

1 BEFORE THE ARIZONA POWER PLANT LS-288
2 AND TRANSMISSION LINE SITING COMMITTEE
3

4 IN THE MATTER OF THE) DOCKET NO.
5 APPLICATION OF UNS ELECTRIC,) L-00000F-23-0060-00218
6 INC., IN CONFORMANCE WITH THE)
7 REQUIREMENTS OF A.R.S. §) LS CASE NO. 218
8 40-360, ET SEQ., FOR A)
9 CERTIFICATE OF ENVIRONMENTAL)
10 COMPATIBILITY AUTHORIZING THE)
11 RIO RICO TO HARSHAW 138)
12 KILOVOLT (KV) TRANSMISSION LINE)
13 PROJECT, WHICH INCLUDES THE)
14 CONSTRUCTION OF A NEW 138 KV)
15 TRANSMISSION LINE ORIGINATING)
16 AT THE PLANNED RIO RICO)
17 SWITCHYARD (SECTION 12,)
18 TOWNSHIP 23 S, RANGE 13 E), AND)
19 TERMINATING AT THE PLANNED)
20 HARSHAW SUBSTATION (SECTION 32,)
21 TOWNSHIP 22 S, RANGE 16 E),)
22 EACH LOCATED WITHIN SANTA CRUZ) PREFILING
23 COUNTY, ARIZONA.) CONFERENCE
24)
25)

15 At: Phoenix, Arizona
16 Date: February 23, 2023
17 Filed: March 9, 2023

18 REPORTER'S TRANSCRIPT OF PROCEEDINGS
19 (Pages 1 to 15)
20
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INDEX TO EXHIBITS

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|-----|---|------------|
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| 2 | Proposed Notice of Hearing | 5 |
| 3 | Map of Notice of Hearing Sign Locations | 5 |

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 3:07 p.m. on February 23, 2023,
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 J. Ancharski, Esq.
13 OSBORN MALEDON
14 2929 North Central Avenue
15 21st Floor
16 Phoenix Arizona 85012

17

18 ALSO PRESENT:

19

20 Chairman Paul Katz
21 Megan Hill, UNS Electric, Regulatory Counsel
22 Clark Bryner, UNS Electric, Principal Program Manager
23 for Transmission Line Siting
24 Chris Ortiz y Pino, UNS Electric, Environmental and
25 Line Use Planner
Teresa Bravo, UNS Electric, Government Relations
Representative
Tod Brewer, Assistant to Chairman Stafford
Lisa Glennie, Glennie Reporting Services

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1 CHMN STAFFORD: We can go ahead and go on the
2 record and start and take appearances. I know you all
3 announced yourselves previously -- but do you need
4 anything further for the court reporter?

5 THE COURT REPORTER: Yes, Chairman, if you want
6 it on the record, I recommend doing that now. Thank you.

7 CHMN STAFFORD: Yes, please. I'll take
8 appearances of counsel, please.

9 MS. GRABEL: Thank you, Chairman. My name is
10 Meghan Grabel from the law firm Osborn Maledon on behalf
11 of the applicant in this case, UNS Electric. With me
12 from my firm is Elias Ancharski. And appearing for the
13 company are Mr. Clark Bryner, Ms. Megan Hill, Ms. Teresa
14 Bravo, and Mr. Chris Ortiz y Pino.

15 CHMN STAFFORD: Thank you. Now, there are no
16 potential intervenors in this case; am I correct?

17 MS. GRABEL: There are no current intervenors,
18 Chairman, but there are potential intervenors. We do
19 have residents in the area that have expressed concerns.
20 And as you may know, this is a project that is being
21 built to serve a mine, and the mine itself may invite
22 intervention from NGOs or other stakeholders who might
23 have interest.

24 CHMN STAFFORD: Okay. Now, the applicant has
25 notified the interested parties that they can appear in

1 person or telephone?

2 MS. GRABEL: Not at the prefiling conference,
3 Mr. Chairman. That typically happens at the prehearing
4 conference after we've filed and if people have expressed
5 an interest in actually intervening.

6 CHMN STAFFORD: Okay. All right. And then I
7 have received the prefiling Exhibits 1, 2, and 3: 1 is
8 the map of the project; 2 is the proposed notice of
9 hearing; and No. 3 is the map with viewpoints from -- I
10 believe I see 11 viewpoints along the route for signs.

11 MS. GRABEL: Yes. Exhibit 3 is where we would
12 post signage of the notice of hearing in this matter.

13 CHMN KATZ: Do you want to turn yours off and
14 just use this one?

15 CHMN STAFFORD: Hold on a second here. I'm
16 going to switch computers to use so I can -- can you hear
17 me now?

18 MS. GRABEL: We can.

19 CHMN KATZ: I'm just saying hello to everybody.
20 I just brought him my laptop (indiscernible). But go
21 ahead.

22 MS. GRABEL: Good to see you, Chairman Katz,
23 Second Chairman, Former Chairman.

24 CHMN KATZ: Former chairman.

25 CHMN STAFFORD: Okay. So we have the proposed

1 notice of hearing to start -- for the hearing to begin
2 April 17.

3 MS. GRABEL: Yes, that's correct.

4 CHMN STAFFORD: And we have a location for it,
5 the Quality Inn in Nogales.

6 MS. GRABEL: Yes, that's correct as well.
7 Quality Inn Americana.

8 CHMN STAFFORD: Okay. And has the applicant
9 prepared for the lodging for out-of-town Committee
10 members?

11 MS. GRABEL: We certainly have. We have
12 information that the Committee members may call in to and
13 reserve a room. And if they request a room under -- it's
14 called the "line siting matter," they'll receive a
15 discounted block rate. They need to do so at least no --
16 no sooner than two days before the actual hearing, so by
17 April 15.

18 CHMN STAFFORD: All right. Now, what are the
19 affected jurisdictions for this application?

20 MS. GRABEL: We only have one, and that's Santa
21 Cruz County.

22 CHMN STAFFORD: Does it cross national forest
23 land?

24 MS. GRABEL: It does. A portion of the route
25 transverses the Coronado National Forest.

1 CHMN STAFFORD: Okay. Now, have you prepared
2 the notice to the affected jurisdictions pursuant to
3 40-360.04?

4 MS. GRABEL: We have, yes. We didn't include
5 that as a hearing exhibit, but I can provide that to you
6 afterwards if you'd like.

7 CHMN KATZ: In the background, this is Paul
8 Katz. I don't think we need it.

9 MS. GRABEL: Thank you.

10 CHMN STAFFORD: We don't need what?

11 CHMN KATZ: I don't think we need what you just
12 suggested. I don't think we need a copy of the notice to
13 affected jurisdictions.

14 CHMN STAFFORD: Okay. Right. And then I guess
15 we'll enter Exhibits 1, 2, and 3 in the record,
16 prehearing 1, 2, and 3. Now --

17 CHMN KATZ: And copies will be need to be
18 provided to the court reporter.

19 CHMN STAFFORD: Yes, copies to the court
20 reporter as well.

21 MS. GRABEL: We have done that. We e-mailed
22 them to the court reporter at the same time we e-mailed
23 Tod.

24 CHMN STAFFORD: Excellent. Now, are you
25 prepared to do the publication for the notice? We have

1 the locations, so you shouldn't need to wait for that,
2 then; correct?

3 MS. GRABEL: That's correct. And, yes, we will
4 be publishing the notice of hearing twice in the Nogales
5 International, which is a newspaper of general
6 circulation, and we'll do that within the statutory time
7 frame. Also as a courtesy, we're publishing in the
8 Patagonia Regional Times. It's not a newspaper of
9 national circulation, but we've been told by area
10 residents that it's what they read and where they get
11 their information. So we'll be publishing there as well.

12 CHMN STAFFORD: Okay. Thank you. Then you'll
13 need to submit a plan for a tour. I don't know if we'll
14 actually do one. I think it's probably doubtful we'll
15 actually do a physical tour, but you will prepare a plan;
16 correct?

17 MS. GRABEL: We will. And I suspect in this
18 case you may want a tour, at least some of the Committee
19 members may, especially if we had intervention by area
20 residents. There are portions of the route that comes
21 not super close to homes but a little bit, and so
22 traditionally, Committee members have taken an interest
23 in that. But we will submit a plan and everything we
24 need to do to make sure that it's Kosher.

25 CHMN KATZ: And just in the background, it's

1 Katz again. We probably would want to do that nine or
2 9:30 on the second day of the hearing.

3 MS. GRABEL: Yes. And we don't think it's going
4 to take more than half a day.

5 CHMN STAFFORD: Half a day.

6 MS. GRABEL: Yep. We will also prepare, of
7 course, a virtual tour, so if the Committee decides they
8 don't want to take a physical tour, we'll be ready both
9 ways.

10 CHMN STAFFORD: Okay. So, yeah, so the
11 estimated day of the tour will be 9:00 or 9:30 a.m. on
12 the second day of the hearing which would be the 18th.

13 MS. GRABEL: Correct.

14 CHMN STAFFORD: Okay. So the date -- let's see.
15 The date for the prehearing conference, Tod will get us
16 that, okay.

17 MR. BREWER: Yes, Chairman, thank you. The date
18 we have scheduled right now is April 11 at three o'clock.

19 MS. GRABEL: If I may be heard on that quickly,
20 Chairman Stafford. That's actually an opening meeting
21 date, and my practice is almost exclusively before the
22 Arizona Corporation Commission. And so I might ask to
23 reschedule it to the 10th or after the open meeting's
24 finished that week if we could.

25 CHMN STAFFORD: April 11, let's see. Let's look

1 at the calendar real quick. That's the Tuesday, okay.

2 So would the 12th work, then?

3 MS. GRABEL: It would if the open meeting
4 doesn't continue on the second day. Right.

5 CHMN STAFFORD: Right.

6 MS. GRABEL: It's pretty efficient, so perhaps.

7 CHMN KATZ: Less than ten days before.

8 CHMN STAFFORD: Less than ten days. So, yes,
9 the 13th -- okay. Tod, can we do the 13th? That way we
10 totally avoid the open meeting.

11 MR. BREWER: Yes, Mr. Chairman, we can.

12 CHMN STAFFORD: So let's do the 13th at 3 p.m.,
13 then, for this prehearing conference.

14 MS. GRABEL: Perfect. If that works with my
15 team.

16 CHMN STAFFORD: And, now, are there any open
17 disputes or any kind of litigation we need to discuss
18 heading into this?

19 MS. GRABEL: No litigation; no formal disputes.

20 CHMN STAFFORD: Okay. Now, the applicant will
21 provide a copy of the application to everybody that needs
22 to get a copy. What's your planned filing date, then?

23 MS. GRABEL: My planned filing date is March 3.
24 And, yes, we will provide 25 copies to the docket. We'll
25 send a copy to your office. We also plan on making

1 copies available at the Arizona Corporation Commission
2 docket control center in Tucson. We'll have a copy on
3 the project website. And also we're going to make a copy
4 available in three public libraries in and around the
5 Nogales, Rio Rico, and Patagonia area.

6 CHMN STAFFORD: Now, for public comment, we're
7 doing the evening of the 17th at 5:30. Correct?

8 MS. GRABEL: Correct.

9 CHMN STAFFORD: I guess we won't know until
10 after you file if that's going to be sufficient time for
11 public comment because we don't know how many people will
12 be speaking or potential intervenors we'll be looking at.

13 MS. GRABEL: The groups that have been
14 discussing with us are pretty organized, so my suspicion
15 is they would designate a couple of speakers. But I
16 can't speak on their behalf, so hopefully that would be
17 sufficient time.

18 CHMN STAFFORD: So we'll plan to be 5:30 on the
19 17th for public comment.

20 MS. GRABEL: Yes.

21 CHMN STAFFORD: Now, has the County -- so the
22 County's the only affected jurisdiction?

23 MS. GRABEL: Yes.

24 CHMN STAFFORD: Have you communicated with the
25 County at all yet?

1 MS. GRABEL: Clark, I'm going to defer that
2 question to you.

3 MR. BRYNER: Mr. Chairman, yes, we have
4 communicated with the County.

5 CHMN STAFFORD: Do you know if they will be
6 planning on intervening or making public comment?

7 MR. BRYNER: They have not expressed any
8 intention to intervene. And, in general, they've been in
9 support of the project.

10 CHMN STAFFORD: Okay. Are there any pending
11 federal, state, county, city permits involved?

12 MS. GRABEL: Mr. Chairman, we will be having to
13 obtain rights of way, and we do have an FS -- can you
14 remind me, Clark -- FS299 application that's being filed
15 with the government because we're going through the
16 forest service.

17 CHMN STAFFORD: Okay.

18 MS. GRABEL: Are there any that I'm missing,
19 Clark?

20 MR. BRYNER: No. It's just the forest service.

21 MS. GRABEL: Okay.

22 CHMN STAFFORD: Okay. And just a reminder for
23 the applicant to get the draft conditions for the CEC by
24 the prehearing conference date with reference to the
25 previous CECs. And I will draft a procedural order.

1 For the location of the hearing, we're all set
2 for Wi-Fi access for --

3 MS. GRABEL: Yes.

4 CHMN STAFFORD: -- Zoom and being in person, all
5 the wonderful things that these hearings entail?

6 MS. GRABEL: We have, Mr. Chairman. We've hired
7 the AV team that's been used for almost every one of
8 these proceedings since COVID began. So we'll have
9 robust Wi-Fi, and they're very familiar with the set-up
10 and what needs to be done.

11 CHMN STAFFORD: Great. Okay. And for all the
12 exhibits and the application for the Committee members,
13 will you be providing iPads, tablets, digitally? Are you
14 planning on providing hard copies?

15 MS. GRABEL: We can make a hard copy available
16 to any Committee member who would like an additional one,
17 although they will be receiving one just through the
18 filing process. And we will have iPads available with
19 the materials downloaded on those.

20 CHMN KATZ: This is just Paul Katz again. The
21 Committee members that are present in person generally
22 don't need hard copies of the exhibits, but the chairman
23 always gets one. And we keep it in our fine library
24 either in Tod's office or nearby. So we will need one
25 copy for Chairman Stafford.

1 CHMN STAFFORD: So I'll need one hard copy.

2 MS. GRABEL: You will certainly get one. We're
3 going to deliver one to you on March 3 the same day we
4 file with the ACC.

5 CHMN STAFFORD: Great. And then just a reminder
6 for the court reporter that we will need to file
7 transcripts turned around in three days per statute.

8 Are there any other issues we need to discuss
9 for this prefiling conference?

10 MS. GRABEL: Looking through my list, I think
11 you covered it all.

12 CHMN STAFFORD: All right. Well, with that,
13 then, we can conclude the hearing and go off the --
14 conference and go off the record.

15 (Proceedings concluded at 3:22 p.m.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the foregoing pages are a full,
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15 Dated at Phoenix, Arizona, March 7, 2023.

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JENNIFER HONN, RPR
Arizona Certified Reporter
No. 50885

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