

1 BEFORE THE ARIZONA POWER PLANT LS-293
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) PREHEARING CONFERENCE
12 KILOVOLT (KV) TRANSMISSION)
13 LINE PROJECT, WHICH INCLUDES)
14 THE CONSTRUCTION OF A NEW 138)
15 KV TRANSMISSION LINE)
16 ORIGINATING AT THE PLANNED RIO)
17 RICO SWITCHYARD (SECTION 12,)
18 TOWNSHIP 23 S, RANGE 13 E),)
19 AND TERMINATING AT THE PLANNED)
20 HARSHAW SUBSTATION (SECTION)
21 32, TOWNSHIP 22 S, RANGE 16)
22 E), EACH LOCATED WITHIN SANTA)
23 CRUZ COUNTY, ARIZONA.)
24)
25)

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19 REPORTER'S TRANSCRIPT OF PROCEEDINGS
20 (Pages 1 through 22)
21

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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 3:04 p.m. on April 13, 2023, with
5 all participants appearing via videoconference.

6

7 BEFORE: ADAM STAFFORD, Chairman

8

9 APPEARANCES:

10 For the Applicant:

11 MEGHAN H. GRABEL
12 ELIAS ANCHARSKI
13 Osborn Maledon
14 2929 North Central
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15 For Potential Intervenor South32 Hermosa, Inc.:

16 ALBERT H. ACKEN
17 Acken Law
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Suite 1-172
18 Phoenix, Arizona 85020

19

ALSO PRESENT:

20

21 Chris Ortiz y Pino, UNS Electric
22 Teresa Bravo, Government Relations
Megan Hill, UNS Electric In-House Counsel
23 Clark Bryner, Applicant's Representative
Ernest Edwards, Interested Party
24 Tod Brewer, Assistant to Chairman Stafford
Lisa Glennie, Glennie Reporting Services, LLC

25

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

2 This is the time set for the prehearing
3 conference for Line Siting Matter 218. Let me take
4 appearances of the -- of the applicant and the potential
5 intervenors.

6 MS. GRABEL: Yes. Thank you, Chairman
7 Stafford. Meghan Grabel from the law firm Osborn Maledon
8 for the applicant UNS Electric. With me is my colleague
9 Elias Ancharski. And also on the line from the company
10 are Megan Hill, the company's in-house counsel; Chris
11 Ortiz y Pino, also works for the company; Clark Bryner;
12 and Teresa Bravo.

13 Did I miss anybody? Okay.

14 CHMN STAFFORD: Thank you.

15 And Mr. Acken?

16 MR. ACKEN: Good afternoon, Mr. Chairman.
17 And I apologize for not having video this afternoon.
18 Having some technical challenges.

19 Bert Acken of Acken Law on behalf of the
20 potential intervenor South32 Hermosa, Inc.

21 CHMN STAFFORD: Okay. And Mr. Edwards?

22 MR. EDWARDS: Yes, sir.

23 CHMN STAFFORD: State your full name,
24 please.

25 MR. EDWARDS: Ernest F. Edwards, Jr.

1 CHMN STAFFORD: Okay.

2 MR. EDWARDS: And I'm just here hoping to
3 observe what goes on today.

4 CHMN STAFFORD: All right. Well, let's --
5 I'm going to jump to that. What is your intention? You
6 filed like a notice of intent to be a party. Are -- are
7 you wishing to be an intervenor in this case or make a
8 limited appearance or just are you here to find out what's
9 going on so you can be ready to make public comment? I'm
10 not sure what you're looking for.

11 MR. EDWARDS: What I'm hoping is that I can
12 have a limited appearance during the actual Committee
13 meeting next week. And I don't ask for intervenor status.
14 I think that that would give me challenges beyond what I'm
15 ready to do. So I -- just a limited appearance.

16 CHMN STAFFORD: Okay. Now, that would be on
17 behalf of yourself; correct?

18 MR. EDWARDS: On myself. And I -- I'm a
19 part of a large group here, but basically for myself.

20 CHMN STAFFORD: Okay. Yeah, because in
21 order to represent other -- other people or an
22 organization you need to be a licensed attorney --

23 MR. EDWARDS: Yes, sir.

24 CHMN STAFFORD: -- so --

25 All right. So you are looking to be a --

1 make just a limited appearance then?

2 MR. EDWARDS: For myself, yes, sir.

3 CHMN STAFFORD: All right. So that would --
4 I guess that would entail you would make an opening
5 statement with the rest of the -- at the beginning of
6 the -- of the hearing, and that would be the extent of
7 your involvement in it then.

8 MR. EDWARDS: Okay. That's next week we're
9 talking about; correct?

10 CHMN STAFFORD: Next Monday, yeah.

11 MR. EDWARDS: Yes, sir. And what would be
12 the time limit on my -- my opening statement?

13 CHMN STAFFORD: Five minutes.

14 MR. EDWARDS: Okay. And that will be the
15 beginning -- at the very beginning on Monday probably?

16 CHMN STAFFORD: Well, yeah, towards the
17 beginning after -- after we take --

18 MR. EDWARDS: Okay.

19 CHMN STAFFORD: After we start the meeting
20 we take roll call of the Committee, then we take -- take
21 appearances and then opening statements.

22 MR. EDWARDS: Okay. Thank you. All right.

23 CHMN STAFFORD: All right. And then just
24 confirming with the applicant that the lodging
25 arrangements are all set for the Committee members for the

1 stay in Nogales.

2 MS. GRABEL: Thank you. Yes, Mr. Chairman,
3 they are. We are at the Quality Inn Americana, both for
4 lodging and the location of the hearing.

5 CHMN STAFFORD: Okay. All right. And
6 then -- Well, I guess what would happen first, before you
7 make your statement, we would vote on the intervenors, the
8 Committee would, before you do that. And then if they
9 approve your limited appearance, then you make your
10 statement.

11 MR. EDWARDS: Okay. Thank you.

12 CHMN STAFFORD: Okay. All right. Now, does
13 anyone have -- disagree with that August 20th is the time
14 limit for the Committee to act within the statute?

15 MS. GRABEL: No.

16 CHMN STAFFORD: No? Okay. All right. Now,
17 you have -- the applicants complied with the notice to
18 affected jurisdictions; correct?

19 MS. GRABEL: We have, yes, Mr. Chairman. We
20 mailed by certified mail a copy of the notice of hearing
21 to Santa Cruz County. We couldn't get confirmation that
22 it was actually received, so we then sent a couple of
23 subsequent emails and did get confirmation that they
24 received it by email. So we have complied with both the
25 spirit and the letter.

1 CHMN STAFFORD: Yes, I saw that they
2 responded saying that they had received it.

3 Now, so that is the -- Santa Cruz County is
4 the only affected jurisdiction; correct?

5 MS. GRABEL: That's correct.

6 CHMN STAFFORD: All right. And the
7 applicants complied with the post and the publish
8 requirements with the procedural order and the statute?

9 MS. GRABEL: We have. We both published in
10 the newspaper of general circulation, which is the Nogales
11 International, within the time frame required by statute
12 on March 10th and 14th. We also published as a courtesy
13 in the Patagonia Regional Times. It's not a newspaper of
14 general circulation, but we were notified by residents
15 it's what everybody reads up there, so we did that, too.

16 And we also posted the notice of hearing
17 signs in the locations we discussed at the prefiling
18 conference, as well as delivered copies of the application
19 and transcripts to the other areas we identified during
20 the prefiling conference.

21 CHMN STAFFORD: Okay. All right. And then
22 I'm assuming you have all reviewed the agenda. Have
23 you -- Are there any objections or additions to the
24 agenda?

25 MS. GRABEL: No, sir.

1 MR. EDWARDS: Is your agenda published
2 somewhere?

3 CHMN STAFFORD: Yes. It is -- it's filed in
4 the docket and it has been distributed to the affected
5 jurisdictions and the parties, I believe. Correct?

6 MR. EDWARDS: Okay. I'll look further. I
7 must have overlooked it. Thank you.

8 CHMN STAFFORD: Do you know how to access
9 the Corporation Commission's docket?

10 MR. EDWARDS: I have got a lot of
11 information and I looked through it and I didn't see an
12 agenda listed as an item, but like I say, I may have --
13 may have overlooked it.

14 CHMN STAFFORD: Right. It will be one of
15 the items with my name attached to it that's -- There's
16 like four in a row, which is like the procedural order,
17 the agenda, a letter, and then notice of hearing. So --

18 MR. EDWARDS: Okay. Thank you.

19 CHMN STAFFORD: -- it's early on in the
20 docket I think. Right after the application. So --

21 MR. EDWARDS: Very good.

22 CHMN STAFFORD: Okay.

23 MR. EDWARDS: I will look.

24 CHMN STAFFORD: All right. And what's -- do
25 we expect -- The hearing is scheduled to last the entire

1 week. Do we anticipate that it will take the full five
2 days?

3 MS. GRABEL: I think, Mr. Chairman, the fact
4 that we have had a limited appearance but not another
5 intervenor who we expect to oppose the project probably
6 means we'll go, I would assume, no later than Wednesday
7 evening. It depends on whether or not we have a tour.

8 CHMN STAFFORD: Okay.

9 MS. GRABEL: Mr. Acken represents, of
10 course, another intervenor, but we only anticipate him to
11 be available for questions and perhaps put on a brief
12 presentation.

13 CHMN STAFFORD: Okay. And so the -- What do
14 you call it? The arrangements have been made with the AV
15 people for the hearing, to have it -- the Zoom links and
16 everything?

17 MS. GRABEL: Yes, Mr. Chairman. We are
18 using Peaks Audio, which is pretty much standard these
19 days.

20 CHMN STAFFORD: Now, I think we need to get
21 the Zoom links from you for the members to log in and for
22 the public comment. Will they be separate Zoom links or
23 will they be the same Zoom links for the members?

24 MS. GRABEL: I believe they are separate
25 Zoom links.

1 CHMN STAFFORD: Okay. And I think we
2 have -- We don't have those yet, I don't believe.

3 MS. GRABEL: Okay. We will forward those to
4 you, or to Tod.

5 CHMN STAFFORD: Okay. Get them to Tod, yes.

6 MS. GRABEL: Sure.

7 CHMN STAFFORD: Now, sign-in forms for
8 public comment sessions. I'm hoping that the form has a
9 "Do You Wish to Speak" box so I'm not calling on people
10 who just wanted to sign in in support or opposition
11 without having to make any comment.

12 MS. GRABEL: Fair enough. We will put that
13 together for you. Good idea.

14 CHMN STAFFORD: Thank you.

15 MS. GRABEL: We do anticipate public
16 comment.

17 CHMN STAFFORD: Yes. And --

18 MR. EDWARDS: Are public comments -- are
19 public comments a part of the record or --

20 CHMN STAFFORD: Yes.

21 MR. EDWARDS: -- or not?

22 They are.

23 CHMN STAFFORD: Yes.

24 MR. EDWARDS: Okay. Thank you.

25 CHMN STAFFORD: Yes. We have a special

1 public comment session scheduled for 5:30 on the 17th.

2 MR. EDWARDS: Okay.

3 CHMN STAFFORD: So we will commence the
4 hearing at 1:00. We'll decide on the intervenors, and
5 then the applicant will begin to present its direct case.
6 And then we'll adjourn -- or we will recess, and then
7 we'll convene the public comment at 5:30.

8 MR. EDWARDS: Okay. Thank you.

9 CHMN STAFFORD: All right.

10 MS. GRABEL: May I clarify, Mr. -- Chairman
11 Stafford? I mean, it's my understanding that a limited
12 appearance certainly becomes part of the evidentiary
13 record in the case. Public comment is -- is recorded and
14 is listened to by the Committee and the Committee
15 considers it, but it's not part of the evidentiary record.

16 Am I --

17 CHMN STAFFORD: Correct, yes.

18 MS. GRABEL: Okay.

19 CHMN STAFFORD: Public comment is not
20 evidence, but it is considered by the Committee, correct.

21 Is there going to be any need for security
22 at the hearing?

23 MS. GRABEL: Certainly hope not.

24 CHMN STAFFORD: All right. Now, for the
25 public comment session will there be an interpreter

1 available or will one be necessary? What is the -- Have
2 you heard anything about having a Spanish interpreter for
3 the public comment?

4 MS. GRABEL: We have not discussed that
5 internally. And I don't believe we've had much
6 interaction with Spanish-speaking individuals. But,
7 Clark, can you answer that?

8 MR. BRYNER: So, yeah, this is Clark Bryner.
9 We have a number of Spanish speakers within our project
10 team. Myself, Chris Ortiz y Pino are both bilingual. So
11 if there happened to be something that comes about I think
12 we could -- we could jumble through it. If you would like
13 us to get somebody dedicated for that we can arrange for
14 it.

15 CHMN STAFFORD: Okay. I just -- I think it
16 would be helpful to have someone available should the need
17 arise. I did -- because I did notice that, you know, the
18 notices were published in Spanish as well and there were
19 some comments that were submitted in Spanish and
20 translated. So I thought it would be a good idea to have
21 a Spanish interpreter for the public comment.

22 MR. BRYNER: Okay. We'll arrange for that.

23 CHMN STAFFORD: All right. Now for the
24 tour, I saw what you had filed. I think that's a -- We'll
25 get through this whole thing in two hours and 25 minutes.

1 That's pretty good. I think what you have is fine. I
2 just -- I don't think we're going to want to do the tour
3 on the Tuesday. If we do take a tour I think it will be
4 probably Wednesday morning.

5 MS. GRABEL: Okay. And Mr. Chairman, we
6 have a very lengthy and comprehensive virtual tour, and so
7 it might be that after the Committee sees the tour we put
8 together virtually they might decide they don't need a
9 physical tour.

10 CHMN STAFFORD: Right. Or even that -- You
11 have a number of stops. We may just decide, well, based
12 on the virtual tour we don't need to do the entire tour,
13 maybe we only need to go to one or two spots to view it.
14 So I think -- I always like to get the virtual tour first,
15 then see if it's necessary or not to have a real tour.

16 And attire for the hearing will be business
17 casual. I will continue that practice --

18 MS. GRABEL: I was going to ask.

19 CHMN STAFFORD: -- that my predecessor set.
20 Are there any other issues regarding the
21 hearing?

22 MS. GRABEL: None from the applicant.

23 CHMN STAFFORD: Okay. Now, has the
24 applicant prepared a spreadsheet to show which segment of
25 the -- there's three alternate spots -- which parties are

1 opposed or in favor of each alternate route?

2 MS. GRABEL: We have, Mr. Chairman. In
3 testimony we presented lots of evidence about where we
4 received comments and concerns and where those were
5 located along the entire route. So you can see where they
6 are with respect to each of the segments. And we have
7 witnesses to address that if Committee members ask
8 questions about them.

9 CHMN STAFFORD: Very good.

10 The witness summaries and exhibits have been
11 filed and exchanged. I saw that both the applicant and
12 the intervenor have both filed. I saw them.

13 I noticed that Mr. Acken didn't name the
14 witness. Is there -- But you did describe the scope of
15 the testimony that would be presented. Mr. Acken, do you
16 intend to call a witness or was that just a -- a
17 placeholder?

18 MR. ACKEN: Mr. Chairman, I characterize it
19 as a placeholder. We want to be responsive if the
20 Committee has questions regarding the Hermosa project, but
21 at the same token, of course, the Hermosa project is not
22 jurisdictional and so we don't want to muddy the waters
23 unnecessarily.

24 So at this stage, you know, I submitted that
25 as a placeholder so that we can be prepared and present

1 testimony should there be a desire from the -- from the
2 Committee to hear from our team.

3 CHMN STAFFORD: All right. So I see that
4 UniSource is labeling their exhibits UNSC numbered. For
5 you I would presume it would be South32 and then numbered
6 from there.

7 MR. ACKEN: Will do. Thank you.

8 CHMN STAFFORD: Okay. Okay. Do we have any
9 objections, motions, responses that are pending? Comply
10 with the procedural order?

11 Are there any other legal issues or matters
12 that we need to address at this prehearing conference?

13 MS. GRABEL: Mr. Chairman, I don't know that
14 it's a legal issue, but I do want to point out that we
15 filed a proposed form of CEC and identified the case
16 numbers. There were a couple of conditions where we
17 proposed to change the language slightly from what's been
18 used in the past, simply because we think that it's more
19 clear and makes -- clarifies the requirements for both the
20 Commission and the company. So we have provided those in
21 red lines for you.

22 CHMN STAFFORD: Yes. Thank you. I have
23 received that.

24 And you have taken care of the financial
25 arrangements with the Commission?

1 MS. GRABEL: We have, yes.

2 CHMN STAFFORD: Okay. And I -- Staff filed
3 their letter response to my letter today, so that's -- we
4 have that now.

5 MS. GRABEL: And Mr. Chairman, we actually
6 intended to file that as an -- as an applicant exhibit,
7 unless you wanted to make it a chairman's exhibit. We
8 will do a slight modification to our virtual tour, and we
9 thought we could file both at the same time.

10 CHMN STAFFORD: That would be fine. Either
11 way.

12 Now, did you want to admit any of your
13 prehearing conference exhibits?

14 MS. GRABEL: I don't -- I don't -- I tend
15 not to do that. I just use them so that you can review
16 them during this. But if you think we should admit them
17 for the prehearing conference I'm happy to move them into
18 admission.

19 CHMN STAFFORD: That's fine. They will be
20 admitted -- they will be attached to the transcript. I
21 think most of them are already part of your copious
22 documentation of the application and your exhibits that
23 were filed, so --

24 And now there's no need for the legal
25 description for the location of the lines in the CEC?

1 MS. GRABEL: No. The rule says that we
2 don't actually have to put together a legal description,
3 although I do think we have put together a pretty
4 extensive one in this case.

5 CHMN STAFFORD: Okay. So the standard -- So
6 any other permits pending? You have the NEPA process
7 that's still to be done; correct?

8 MS. GRABEL: We are going through the SF 299
9 process with the Forest Service.

10 CHMN STAFFORD: Okay. And you will have the
11 notebooks or -- or tablets with all the exhibits for the
12 Committee members?

13 MS. GRABEL: I don't believe that we plan to
14 use tablets. We will have binders of the exhibits for the
15 Committee members.

16 CHMN STAFFORD: Okay.

17 MS. GRABEL: And we also have a thumb drive
18 that has the exhibits included, as well as the virtual
19 tour.

20 CHMN STAFFORD: All right. Are there any
21 other issues we need to address?

22 MS. GRABEL: Not from the applicant's
23 perspective.

24 CHMN STAFFORD: All right. What about you,
25 Mr. Edwards; do you have any other questions?

1 MR. EDWARDS: Not really. I -- Since the
2 public comment is not going to be a part of the record
3 and -- and some of the things that some of the people were
4 going to say I was excluding, I might need a few more
5 minutes than the five, if I could cover some more issues,
6 if that would be all right. Maybe ten minutes.

7 CHMN STAFFORD: Well, let's try keep it to
8 five minutes. I'm not going to -- I'm not going to have a
9 hard stop for you, but -- if you go a little bit over,
10 but --

11 MR. EDWARDS: I'll talk fast.

12 CHMN STAFFORD: But if you go too long I'll
13 have to cut you off.

14 One other thing. Oh, yes. And hard copies
15 of the exhibits. We will need those -- at least one copy
16 for the chairman's office and at least one copy for the
17 court reporter. So you will have -- you will have those;
18 correct?

19 MS. GRABEL: We will. We plan to have hard
20 copies of the exhibits for all of the Committee members
21 that are in attendance.

22 CHMN STAFFORD: Okay. Oh, wow.

23 MR. ANCHARSKI: And just to clarify,
24 Chairman. I did drop a copy off at the AG's office for
25 you specifically. So you should have one in your office.

1 And then obviously we did file the required amount at the
2 Commission.

3 CHMN STAFFORD: Okay. I have the
4 application in my notebook here, but I'll check with Tod
5 for the exhibits then.

6 MR. ANCHARSKI: Okay. Yeah, I dropped them
7 off yesterday afternoon --

8 CHMN STAFFORD: Okay.

9 MR. ANCHARSKI: -- at the front desk.

10 MS. GRABEL: Do we know, Mr. Chairman, how
11 many Committee members will be there in person?

12 CHMN STAFFORD: I do not. I know I will be
13 there in person. That's the one thing I can guarantee,
14 but --

15 MS. GRABEL: Okay.

16 CHMN STAFFORD: -- the rest of the members
17 I'm not sure. But we shall proceed with or without them.

18 MS. GRABEL: Well, we need to feed you, so
19 that's why I'm asking.

20 CHMN STAFFORD: Tod, do you have any idea
21 how many members are planning on attending in person?

22 MR. BREWER: My last conversation with
23 Patty, Mr. Chairman, was we're planning on at least seven.

24 CHMN STAFFORD: Okay. All right. Well, is
25 there anything else or for the good of the order, any

1 questions?

2 Mr. Edwards, I'm making sure you are
3 understanding what's going on and -- from the -- and
4 understanding the process.

5 MR. EDWARDS: I believe I do.

6 CHMN STAFFORD: All right. Well, nothing
7 further then, we will adjourn the prehearing conference
8 and I will see you all Monday. I'll get there hopefully
9 around noonish and then we'll start the hearing at 1:00.

10 MS. GRABEL: Sounds good. Thank you very
11 much.

12 CHMN STAFFORD: Thank you.

13 MR. EDWARDS: Thank you.

14 (Whereupon, at 3:24 p.m. the proceedings
15 ended.)

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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF YAVAPAI)

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5 done to the best of my skill and ability; that the
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13 7-206(J)(1)(g)(1) and (2).

14 Dated at Prescott, Arizona, this 18th day of April,
15 2023.

Jill Marnell

16 JILL MARNELL
17 Certified Reporter #50021
18 Registered Professional Reporter

19 * * * * *

20 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
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