

1 BEFORE THE ARIZONA POWER PLANT

LS-410

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION) DOCKET NO.
OF UNS ELECTRIC, INC., IN) L-00000F-24-0270-00242
5 CONFORMANCE WITH THE REQUIREMENTS) LS CASE NO. 242
OF A.R.S. § 40-360, ET. SEQ., FOR)
6 A CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE)
7 BLACK MOUNTAIN TO GRIFFITH 230 KV)
GEN-TIE PROJECT, WHICH INCLUDES)
8 THE CONSTRUCTION OF A NEW 230KV)
TRANSMISSION LINE ORIGINATING AT)
9 THE EXISTING BLACK MOUNTAIN)
GENERATING STATION (SECTION 14,)
10 TOWNSHIP 19NORTH, RANGE 18 WEST),)
AND TERMINATING AT THE EXISTING)
11 GRIFFITH SUBSTATION, OPERATED BY)
WESTERN AREA POWER ADMINISTRATION)
12 (SECTION 06, TOWNSHIP 19 NORTH,) PREHEARING CONFERENCE
RANGE 17WEST), LOCATED WITHIN)
13 UNINCORPORATED MOHAVE COUNTY,)
ARIZONA.)
14 _____)

15 At: Phoenix, Arizona

16 Date: January 29, 2025

17 Filed: February 4, 2025

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19 REPORTER'S TRANSCRIPT OF PROCEEDINGS

20 (Pages 1 through 14)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 3:02 p.m. on January 29, 2025,
5 with all participants appearing via videoconference.

6

7 BEFORE: Adam Stafford, Chairman

8

9 APPEARANCES:

10 For the Applicant:

11 Meghan H. Grabel, Esq.
12 Elias Ancharski, Esq.
13 OSBORN MALEDON
14 2929 North Central Avenue
15 21st Floor
16 Phoenix, Arizona 85012

17 and

18 Megan Hill
19 Tucson Electric Power Company
20 88 East Broadway, MS HQE910
21 P.O. Box 711
22 Tucson, Arizona 85702

23 ALSO PRESENT:

24 Clark Bryner, UNSE
25 Adriana Martinez, UNSE
26 Tod Brewer, Assistant to Chairman Stafford

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1 CHMN STAFFORD: Let's go on the record.

2 Now is the time set for the prehearing
3 conference in Docket No. L-00000F-24-0270-00242 in the
4 application of UNSE.

5 Let's start with appearances.

6 MS. GRABEL: Thank you, Mr. Cham- --
7 Chairman. Chambers, I don't know what that was.

8 Meghan Grabel from the law firm Osborn
9 Maledon on behalf of UNS Electric. With me from my law
10 firm is my colleague Elias Ancharski. Also with us
11 in-house at UNSE is Megan Hill. And also our project
12 participants Mr. Clark Bryner and Adriana Martinez.

13 CHMN STAFFORD: All right. Just to
14 confirm, you have the lodgings arrangement for the
15 committee members for the hearing?

16 MS. GRABEL: We do. Before we go into
17 that, may we discuss for a moment the recent order that
18 you issued on our motion to participate virtually?

19 CHMN STAFFORD: Sure.

20 MS. GRABEL: Okay. First, there wasn't a
21 lot of elaboration in terms of why you ruled that way. I
22 wondered if you could put on the record for us why you
23 decided to rule against us on our motion.

24 CHMN STAFFORD: Well, I got the e-mails in
25 question from the Commission. I reviewed them. I sent

1 them to the law enforcement people here at the attorney
2 general's office. And the majority of the committee will
3 be there in person. I think it's appropriate for the
4 applicant to be there in person.

5 MS. GRABEL: Okay. We have discussed --

6 CHMN STAFFORD: You do have four security
7 guards that will be there as well; correct?

8 MS. GRABEL: I believe we have two now. Is
9 that correct, Mr. Bryner?

10 MR. BRYNER: Sorry. Yes, that is correct.
11 We were only able to get two security guards. That's all
12 we had available.

13 CHMN STAFFORD: All right.

14 MS. GRABEL: Chairman, we're very sensitive
15 to the fact. We initially wanted everyone to be virtual.
16 So with the denial of your motion, may we move to
17 continue this hearing until March 24 so that everyone may
18 participate virtually? And we will renotice it as a
19 virtual hearing.

20 CHMN STAFFORD: Or we could do it at the
21 Commission.

22 MS. GRABEL: That works too.

23 CHMN STAFFORD: All right. Well, if that's
24 your preference. The committee and I are prepared to
25 proceed on Monday. If you would like to continue it,

1 file the motion and we can -- if you could get it filed
2 tomorrow, we could get an order out by Friday or Monday
3 depending on what -- how fast we can get the Commission
4 to block up the hearing room. I think we checked before
5 that those dates were available at the Commission;
6 correct?

7 MS. GRABEL: We did ask Mr. Brewer whether
8 or not they were available. I'm not sure if he checked
9 the Commission specifically. You might want to ask him.

10 CHMN STAFFORD: Okay. We can follow up
11 with that.

12 Ms. Hill, your hand is up.

13 MS. HILL: Yeah. I just have a concern
14 about timing, Mr. Chairman. So -- and there were -- I
15 guess we would like further clarification. The company
16 would like further clarification. Is the -- is the -- is
17 it the Commission's determination that they independently
18 assessed the risk and that there is no risk to the
19 applicant?

20 CHMN STAFFORD: There's always a risk.
21 What do you mean?

22 MS. HILL: No, that -- that's not my -- I
23 mean, we made really specific allegations and so -- based
24 upon our own internal assessments, and we also had
25 communication with some members of the Commission when

1 they -- and we offered to cooperate with a DPS
2 investigation. We are -- it's an evolving situation a
3 little bit. So I just want to be really clear about
4 whether the Commission is telling us there is no risk to
5 us or that our assessment of the risk is incorrect.

6 CHMN STAFFORD: You keep saying the
7 Commission.

8 MS. HILL: Well, I don't know if this is a
9 Commission directive or if this is a --

10 CHMN STAFFORD: No, I've seen -- I've seen
11 the e-mails. I've heard what you've said. And I'm
12 prepared to move forward with the hearing as noticed and
13 the location in person.

14 MS. HILL: And so in this scenario, though,
15 this was a specific request about the applicant with a
16 specific threat that we have an independent knowledge of.
17 What is the prejudice that the committee is concerned
18 about if we were to appear virtually? Because what I'm
19 concerned about -- we are happy to do this March 24
20 through 28 at the Commission, no problem. But if
21 you're -- at this point what we can't do is know what's
22 going to happen on Monday if you're -- what you're saying
23 that we don't get an order until Friday or Monday. I
24 mean, do we need to be in Kingman --

25 CHMN STAFFORD: What happens -- if we're

1 not going to -- if we're not going to have the hearing on
2 Monday, I'll issue an order before that vacating the
3 date. I'm just saying that we'll have to make sure you
4 have adequate time to renote it.

5 MS. HILL: We understand.

6 CHMN STAFFORD: If we have -- if we're
7 looking at March 24, that's plenty of time to renote
8 it.

9 MS. GRABEL: Correct.

10 CHMN STAFFORD: So we have to issue another
11 procedural order, notice of hearing, all of that. That
12 wouldn't -- that's not going to happen this week. But,
13 obviously, if we're not going to proceed on Monday, I'll
14 issue a procedural order this week vacating the hearing.

15 MS. HILL: And so for the record, then,
16 could we understand what the prejudice is to anyone of
17 the applicant appearing virtually instead of in person?

18 CHMN STAFFORD: How are you going to do a
19 tour virtually?

20 MS. HILL: Well, as we stated, we are
21 prepared to do the tour. We will do the tour. I think
22 we said that in the last hearing. We have a contingency
23 plan and a security plan for doing that. And that was
24 not a limitation for us, to do what the committee needed
25 done.

1 CHMN STAFFORD: Well, we've had more
2 serious threats and held a hearing in person previously
3 without incident.

4 MS. HILL: So I guess that's the clarity is
5 that the committee has decided that it is their
6 interpretation of the threat towards UNSE?

7 CHMN STAFFORD: Yes. The e-mail
8 specifically was directed towards the CEO who will not be
9 in attendance.

10 MS. HILL: Okay. And what other
11 information would the committee --

12 CHMN STAFFORD: And it doesn't -- and it
13 doesn't reference this proceeding at all.

14 MS. HILL: Correct. And what information
15 would the committee have needed in order to allow us to
16 appear virtually, number one? And, number two, is there
17 any other prejudice that the committee is concerned about
18 with the applicant appearing virtually when we routinely
19 have parties appear virtually in rate case proceedings
20 and other things?

21 CHMN STAFFORD: Right. But we haven't had
22 a -- we have never had a line siting hearing where the
23 applicant was virtual previously.

24 MS. HILL: Okay. But what's the prejudice?

25 CHMN STAFFORD: What do you mean what's the

1 prejudice? It's just -- that's -- I don't see any
2 benefit to having the applicant appear virtually. It's
3 going to be more difficult to conduct a hearing with the
4 exhibits. It's going to be more difficult -- I think it
5 will be much smoother if we just all do it in person the
6 normal way we do it, the normal course of business. I
7 don't -- I don't see it's justified to have you attend
8 virtually.

9 I pulled the criminal record on subject,
10 the person who's allegedly making these threats. They
11 have no criminal record. I have their driver's license
12 photo here.

13 In the Project Bella situation, they had
14 the individual that was causing security concerns
15 actually showed up in person at an open house, assaulted
16 the people, employees of the applicant, and threatened --
17 and threatened them. We managed to conduct the hearing
18 in person without incident. And they only had two
19 security guards.

20 MS. HILL: Okay. Thank you very much,
21 Mr. Chairman. We understand the committee's perception
22 of the applicant's concerns.

23 CHMN STAFFORD: If you live in fear -- if
24 you live in fear, the terrorists win.

25 MS. HILL: We -- Mr. Chairman, that's not

1 what we believe is going on, but you are -- the committee
2 is entitled to its orders.

3 MS. GRABEL: Mr. Chairman, with everything
4 that you just said, if we move to continue to conduct a
5 virtual hearing or a hearing at the Commission -- I guess
6 that's your preference, a hearing at the Commission on
7 March 24?

8 CHMN STAFFORD: Yes. I mean, they have
9 armed security. They have a metal detector at the door.
10 So that provides even more level security.

11 MS. GRABEL: Okay. We have no problem with
12 that. Thank you.

13 CHMN STAFFORD: So is that the applicant's
14 preference to file a motion to continue? I can issue a
15 procedural order this week to vacate the hearing and set
16 it in the -- I guess --

17 MS. GRABEL: -- I just want to defer to
18 you. Is that the company's preference?

19 MS. HILL: Yes. I mean, honestly, yes,
20 100 percent. I'm just a little nervous if we don't know
21 if the hearing room is available.

22 CHMN STAFFORD: I mean, we can look at
23 that. Hang on.

24 MS. HILL: This is going to be a short
25 hearing. Like, we anticipate having the entirety of the

1 direct done on the first day including with committee
2 questions.

3 CHMN STAFFORD: Right. And I think since
4 we're going to do it at the Commission, we can
5 probably -- we don't need to start at one o'clock. We
6 can start at 10:00 on the first day, have the public
7 comment that evening at 5:30.

8 Let me pull up the event calendar here.
9 Looks like March 24. Okay, Thursday is the contingent
10 open meeting date, but I don't know if there's any way
11 we'd be --

12 MS. HILL: I think we'd be done by then.

13 MS. GRABEL: Absolutely.

14 CHMN STAFFORD: All right. So I'm looking
15 at the Commission's calendar. Monday, March 24, they
16 have something in Tucson. Tuesday, they have public
17 comment and a hearing in Hearing Room 1, nothing in
18 Hearing Room 2. Wednesday they have a hearing in Hearing
19 Room 1 and nothing in Hearing Room 2. So that should
20 work.

21 MS. HILL: Then, yes, that's our
22 preference.

23 MS. GRABEL: We can get the motion filed
24 today probably.

25 CHMN STAFFORD: All right. Well, we can --

1 we may be able to get this -- the entire thing done
2 Friday if we can get all the ducks in a row at the
3 Commission but -- and receive your motion. So if you
4 file that today or tomorrow, we can get it vacated and
5 then renoticed for the 24th.

6 And so then you'll have to do the
7 publications again. Would you do it in all the same
8 newspapers you did this time?

9 MS. GRABEL: We'll mirror what we did this
10 time just to make sure it's noticed in the physical
11 location.

12 CHMN STAFFORD: Okay. So you have the
13 Herald, the Daily Miner, the Mohave Valley Daily News,
14 and then the Kingman Miner. Is that correct, those three
15 publications?

16 MS. GRABEL: That's correct. Today's
17 News-Herald, Mohave Daily News, and the Daily Miner.

18 CHMN STAFFORD: All right. Anything else?

19 MS. GRABEL: No. We appreciate it. Thank
20 you, Mr. Chairman.

21 CHMN STAFFORD: Anything else, Tod? Do you
22 need anything?

23 MR. BREWER: No, Mr. Chairman. Thank you.

24 CHMN STAFFORD: All right. Well, I'll keep
25 an eye out for the motion and then we'll issue new

1 notices of hearing, procedural orders. And I guess we
2 won't need to send a letter to Staff. But they haven't
3 replied yet. I haven't seen their response yet.

4 MS. GRABEL: I believe it's forthcoming.

5 CHMN STAFFORD: Okay. We'll probably need
6 to send notices to the affected jurisdictions again.

7 I was -- in preparation for this, I looked
8 at the exhibits you had, and I saw the green cards. I
9 didn't see the return receipt ones yet.

10 MS. GRABEL: We'll take a look at those.

11 CHMN STAFFORD: So they were -- I saw they
12 went out. I just didn't see that they'd been signed by
13 anybody.

14 MS. GRABEL: Okay. We will verify and make
15 sure they're updated.

16 CHMN STAFFORD: Okay. All right. Anything
17 else? Going once; going twice. All right. Thank you
18 very much. And we'll look forward to the motion, and I
19 will get the new order out.

20 MS. GRABEL: Thank you.

21 CHMN STAFFORD: All right. Go off the
22 record. Thanks.

23 (Proceedings concluded at 3:16 p.m.)

24

25

1 STATE OF ARIZONA)
2)
3 COUNTY OF MARICOPA)

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16 Dated at Phoenix, Arizona, January 31, 2025.

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