

1 BEFORE THE ARIZONA POWER PLANT LS-454
2 AND TRANSMISSION LINE SITING COMMITTEE
3 IN THE MATTER OF THE APPLICATION) Docket No
4 UNS ELECTRIC, INC. IN CONFORMANCE) L-00000F-25-0209-00252
5 WITH THE REQUIREMENTS OF)
6 A.R.S. §40-360, ET. SEQ., FOR)
7 CERTIFICATE OF ENVIRONMENTAL)
8 COMPATIBILITY AUTHORIZING THE)
9 RELIABILITY SANTA CRUZ PROJECT) Case No. 252
10 NORTH, WHICH INCLUDES THE)
11 CONSTRUCTION OF A NEW 138 KV)
12 TRANSMISSION LINE WITHIN)
13 UNINCORPORATED PIMA COUNTY AND)
14 UNINCORPORATED SANTA CRUZ COUNTY,)
15 ARIZONA.)
16) PREHEARING CONFERENCE

11 At: Phoenix, Arizona
12 Date: October 29, 2025
13 Filed: November 3, 2025
14

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS
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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 Committee,
4 commencing at 3:17 p.m. on October 29, 2025, with all
5 Participants appearing via videoconference.

6

7 BEFORE: ADAM STAFFORD, Chairman

8 APPEARANCES:

9 On behalf of the Applicant:

10 Meghan H. Grabel, Esq.
11 Elias Ancharski, Esq.
12 OSBORN MALEDON
2929 North Central, 21st Floor
Phoenix, Arizona 85012

13 On behalf of the Intervenor:

14 Marshall Magruder, in propria persona

15 Also Present:

16 Megan Hill, Esq., UNS Electric, Inc.
17 Clark Bryner, UNS Electric, Inc.
Adriana Martinez, UNS Electric, Inc.

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1 PROCEEDINGS

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3 CHMN STAFFORD: Thank you. Let's go on the
4 record. Now is the time set for the prehearing
5 conference for the application of UniSource -- or UNSE
6 for an application for a certificate of convenience and
7 necessity for the Santa Cruz reliability project north,
8 Docket No. L-00000F-25-0209-00252, line citing case 252.

9 Let's start with appearances. Ms. Grabel?

10 MS. GRABEL: Thank you, Mr. Chairman. Meghan
11 Grabel from Osborn Maledon on behalf of the applicant
12 UNS Electric. With me from my firm is Elias Ancharski.
13 With me as in-house counsel at UNS Electric is
14 Megan Hill. She's off camera, but she's in the room with
15 me here. And also with me from the company line siting
16 team, Mr. Clark Bryner, and Ms. Adriana Martinez.

17 CHMN STAFFORD: And Adriana Martinez, it's
18 M-A-R-I-N-E-Z, is the spelling of her last name, correct?

19 MS. GRABEL: That is correct.

20 CHMN STAFFORD: Okay. So, it's not appearing
21 on the screen, so I want to make sure the court reporter
22 had that.

23 THE COURT REPORTER: Thank you.

24 CHMN STAFFORD: All right. And Mr. Magruder,
25 you are appearing representing yourself, correct?

1 MR. MAGRUDER: Yes. I'm representing myself
2 and no one else.

3 CHMN STAFFORD: Okay. All right. Let me --
4 Ms. Grabel, so just to confirm, you've made the lodging
5 arrangements for the committee members for -- who are
6 coming in from out of town, correct?

7 MS. GRABEL: That is correct, Mr. Chairman.
8 We're staying at the Desert Diamond Casino and Conference
9 Center, which is also the hearing venue.

10 CHMN STAFFORD: Okay. And you've had it so
11 they can arrive on Monday and check in before the
12 hearing?

13 MS. GRABEL: They can arrive on Sunday, if
14 they wanted to, but I believe that nobody took us up on
15 that option, so they're arriving Monday morning.

16 CHMN STAFFORD: All right. We have a request
17 to intervene by Mr. Magruder. He's not a party by right.
18 I've seen the applicant's response to his request to
19 intervene. It's up to the committee at this point as
20 I --

21 MS. GRABEL: And if I may -- I'm sorry. May I
22 supplement? We've --

23 CHMN STAFFORD: Yes. One second. But, so
24 it's up -- up to the committee at this point. So, we
25 won't be able to determine his status as a party until we

1 convene at the hearing and the committee votes.

2 Ms. Grabel?

3 MS. GRABEL: Thank you, Mr. Chairman. So,
4 since we filed that -- oh, there was one sentence that
5 suggested that perhaps Mr. Magruder is not a resident
6 within Santa Cruz County any longer, that he's actually
7 now in Phoenix, Arizona.

8 And we would object based on standing, because
9 he does not appear to any longer be a UNSE ratepayer or
10 have any land ownership in the area. So, in addition to
11 the untimeliness, we -- we would object based on
12 standing.

13 CHMN STAFFORD: Mr. Magruder, do you still
14 live in Santa Cruz County?

15 MR. MAGRUDER: No, I don't, but I lived there
16 25 years. I was the energy commissioner for many years.
17 And I'm sort of, like, the industry historian.

18 And I just moved up here to a retirement home,
19 but I still have a lot of friends, and I try to follow
20 what's going on very closely where I used to live.

21 And I've been involved in numerous line siting
22 cases, rate cases, gas cases, water cases, Department of
23 Energy presidential permits, natural gas transmission
24 lines. And I've been doing this for 25 years.

25 So, even though I don't live there doesn't

1 mean I don't understand and -- and am familiar with and
2 wanted to participate. Because when I went through and
3 looked at the participants in this case, there were no
4 intervenors. And I feel there should be somebody to ask
5 questions.

6 And I don't want to intervene. I've done it
7 too many years, but I feel that somebody should ask
8 questions. And nobody's going to ask questions. And
9 I've been to previous line siting hearings where there
10 have been no questions, and it's just been a rubber
11 stamp. And I don't think we should just do that.

12 I think it should be -- there should be
13 questions from the public or from participants who
14 understand the situation. And I probably -- well, TEP,
15 head of transmission and distribution said I knew more
16 about Santa Cruz County than they did, many years ago.

17 So, I -- I feel I'm -- I have some
18 familiarity. I'm not fighting the company. I want to be
19 fair and reasonable. I don't want to delay anything. I
20 don't want the company to --

21 CHMN STAFFORD: That's -- that's fine,
22 Mr. Magruder. I'm just -- I just --

23 MR. MAGRUDER: And nobody is saying --

24 CHMN STAFFORD: Yes, Mr. Magruder. A
25 yes-or-no question: So you are no longer a -- a UNSE

1 ratepayer? Is that a yes? That's a yes-or-no question.

2 MR. MAGRUDER: But -- but what you don't have
3 to be UNSE.

4 CHMN STAFFORD: I'm -- I'm not debating; I'm
5 asking --

6 MR. MAGRUDER: Okay. I'm --

7 CHMN STAFFORD: -- a question.

8 MR. MAGRUDER: -- not a member. I'm not --
9 I'm not a UNSE ratepayer.

10 CHMN STAFFORD: Okay. All right. Thank you.
11 It's going to be up to the committee to decide your
12 status for that, and that will not happen until the
13 hearing begins on Monday.

14 MR. MAGRUDER: I understand that.

15 CHMN STAFFORD: Okay. All right. So, do the
16 parties and potential parties agree that March 18th,
17 2026, is the time for the committee to act in compliance
18 with the statute?

19 MS. GRABEL: Yes, Mr. Chairman, the applicant
20 does.

21 CHMN STAFFORD: Okay. Mr. Magruder?

22 MR. MAGRUDER: I'm sorry. What am I supposed
23 to answer to?

24 CHMN STAFFORD: Yes. Do you agree that
25 March 18th, 2026, is the deadline under the statute for

1 the committee to (unintelligible - simultaneous speech).

2 MR. MAGRUDER: Oh, I understand March 18th,
3 that -- yes, I --

4 CHMN STAFFORD: Mr. Magruder, don't -- don't
5 speak while I'm speaking. Wait until I'm done talking,
6 and then answer the question.

7 MR. MAGRUDER: Yes, sir.

8 CHMN STAFFORD: All right. Now, has the
9 applicant complied with the notice to the affected
10 jurisdictions, which I have as Pima County, Santa Cruz
11 County, and the Arizona State Land Department?

12 MS. GRABEL: We have, yes, Your Honor. And
13 that is prehearing -- prehearing Exhibit No. 2.

14 CHMN STAFFORD: Okay. Let's go to those. You
15 have six prehearing exhibits.

16 MS. GRABEL: We do. The first is the map of
17 the proposed project. The second, as I mentioned, is the
18 notice to the affected jurisdictions. The third is an
19 example of the notice of hearing signage that was posted
20 in the relevant areas. The fourth is the map showing
21 where the signs were actually posted. The fifth is the
22 proposed tour itinerary of the tours taken. And the
23 sixth is the proposed form of CEC.

24

25 (Exhibits 1 - 6 were admitted.)

1

2 CHMN STAFFORD: All right. Those are
3 admitted.

4 Now, has -- Mr. Magruder, have you received a
5 copy of those exhibits? Hang on. You're on mute.

6 MR. MAGRUDER: Yes, Chairman. I received them
7 late last night.

8 CHMN STAFFORD: Okay. Thank you. All right.
9 And the -- so, the applicant has complied with the
10 posting and publishing requirements?

11 MS. GRABEL: Yes, we have, Mr. Chairman.

12 CHMN STAFFORD: And let's see. Now, have you
13 both received the agenda?

14 MS. GRABEL: We have received the agenda.

15 CHMN STAFFORD: Mr. Magruder, have you --
16 you've seen the -- you've received the agenda, correct,
17 that's on the docket?

18 MR. MAGRUDER: Yes. I received the agenda.

19 CHMN STAFFORD: Okay. Ms. Grabel, do you have
20 any objections or additions to the agenda?

21 MS. GRABEL: No objections, certainly. We did
22 note, however, that both the agenda and the procedural
23 order says that the hearing starts at 1:30. And the
24 notice of hearings had it starting at 1 p.m. And that's
25 how we published it. So, I guess that would be the one

1 change we would suggest be made.

2 CHMN STAFFORD: It's -- it's 1:00. It's
3 starting at 1:00. I guess, that's the intended time. I
4 guess, you can say we start at 1:30, I guess, if we
5 get -- go late, but I -- the plan is to start at 1:00.
6 That -- that's just -- it must have been a typo on the
7 other ones.

8 MS. GRABEL: That works for us.

9 CHMN STAFFORD: Okay. Yeah. So,
10 Mr. Magruder, the -- the hearing will start at 1:00 on
11 Monday the 3rd, November 3rd.

12 MR. MAGRUDER: I understand.

13 CHMN STAFFORD: Okay. All right. Now,
14 Ms. Grabel, how long do you anticipate the hearing will
15 take? I see you have 19 exhibits and three witnesses.

16 MS. GRABEL: Yes, Mr. Chairman. We anticipate
17 that if the tour is taken, and Mr. Magruder does not
18 intervene, it will be done by Wednesday.

19 We suspect, based on the discovery that
20 Mr. Magruder has sent the applicant to date, and many of
21 his other filings, that it will likely take the entire
22 week, if -- if intervenor is permitted to intervene.

23 And, of course, Mr. Magruder has proposed
24 another schedule, which we strenuously object to, but
25 that could -- if that's adopted, it would take much

1 longer than that.

2 CHMN STAFFORD: All right. Well, how long is
3 the tour going to take? I think I counted about a little
4 over an hour of driving time.

5 MS. GRABEL: We talked about that this
6 morning. With the stops and everything, we think it's
7 about three hours. And then we've proposed to take a
8 lunch afterwards at the Longhorn Grill, which is in -- I
9 believe it starts with an A. I can't think of it.

10 MS. HILL: Amado.

11 MS. GRABEL: Amado. Thank you. So then we'd
12 hope we'd be able to reconvene the hearing that
13 afternoon, perhaps around two or so, 2:30.

14 CHMN STAFFORD: Okay. And now for the hearing
15 itself, are you having -- is it going to be Peaks Audio
16 there, or is it going to be, you know, their own AV team?

17 MS. GRABEL: No. It's Peaks Audio.

18 CHMN STAFFORD: Okay. And then you'll have --
19 so they've got sufficient Wi-Fi for them?

20 MS. GRABEL: They are always on it, so yes.

21 CHMN STAFFORD: Okay. And then, let's see.
22 We're doing the public comment at 5:30 Monday evening.
23 You'll have the -- the forms to fill out for --

24 MS. GRABEL: We -- we will. The only other
25 thing we ran into is when we were communicating with the

1 Pascua Yaqui tribe, they indicated that November 3rd is a
2 tribal holiday. So, we suggested they might come on
3 November -- like, Tuesday, or potentially Wednesday
4 morning. So, we've asked for some sort of flexibility
5 for them if any appear.

6 CHMN STAFFORD: Oh, to make public comment?

7 MS. GRABEL: Correct.

8 CHMN STAFFORD: Okay. Well, yeah. They --
9 they can -- it's noticed for public comment. We're going
10 to have it for sure on 5:30 that -- that Monday evening,
11 but it's -- I have discretion to hold additional public
12 comment, if necessary.

13 MS. GRABEL: Okay.

14 CHMN STAFFORD: And would there be a need for
15 security? I assume there's some sort of security present
16 in the casino as it is.

17 MS. GRABEL: We don't see a need for any
18 additional security.

19 CHMN STAFFORD: Okay. Mr. Magruder, I see
20 that you have two exhibits listed and one witness,
21 yourself?

22 MR. MAGRUDER: That's -- that's all I can have
23 right now.

24 CHMN STAFFORD: Okay. This is the time to
25 have it. How long do you anticipate it would take you to

1 present your direct testimony?

2 MR. MAGRUDER: Could you say that again. I
3 couldn't hear you.

4 CHMN STAFFORD: How long do you think it will
5 take you to present your direct testimony?

6 MR. MAGRUDER: Well, I -- as you probably
7 know, I've suggested that we have two hearings. And
8 Monday to Wednesday, I think I can give my opening
9 statement and give a short comment. And if we waited
10 two weeks or so, I could have a much better presentation.

11 I've only known about the application for the
12 last eight days. So, it's been pretty hard. And I've
13 been sort of busy trying to do things and keep things
14 going. But I can have a good presentation in two weeks.

15 And as you know, you don't have to have an
16 announcement in the public if you have -- want to have a
17 separate hearing. And two weeks or so later, I can have
18 a nice presentation, and -- and do my share before you
19 and the committee. And -- and the company can respond.

20 But it's hard. And I will respond during the
21 first days that they do their -- their hearing, because
22 I'd like to do questions and answers. Thank you.

23 CHMN STAFFORD: All right. I'm hearing about
24 a suggested alternate hearing schedule. I have not seen
25 a motion to continue the hearing.

1 MS. GRABEL: Mr. Chairman, in Mr. Magruder's
2 motion to intervene, he refers to public comments in
3 which he did propose an alternative hearing schedule, as
4 well as extended pre-written testimony, briefing, and a
5 discovery schedule.

6 CHMN STAFFORD: Okay. That's not really how
7 the line siting process goes. So, to any extent that
8 there is a motion to continue the hearing from Monday,
9 that's denied. We will -- the hearing will commence on
10 Monday as scheduled and as noticed.

11 Are there any issues regarding the hearing
12 itself? Ms. Grabel?

13 MS. GRABEL: No. I hope it proceeds.
14 What was -- what's the question, Mr. Chairman?

15 CHMN STAFFORD: And then, Mr. Magruder, are
16 you -- will you be attending the hearing in person or
17 remotely?

18 MR. MAGRUDER: I have a problem traveling,
19 sir, because I'm the caretaker for my wife. And -- and
20 she can't walk, and I have to do many things here. I can
21 participate any place in Phoenix and by telecon, but I
22 have trouble traveling.

23 I can't even drive that far, from Phoenix to
24 Tucson, right now. I -- I could hire a taxi. And of
25 course, everything I spend is my money. Nobody's paying

1 me anything.

2 But I -- I could go down to -- down to
3 Green Valley if -- if it's absolutely essential, but I
4 prefer just to do it on the phone, on the telephone.

5 CHMN STAFFORD: Well, you'll need to do a
6 videoconference. I don't think the phone is going to
7 work.

8 MR. MAGRUDER: Can you say that again.

9 CHMN STAFFORD: You'll have to attend by
10 videoconference. Telephone isn't going to -- going to
11 work.

12 MR. MAGRUDER: By Zoom. I can --

13 CHMN STAFFORD: Yeah.

14 MR. MAGRUDER: Zoom is fine.

15 CHMN STAFFORD: I think is it -- is it -- it
16 is Zoom for the meeting, right, Ms. Grabel?

17 MS. GRABEL: It is, yes, Mr. Chairman.

18 CHMN STAFFORD: Okay. It's the other -- it's
19 Microsoft-something if we do it at the commission, but I
20 think Peaks uses Zoom, correct?

21 MS. GRABEL: That's correct. Peaks uses Zoom.
22 I think the commission uses WebEx.

23 CHMN STAFFORD: WebEx. That's the one. I
24 think I prefer Zoom.

25 MS. GRABEL: I far prefer Zoom. So does my

1 computer.

2 CHMN STAFFORD: Yes. All right. So, I have
3 the parties and potential parties exchanged witness
4 summaries and testimony.

5 MS. GRABEL: We have provided our witness
6 summaries and our exhibits, yes.

7 CHMN STAFFORD: Right. I have -- I have all
8 your exhibits. I got -- it was e-mailed to me. And I
9 think I have got the hard copy, too. Wait, no. Not the
10 exhibits. I -- I don't have a hard copy. You'll have --
11 you'll have that at the hearing for me, correct?

12 MS. GRABEL: We will. We have binders full of
13 the exhibits for all the committee members and --

14 CHMN STAFFORD: And --

15 MS. GRABEL: -- it will all be on iPads.

16 CHMN STAFFORD: Okay. And Mr. Magruder, you
17 have -- you have two exhibits listed. You have your
18 statement, your letter to intervene; and your public
19 comments as M-1 and M-2?

20 MR. MAGRUDER: Those are -- those are in the
21 docket now -- now, Chairman. I'd like to submit one or
22 two more if we have a second set of hearings, which could
23 be more comprehensive.

24 CHMN STAFFORD: Well, we'll get to that.
25 Well, the hearing will commence next week. And then the

1 applicant will put on its case, and you'll have a chance
2 to cross-examine.

3 That's assuming that the committee allows
4 interventions. It's up to the committee. It's --
5 it's -- you're not a party by right. It's up to the
6 discretion of the committee.

7 So, that will be the -- the threshold issue,
8 once we start the hearing is to determine whether or not
9 you'll have status as a party.

10 Assuming you do, you have two exhibits, M-1,
11 M-2, that -- your 24 October letter to intervene and then
12 your public comments from October 23rd, which is the --
13 I'm looking at the docket. It's a 396-page document.
14 Does that sound correct, Mr. Magruder?

15 MR. MAGRUDER: I couldn't understand what you
16 were saying, sir.

17 CHMN STAFFORD: I'm trying to establish what
18 your two exhibits are for the hearing. I've got the --
19 I've got the -- the list here of the applicant's
20 19 exhibits. And in your filing from October 26th, in
21 your response to the procedure order, you list two
22 exhibits.

23 MR. MAGRUDER: At present.

24 CHMN STAFFORD: Right. That's -- that's what
25 -- now is the time to have the exhibits exchanged.

1 Ms. Grabel, you have those two exhibits,
2 correct?

3 MS. GRABEL: We do have those exhibits,
4 Mr. Chairman.

5 MR. MAGRUDER: They're in the docket.

6 CHMN STAFFORD: Mr. Magruder, what?

7 MR. MAGRUDER: They're in the docket, the --

8 CHMN STAFFORD: Right.

9 MR. MAGRUDER: -- two that I have.

10 CHMN STAFFORD: Right. But with the docket
11 isn't the hearing. So, for the hearing, the exhibits
12 will need to be provided to the members on the tablets.

13 MR. MAGRUDER: I -- I can't reproduce them.

14 CHMN STAFFORD: Right.

15 MR. MAGRUDER: It's 78 cents a sheet for
16 color, and we're talking 300 pages. I can't just --

17 CHMN STAFFORD: Right. The tablets -- the
18 tablets are electronic. They just need to have
19 electronic copy loaded onto the tablets.

20 MR. MAGRUDER: Yeah. I'll give them -- I will
21 give them a -- some way to do it off of a CD or
22 something.

23 CHMN STAFFORD: Ms. Grabel, could you perhaps
24 share the e-mail or how the method that Peaks Audio loads
25 the exhibit onto the tablets to -- to Mr. Magruder, so he

1 could send them to the AV team to get? Otherwise, the
2 reason --

3 MR. MAGRUDER: I -- I --

4 CHMN STAFFORD: Mr. Magruder? Otherwise, the
5 committee is not going to see his exhibits.

6 MS. GRABEL: And Mr. Chairman, I believe that
7 if Mr. Magruder is permitted to intervene, we can provide
8 Peaks Audio with his exhibits during the hearing, and the
9 committee members will be able to access them then.

10 CHMN STAFFORD: Okay. That's -- that's --
11 that's what I needed to hear. Thank you.

12 MS. GRABEL: Yeah. And I'd also just like to
13 put on the record here that it will be very difficult for
14 UNSE to accommodate a second hearing a couple weeks out,
15 even if it's continued.

16 So, I know we'll probably discuss that more at
17 the hearing, but I wanted to make sure that was made
18 clear here.

19 CHMN STAFFORD: Well --

20 MS. GRABEL: The committee doesn't even have a
21 lot of time.

22 CHMN STAFFORD: There's -- there's, like, zero
23 availability in a couple of weeks because we have
24 hearings. We have three hearings scheduled for December.
25 We have one starting December 1st, another on

1 December 8th, and another on December 15th and
2 then (unintelligible - simultaneous speech) --

3 MS. GRABEL: Happy holidays.

4 CHMN STAFFORD: Yeah. So, we are -- we are
5 booked up pretty thoroughly.

6 Are there any other legal issues or matters
7 that need to be resolved before the hearing? Ms. Grabel?

8 MS. GRABEL: Other than the intervention, no,
9 Mr. Chairman.

10 CHMN STAFFORD: Mr. Magruder?

11 MR. MAGRUDER: Could you repeat the question.

12 CHMN STAFFORD: Yeah. Are there any other
13 legal issues or matters that we need to resolve before
14 the hearing?

15 MR. MAGRUDER: This is between myself and
16 UNSE, but I'd like to see a copy of the application in a
17 PDF format that I can search, and I can also highlight.
18 Because it's in an archival form right now, and you can't
19 search -- search and use it. It's not -- I have to go --
20 go through it.

21 It's a little harder to use. That's all. And
22 I think that's easy some -- all she has to do is change
23 the parameters and -- and e-mail it to me, and I'll --
24 I'd be happy. And -- and also, the other PDF things,
25 I -- I -- if it's large, I'd like to search it. That's

1 all.

2 CHMN STAFFORD: Is that something that you're
3 able to do, Ms. Grabel?

4 MS. GRABEL: Mr. Chairman, it's a really large
5 document. We can certainly work on it and see what we
6 can do at our end, but I -- I don't know that we could do
7 it any better than Mr. Magruder could do it based on what
8 he currently has. He can probably do a PDF as well.

9 MR. BRYNER: So, Chairman Stafford, if I could
10 interject. Our application is up and available on the
11 project web page. And it is a searchable PDF that
12 Mr. Magruder can download.

13 MR. MAGRUDER: Thank you very much.

14 CHMN STAFFORD: There you go. Thank you.
15 Problem solved. Excellent.

16 All right. Now, to the applicant, you've made
17 the financial arrangement with the commission?

18 MS. GRABEL: We have, yes, Mr. Chairman.

19 CHMN STAFFORD: And it looks like the staff
20 filed their letter in response to my letter in the docket
21 yesterday.

22 MS. GRABEL: We saw that.

23 CHMN STAFFORD: Okay. Excellent. And there's
24 no related litigation to this application, correct?

25 MS. GRABEL: There is not. Going back to the

1 staff letter, quickly, Mr. Chairman, would you like us to
2 submit that as a supplemental exhibit, or is that a
3 chairman's exhibit?

4 CHMN STAFFORD: No. I think you can do that.
5 You can make that UNS-20.

6 MS. GRABEL: Okay.

7 CHMN STAFFORD: All right. Now, I've got your
8 proposed CEC.

9 Mr. Magruder, you have not filed an alternate
10 CEC. You're not required to, but you have seen the
11 proposed CEC from the applicant, have you not?

12 MR. MAGRUDER: Have I not what?

13 CHMN STAFFORD: Seen the proposed certificate
14 of environmental --

15 MR. MAGRUDER: I saw it last night for the
16 first time.

17 CHMN STAFFORD: Okay. I guess, so you don't
18 have any alternative proposal or objection to the one
19 currently, do you?

20 MR. MAGRUDER: None that I can raise at this
21 time. However, I have a larger question. I did send out
22 a thing what I call -- this morning called oral comments,
23 and I sent it to the docket. I don't know if you
24 received that yet, Chairman. Have you?

25 CHMN STAFFORD: Oh, you filed that this

1 morning?

2 MR. MAGRUDER: And it had two issues that I
3 wanted to discuss today.

4 CHMN STAFFORD: Yes, I see it. Well, the
5 purpose of the prehearing conference is to make sure all
6 our ducks are in a row to have the hearing. We don't
7 really get into the merits of the cases but -- or discuss
8 aspects of the application.

9 It's just to make sure that they've complied
10 with the notice requirements, and that we're prepared to
11 proceed to a hearing on the merits.

12 We're not going to the delay the opening of
13 the hearing. Whether or not --

14 MR. MAGRUDER: I'm not --

15 CHMN STAFFORD: -- we will hold additional
16 hearings after what we have currently scheduled, that
17 will be determined at the hearing itself. And at the
18 hearing, the threshold issue for the committee to
19 determine will be whether or not to grant you status as a
20 party and an intervenor.

21 If they do not grant you status as an
22 intervenor, then that kind of moots all the other issues,
23 because you wouldn't be putting on evidence or
24 cross-examining witnesses.

25 If you are granted party status, you will be

1 able to cross-examine the applicant's witnesses, and get
2 the answers to the questions that you've posed in your
3 letter.

4 This is not a rate case, so we're not going to
5 determine the prudence of any projects; we're just going
6 to determine the environmental compatibility. Although
7 we do consider the cost, and we are required to take
8 special notice of the costs if they're increased by
9 something the committee imposes as opposed to what the
10 applicant has proposed.

11 MR. MAGRUDER: Chairman, can I ask you a
12 question --

13 CHMN STAFFORD: Yes.

14 MR. MAGRUDER: -- with respect to what we're
15 talking about? I -- I was hesitant on sending data
16 requests, because I don't believe they're responsible to
17 respond to data requests until you're a party, which
18 won't occur until the 3rd of November.

19 CHMN STAFFORD: Well, they can -- I've seen
20 applicants respond to data requests to potential parties
21 before. I guess, is there -- are there -- has -- has --
22 Ms. Grabel, has Mr. Magruder sent you data requests in
23 this matter?

24 MS. GRABEL: Yes, Mr. Chairman. We've had our
25 third set sent to us this morning. And so we are

1 currently working on our responses to the first set, and
2 then we'll turn to the second, and then to the third.

3 CHMN STAFFORD: And when do you anticipate
4 getting the first response to him?

5 MS. GRABEL: I'm checking with my client. And
6 they're voluminous and they're -- they're very technical,
7 and so it's hard to turn them around really quickly.

8 So, ten days typically from the receipt is
9 when we would get them, but I certainly wouldn't want
10 these data requests to be used as a basis to continue the
11 hearing or have a second set of hearings.

12 And so we'll turn them around as quickly as we
13 can. I would also say that it's typical in line siting
14 proceedings, if Mr. Magruder is permitted to intervene,
15 he can ask all of the questions he wants of our witnesses
16 during the hearing, and they could answer at that time.

17 CHMN STAFFORD: Right. There's not a lot of
18 prehearing discovery. Some of it goes on. I've -- I've
19 seen it in other cases, but typically there -- like,
20 when -- when did he submit the first data request to you?
21 What date?

22 MS. GRABEL: I believe it was the same day as
23 his intervention, so I want to say that that was the
24 24th, but that's subject to check.

25 CHMN STAFFORD: Oh, well, yeah. I mean, the

1 response is, like, due the day of the hearing.

2 MS. GRABEL: Right.

3 MR. MAGRUDER: Chairman, my testimony depends
4 on the answers to some of these tests -- these data
5 requests. So, I don't want to delay anything, but I -- I
6 need some time to answer, to see what they -- they reply,
7 because some of their comments, I think, need -- need my
8 response, need me to read them to make a reasonable
9 response back in terms of written testimony, or verbal
10 testimony for -- for the second round of hearings.

11 CHMN STAFFORD: All right. Well, we're
12 starting the hearing on Monday, so you'll have to work
13 with what you have.

14 Ms. Grabel, do you think you'll have the first
15 set to him by Monday?

16 MS. GRABEL: I'll confer with -- with my
17 client and we'll see what we can do. What we -- what we
18 don't answer, he can, as I said, ask during
19 cross-examination. And we'll at least have a preview of
20 what he might be asking, so we'll be as prepared as we
21 can to answer the questions he'd ask.

22 CHMN STAFFORD: Okay.

23 MS. GRABEL: I'll also note, there was a very
24 robust public outreach on this project, so there's been
25 quite some time For Mr. Magruder to ask any questions

1 about this and related projects.

2 CHMN STAFFORD: All right. Well, the
3 application itself is over a thousand pages, so there's a
4 lot of -- lot of information there.

5 MS. GRABEL: Mr. Chairman, real quickly, I --
6 just to clarify, it looks like we got the data requests,
7 the first ones, on Monday of this week. So, that's the
8 27th.

9 CHMN STAFFORD: Oh, yeah. That's --
10 Mr. Magruder, you're a little -- a little late to the --
11 to get those in. You'll just have to -- if you're -- I
12 think your option is going to be to ask questions at the
13 hearing if you're granted intervention.

14 And then I -- because you'll have the benefit.
15 The applicant will go first, because it's their burden to
16 show that the certificate should be granted. So, you'll
17 have the benefit of their testimony before you present
18 your own.

19 Do you understand that, Mr. Magruder?

20 MR. MAGRUDER: I thought you were talking to
21 Ms. Hill.

22 CHMN STAFFORD: No. Because you've submitted
23 a bunch of data requests to the applicant. And it looks
24 like you submitted the first round Monday of this week.
25 The hearing starts Monday of next week. That's --

1 MR. MAGRUDER: I understand.

2 CHMN STAFFORD: -- not enough time for them to
3 respond to those. The thing is that you'll have to ask
4 your questions at the hearing, if you are granted
5 intervention.

6 So, but I said, you'll have the benefit of the
7 applicant presenting their case initially. So, you'll
8 hear what they have to say, and then you'll be able to
9 ask their witness questions before you present your own
10 case.

11 MR. MAGRUDER: In other words, I can ask my
12 data request questions during the hearing?

13 CHMN STAFFORD: Yes. When it's --

14 MR. MAGRUDER: Okay.

15 CHMN STAFFORD: -- your turn to cross-examine
16 the witness, assuming that you are granted intervention.

17 All right. Ms. Grabel, following up, what's
18 the status of any other permits for the project for --
19 for Federal, State, County, or City, or Town?

20 MS. GRABEL: We need to still get a flood --
21 floodplain use permit from Pima -- Pima County Flood
22 Control. But that's -- that's essentially it.

23 Otherwise, it's just obtaining rights-of-way and getting
24 a railroad crossing permit from the railroad.

25 CHMN STAFFORD: You need what from the

1 Pima County Flood District?

2 MS. GRABEL: A floodplain use permit.

3 CHMN STAFFORD: Okay. And there's no NEPA
4 nexus for this project?

5 MS. GRABEL: Not currently.

6 CHMN STAFFORD: Okay. So, you'll have the
7 tablets for the members for the committee rooms at the
8 hearing?

9 MS. GRABEL: We will.

10 CHMN STAFFORD: You'll have the tablets for
11 the committee members?

12 MS. GRABEL: We will.

13 CHMN STAFFORD: Are there any other issues we
14 need to address today? Ms. Grabel?

15 MS. GRABEL: I believe that's everything.

16 Thank you, Mr. Chairman.

17 CHMN STAFFORD: Mr. Magruder?

18 MR. MAGRUDER: No. I -- I think I'll -- I'm
19 having trouble hearing. I'm probably getting 25%
20 comprehension during this hearing, but I'm working on it.
21 Thank you. I can't do any more.

22 CHMN STAFFORD: Okay. All right. Well, that
23 is everything I have.

24 Looking to Mr. Gage, the court reporter, do
25 you have any everything you need?

1 THE COURT REPORTER: I do, yes. Thank you.

2 I've got all the copies of all the exhibits. Thank you
3 very much.

4 CHMN STAFFORD: All right. Well, then we are
5 adjourned and I will see you all on Monday.

6 (The proceedings concluded at 4:03 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF YUMA) ss.
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4 BE IT KNOWN that the foregoing proceedings were
5 taken before me; that the foregoing pages are a full, true,
6 and accurate record of the proceedings, all done to the
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8 taken down by me in shorthand and thereafter reduced to
9 print under my direction.

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

13 I CERTIFY that I have complied with the ethical
14 obligations set forth in ACJA 7-206(F)(3) and
15 ACJA 7-206(J)(1)(g)(1) and (2).

16 Dated this 31st day of October 2025 at Yuma,
17 Arizona.

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