  
25 perspective it's not a problem, because we're going to

1 go out and fix it, but I understand what you're saying,  
2 Member Palmer.

3 And just relative to the language, the  
4 "parallel to" probably needs to come out of this  
5 because it's just the line located within 1,500 feet.  
6 So on Line 1, just location within 1,500 feet. Because  
7 that was a carryover from where we pulled this language  
8 from.

9 CHMN. CHENAL: Should the word "and" come out  
10 as well?

11 MEMBER NOLAND: Yes.

12 MR. BECK: Yes. Correct.

13 CHMN. CHENAL: All right. We've gone back  
14 and forth on this, and I kind of want to be clear. Is  
15 the applicant okay with the language that's presently  
16 in Condition 10, Exhibit 4?

17 MR. BECK: I think the applicant can live  
18 with it. Again, we don't expect there to be  
19 interference to begin with, so we shouldn't have to  
20 even deal with this.

21 CHMN. CHENAL: So let me ask for a motion to  
22 approve the language of what's now numbered Exhibit 10  
23 -- Condition 10 in Exhibit 4.

24 MEMBER PALMER: I'll so move.

25 CHMN. CHENAL: And a second?

1 MEMBER HAMWAY: Second.

2 CHMN. CHENAL: Any further discussion?

3 (No response.)

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Thank you. Let's do this.

7 I've been notified by Member Noland there's lunch. I  
8 think we've been at this pretty long. Let's take a  
9 15-minute break and have lunch, and then we can resume.  
10 I think we've covered the hard stuff, but I don't want  
11 to just rush through this because -- let's take a  
12 15-minute break, grab a bite, and then we'll come back.

13 (Off the record from 12:20 p.m. to  
14 12:47 p.m.)

15 CHMN. CHENAL: Let's get back on the record  
16 and finish this deliberation and do our final vote.

17 So when we left we basically had approved, on  
18 Chairman's Exhibit 3 on the left screen, which is the  
19 one I'm going to be working with, Condition 9 dealing  
20 with interference. And then we dealt with what was  
21 Condition 17 from Mr. Cunningham, and we brought  
22 that -- and that's been adopted as Condition Number 10,  
23 which is in the CEC that we're creating as we go  
24 through the process, which is Chairman's Exhibit 4. So  
25 all the numbers, everything changes and will continue

1 to change.

2 So I'm going to continue to go back to  
3 Chairman's 3, which is the static version, and go to  
4 Condition Number 10, I think that's the next one we  
5 have to consider, dealing with remains and such. So  
6 may I have a motion to approve?

7 MEMBER HAMWAY: So moved.

8 MEMBER NOLAND: Second.

9 CHMN. CHENAL: Any further discussion?

10 (No response.)

11 CHMN. CHENAL: All in favor say aye.

12 (A chorus of ayes.)

13 CHMN. CHENAL: Thank you.

14 MEMBER HAENICHEN: But it's now 11, correct?

15 CHMN. CHENAL: Yes, but let's not worry about  
16 that, Member Haenichen, because I think a lot of these  
17 could change. And yes, they're going to be a different  
18 number. But that's why if we stick with Exhibit 3,  
19 that will be a constant, so it will be easier to  
20 follow.

21 So Condition 11 in Chairman's 3 dealing with  
22 signage of the project, the future site, this is a  
23 standard condition. May I have a motion to approve?

24 MEMBER HAENICHEN: Motion.

25 MEMBER PALMER: Second.

1 CHMN. CHENAL: Motion and a second. Any  
2 further discussion?

3 (No response.)

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Let's go to Condition 12.

7 And all of the numbers I'm giving for  
8 conditions are Chairman's Exhibit 3, so I won't  
9 continue to have to say that.

10 Again, a standard condition. May I have a  
11 motion to approve?

12 MEMBER HAMWAY: So moved.

13 MEMBER NOLAND: Second.

14 CHMN. CHENAL: Motion and a second. Any  
15 further discussion?

16 (No response.)

17 CHMN. CHENAL: All in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Number 13, using non-specular  
20 conductors. The only thing I would say on this one is  
21 that the words are italicized, and I don't think they  
22 should be. So with that change, may I have a motion to  
23 approve?

24 MEMBER NOLAND: So moved.

25 CHMN. CHENAL: And a second?



1 MEMBER HAENICHEN: Second.

2 CHMN. CHENAL: Any further discussion?

3 (No response.)

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Condition 14. Again, a

7 standard condition. May I have a motion to approve?

8 MEMBER GRINNELL: So moved.

9 CHMN. CHENAL: And a second?

10 MEMBER NOLAND: Second.

11 CHMN. CHENAL: Any further discussion?

12 (No response.)

13 CHMN. CHENAL: All in favor say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Condition 15. Again, a

16 standard condition. May I have a motion to approve?

17 MEMBER HAENICHEN: I'll move 15.

18 CHMN. CHENAL: And a second?

19 MEMBER DRAGO: Second.

20 MEMBER GENTLES: Second.

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

22 Any further discussion?

23 (No response.)

24 CHMN. CHENAL: All in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Condition 16. May I have a  
2 motion to approve?

3 MEMBER PALMER: Move 16.

4 CHMN. CHENAL: And a second?

5 MEMBER HAENICHEN: Second.

6 CHMN. CHENAL: Any further discussion?

7 (No response.)

8 CHMN. CHENAL: All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: I think we can skip the two  
11 versions of 17, because we've already dealt with that.

12 Condition 18 is the pipeline condition that's  
13 often requested by the Corporation Commission Staff.

14 MEMBER NOLAND: I move 18.

15 CHMN. CHENAL: We have a motion. May I have  
16 a second?

17 MEMBER HAMWAY: Second.

18 CHMN. CHENAL: Any further discussion?

19 (No response.)

20 CHMN. CHENAL: All in favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Condition 19. Again, the only  
23 change I made to 19 was to include Arizona State Land  
24 Department. May I have a motion to approve?

25 MEMBER HAMWAY: So moved.

1 CHMN. CHENAL: And a second?

2 MEMBER HAENICHEN: Second.

3 CHMN. CHENAL: We have a motion and a second.  
4 Any further discussion?

5 (No response.)

6 CHMN. CHENAL: All in favor say aye.

7 (A chorus of ayes.)

8 CHMN. CHENAL: We have some number changes on  
9 Exhibit 3. That should be a --

10 MS. MIKULOVSKY: It's because we inserted 17  
11 and everything subsequent changed.

12 CHMN. CHENAL: Oh, okay. So things changed  
13 because of 17. So I will use the number that's  
14 reflected there, Condition 20, dealing with providing a  
15 copy of the Certificate to various entities. May I  
16 have a motion to approve?

17 MEMBER GENTLES: So moved.

18 CHMN. CHENAL: And a second?

19 MEMBER HAMWAY: Second.

20 CHMN. CHENAL: Any further discussion?

21 (No response.)

22 CHMN. CHENAL: All in favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: And 21, dealing with transfer  
25 or assignment. Again, a standard condition. May I

1 have a motion to approve?

2 MEMBER HAENICHEN: So moved.

3 CHMN. CHENAL: And a second?

4 MEMBER PALMER: Second.

5 CHMN. CHENAL: Any further discussion?

6 (No response.)

7 CHMN. CHENAL: All in favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: Condition 22. May I have a  
10 motion to approve?

11 MEMBER HAMWAY: So moved.

12 CHMN. CHENAL: And a second?

13 MEMBER HAENICHEN: Second.

14 MEMBER GENTLES: Second.

15 CHMN. CHENAL: Any further discussion?

16 (No response.)

17 CHMN. CHENAL: All in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Number 23. Again, a standard  
20 condition proposed by the applicant. May I have a  
21 motion to approve?

22 MEMBER NOLAND: I move approval of  
23 Condition 23.

24 CHMN. CHENAL: And a second?

25 MEMBER HAENICHEN: Second.

1 CHMN. CHENAL: Any further discussion?

2 (No response.)

3 CHMN. CHENAL: All in favor say aye.

4 (A chorus of ayes.)

5 CHMN. CHENAL: 24. May I have a motion to  
6 approve?

7 MEMBER HAMWAY: So moved.

8 MEMBER HAENICHEN: Second.

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

11 (No response.)

12 CHMN. CHENAL: All in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: Condition 25. Again, a  
15 standard condition. May I have a motion to approve?

16 MEMBER NOLAND: So moved.

17 MEMBER HAENICHEN: So moved.

18 CHMN. CHENAL: And a second?

19 MEMBER HAMWAY: Second.

20 CHMN. CHENAL: Any further discussion?

21 (No response.)

22 CHMN. CHENAL: All in favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: Now let's look at 26. This  
25 one was one that was submitted -- a change submitted by

1 the applicant, I think with discussions with  
2 Mr. Cunningham, so let's take a moment to read that.  
3 And I think we had some testimony about that.

4 MEMBER NOLAND: Mr. Chairman.

5 CHMN. CHENAL: Yes, Member Noland.

6 MEMBER NOLAND: I've just got a quick  
7 question. So I guess just by approving the use of the  
8 right-of-way, that's okay, you would wouldn't do an  
9 easement that favored the adjacent land?

10 MR. BECK: Mr. Chairman, Member Noland, we're  
11 going to negotiate our rights-of-way requirements with  
12 the landowner directly, and we'll put whatever makes  
13 sense to both parties. This was an attempt to make  
14 Mr. Cunningham more comfortable that we truly will do  
15 that. I mean, that's what we always do anyway with  
16 landowners.

17 MEMBER NOLAND: You do? Okay.

18 MR. BECK: Yeah.

19 MEMBER NOLAND: At some point, though, I  
20 think there'd have to be an easement, not just a  
21 right-of-way, because other properties are to be sold  
22 and people will own them and they're going to have to  
23 have an ingress/egress easement to do that.

24 MR. BECK: Yeah, that is correct.

25 MEMBER NOLAND: Okay. I'm good.

1 CHMN. CHENAL: Are you good with this,  
2 Member Noland?

3 MEMBER NOLAND: Uh-huh.

4 CHMN. CHENAL: Okay. May I have a motion to  
5 approve 26?

6 MEMBER HAMWAY: So moved.

7 CHMN. CHENAL: And a second?

8 MEMBER DRAGO: Second.

9 CHMN. CHENAL: All in favor say aye.

10 (A chorus of ayes.)

11 MR. BECK: Mr. Chairman, just for the record,  
12 right at the end of 27 we took the word "and" off  
13 because it doesn't belong there.

14 CHMN. CHENAL: You mean 26?

15 MR. BECK: 26, I'm sorry, yes.

16 CHMN. CHENAL: And then 27, dealing with  
17 interconnection agreements. I've had an off-the-record  
18 conversation with Mr. Beck just for my edification.  
19 And I'd like him to put that on the record, though,  
20 just why this is not applicable to this case, maybe to  
21 educate us in future cases when an interconnection  
22 agreement is applicable to a case.

23 MR. BECK: Yes, Mr. Chairman. The  
24 interconnection condition, I believe at least two cases  
25 it was applicable to both TEP. One was where we were

1 going to interconnect with CFE in Mexico, so we  
2 definitely would have had a line-to-line  
3 interconnection. And then I think also it was in the  
4 Southline project. It became an issue that there would  
5 be future interconnections to that project, and so the  
6 Committee, Commission created that condition.

7           It's not applicable in this case because we  
8 don't plan to interconnect our line to other utilities,  
9 so there just is no need for us to file interconnection  
10 agreements going forward.

11           CHMN. CHENAL: So when is it an  
12 interconnection agreement -- what is an  
13 interconnection?

14           MR. BECK: So the interconnection is  
15 between -- typically between utilities in identifying  
16 who is in charge and controlling what relative to the  
17 facilities. So if it's a UNSE project, UNSE will have  
18 certain requirements and obligations that it must do.  
19 And if we were to interconnect with APS up in this  
20 vicinity, there would be things they would have to do.  
21 And we lay that all out in an interconnection  
22 agreement. So it covers cost responsibility, as well  
23 as operational responsibilities.

24           And so typically we don't see much interest  
25 from Staff on interconnections. Now, in the two other



1 projects I mentioned, because they were large projects  
2 interconnecting either with other states and/or across  
3 the border, it was more on an interest.

4 CHMN. CHENAL: Would you use an  
5 interconnection agreement for a Gen-Tie line, say, from  
6 a solar facility to a transmission line?

7 MR. BECK: If they were directly connecting  
8 to the transmission line, there would be an  
9 interconnection agreement. Likely, in this case, any  
10 interconnectors will interconnect into the 69 kV side  
11 of the system. And so the interconnection would not be  
12 directly with this 230 line, it would be with UNSE, but  
13 at the more or less distribution or subtransmission  
14 level.

15 CHMN. CHENAL: Okay. Well, we can delete  
16 what I had put up for discussion as not applicable.

17 So let's now -- before we get to the findings  
18 of fact, conclusions of law, let's look at the exhibit,  
19 the Exhibit A, to make sure that we're all -- that it's  
20 acceptable to us. Because I think the findings of fact  
21 and conclusions of law go pretty quickly. And then  
22 we'll have our final vote.

23 But the applicant provided copies of a map  
24 with some -- you know, calling out certain comments,  
25 and I'm not sure which ones are applicable, all of them

1 or some of these or --

2 MR. RAATZ: Mr. Chairman.

3 CHMN. CHENAL: Yes.

4 MR. RAATZ: For Exhibit A --

5 CHMN. CHENAL: Yes.

6 MR. RAATZ: -- just to note, all of the  
7 call-outs, they just denote the location with respect  
8 to the section line. So it's just identifying the  
9 corridor.

10 CHMN. CHENAL: Well, I want to make sure  
11 Member Noland is comfortable with it, but I first want  
12 to make sure we know what Exhibit A is, what pages make  
13 up Exhibit A.

14 MR. RAATZ: There's no numbers on these, and  
15 we will correct that. There's three pages that  
16 identify Exhibit A, and it starts -- the legal  
17 description for the eastern corridor.

18 MR. BECK: Eric, or Mr. Raatz, can you, for  
19 the record, identify which one you're looking at?  
20 Because we've got six pages, I think, floating around.

21 MR. RAATZ: So it's up on the screen, and  
22 this starts at the northern portion of the project.

23 MEMBER NOLAND: Mr. Raatz, it's basically the  
24 93 alignment, is that correct, that is common to all of  
25 the --

1 MR. RAATZ: That is correct.

2 CHMN. CHENAL: And the first sheet has -- at  
3 the top it has, "Proposed Mineral Park Substation." So  
4 that's the page.

5 MR. RAATZ: That is correct.

6 CHMN. CHENAL: So that's Page 1.

7 And what's the next page? We can talk about  
8 it, but let's find out what pages first and then we can  
9 go back.

10 MR. RAATZ: Correct. The next page would be  
11 the central portion of the project. Range 17 West is  
12 at the top of the page, with Township 21 North at the  
13 left side of the page and the right side of the page.

14 CHMN. CHENAL: So this one has, at the top,  
15 simply R17W, and at the top third left it has 68, and  
16 kind of two thirds of the way down on the right-hand  
17 page it has I40?

18 MR. RAATZ: Correct.

19 CHMN. CHENAL: So that's the second page.

20 Okay. What's the third page?

21 MEMBER DRAGO: I don't have that one.

22 Mr. Chairman, I don't have that one.

23 MEMBER HAMWAY: I have two of them.

24 MEMBER DRAGO: Okay. So you have one of  
25 mine.

1 MR. BECK: So Mr. Raatz, is one of these the  
2 western route and the other is the eastern route in the  
3 sets of papers that are floating around?

4 MR. RAATZ: That is correct.

5 MR. BECK: So relative to the eastern route,  
6 specifically which -- are there three maps, three  
7 diagrams that represent the eastern route?

8 MR. RAATZ: That is correct.

9 MR. BECK: Okay. How can the Committee dial  
10 into what it is you're looking at? What are the key  
11 features on these maps that will show which one is  
12 which?

13 MR. RAATZ: Well, for the third page --  
14 towards the upper right-hand corner of the third page  
15 is the call-out for State Route 66. And at the bottom  
16 of that page is -- towards the bottom of the map is the  
17 Harris substation call-out.

18 CHMN. CHENAL: Okay. So the third page is  
19 pretty easy to see. So maybe we could go through 1, 2,  
20 and 3 again just so we make sure we're all on the same  
21 page.

22 So Page 1 is the I93 heading northwest to  
23 Hoover Dam with "Proposed Mineral Park Substation" in  
24 bold letters at the top of the page. The second page  
25 shows 93 and 68 at the top left of the map, and then

1 the lower right has I40, with a lot of call-outs in  
2 between. And then the last page has I40 at the top and  
3 extends down to -- at the bottom of the map is Harris  
4 substation. So those three make up Exhibit A.

5 MEMBER DRAGO: Mr. Chairman, I'm missing  
6 Page 2.

7 CHMN. CHENAL: All right. We'll have to get  
8 that for you.

9 Does anyone have two copies of the second  
10 page of Exhibit A?

11 All right. We're going to get an extra copy  
12 for Member Drago.

13 MR. BECK: Mr. Chairman, we've got some extra  
14 copies. We're going to get them right now and staple  
15 them in order.

16 MEMBER NOLAND: Mr. Chairman, so are we  
17 saying these are A1, 2, and 3, or just Exhibits -- I  
18 thought they said A.

19 MR. BECK: I think the intent is they'll be  
20 Exhibit A, and there will be three pages to Exhibit A.

21 MEMBER NOLAND: Okay.

22 CHMN. CHENAL: Yeah. If the Committee, for  
23 reference, if you look at the last -- on the top third  
24 of Page 3, right before the conditions, where the  
25 conditions start, the last sentence says that "The

1 Committee has approved Route E1 for the Project with a  
2 500-foot corridor all as shown on the map attached  
3 hereto as Exhibit A." And collectively these three  
4 pages will make up Exhibit A.

5 MR. BECK: Mr. Chairman, we apologize for  
6 that. But I think now the Committee Members, at least  
7 in the room, have the three maps in the correct order.

8 CHMN. CHENAL: Okay.

9 MEMBER HAENICHEN: Mr. Beck, what were those  
10 other ones that you said I should put aside?

11 MR. BECK: We had started to create a western  
12 route in case. And it probably should not have got  
13 circulated, but anyway...

14 CHMN. CHENAL: But you were being fair.

15 MR. BECK: Yep.

16 CHMN. CHENAL: Okay. Let's go through  
17 findings of fact and conclusions of law. So Finding of  
18 Fact and Conclusion of Law Number 1, "The applicant  
19 made reasonable efforts to work with landowners and  
20 minimize the impact of the facilities." May I have a  
21 motion to approve?

22 MEMBER HAMWAY: So moved.

23 MEMBER HAENICHEN: Second.

24 CHMN. CHENAL: We have a motion and a second.  
25 Any further discussion?

1 (No response.)

2 CHMN. CHENAL: All in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Number 2, "The Project aids  
5 the applicant in meeting the need for an adequate,  
6 economical, and reliable supply of renewable electric  
7 power." May I have a motion to approve?

8 MEMBER PALMER: So moved.

9 CHMN. CHENAL: And a second?

10 MEMBER DRAGO: Second.

11 CHMN. CHENAL: Any further discussion?

12 (No response.)

13 CHMN. CHENAL: All in favor say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Number 3, "The project aids  
16 the State in preserving a safe and reliable electric  
17 transmission system." May I have a motion to approve?

18 MEMBER NOLAND: So moved.

19 CHMN. CHENAL: And a second?

20 MEMBER HAMWAY: Second.

21 CHMN. CHENAL: Any further discussion?

22 (No response.)

23 CHMN. CHENAL: All in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Number 4, "During the course

1 of the hearing, the Committee considered evidence on  
2 the environmental compatibility on the Project as  
3 required by A.R.S. Section 40-360 et seq." I think  
4 that's S-E-Q, not S-E-G. Anyone that had to study a  
5 year of Latin gets to use it every once in a while.  
6 May I have a motion to approve?

7 MEMBER HAENICHEN: So moved.

8 CHMN. CHENAL: And a second?

9 MEMBER HAMWAY: Second.

10 CHMN. CHENAL: Any further discussion?

11 (No response.)

12 CHMN. CHENAL: All in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: Number 5, "The conditions  
15 placed on the Project in this Certificate effectively  
16 minimize the impact of the project on the environment  
17 and ecology of the state."

18 MEMBER DRAGO: So moved.

19 CHMN. CHENAL: May I have a second?

20 MEMBER HAMWAY: Second.

21 CHMN. CHENAL: Any further discussion?

22 (No response.)

23 CHMN. CHENAL: All in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Number 6, "The conditions



1 placed on the Project in this Certificate resolve  
2 matters concerning balancing the need for the project  
3 with its impact on the environment and ecology of the  
4 state arising during the course of the proceedings,  
5 and, as such, serve as findings and conclusions on this  
6 matter." May I have a motion to approve?

7 MEMBER PALMER: Move 6.

8 CHMN. CHENAL: And a second?

9 MEMBER HAMWAY: Second.

10 CHMN. CHENAL: Any further discussion?

11 (No response.)

12 CHMN. CHENAL: All in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: And Number 7, "The Project is  
15 in the public interest because the Project's  
16 contribution to meeting the need for an adequate,  
17 economical, and reliable supply of electric power  
18 outweighs the minimized impact of the project on the  
19 environment and ecology of the state." May I have a  
20 motion to approve?

21 MEMBER HAMWAY: So moved.

22 CHMN. CHENAL: And a second?

23 MEMBER HAENICHEN: Second.

24 CHMN. CHENAL: Any further discussion?

25 (No response.)

1 CHMN. CHENAL: All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Okay. Now, if we could go  
4 back and if I could just ask Gourjia to scroll through  
5 from the beginning and give us an opportunity to just  
6 review to make sure we have everything. And you can  
7 scroll through it relatively quickly. We'll have to  
8 come back for the vote, I understand that.

9 Let me stop you, Gourjia. I was hoping we  
10 would see the redlines. Is there any way to revert it  
11 back to a redline view, or have they all been accepted?

12 MS. ODISHO: They've all been accepted.

13 CHMN. CHENAL: Okay. That's all right.

14 MEMBER NOLAND: There's a redline.

15 MR. BECK: Mr. Chairman, when this is passed  
16 along to you, would you like another exhibit that is  
17 the comparison to show you the redline difference?

18 CHMN. CHENAL: Yes, I would appreciate that  
19 very much. Because I still note there's a couple cases  
20 in there where a condition might still be written in  
21 and would have to be removed.

22 And while we're on that, can I have a motion  
23 to allow me to make scrivener's errors and  
24 modifications, Member Noland.

25 MEMBER NOLAND: I was just getting ready to

1 make that motion, I thought this was an appropriate  
2 time, that you make any scrivener's error corrections  
3 and any other small items like references.

4 CHMN. CHENAL: Nonmaterial changes.

5 MEMBER NOLAND: Nonmaterial changes.

6 CHMN. CHENAL: That's the motion. May I have  
7 a second?

8 MEMBER HAENICHEN: Second.

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

11 (A chorus of ayes.)

12 CHMN. CHENAL: Thank you. All right. So  
13 when we finish the vote here in a moment, we'll give  
14 everyone an opportunity to explain their vote. I just  
15 want to advise the applicant that I'll -- thanks to my  
16 fun with a mountain bike, next Wednesday I'll be  
17 visiting a doctor with a little surgery. So Monday and  
18 Tuesday I'll probably be available. If not, it's going  
19 to be the following week, just to let you know.

20 So just a clean copy with a law review edit  
21 to make sure everything is perfect as much as possible  
22 and a redline version to go with it.

23 So are there any other -- before we turn it  
24 over for a roll call vote and allow each of the Members  
25 to explain their vote, are there any other things we

1 should talk about in terms of the CEC and our  
2 deliberations?

3 (No response.)

4 CHMN. CHENAL: If not, Member Riggins, let's  
5 go back to you.

6 MEMBER NOLAND: Mr. Chairman, you need a  
7 notion to adopt the CEC as modified.

8 CHMN. CHENAL: That's a pretty basic one that  
9 if we don't do that, we're not able to vote on  
10 anything.

11 MEMBER NOLAND: You know, that's my having  
12 been the parliamentarian. I'm sorry.

13 CHMN. CHENAL: It takes a village. It takes  
14 a village. Wouldn't that be a shame to go through all  
15 this, sign it, and someone a year from now file a  
16 lawsuit to oppose this because there was not a proper  
17 vote on the CEC because there was never a motion to  
18 adopt it and second it.

19 So may I have a motion to approve the CEC  
20 with the modifications as discussed by the Committee  
21 that are shown on Chairman's Exhibit 4, which will  
22 become a final CEC.

23 MEMBER HAENICHEN: So moved.

24 CHMN. CHENAL: May I have a second?

25 MEMBER DRAGO: Second.

1 CHMN. CHENAL: Any further discussion?

2 (No response.)

3 CHMN. CHENAL: Okay. With that, Member  
4 Riggins.

5 Thank you, Member Noland.

6 MEMBER NOLAND: You're welcome.

7 CHMN. CHENAL: Member Riggins, if you could  
8 explain your vote and any comments.

9 MEMBER RIGGINS: Thank you, Mr. Chairman. I  
10 don't have anything additional to add. I think I  
11 essentially explained my vote in my explanation of my  
12 selecting route, the eastern route.

13 But again, I commend the applicant and the  
14 parties that were involved for allowing a robust  
15 dialogue and public comment. I thought it was very  
16 helpful in this case, made for a very interesting case,  
17 a tough case. But again, I thought the applicant and  
18 the parties involved did a fantastic job of presenting  
19 the information to the Committee, and for that reason I  
20 vote to approve.

21 CHMN. CHENAL: Thank you very much.

22 Member Branum.

23 MEMBER BRANUM: Thank you, Chairman. I think  
24 I'm in a similar position, I explained my reasoning  
25 earlier. But I will reiterate that I believe the

1 eastern route, E1, achieves this balance, and I will be  
2 voting to approve.

3 And I want to say thank you to everyone  
4 involved. Attending via Zoom has been pretty easy,  
5 relatively speaking, so I appreciate it. It's been  
6 easy to follow along and participate. Thank you.

7 CHMN. CHENAL: You missed all the good food  
8 they're providing, including massive cookies for  
9 Member Haenichen.

10 MEMBER HAENICHEN: I had several of those.

11 CHMN. CHENAL: Member Gentles.

12 MEMBER GENTLES: Well, I don't have an awful  
13 lot more to add. I think I was torn between E1 and W1.  
14 And I think, just going through the conditions, I would  
15 still land on my vote for W1, so I'm going to vote  
16 against.

17 CHMN. CHENAL: Thank you.

18 Member Drago.

19 MEMBER DRAGO: I'd like to thank everyone  
20 involved for the week. I thought it was a really good  
21 case to review, very complex. And I'm going to vote  
22 E1. Thank you. No further comment.

23 CHMN. CHENAL: So you vote to approve the  
24 Certificate?

25 MEMBER DRAGO: E1.

1 CHMN. CHENAL: But the Certificate?

2 MEMBER DRAGO: Yeah, Certificate of  
3 Environmental Compatibility. Yeah.

4 CHMN. CHENAL: Vote to approve. Okay.  
5 Member Grinnell.

6 MEMBER GRINNELL: First of all, I appreciate  
7 everybody's indulgence, as this is my first meeting,  
8 and I definitely dove head first. I'm not sure how  
9 much water was in the pool. But more important, I  
10 appreciate the integrity and the discipline that was  
11 commanded by this responsibility, by all parties  
12 involved, and I appreciate your willingness to educate  
13 me and help me make a decision that was consistent with  
14 the facts and taking everything into consideration.

15 So I'm going to maintain my original vote for  
16 E1.

17 MEMBER NOLAND: The CEC?

18 MEMBER GRINNELL: CEC.

19 CHMN. CHENAL: You vote to approve the CEC?

20 MEMBER GRINNELL: I vote to approve the CEC.

21 Thank you.

22 CHMN. CHENAL: Member Noland.

23 MEMBER NOLAND: Thank you, Mr. Chairman.

24 Again, I echo what everybody said. It was a  
25 very difficult case, and I was back and forth and back

1 and forth.

2 I want to thank the technical staff and the  
3 other staff. This is a real challenge with people that  
4 are on Zoom and all of the exhibits and the right  
5 screen and the left screen. And Osmer, thanks for  
6 going out and taking pictures. Everybody, you did a  
7 wonderful job. My vote does not reflect in any way on  
8 the job any of you did.

9 And it's very rare that I vote against a CEC.  
10 And I'm still torn, because I feel that I would like to  
11 go with the majority of the Committee Members and their  
12 feelings, but I'm just kind of -- this is only the  
13 second time in 12 years that I voted no, and I vote no  
14 on this CEC.

15 CHMN. CHENAL: I think we all respect the  
16 Members to vote what they believe and nothing but  
17 respect for the vote.

18 Member Palmer.

19 MEMBER PALMER: Thank you, Mr. Chairman.

20 I want to echo my appreciation to the  
21 applicant, to all the parties involved. Tremendous  
22 job. It's always a pleasure, Mr. Derstine. Gourjia,  
23 it's been a pleasure to have you here. And Mr. Beck,  
24 who we've sat through many of these with, and is always  
25 so --



1 CHMN. CHENAL: Mr. Beck is retired, right?

2 MEMBER PALMER: That's true. Yeah. He is  
3 retired.

4 And Mr. Raatz, and it's been a pleasure to  
5 get to know Mr. Warner. And all of the folks behind  
6 the scenes that have made this work seamlessly, I  
7 appreciate the professional way that was done.

8 I want to express appreciation to  
9 Mr. Cunningham, who has endured this from day one with  
10 us and who -- things didn't necessarily go the way he  
11 wanted them to, but the professionalism and the  
12 integrity that he put forth his arguments.

13 And hopefully we're all still friends at the  
14 end of the day and we can move forward with this. And  
15 thank you to all and to the Committee for the  
16 opportunity to be here. And with that, I vote aye.

17 CHMN. CHENAL: Member Haenichen.

18 MEMBER HAENICHEN: Thank you, Mr. Chairman.

19 I entered this hearing thinking, well, this  
20 will be one of the easy ones, a slam dunk, we'll be out  
21 of here by Wednesday. And the subtleties of these  
22 proceedings were really quite pronounced. It was a  
23 very difficult decision for me to give you the vote  
24 that I'm about to give. But considering everything, I  
25 vote aye.

1 CHMN. CHENAL: Thank you.

2 Member Hamway.

3 MEMBER HAMWAY: Yes. Thank you for the  
4 opportunity. And this was my first trip to Kingman,  
5 and it will also be the first time I too, in six years,  
6 will vote against a CEC.

7 And I don't really have much more to say than  
8 when I offered my original thought, except that I do  
9 believe that the west route provided the most  
10 opportunity to kind of grow the Golden Valley and to  
11 provide the energy that's going to be needed to handle  
12 the 2.5 percent growth in Mohave County and I just  
13 thought that that particular line worked the best. But  
14 with that, I vote no on the CEC.

15 CHMN. CHENAL: Okay. Well, I just -- thanks  
16 to the applicant and the professionalism expressed, to  
17 Kathryn for doing a great job as the court reporter, as  
18 usual. Jason and the crew, you guys did a great job in  
19 handling all this. Mr. Warner, you and your crew were  
20 a pleasure to work with, and thank you for your  
21 testimony.

22 Mr. Beck, retired, but we see you more often  
23 now than when you were not, before you retired. Thank  
24 you for your professionalism, as always. You have  
25 earned the respect, as have others, but I think you

1 have certainly earned the respect in your testimony and  
2 the trust of this Committee. And I think Mr. Haenichen  
3 has indicated that, and I do as well. So thank you for  
4 that.

5 Mr. Raatz, interesting jingle on your phone  
6 there when the phone rings. Not what I expected, but,  
7 you know, again, thank you for your testimony.

8 And a special thank you to Mr. Cunningham,  
9 because I know this was -- you could have intervened,  
10 sir. You would have been granted intervention. And  
11 you, I think, handled yourself very well, and thank you  
12 for your professionalism and working with us as you  
13 have.

14 MR. CUNNINGHAM: Thank you, Mr. Chairman. It  
15 was a pleasure.

16 CHMN. CHENAL: And Mr. Derstine and Gourjia,  
17 of course, thank you.

18 So I also vote aye for the reasons that I've  
19 already expressed.

20 So I think we have to go back to to the CEC  
21 and put a vote of eight to two to grant.

22 MEMBER HAMWAY: Three.

23 MEMBER NOLAND: Seven to three.

24 CHMN. CHENAL: Oh, Member Gentles. I thought  
25 you -- I'm sorry. Yes, it's three. My math was off.

1 So yes, seven to three to grant.

2 I can't remember when we've had a split  
3 decision, but I like it, because it shows that we're  
4 doing our job and we are listening to it and making up  
5 our minds. I fully applaud the Committee for the vote.  
6 I think it's wonderful that we have cases where we  
7 don't agree.

8 So with that, is there anything else we need  
9 to decide?

10 Congratulations to the applicant. You have  
11 your CEC, or you will as soon as I sign it and get it  
12 in.

13 Mr. Derstine.

14 MR. DERSTINE: I just wanted to note for the  
15 record, I certainly appreciate the Committee and  
16 everyone who made the hearing possible, the AV team and  
17 the crew, obviously. The court reporter always does an  
18 amazing job keeping track of everything, the exhibits.

19 But I wanted to just especially note that I  
20 had never met Patrick Cunningham before, but he has --  
21 I really appreciated working with Mr. Cunningham on  
22 behalf of the Cunningham family. He's been just a  
23 great participant in this process. I know it's not an  
24 easy process for him and the family, but we look  
25 forward to continuing to work with Mr. Cunningham and

1 the family in terms of working out the final details  
2 for the project. So thank you to the Cunninghams.

3 MR. BECK: Mr. Chairman, just for the record,  
4 we're putting in "E1" on Line 7.

5 CHMN. CHENAL: Yes. Okay. I thought we had  
6 had that in there.

7 MR. BECK: We had taken it out earlier just  
8 in case.

9 CHMN. CHENAL: Okay. Well, I think we have  
10 the CEC covered. You'll provide me with a clean copy  
11 and a redline version, and we'll sign it and get it  
12 filed.

13 Mr. Raatz, is there anything else?

14 MR. RAATZ: We're going to get that Exhibit A  
15 to you as well with the pages.

16 CHMN. CHENAL: Yeah, that will have the  
17 Exhibit A. So with that, the meetings are adjourned.  
18 Thank you, everybody.

19 (The hearing concluded at 1:26 p.m.)

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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  
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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  
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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 4th day of May, 2021.

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