

1 BEFORE THE ARIZONA POWER PLANT LS-449

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE) DOCKET NO.
 4 APPLICATION OF CG APACHE COUNTY) L-21364A-25-0198-00250
 WIND LLC AND CG APACHE COUNTY)
 5 SOLAR LLC, IN CONFORMANCE WITH) LS CASE NO. 250
 THE REQUIREMENTS OF ARIZONA)
 6 REVISED STATUTES §§ 40-360, ET)
 SEQ., FOR A CERTIFICATE OF)
 7 ENVIRONMENTAL COMPATIBILITY)
 AUTHORIZING THE CONSTRUCTION OF)
 8 THE LAVA RUN INTERCONNECTION) EVIDENTIARY HEARING
 PROJECT, A 345-KILOVOLT (KV))
 9 ALTERNATING CURRENT GENERATION)
 TIE TRANSMISSION LINE, WITH)
 10 ASSOCIATED INTERCONNECTION)
 FACILITIES, WITHIN APACHE)
 11 COUNTY, ARIZONA.)
 12 _____)

13

At: Pinetop, Arizona

14

Date: October 21, 2025

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Filed: October 28, 2025

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

VOLUME II

(Pages 191 through 322)

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1	VOLUME I	October 20, 2025	Pages 1 to 190
	VOLUME II	October 21, 2025	Pages 191 to 322
2	VOLUME III	October 22, 2025	Pages 323 to 610
	VOLUME IV	October 23, 2025	Pages 611 to 767

3

4

5

INDEX TO PROCEEDINGS

6	ITEM	PAGE
7	Opening Statement of Mr. Derstine	8
8	Presentation of Virtual Tour	83
9	Public Comment Session	141
10	Additional Public Comment Session	264
11	Closing Statement of Mr. Derstine	655
12	Deliberations	667
13	Vote	754

14

15

16

INDEX TO THE TOUR

17	STOP	PAGE
18	1	201
	2	211
19	3	230
	4	251

20

21

22

23

24

25

1 INDEX TO EXAMINATIONS

2	WITNESSES		PAGE
3	Victoria Casteel, Jeremy Casteel, Trey Patton,		
4	and Derek Rieman - for the Applicants		
5	Direct Examination By Mr. Derstine		17
6	Rebecca Turner - for the Applicants		
7	Direct Examination By Mr. Derstine		381
8	Victoria Casteel, Jeremy Casteel, Trey Patton,		
9	and Derek Rieman (Continued) - for the Applicants		
10	Direct Examination By Mr. Derstine		425
11	(Continued)		

10
11
12
13
14

15 INDEX TO EXHIBITS

16	NO.	DESCRIPTION	IDENTIFIED	ADMITTED
17	CG-1	Application For Certificate of Environmental Compatibility	18	572
18		(CEC) (filed September 5, 2025) - Page One		
19	CG-2	Witness Summary of Trey Patton	571	572
20	CG-3	Witness Summary of Derek Rieman	571	572
21				
22	CG-4	Witness Summary of Rebecca Turner	571	572
23	CG-5	Witness Summary of Jeremy Casteel	571	572
24				

25 //

INDEX TO EXHIBITS				
1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
NO.	DESCRIPTION	IDENTIFIED	ADMITTED	
CG-6	Witness Summary of Victoria Casteel	571	572	
CG-7	Witness Testimony Slides	18	572	
CG-8	Proposed CEC with Map and Corridor Description	578	572	
CG-9	Affidavits of Publication of Notice of Hearing	373	572	
CG-10	Proof of Delivery of Application for Certificate of Environmental Compatibility to Public Locations	374	572	
CG-11	Proof of Website Postings	343	572	
CG-12	Proof of Delivery to Affected Jurisdictions of the Notice of Hearing	374	572	
CG-13	Proof of Posting: Photos of Posted Notice of Hearing Signs and Locations Posted	376	572	
CG-14	Social Media Posting with Hearing Information	375	572	
CG-15	Public Outreach Summary as of October 10, 2025	364	572	
CG-16	Newsletter Announcing Hearing Mailed September 11, 2025	344	572	
CG-17	Tribal Nations Outreach	365	572	
CG-18	Route Tour Itinerary and Map	104	572	
CG-19	August 29, 2025 Correspondence with State Historic Preservation Office (SHPO)	549	572	
//				

1	INDEX TO EXHIBITS			
2	NO.	DESCRIPTION	IDENTIFIED	ADMITTED
3	CG-20	October 14, 2025 Arizona Corporation Commission Staff's Letter	381	572
4				
5	CG-21	Galvanized Simulations KOP 2 and KOP 3	521	572
6				
7	CG-22	Topographic Map	262	572
8	CG-23	ASLD Additional Conditions to Right of Way Form	306	572
9	CG-24	Draft Cooperation Agreement with Apache Natural Resource Conservation District (Apache NRCDC)	329	572
10				
11	CG-25	Game Management Units	618	635
12				
13	CG-26	Lava Exhibit A Map - updated	635	654
14	CG-27	Exhibit B_Biological Minimization	635	654
15	KG-1	Notice of Filing Limited Appearance of Karen Glennon	8	572
16				
17	LW-1	Notice of Filing Linda Weiland's Limited Appearance	8	572
18	MA-1	Michael Anable's Limited Appearance	8	572
19				
20	MB-1	Notice of Filing Monica Boehning's Limited Appearance	8	572
21	TE-1	Notice of Filing Town of Eagar's Limited Appearance	8	572
22				
23	CHMN-1	Proposed Form of CEC	667	For Reference
24	CHMN-2	CEC with Edits	668	For Reference
25				

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 at Pinetop, Arizona, commencing at 9:06 a.m. on
5 October 21, 2025.

6

7 BEFORE: ADAM STAFFORD, Chairman

8 MICHAEL COMSTOCK, Arizona Corporation Commission
9 LEONARD DRAGO, Department of Environmental Quality
10 DAVID FRENCH, Arizona Department of Water Resources
(via videoconference)
11 NICOLE HILL, Governor's Office of Energy Policy
12 R. DAVID KRYDER, Agricultural Interests
13 SAL DICICCIO, Incorporated Cities and Towns
ROMAN FONTES, Counties
(via videoconference)
DOUGLAS FANT, General Public
GABRIELA SAUCEDO MERCER, General Public

14

15 APPEARANCES:

16 For the Applicant:

17 Matt Derstine
18 SNELL & WILMER
One East Washington Street
Suite 2700
19 Phoenix, Arizona 85004

20

21

22

23

24

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

3 Mr. Derstine, do you want to give us any
4 pep talk before we go on this tour.

5 MR. DERSTINE: I don't know that I can give
6 you a pep talk before our five-hour journey. I think
7 maybe as reminders, the committee has taken enough of
8 these tours to kind of know the drill, but be careful
9 getting on and off the bus.

10 I think our stops are -- we have adequate
11 room for the bus but there's not a lot of room there on
12 the shoulder so we'll need to find a safe location, allow
13 the court reporter to set up.

14 And then we'll allow -- Mr. Casteel is
15 going to narrate what we think are the key points and
16 things to see and understand about each stop, and then
17 we'll have your questions answered at that location. And
18 then we'll move on to the next one. But it takes, as I
19 understand it, almost more -- more than an hour to get to
20 just our first stop, so we'll be driving for a while.

21 CHMN STAFFORD: Okay. I just want to
22 remind everyone that there's to be no deliberations or
23 questioning of the applicant on the bus. All the
24 questions to the applicant should be made at the stops
25 before the court reporter so they're on the record.

1 Likewise, no deliberations.

2 I think the public is probably going to
3 show up at some of the stops. They will not be allowed
4 to ask questions of the applicants' witnesses. We will
5 not be taking public comment at the stops. It is for the
6 applicant to testify and answer the members' questions.

7 We may end up taking additional comments at
8 some point but it will not be on the tour stops. So I
9 just want to remind everyone of that. So if the public
10 does start trying to ask questions, I'm going to have to
11 shut them down and say okay, we'll provide additional
12 opportunity at some other point later today, tomorrow, at
13 some point to ask to make additional comments if they
14 haven't already given comments. But --

15 MEMBER HILL: Mr. Chair.

16 CHMN STAFFORD: Yes, Member Hill.

17 MEMBER HILL: Please do share that with the
18 public that's in attendance, and I think even sometimes
19 they kind of try to talk to us and put us in an awkward
20 spot to ask a question. So -- and I'm not saying that
21 they'll do this, but I just think that we need to
22 reinforce this with them, so --

23 CHMN STAFFORD: If I see them at the stops,
24 then I will remind them that this is -- they are not a
25 party, they're not -- they're not able to cross-examine

1 the witnesses. This is not -- we're not taking public
2 comment at the stops. The purpose is to -- for the
3 committee to see the situation on the ground and to ask
4 the applicant questions. It's not public comment.
5 They're not questioning the applicant.

6 I mean they can go off and have side
7 conversation with the applicant, they're free to do that
8 but don't do it next to the court reporter, because it
9 needs to be off the record and not -- it's not part --
10 shouldn't be part of the hearing transcript.

11 MEMBER HILL: Thank you.

12 CHMN STAFFORD: All right. And then, so
13 I'm thinking we'll be getting back to this room about
14 what time, Mr. Derstine, 1:00, 1:30?

15 MR. DERSTINE: Mr. Casteel?

16 MR. CASTEEL: Yeah, 1:00, 1:30, I believe
17 is probably right. Hopefully sooner.

18 Just a few housekeeping things. So I would
19 suggest please taking your placemat. It will help with
20 the KOP locations, you've also been provided with an
21 itinerary with the map and we provided each of you of the
22 simulations out of Exhibit E in the application. And the
23 hotel has been kind enough to bag up snacks for you to
24 take with you. And there'll be water and other snacks on
25 the bus as well.

1 CHMN STAFFORD: Excellent. And then I
2 guess facilities will be at the -- we won't have any of
3 those until we get to the Safeway stop.

4 MR. CASTEEL: That's correct. That's
5 about -- that will be halfway through -- well, basically
6 the last stop before we turn back to the hotel. Just one
7 other note. We have asked a Apache County sheriff to
8 meet us at the first stop just for safety reasons, make
9 sure we have enough room and traffic. They're going to
10 follow us to each stop.

11 CHMN STAFFORD: Okay. Thank you. And then
12 when we get back I guess, at 1:30 we'll take lunch when
13 we get back to the hotel here.

14 MR. CASTEEL: Yeah. Lunch will be at 1:00,
15 1:30, I've asked them to plan for 1:00.

16 CHMN STAFFORD: Okay. And then,
17 Mr. Derstine, did you intend to call your fourth witness
18 this afternoon? Do you want to proceed with the
19 presentation as it was going yesterday?

20 MR. DERSTINE: I think for scheduling
21 purposes, for calling Ms. Turner, if we could, we'll
22 start with her when we get back with your permission.

23 CHMN STAFFORD: All right. So we'll go,
24 we'll shift gears to the interconnection aspect of it.

25 MR. DERSTINE: Yes.

1 CHMN STAFFORD: Okay. Excellent. All
2 right. Anything further from members? All right. Let's
3 go off the record and get on the bus.

4 (TIME NOTED: 9:11 a.m.)

5 (Beginning of route tour.)

6

7 (TIME NOTED: 10:29 a.m.)

8 (Arrival at Stop No. 1)

9 CHMN STAFFORD: Let's go on the record.
10 Mr. Derstine, who's going to be your
11 witness for this stop.

12 MR. DERSTINE: Mr. Casteel is going to
13 narrate.

14 CHMN STAFFORD: Okay. So we're at the
15 first stop of the tour along US Route 60. Can you orient
16 us on the map. Show us where we are.

17 MR. CASTEEL: Yes. We are probably best to
18 use the other side that says KOP locations.

19 CHMN STAFFORD: Yes. Here we go.

20 MR. CASTEEL: We are at approximately where
21 KOP 6 was taken right on the highway. The line is
22 crossing approximately -- well, just -- just a few, less
23 than a mile just to the east that way. So it's where the
24 interconnection project corridor is proposed.

25 CHMN STAFFORD: So is this map oriented

1 correctly?

2 MR. CASTEEL: Yes, that is east. That is
3 west.

4 CHMN STAFFORD: And we are standing
5 approximately where KOP 6 is?

6 MR. CASTEEL: Approximately where KOP 6 is
7 on US 60.

8 CHMN STAFFORD: And this is all state trust
9 land around us now; right?

10 MR. CASTEEL: Correct.

11 CHMN STAFFORD: Okay. And where -- so back
12 to the west of us is going to be where the initial
13 Substation 1 would be; correct?

14 MR. CASTEEL: Correct. Substation 1 is
15 located, I'll give you the exact -- give you the exact --

16 CHMN STAFFORD: Face towards the court
17 reporter so she can hear you.

18 MEMBER KRYDER: And a little bit louder.

19 MR. CASTEEL: Substation 1 is located
20 approximately 1.6 miles to the west. KOP 3 was taken
21 approximately 1.8 miles to the west.

22 CHMN STAFFORD: Okay.

23 MEMBER HILL: And the closest residence is
24 roughly that direction?

25 MR. CASTEEL: Stop 2 will be the next --

1 MEMBER HILL: Closer to them.

2 MR. CASTEEL: The closest residence,
3 correct.

4 MEMBER HILL: Okay.

5 MR. CASTEEL: You'll notice on the
6 landscape we talked about cinder cones. So there's a
7 great example of a cinder cone. That one has a name.
8 It's called Cerro Quemado.

9 MR. DERSTINE: Just wait.

10 MR. CASTEEL: That is a cinder cone. This
11 is -- it's called Cerro Quemado, and there's also -- you
12 can notice that there's other smaller ones on the
13 landscape.

14 MEMBER KRYDER: Mr. Chairman.

15 CHMN STAFFORD: Yes, Member Kryder.

16 MEMBER KRYDER: Question: So the switching
17 station is back here one mile; right?

18 CHMN STAFFORD: Substation.

19 MR. CASTEEL: Substation.

20 MEMBER KRYDER: Substation. Okay. And the
21 line will be headed pretty much directly --

22 MR. CASTEEL: The line will cross just
23 about a mile up that way on the east, to the east across
24 the highway and then --

25 MEMBER KRYDER: So from here, and then --

1 MR. CASTEEL: And then the line would go to
2 the north of the road and head east.

3 MEMBER KRYDER: Okay. And so it will avoid
4 that cone and that cone per se?

5 MR. CASTEEL: Correct.

6 MEMBER KRYDER: And shoot between them.
7 And our next stop will be headed where?

8 MR. CASTEEL: We're going to Route Stop 2,
9 which is just about a mile up to the east and that's
10 going to be a driveway of the nearest residence. We
11 won't go up the driveway but it's another pull-off area.

12 MEMBER KRYDER: That's the one that's
13 approximately 1.4 miles or --

14 MR. CASTEEL: The nearest residence which
15 is 1.83 miles.

16 MEMBER HILL: From the line.

17 MR. CASTEEL: To the south.

18 MEMBER KRYDER: Okay. That helps. Thank
19 you.

20 CHMN STAFFORD: So the line will cross the
21 60 behind us over here, won't it?

22 MR. CASTEEL: It will -- it will cross --

23 CHMN STAFFORD: If we're at 6, here's the
24 60.

25 MR. CASTEEL: Well, it's -- 6 is actually

1 this dot right here looking --

2 CHMN STAFFORD: That's 3.

3 MR. CASTEEL: No, 3 is -- sorry. Sorry.

4 Sorry. Sorry. I do apologize. I do apologize.

5 Correct. The -- sorry. The line will be -- I'm very

6 sorry. The line will actually cross just slightly back

7 there and then head this way. Sorry. That was my

8 mistake. Just behind us and then stay on the north side.

9 Sorry. Apologize.

10 CHMN STAFFORD: Okay. Now, right here,

11 this is the middle of -- middle where the wind farm would

12 be; correct?

13 MR. CASTEEL: Yes. I'll give you a

14 distance to the nearest turbine.

15 CHMN STAFFORD: What's the setback going to

16 be from the 60 to the turbine?

17 MR. CASTEEL: That -- that I don't know.

18 That's still under discussions with the county.

19 CHMN STAFFORD: All right.

20 MR. CASTEEL: The nearest turbine will be

21 approximately -- nearest turbine will be approximately

22 .6 miles to the northwest.

23 MEMBER KRYDER: And that would be number 1

24 in the field? I mean, then the others would be located

25 where? Both sides?

1 CHMN STAFFORD: Yeah, see, here's the map.
2 We're about right here. So this whole area around us is
3 where the turbines will be located.

4 MR. CASTEEL: We're approximately in the
5 center of the wind project area.

6 MEMBER DICICCIO: It's approximately --

7 MR. CASTEEL: The nearest one would be
8 .6 miles that way.

9 CHMN STAFFORD: So then the transmission
10 line will only cross the 60 in that one spot behind us to
11 the west of us; correct?

12 MR. CASTEEL: Correct.

13 CHMN STAFFORD: Okay. Now, you talked
14 about the volcanic soils. Is this where we are? Is this
15 the volcanic soils you're talking about?

16 MR. CASTEEL: Yes, in this area we are in
17 the location of the mapped volcanic soils.

18 MEMBER KRYDER: And this is what your
19 surveyors are going to be surveying to find both the
20 surface and the subterranean, so they'll both be looking
21 at the soil on top as well as the subsoil, the
22 subterranean area that will be holding the base of your
23 structures; is that correct?

24 MR. PATTON: Yes, sir.

25 MEMBER KRYDER: And that's underway as we

1 speak.

2 MR. PATTON: Yes, sir.

3 CHMN STAFFORD: This is all currently used
4 for grazing; right?

5 MR. PATTON: Yes, sir.

6 MR. CASTEEL: Correct.

7 MEMBER KRYDER: Okay.

8 CHMN STAFFORD: All right. Any other
9 questions from members? All right. Well, with that, we
10 will -- next stop is going to be Stop Number 2, which is
11 further down on US 60.

12 MR. CASTEEL: It's just about a mile down
13 to the east on US 60.

14 CHMN STAFFORD: That's not where we're
15 going to cross the Little Colorado yet; right?

16 MR. CASTEEL: No, that will be on US 180.

17 CHMN STAFFORD: Okay.

18 MR. CASTEEL: Sorry. Sorry. That will be
19 Route 4 where we drive across the Little Colorado.

20 CHMN STAFFORD: That'll be Stop 4. So
21 right now, stop -- okay.

22 MR. CASTEEL: Stop 3 will be on US 180
23 generally where the line will cross US 180.

24 CHMN STAFFORD: Okay.

25 MEMBER HILL: Stop 2 is the nearest

1 residence.

2 MR. CASTEEL: Correct.

3 CHMN STAFFORD: Okay. All right. Any
4 other questions from members?

5 MS. CASTEEL: We were looking at --

6 CHMN STAFFORD: Can you -- this would be on
7 the record. Can you make a statement or --

8 MS. CASTEEL: Yeah. We're looking at the
9 Google Earth aerial to make sure we know where we are in
10 relation to the proposed line.

11 CHMN STAFFORD: So we're actually where the
12 stops are marked on the exhibit.

13 MS. CASTEEL: So it looks like you were
14 correct the first time, that the line would be to the
15 east of us.

16 CHMN STAFFORD: So we're not where KOP 6
17 is?

18 MS. CASTEEL: We're not exactly at county
19 road --

20 MR. PATTON: We're at KOP 3.

21 MS. CASTEEL: We're at county road -- so
22 we're at this county road, yeah, we're close to county --
23 we're closer to KOP 3 right now.

24 CHMN STAFFORD: Okay. All right.

25 MS. CASTEEL: So we're on this county road,

1 that intersection, and so it is that way, so you were
2 right the first time.

3 CHMN STAFFORD: You said the wrong KOP,
4 but --

5 MR. CASTEEL: I said -- yeah, I apologize.

6 CHMN STAFFORD: Okay. So we're closer
7 to 3. So it would actually, so the substation will be
8 back --

9 MR. PATTON: Substation is --

10 CHMN STAFFORD: In this direction there and
11 it will cross the 60 at an angle about --

12 MEMBER HILL: Shoot between the cones.

13 CHMN STAFFORD: Between -- yeah, between
14 here and the next stop.

15 MS. CASTEEL: Correct. So the next stop
16 will be closer at least from the angle of KOP 6.

17 CHMN STAFFORD: It would be closer to
18 Substation 2; right? We are okay here.

19 MS. CASTEEL: Yeah.

20 CHMN STAFFORD: Right. Okay.

21 MEMBER KRYDER: Mr. Chairman.

22 CHMN STAFFORD: Yes, Member Kryder.

23 MEMBER KRYDER: Okay. So this is
24 Substation 1, Substation 2; correct?

25 CHMN STAFFORD: Yes.

1 MEMBER KRYDER: I get it. Why the dogleg
2 here?

3 MR. PATTON: That's probably a very --
4 that's going to be dependent on just the topography.

5 MEMBER KRYDER: Say again.

6 MR. PATTON: Topography, constructability.

7 MEMBER KRYDER: What's the approximate
8 distance here?

9 CHMN STAFFORD: Between Substation 1 and 2,
10 straight line distance?

11 MEMBER HILL: Other side.

12 MEMBER KRYDER: Okay. 3.6. Thanks. So
13 3.6 miles up the road then we take a dogleg.

14 MR. PATTON: Yes, sir.

15 MEMBER KRYDER: But you're still basically
16 running parallel to Highway 60.

17 MR. PATTON: Yes, sir.

18 MEMBER KRYDER: Okay.

19 MEMBER HILL: Highway 60 goes this way.
20 We're doing --

21 MEMBER KRYDER: So it's a bit of a -- off
22 of it. This is 3.6. This looks like it's at least three
23 miles approximately from 60 up to the line back of the --

24 CHMN STAFFORD: That will cross the 180 and
25 then it will cross the Little Colorado.

1 MEMBER KRYDER: Okay.

2 CHMN STAFFORD: So Stop Number 1 is
3 actually closer to KOP 3. So we've got that sorted out.

4 MEMBER KRYDER: I think I do.

5 CHMN STAFFORD: All right. Any other
6 questions from members? Any other clarifications or
7 corrections?

8 MS. CASTEEL: No.

9 CHMN STAFFORD: Know where we are. Okay.
10 Good. All right. Well, let's go off the record and get
11 back on the bus and head to Stop Number 2.

12 (TIME NOTED: 10:40 a.m.)

13 (Conclusion of Stop No. 1.)

14

15 (TIME NOTED: 10:55 a.m.)

16 (Arrival at Stop No. 2.)

17 CHMN STAFFORD: Let's go back on the
18 record. We are now at Stop Number 2 of the tour on the
19 US 60, approximately near milepost 374.9.

20 MR. CASTEEL: Correct.

21 CHMN STAFFORD: So can you orient us to
22 where we are?

23 MR. CASTEEL: Yes. We're about 1.4 miles
24 east of KOP 6, it's on your placemat. The nearest
25 residence is approximately .6 miles up this access

1 road -- up this driveway.

2 MEMBER KRYDER: Okay.

3 CHMN STAFFORD: Is that the -- do we see
4 the structure from here? South of us?

5 MEMBER HILL: I see no structure.

6 MR. CASTEEL: There is a line there. That
7 is the --

8 MEMBER HILL: Distribution line.

9 MR. CASTEEL: It is another 69kV line.

10 CHMN STAFFORD: That's a 69kV we can see
11 there. It's on the map.

12 MR. CASTEEL: Right. You can see it on the
13 horizon.

14 CHMN STAFFORD: That's the existing 69kV
15 line. That's Navopache?

16 MR. CASTEEL: Correct.

17 CHMN STAFFORD: Okay. Now, I'm looking at
18 the map. This is state trust land except for this
19 portion here which shows private land. I'm assuming
20 that's where the location of the residence is.

21 MR. CASTEEL: That is the private
22 residence.

23 MEMBER KRYDER: And that's one property?

24 MR. CASTEEL: One property.

25 MEMBER KRYDER: Okay. One house.

1 MR. CASTEEL: One house.

2 MR. PATTON: One house that we have a good
3 neighbor agreement with.

4 CHMN STAFFORD: Okay. And that's like
5 the -- so they own this -- how many acres is that chunk
6 of private land that's surrounded by trust land on all
7 sides?

8 MR. PATTON: Less than a hundred, more than
9 60, I think around 60 to 70, if I remember correctly.

10 CHMN STAFFORD: Acres?

11 MR. PATTON: Yes, sir.

12 CHMN STAFFORD: Okay. And is that a farm
13 or a ranch or --

14 MR. PATTON: It's a homestead.

15 CHMN STAFFORD: Homestead.

16 MR. PATTON: Yes, sir.

17 CHMN STAFFORD: So they have -- are they
18 one of the grazing lessees?

19 MR. PATTON: To my knowledge, they are not
20 a grazing lessee. They're just residents.

21 CHMN STAFFORD: Okay.

22 MEMBER KRYDER: Okay.

23 CHMN STAFFORD: That's the nearest
24 residence to the project which would be from where we are
25 here, it's further down from KOP 6. So it would be --

1 the line would be to the north of us.

2 MR. CASTEEL: The line is north of us
3 approximately one mile.

4 MR. PATTON: The route, the center line of
5 the route is approximately one mile to the north.

6 MEMBER KRYDER: Okay. Other than that,
7 then, how far is it from here to the top of that knoll,
8 the back of the envelope?

9 MR. CASTEEL: Back of the envelope.

10 MEMBER KRYDER: I mean, are we looking at
11 two miles, three miles?

12 MR. CASTEEL: No, we're looking at maybe a
13 half a mile.

14 MEMBER KRYDER: Okay. My -- okay.

15 MR. CASTEEL: I will confirm that for you.
16 I'm not sure.

17 MEMBER KRYDER: Okay. And what is the hole
18 here in the side of the mountain?

19 MR. CASTEEL: My understanding is that
20 those are excavations for cinder.

21 MEMBER KRYDER: For what?

22 MR. CASTEEL: Cinder.

23 MEMBER KRYDER: For cinder. Okay. So
24 they're selling cinder out of there for my barbecue.

25 MR. DERSTINE: And for icy roads.

1 MEMBER KRYDER: Icy roads. Okay.

2 CHMN STAFFORD: Is that one of the -- on
3 the other map about current uses, there's a couple little
4 purple dots for industrial uses along here. Is that one
5 of those locations that was flagged in the earlier
6 testimony?

7 MR. CASTEEL: No, it's not on our
8 existing --

9 CHMN STAFFORD: It's not one of the ones?

10 MR. CASTEEL: No.

11 CHMN STAFFORD: And over here it looks like
12 a corral with some kind of tank. That's still on state
13 trust land; correct?

14 MR. PATTON: Yes.

15 MR. CASTEEL: Correct. And that is one of
16 the green areas that we identify.

17 CHMN STAFFORD: That was one that you
18 mentioned. Okay. That was on the map.

19 So the line, would it be on the far side of
20 that knoll we're looking at, or would it be on top of
21 that, or would it be on this side of that?

22 MR. CASTEEL: I'm not -- I'm not sure if
23 that line is -- it's definitely not going to be on top of
24 that. I'll have to confirm for you when we get back and
25 I have better data.

1 CHMN STAFFORD: Okay. But you're saying
2 it's about half a mile to that ridge line, that hill.
3 We're about here.

4 MEMBER KRYDER: Mile and a half.

5 CHMN STAFFORD: I'm trying to see this
6 topography, along here somewhere. Here's the private
7 land.

8 MR. CASTEEL: So, yeah, it's --

9 CHMN STAFFORD: I'm trying to figure out --

10 MEMBER KRYDER: We got Google Earth there?

11 CHMN STAFFORD: I'm looking at the map.

12 MR. PATTON: I'm looking at a data file.

13 This is not an exhibit that's been put into the
14 application. I'm looking at my own engineering file. I
15 can confirm that the line is behind.

16 CHMN STAFFORD: It is?

17 MR. PATTON: Yes, sir.

18 CHMN STAFFORD: So it would be on the other
19 side of that hill.

20 MR. PATTON: Yes, and that hill as well.
21 So you have one cone here, second cone here, the line
22 goes behind that.

23 CHMN STAFFORD: Okay. Yeah, because I'm
24 looking at my finger, a mile, it looks like it would be a
25 mile between the 60 and that line, and you're saying that

1 hill is about half a mile.

2 MR. PATTON: Yeah.

3 CHMN STAFFORD: So it would be on the other
4 side.

5 MR. PATTON: Yes, sir. So you have to
6 imagine it's going this way, and the further we come down
7 60 the more the gap obviously between 60 and the line.

8 CHMN STAFFORD: Right.

9 MR. PATTON: So I can confirm based off of
10 the center, this is the center line that I'm looking for
11 my data set, and it shows it is behind both of these
12 features.

13 CHMN STAFFORD: And so -- so then the
14 Substation 2 would be to the north and east of us.

15 MR. PATTON: Yes, sir.

16 CHMN STAFFORD: Would it be visible --
17 would that be behind -- would it be obscured by that hill
18 or would it be just a valley back over there, it would be
19 somewhere located in that area?

20 MR. PATTON: Yes, sir. For substation
21 design we typically are going to want clear, level
22 grading.

23 CHMN STAFFORD: Right.

24 MR. PATTON: So a flat feature.

25 CHMN STAFFORD: Okay. Then off in the

1 distance that's the Springerville plant, isn't it?

2 MR. PATTON: Yes, sir.

3 MEMBER KRYDER: Mr. Chairman.

4 CHMN STAFFORD: Yes, Member Kryder.

5 MEMBER KRYDER: Following up on your
6 comments, so the line will go between that knoll and this
7 knoll.

8 MR. PATTON: No, sir, behind the first
9 knoll.

10 MEMBER KRYDER: Behind that knoll.

11 MR. PATTON: Yes, sir.

12 MEMBER KRYDER: But it doglegs back to
13 this, then? So you said the Substation 2 -- you said
14 Substation 2. Substation 2 would have to be, if it
15 follows your draft and the line is on the other side of
16 the second knoll, help me understand where it would be.
17 It could not be in this valley, it would have to be back
18 behind it, no?

19 MR. PATTON: Yes, sir, the substation is
20 behind this feature.

21 MEMBER KRYDER: Okay. So --

22 MR. PATTON: And I'm looking at a
23 topography map that shows the elevation contours, where
24 the Substation 2 is, this is a flat area. Feature 1,
25 feature 2, the lines are behind this, and wherever, you

1 can't really see it because this feature is obstructing
2 our view, where there is in flat topography, that is
3 where Substation 2 will be, and here that is that point
4 right here.

5 MEMBER KRYDER: And you're going -- this is
6 where -- okay.

7 MR. PATTON: Yes, sir.

8 MEMBER HILL: Mr. Chair.

9 CHMN STAFFORD: Member Hill.

10 MEMBER HILL: I'd like to just request
11 better topographic maps that maybe we can look at when we
12 get back.

13 MR. PATTON: Sure.

14 MEMBER HILL: I think one of the public
15 comments was that we didn't have good topos to get a
16 sense of the terrain and alignment, and so that would be
17 helpful. It would help us identify the cones that we've
18 talked about.

19 MR. PATTON: Yes, ma'am.

20 MEMBER HILL: In those maps, so I'd just
21 like to see some better topos submitted to us as part of
22 the record.

23 MR. PATTON: Yes, ma'am.

24 MEMBER HILL: Thanks.

25 MEMBER COMSTOCK: Mr. Chair.

1 CHMN STAFFORD: Yes, Member Comstock.

2 MEMBER COMSTOCK: If I may, I have a two-
3 part question. This line is being built solely for
4 moving electrons from the wind farm to the substations;
5 is that correct?

6 MR. PATTON: Yes, sir.

7 MEMBER COMSTOCK: It will not carry any
8 electricity from the solar farm?

9 MR. PATTON: No, sir. This portion of the
10 line.

11 MEMBER COMSTOCK: This portion of the line,
12 and that's what I'm referring to.

13 In a freeze and ice storm, how do you
14 anticipate to keep the operational integrity of the lines
15 in place? What's your ice removal scheme or engineering
16 based on no electricity coming through the line, wind
17 turbines aren't working, lines are down, here comes the
18 ice storm, how do you plan on keeping the lines in place?

19 MR. PATTON: That's a question I would to
20 route to my asset management team. And I don't know the
21 answer off the top of my head, but I can confirm that for
22 you by the time we get back to the resort.

23 MEMBER COMSTOCK: I think operational
24 integrity especially in this part of the state in terms
25 of weather is an important piece of what we need to know.

1 MR. PATTON: Yes, sir.

2 MEMBER COMSTOCK: So if you don't mind
3 getting back with us, I'd appreciate it.

4 MR. PATTON: Yes, sir.

5 MEMBER COMSTOCK: Thank you.

6 CHMN STAFFORD: It certainly can be done.
7 I mean, they do it in Germany and it gets a lot colder
8 there than it does here.

9 MEMBER HILL: They do it at the Babbitt
10 farm.

11 CHMN STAFFORD: So it's just question of
12 how it's done and what the expenses of it are.

13 MEMBER COMSTOCK: And if I may,
14 Mr. Chairman, I'd just -- I'd like to know what the --
15 we've got a long stretch of lines, it gets cold up here.
16 And ice storms are not rare.

17 CHMN STAFFORD: Right.

18 MEMBER COMSTOCK: I think it's important to
19 know.

20 CHMN STAFFORD: I mean, it happened in
21 Texas so you got to be prepared for that contingency.

22 MEMBER COMSTOCK: Yes, sir. Thank you. I
23 appreciate that.

24 MR. PATTON: Yes, sir.

25 CHMN STAFFORD: Any other questions from

1 members? Nothing? All right. So our next stop is going
2 to be -- oh, Member Kryder.

3 MEMBER KRYDER: One last question about the
4 cinder hole out here. Any idea when it was last
5 operational?

6 MR. PATTON: Sir?

7 MEMBER KRYDER: When did they dig the hole
8 and what was the last time --

9 CHMN STAFFORD: Stuff came out of it?

10 MR. PATTON: I have no idea, sir.

11 MEMBER KRYDER: I'm looking at it. How in
12 the world did somebody get out there and dig it and get
13 it back to the highway in order to transport it? I don't
14 see new roads.

15 MR. PATTON: My understanding is that this
16 grazing lessee has held this lease for over a decade.

17 MEMBER KRYDER: Okay.

18 MR. PATTON: And it could be something that
19 the lessee himself engaged in. Could be something that a
20 prior lessee engaged in. May have been a private
21 agreement, but I'm not privy to those details.

22 MEMBER KRYDER: Well, the criteria is
23 there's no obvious road from here to there, and yet I've
24 always contended during these hearings that this soil is
25 fragile, and if you drive a reasonably-sized truck out

1 there, you're going to leave a mark. And then it's going
2 to rain and then you're going to have an arroyo, and I
3 don't see any.

4 So I was wondering is this a hundred years
5 old or is it 50 years old or is it 20 years old? Any --
6 any possibility you could get some information about
7 that?

8 MR. CASTEEL: We have access to historical
9 aerials, so I could go back as long as --

10 MEMBER KRYDER: Okay. Great.

11 MR. CASTEEL: -- the data and see it if
12 exists.

13 MEMBER KRYDER: Yeah, it would be nice to
14 know how long ago somebody took something out of the
15 hole.

16 MR. CASTEEL: Sure.

17 MEMBER KRYDER: Thank you.

18 MEMBER DICICCIO: Did you show the power
19 plant out there already?

20 CHMN STAFFORD: Yes, we said that's the
21 Springerville plant off in the distance to the northeast.

22 MR. CASTEEL: I have one more thing to
23 note, but it relates to the previous route stop. Is that
24 the county road that we were on is the road that people
25 would access to access the forest for recreation. And

1 that road is the road, and I'll speak to this when we do
2 the recreation section, that that road will be kept open
3 during construction.

4 CHMN STAFFORD: Is that how the prior
5 residents get to their property from the 60, is that
6 access road as well?

7 MR. CASTEEL: This residence?

8 CHMN STAFFORD: The residence is here, not
9 there.

10 MR. CASTEEL: Right.

11 CHMN STAFFORD: So this is the access road
12 to their property.

13 MR. CASTEEL: To that approximately 100
14 acres.

15 CHMN STAFFORD: It's the one from Stop 1
16 which is to the forest for recreational access.

17 MR. CASTEEL: That is County Road 3123.

18 CHMN STAFFORD: Okay.

19 MEMBER HILL: Mr. Chair.

20 CHMN STAFFORD: Yes, Member Hill.

21 MEMBER HILL: There are residences at the
22 end of that road if you look at the aerial. I mean, they
23 use that to access residences as well. It's not just
24 recreational access.

25 CHMN STAFFORD: But it's on the other side,

1 if you look at the map.

2 MEMBER HILL: Right.

3 CHMN STAFFORD: It's going to be, because
4 we were at 3; right? So this road comes back --

5 MR. CASTEEL: Correct, they would use it to
6 access --

7 MEMBER HILL: But they access those houses
8 there, so they have to keep this road open during
9 construction because of house -- residential access, too.

10 CHMN STAFFORD: This is the forest, it goes
11 through the forest land, and there's pockets of private
12 land --

13 MEMBER HILL: Exactly.

14 CHMN STAFFORD: -- back there inside the
15 national forest land.

16 MEMBER HILL: Yeah.

17 CHMN STAFFORD: Okay. All right. Any
18 other questions from members? All right. Let's -- on to
19 Stop Number 3 --

20 MR. PATTON: Chairman, if I may.

21 CHMN STAFFORD: -- oh, yes, one more thing.

22 MR. PATTON: Just for my own recollection,
23 because we have a lot of stops today. I would like to
24 posit back to Member Comstock. The exact nature of the
25 question you want me to look into the weatherized

1 contingencies we have for --

2 MEMBER COMSTOCK: So if I may reframe it.
3 There's no power coming into the line once the wind farm
4 is not operating.

5 MR. PATTON: Okay.

6 MEMBER COMSTOCK: In the wintertime, I
7 don't know if you're going to operate 100 percent of the
8 time or not. But there are ice storms in this area,
9 because of the elevations it's frequent. And I think you
10 have to be prepared for the integrity of the line
11 primarily because you're crossing roads.

12 So if the line breaks because of the weight
13 of the ice, then you're going to have interference with
14 the roadway, possible other issues. I'm just asking what
15 your engineering plans are to remove ice from the lines
16 when the power is not operating in there.

17 Because generation of power generates heat,
18 so that helps keep the lines in place some of the time.
19 But if there's no power in it, the lines are there and
20 exposed to the elements just like everything else. And
21 so how are you going to deal with that?

22 MR. PATTON: I understand the nature of
23 your question. Thank you for clarifying.

24 MR. RIEMAN: I could provide a quick
25 response and then we can provide more detailed

1 information.

2 MEMBER COMSTOCK: I'm sorry, who are you?

3 MR. RIEMAN: Derek Rieman. R-i-e-m-a-n.

4 MEMBER COMSTOCK: Oh, Derek. Okay. You
5 look different than yesterday.

6 MR. RIEMAN: I don't have a jacket on
7 today. And I'm standing up. I look a little shorter
8 when I'm sitting down.

9 CHMN STAFFORD: They have all been sworn in
10 already.

11 MEMBER COMSTOCK: I didn't know who he was.
12 He changed his appearance.

13 MR. RIEMAN: Yes, so we'll have an
14 operation and maintenance building here on site that will
15 be monitoring the performance of the wind turbines as
16 well as the generation tie-line for the project. And so
17 we'll have a staff of Repsol Renewable employees that
18 will be actively located here in the area that will be
19 monitoring the plants and the gen-tie line and will be
20 responsible for any instances where there may be a downed
21 line.

22 I also will say that as part of the
23 generating profile of the project, typically the project
24 will be generating most of the power during the winter
25 months just by virtue of the wind resource.

1 And so the concept that power won't be on
2 the transmission lines will be reduced because of that
3 factor. But just wanted to provide that initial feedback
4 and we can look into greater detail.

5 MEMBER COMSTOCK: I appreciate that. If I
6 may, I'm really not concerned about the first six months
7 of operation. I'm concerned about 15 or 20 years from
8 now.

9 MR. RIEMAN: Yeah, they'll be here.

10 MEMBER COMSTOCK: How we're dealing with
11 that. Whether you have an operational plant here or not.
12 At that time it's certainly conjecture, but I just want
13 make sure that we know for the long term the weather's
14 going to be still be up here long after I'm gone, so I
15 just want to make sure that we're covering that.

16 MR. RIEMAN: Yeah, the maintenance, the
17 operations and maintenance building and the staff will be
18 here through life of project. So I apologize if I
19 communicated that they would only be here for six months.

20 MEMBER COMSTOCK: No apologies necessary.
21 Just having a conversation.

22 MR. RIEMAN: Yes.

23 MEMBER HILL: Mr. Chair.

24 CHMN STAFFORD: Member Hill, we can't hear
25 you.

1 MEMBER HILL: Can I ask a clarifying
2 question? That was something I was thinking about.
3 Aside from ice, there is the wind, I mean you're here for
4 the wind, but I do -- I would like to kind of understand
5 the selection of the poles and their wind tolerance and
6 the relationship of the stringing of the line and how
7 long it is relative to wind tolerance as well. Because I
8 actually think that might be part of --

9 MEMBER COMSTOCK: So maybe a better way to
10 phrase is tell us about your operational integrity plans
11 for the system as it leaves the power plant and is
12 delivered through the substations and beyond.

13 MR. PATTON: I'll confer with the
14 engineering team.

15 MEMBER HILL: Then we can at least compare
16 it to the Babbitt farm or other wind farms up here to
17 understand the relative construction standards.

18 MR. PATTON: Yes, ma'am.

19 CHMN STAFFORD: All right. On that note I
20 guess you'll be looking into getting those answers to
21 provide to us at some point when we get back to the
22 hearing room.

23 I think it's worth being able to answer
24 questions about the capacity factors of the wind plant
25 and the difference between the capacity -- annually and

1 then seasonally.

2 So like I think you just mentioned, it's
3 going to be operating more in the wintertime. That's
4 when the wind flow happens, so I'm just kind of hearing
5 about the capacity factors on that, so you don't have to
6 do that right this second, but I'm just saying when we
7 get back and talk about the operational aspects of it,
8 for the line, that goes hand in hand with how the plant
9 is operated, so I'd appreciate some more information on
10 that as well.

11 MR. PATTON: Yes, sir.

12 CHMN STAFFORD: Any other questions from
13 members? With that, let's go off the record and get back
14 on the bus.

15 (TIME NOTED: 11:13 a.m.)

16 (Conclusion of Stop No. 2.)

17

18 (TIME NOTED: 11:33 a.m.)

19 (Arrival at Stop No. 3.)

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

21 We're now at Stop 3 and I'm surmising that we are
22 somewhere near the vicinity of KOP 2.

23 MR. CASTEEL: Correct. We're approximately
24 650 feet north of where KOP 2 was taken. The
25 interconnection project, CEC corridor is half a mile to

1 the north at the crossing of -- it crosses US 80 --
2 sorry, it crosses US 180 half a mile north from where
3 we're standing.

4 CHMN STAFFORD: And it's going to go from
5 the west to the east.

6 MR. CASTEEL: Correct.

7 CHMN STAFFORD: And I think east of us I
8 can see the top of the smoke stacks of the Springerville
9 Generating Station; correct?

10 MR. CASTEEL: Correct.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: So it would be coming from
14 the west through this series of knolls that we see off on
15 the left-hand side?

16 MR. CASTEEL: Yes. And we're going to give
17 you a good topographic map when we get back.

18 MEMBER KRYDER: Good topo. Okay. Great.
19 Okay.

20 CHMN STAFFORD: And so it looks like from
21 the 180 to the edge of the solar field will be about --
22 between -- it's just under two miles.

23 MR. CASTEEL: To the edge of the solar.

24 CHMN STAFFORD: To this corner here.

25 MR. PATTON: This is the wind facility.

1 CHMN STAFFORD: Right. The wind facility.

2 What did I say, solar? I meant wind. Yeah.

3 MR. PATTON: Yes, sir.

4 CHMN STAFFORD: So we have -- so it looks
5 like --

6 MR. CASTEEL: That's approximately two
7 miles.

8 CHMN STAFFORD: About two miles from here
9 to the edge of the wind facility.

10 The solar facility will be to the east of
11 round -- where the existing Springerville Generating
12 Station is; correct?

13 MR. PATTON: Yes, sir.

14 CHMN STAFFORD: Okay.

15 MR. CASTEEL: That's between -- that's
16 approximately eight to nine miles east.

17 CHMN STAFFORD: East.

18 MR. CASTEEL: And you can see the stacks of
19 the generating station.

20 CHMN STAFFORD: It looks like it's a little
21 northeast of us.

22 MR. CASTEEL: Correct. We will go -- we
23 will go east and then north for three miles where it
24 interconnects to the generating station.

25 MEMBER MERCER: Mr. Chairman.

1 CHMN STAFFORD: All right. Member Mercer.
2 Yes, Member Mercer.

3 MEMBER MERCER: So all of this fenced land
4 is state land?

5 MR. PATTON: Yes, ma'am.

6 MEMBER MERCER: And this is just an access
7 road to the --

8 MR. PATTON: To the grazing parcels, yes,
9 ma'am.

10 CHMN STAFFORD: I guess it's so you can
11 keep track of whose cows are grazing where; right?

12 MR. PATTON: Exactly. Exactly.

13 MR. CASTEEL: Another note is that the
14 Little Colorado River is 1.4 miles to the east of us.

15 CHMN STAFFORD: Okay. And the next stop
16 will be, we'll go north on the 180, and then we'll make a
17 right on country road 4162 and cross --

18 MR. CASTEEL: We can drive across it,
19 correct.

20 CHMN STAFFORD: And then come back. We're
21 not going to -- we can't make it to Springerville on that
22 road in this bus.

23 MR. CASTEEL: No, we cannot. We can get
24 out near the intersection of County Road and US 180 and
25 take a look around. We are outside the study area and

1 multiple miles away from the corridor, but we can drive
2 and cross the Little Colorado and view it off the bus.

3 CHMN STAFFORD: We can't see the Little
4 Colorado from here.

5 MR. CASTEEL: No.

6 CHMN STAFFORD: But it is to the east of us
7 and you will cross it about -- did you say how far it was
8 from here?

9 MR. CASTEEL: The Little Colorado River?

10 CHMN STAFFORD: A mile.

11 MR. CASTEEL: 1.4 miles to the river.

12 CHMN STAFFORD: Okay.

13 MEMBER KRYDER: That must put us right in
14 here.

15 MR. CASTEEL: We're in between the corridor
16 and KOP right now.

17 CHMN STAFFORD: We're just north of that.

18 MEMBER KRYDER: All right.

19 CHMN STAFFORD: The next stop we're going
20 to go up to 180 and then go this way to cross the Little
21 Colorado, and we can get a look of what the Little
22 Colorado looks like, even though where we'll be crossing
23 it, there's a bridge, but where the line will cross it
24 there is not. But we can't drive there.

25 MEMBER KRYDER: Okay. Can I pose a

1 question?

2 CHMN STAFFORD: Certainly.

3 MEMBER KRYDER: So where you do cross the
4 Little Colorado, we spoke yesterday about the -- is it a
5 canyon, is it a tight canyon? And approximately how wide
6 is it from side to side on that canyon? Do you have an
7 idea?

8 MR. CASTEEL: I believe we said it was
9 approximately 300 feet.

10 MEMBER KRYDER: 300. That's right. You
11 spoke to that yesterday, didn't you?

12 MS. CASTEEL: The water level, but the
13 ordinary high water mark is roughly 40 feet, but the
14 canyon itself is about 300 feet wide.

15 MEMBER KRYDER: Okay.

16 CHMN STAFFORD: About 100 feet deep or
17 something?

18 MS. CASTEEL: Yes.

19 MEMBER KRYDER: And we said that the water
20 flow was fairly consistent as to what you showed
21 yesterday, that is, you don't find sometime when the
22 water comes up 25 feet from above, where it was shown on
23 the photo yesterday.

24 MS. CASTEEL: Not typically. So the waters
25 will rise with snow melt or immediately following storms,

1 the water will rise a bit. But as far as a big rise,
2 that is not common.

3 MEMBER KRYDER: Okay, because the real
4 Colorado where it comes through the Black Canyon really
5 does. I mean, she did until the Hoover Dam stopped her.
6 Okay. And that was really where my question was driving.

7 Is there a big old flood of water that
8 comes through once a year or several times a year with
9 the snow melt or a nice downpour? But your answer is no.

10 MS. CASTEEL: And I can find, I believe
11 there's a USGS stream gauge nearby. I can find you the
12 USGS data.

13 MEMBER KRYDER: That would be great. That
14 would be much appreciated.

15 MEMBER DICICCIO: David, are you asking for
16 a flash flood basically, a scenario of a flash flood?

17 MEMBER KRYDER: That's what I was looking
18 for is flash flood. How high does it go?

19 Because yesterday we had a series of
20 questions either from you or from Bill about what's the
21 deepest or the highest the water could get and the
22 proximity to the structure of the line, so that we're not
23 10 feet above the water.

24 CHMN STAFFORD: Right. I think, I recall
25 the testimony because I think I asked about that. The

1 gorge is about 100 feet deep and the line has to at least
2 20-something feet above the surface, and so the line
3 would be about 120 feet above the water. So there's
4 pretty much zero chance that water is --

5 MEMBER KRYDER: Pretty zero.

6 CHMN STAFFORD: -- going to get above the
7 100-foot drop -- depth of the gorge to get anywhere near
8 the line. Within 20 feet of the line, I guess, 27, is
9 that the --

10 MR. PATTON: 25.

11 CHMN STAFFORD: I was close. So that's
12 going to be from the surface at the height of the gorge
13 so it's -- the water won't be anywhere near the line.

14 MEMBER KRYDER: Okay.

15 CHMN STAFFORD: And I think the other
16 question I had was because you said the width of the
17 gorge was about 300 feet and the maximum span would be
18 about 1200 feet, so --

19 MR. PATTON: Yes, sir.

20 CHMN STAFFORD: -- they could put the --

21 MEMBER KRYDER: Go back 300 feet each side.

22 CHMN STAFFORD: Yes, so they'd have, you
23 know, well set back from the edge of the gorge.

24 MEMBER KRYDER: Okay. All right. That's
25 very helpful.

1 MR. CASTEEL: One other note, when we drive
2 north you'll see the rock outcrop, this lava feature,
3 it's an old lava flow feature just -- it's on -- it's
4 black, to the west of the roadway. We'll span that with
5 the line.

6 CHMN STAFFORD: So, yes, that -- that black
7 lump of stuff right there on the other side of the
8 highway, okay. Which is lava, lava formation, it's lava
9 rock.

10 MR. CASTEEL: Correct.

11 CHMN STAFFORD: And that looks like it's
12 throughout the field. That's why it gets its name;
13 right?

14 MR. CASTEEL: Correct.

15 CHMN STAFFORD: So, I mean, you'll have to
16 put at some point a structure somewhere in that -- in the
17 lava? I mean the big outcroppings like, you said you
18 tend to avoid, but the odds are somewhere on the
19 27 miles, was it 17 is through the actual lava field?

20 MR. PATTON: Yes, sir.

21 CHMN STAFFORD: Odds are at least one
22 structure is going to be sunk into that.

23 MR. PATTON: Yes, sir.

24 MR. CASTEEL: Correct. Yeah.

25 CHMN STAFFORD: Now, I guess, I seem to

1 recall that you're going to follow up with the engineers
2 about how much concrete that would take, it's going to
3 depend if it's porous beneath it, if there's like an
4 abscess down there or if it's pretty solid. You won't
5 know until you do the core drilling and figure out what's
6 there.

7 MR. PATTON: Yes, sir. We do have
8 preliminary estimates of what our concrete projections
9 would be and we can share that with you all later.

10 CHMN STAFFORD: Do you guys conduct the
11 surveys before you start drilling holes?

12 MR. PATTON: Well before.

13 CHMN STAFFORD: Cultural resources and --

14 MR. PATTON: Yes, sir.

15 CHMN STAFFORD: -- biological resources,
16 cultural resources, those are all surveyed before you
17 start drilling holes in the ground to check the soil;
18 right?

19 MR. PATTON: Yes, sir. It all follows a
20 sequencing of development processes.

21 MEMBER KRYDER: Mr. Chairman.

22 MS. CASTEEL: Mr. Chair.

23 CHMN STAFFORD: Member Kryder and then --

24 MEMBER KRYDER: Whoever it was, let them
25 go.

1 MS. CASTEEL: I just want to point out you
2 can see the lava flow on the aerial on the placemat.
3 It's narrow enough to span. That's the only lava flow
4 that is on the surface, so we are in the middle of the
5 lava fields, but as far as a lava flow on the surface
6 with the rocks, you're looking at just west of the 180
7 and you can see, it's like a little fork that crosses.
8 And it's narrow enough to span.

9 CHMN STAFFORD: Okay.

10 MEMBER KRYDER: The question I had, I'm not
11 sure who would address it. And it shows my ignorance.
12 What are the regulations that you have to face with
13 regard to building your construction roads back to these
14 things?

15 Who -- is this a county, Apache County,
16 regulation that will say you've got to do A, B and C? Or
17 who regulates your construction road? That construction
18 road really bothers me.

19 MR. PATTON: Yes, sir. Construction roads
20 would be approved, reviewed and approved by Apache
21 County.

22 MEMBER KRYDER: Okay. Under, what, zoning?
23 Or under what kinds of rulings? Are they in place
24 already?

25 MR. PATTON: They're not in place already.

1 It's a part of the -- there's a conditional use permit
2 process we'd have go through. But then there's also a
3 building permit process. We'd have to go there.

4 CHMN STAFFORD: Right. And then also I'm
5 sure State Land Department is going to have some say of
6 where you are going to put the roads on their property.

7 MR. PATTON: Exactly. Exactly.

8 CHMN STAFFORD: I'm assuming that would be
9 addressed in the lease.

10 MR. PATTON: Correctly.

11 MEMBER KRYDER: So my colleague --

12 CHMN STAFFORD: Member Hill.

13 MEMBER HILL: I was going to ask about
14 State Land. I think State Land has more specificity
15 around roads.

16 MR. PATTON: Yes, ma'am. So part of the
17 right-of-way agreements that we have to secure with
18 Arizona State Lands is we have to provide what's called a
19 development agreement.

20 MEMBER KRYDER: You have to provide --

21 MR. PATTON: A development agreement.

22 MEMBER KRYDER: Okay.

23 MR. PATTON: A development agreement plan,
24 and that outlines all of our civil works, financial
25 instruments that we have to place in terms of insurance

1 and decommissioning, but also specifications about roads
2 that are going to mirror up in most cases, I imagine, and
3 certainly in this case it will mirror up to what we find
4 in local zoning ordinances.

5 MEMBER KRYDER: And so that will be in
6 place before you move the first spadeful.

7 MR. PATTON: Yes, sir.

8 MEMBER KRYDER: Okay.

9 CHMN STAFFORD: Member DiCiccio.

10 MEMBER DICICCIO: So you were talking about
11 the county, you have to get a conditional use permit from
12 them. What if you don't get it?

13 CHMN STAFFORD: That's going to be for the
14 solar and wind.

15 MEMBER DICICCIO: Oh, so it's just for the
16 solar and wind.

17 CHMN STAFFORD: They don't need it, the
18 transmission line, that's a permitted use. They'll just
19 need the construction permit for dust control, that sort
20 of thing; right?

21 MEMBER DICICCIO: Yes. What if they don't
22 get it for wind?

23 CHMN STAFFORD: Then they wouldn't
24 construct that portion of the line, I would assume.
25 Because the way -- now, correct me if I'm wrong, the way

1 I understand the application is that you have -- there's
2 a double circuit coming from Springerville Generating
3 Station to the solar array, and then a single circuit and
4 BESS; right? And there's two substations in that section
5 of the project.

6 MR. PATTON: Yes, sir.

7 CHMN STAFFORD: From the Substation 3, a
8 single circuit runs to 2 and 1. And that would be -- so
9 theoretically if you get the conditional use permit for
10 the solar array but not the wind farm, if this line was
11 certificated, you would just build the portion to serve
12 the solar array, you wouldn't build from Substation 3 to
13 Substation 1, theoretically.

14 MR. PATTON: In that scenario, yes.

15 MEMBER DICICCIO: I have a follow-up.

16 CHMN STAFFORD: Because they need the
17 continual use permit for the facilities generating
18 portions, but not the transmission line. So assuming you
19 got that part about -- I said assuming they got the
20 certificate for the line, if they were unable for some
21 reason to build the wind project, the line would allow
22 them to just build the portion that they would need for
23 the solar and battery storage to operate.

24 They would have a certificate for 10 years,
25 they'd have 10 years I guess to keep trying, if they

1 didn't get it through the time frame to have it
2 operational by '27 I believe was the target date.

3 MR. CASTEEL: Yeah.

4 MR. PATTON: Correct.

5 CHMN STAFFORD: But the certificates
6 typically last 10 years.

7 MEMBER DICICCIO: I had a follow-up on that
8 too. So have you approached the county already and
9 talked to them about this?

10 MR. PATTON: Of course.

11 MEMBER DICICCIO: And what did they say
12 about the conditional use permit? They usually give you
13 a good indication one way or the other.

14 MR. PATTON: Well, they don't give an
15 indication as to whether or not it's going to be
16 approved. We have to go through the planning and zoning
17 board process.

18 MEMBER DICICCIO: Agreed.

19 MR. PATTON: Yes, sir.

20 MEMBER DICICCIO: But they'll tell if we
21 like it or we don't. I mean you usually get that in
22 conversations.

23 MR. PATTON: My sense is that they want to
24 see a robust and thorough application and that is what we
25 can ensure to them that we will provide.

1 MEMBER DICICCIO: So they are aware of the
2 wind farm.

3 MR. PATTON: Yes, sir.

4 MEMBER DICICCIO: And they're required to
5 give out a permit on it, a conditional use permit.

6 MR. PATTON: Yes, sir.

7 MEMBER DICICCIO: Just so you know, too,
8 generally you can't go every year. Depends on the city
9 and the jurisdiction. Usually if you get turned down
10 then you have to wait three years sometimes.

11 MEMBER HILL: I have a follow-up question
12 to that. Are you applying for conditional use permits
13 separately, the wind farm and the solar farm, are they
14 being considered separately or as one project?

15 MR. PATTON: Yes, ma'am.

16 MEMBER HILL: So if we give you the
17 certificate and you only get the sun farm -- the solar
18 farm and BESS system --

19 MEMBER KRYDER: And the BESS.

20 MEMBER HILL: Yeah, and the BESS approved,
21 then you're probably just building that section of line.
22 But if we don't give you the certificate at all, then you
23 can't -- you can't even do the solar and the BESS system?
24 You couldn't do any of it?

25 MR. PATTON: That would be the logical

1 conclusion.

2 MEMBER HILL: Okay. That's helpful to
3 understand the two projects in a separate capacity.

4 MR. PATTON: Yes, ma'am.

5 MEMBER DICICCIO: So may I ask one more,
6 following up on your question?

7 MEMBER HILL: We're a tag team.

8 CHMN STAFFORD: One at a time, please. One
9 at a time.

10 MEMBER DICICCIO: If you get approved or
11 denied by this committee or an advisory committee, does
12 it still get bumped up to the Corporation Commission?

13 MR. PATTON: That's how I understand --

14 MEMBER DICICCIO: So they're the final say.

15 MR. PATTON: Yes, sir.

16 MEMBER HILL: We're like the Planning
17 Commission.

18 MEMBER DICICCIO: Yeah, I know.

19 MEMBER COMSTOCK: Mr. Chairman.

20 CHMN STAFFORD: Member Comstock.

21 MEMBER COMSTOCK: Since you're going to be
22 digging into operational engineering for the other
23 questions, I have one. Yesterday, if I may preface it,
24 yesterday the governors of Wyoming and New Mexico
25 announced a joint venture with a Japanese company,

1 Fujitsu, I believe I'm pronouncing that correctly, to run
2 natural gas from Wyoming and New Mexico to the gulf of.

3 CHMN STAFFORD: Baja.

4 MEMBER COMSTOCK: Baja. I'm not sure what
5 to call it.

6 MEMBER MERCER: Sea of Cortez.

7 MEMBER COMSTOCK: Yeah. The Sea of Cortez,
8 thank you. And to the Pacific Ocean for use by the
9 Japanese in Japan. They're going to cross Arizona at
10 some point. So my question is what is -- what is your
11 engineering proposal for AC mitigation should a gas line
12 come within the proximity of your power lines? How do
13 you deal with that? And are you a partner with
14 underground utilities in that respect, or do you say no,
15 not in our area at all? If you could answer that I'd
16 appreciate it.

17 MR. DERSTINE: Can I speak to that briefly
18 before you jump in?

19 MR. PATTON: Certainly.

20 MR. DERSTINE: Member Comstock, I'm sure as
21 the chairman and maybe some of the other members are
22 aware, your CEC carries a standard condition regarding
23 cathodic protection for the proximity of transmission
24 lines to underground gas lines.

25 And so that's a standard condition that was

1 pushed by Staff years and years ago and remains in every
2 CEC, where the applicant is obligated to perform those
3 various cathodic studies and ensure that there's not
4 going to be any sort of interference or risk to the
5 transmission facilities from the underground gas.

6 MEMBER COMSTOCK: I appreciate that, sir.

7 The reason I'm asking the question is if
8 the applicant is successful and the lines are in place,
9 it could be 2032, 2033 before gas lines are put in here.
10 Who knows who's going to be around at that time.

11 So I just want to make sure that there is
12 an AC mitigation policy in place, how you deal with that,
13 and the partnership that may go along with it. There's
14 gas coming through Arizona. Nobody knows exactly where
15 yet, but it's coming, especially in the proximity to the
16 Springerville power plant.

17 They're going to be asking for laterals to
18 move production in there in natural gas power. So if you
19 don't mind, I'd appreciate an opportunity to explore
20 that.

21 MR. PATTON: Yes, sir.

22 MEMBER COMSTOCK: Thank you.

23 CHMN STAFFORD: Tucson Electric Power has
24 announced their plans to convert Springerville to natural
25 gas. We don't have a -- they haven't filed an

1 application to the Commission to modify their CEC yet,
2 but I think SRP has one for Coronado coming up sooner,
3 coming up this year. Whether we'll see it or not, I
4 mean, they'll apply to the Commission to amend a prior
5 Decision. Only the Commission can do that, but whether
6 they send it to us for hearing on it is up to them.

7 MEMBER COMSTOCK: And if I may,
8 Mr. Chairman, the Transwestern line that's going to be
9 built and has been approved by the Corporation
10 Commission --

11 CHMN STAFFORD: They don't approve that.
12 The Corporation Commission does not approve interstate
13 gas.

14 MEMBER COMSTOCK: They voted in favor of
15 it.

16 CHMN STAFFORD: They announced that they're
17 happy it's going to get done.

18 MEMBER COMSTOCK: Sounds like a favorable
19 vote to me.

20 CHMN STAFFORD: They're not responsible for
21 deciding it.

22 MEMBER COMSTOCK: My point is that
23 Transwestern is going to be built, and that's where those
24 laterals are going to be coming from, not the new stuff
25 that's coming out of New Mexico or Wyoming. So just want

1 to make sure that we have something in place for 20 years
2 down the road. Thank you.

3 MEMBER DICICCIO: May I add on to that,
4 too?

5 CHMN STAFFORD: Yes. Member DiCiccio.

6 MEMBER DICICCIO: We had a sidebar
7 conversation a few weeks ago. That just makes logical
8 sense. We know it's not -- this is the location or
9 anything else, it's through the Corporation Commission.

10 But it makes logical sense to either expand
11 the areas for some of these places, or these transmission
12 lines to allow for gas to get in there so that it's done
13 quickly.

14 CHMN STAFFORD: That seems like a
15 conversation --

16 MEMBER DICICCIO: That's later.

17 CHMN STAFFORD: -- that the transmission
18 owners will have to have with the gas companies about
19 collocating facilities to minimize environmental impacts.
20 Seems like a worthwhile conversation.

21 MEMBER DICICCIO: Yeah, just something he
22 and I talked about.

23 MEMBER COMSTOCK: It's been happening.

24 MEMBER DICICCIO: It was a great idea.

25 MEMBER COMSTOCK: We're working on it.

1 CHMN STAFFORD: Any other questions from
2 members? Okay. So we have one more stop relative to the
3 project and then Stop Number 5 is at the Safeway;
4 correct?

5 MR. CASTEEL: Correct.

6 MEMBER DICICCIO: Safeway?

7 CHMN STAFFORD: Yeah, for --

8 UNIDENTIFIED SPEAKER: Oh, I've got to do
9 some grocery shopping.

10 MEMBER MERCER: Potty break.

11 MEMBER DICICCIO: I was thinking, so do I.

12 CHMN STAFFORD: All right. So there's no
13 further questions from members? All right. Let's go off
14 the record and back on the bus.

15 (TIME NOTED: 11:52 a.m.)

16 (Conclusion of Stop No. 3.)

17

18 (TIME NOTED: 12:12 a.m.)

19 (Arrival at Stop No. 4.)

20 CHMN STAFFORD: Let's go back on the
21 record.

22 We're at Stop Number 4. We are looking --
23 which way are we looking here?

24 MR. CASTEEL: We're looking east down
25 County Road 4162. This road leads to the TEP

1 Springerville Generating Station. It's also used for
2 residents to access.

3 MEMBER KRYDER: For what?

4 MR. CASTEEL: For residents to access
5 properties. This would be the nearest location to the
6 interconnection project from other residences. The line
7 is approximately three miles to the south of us.

8 MR. CASTEEL: The Little Colorado is just
9 down the road a little bit. This is the best place for,
10 really the only place that we could take the committee to
11 view a similar condition of the river.

12 MEMBER HILL: Mr. Chair.

13 CHMN STAFFORD: Yes, Member Hill.

14 MEMBER HILL: The crossing of the river
15 which is roughly you said three miles south, is a more
16 incised system, though.

17 MR. CASTEEL: Correct.

18 MEMBER HILL: Right? So, okay.

19 CHMN STAFFORD: Does that mean it's in a
20 deeper canyon than this one?

21 MEMBER HILL: Yes. Yeah.

22 MR. CASTEEL: The river is approximately
23 half a mile from us from here.

24 MEMBER KRYDER: So is it correct that it
25 would be at the bottom of where this road kind of bottoms

1 out and heads up?

2 MR. CASTEEL: Correct. You can see the
3 denser vegetation.

4 MEMBER KRYDER: Okay. That makes sense.

5 MS. CASTEEL: And in comparison, a crossing
6 of the Little Colorado River for the line, it is much
7 fewer trees. It's more dense shrub layer at that
8 location as you saw in the photo that we showed. And
9 yeah, more deeply incised, so more concentrated, but this
10 was the closest crossing that we could get to it.

11 CHMN STAFFORD: Okay. Any other questions
12 from members?

13 MR. DERSTINE: Is it worth noting that
14 we're kind of well beyond the Springerville volcanic
15 field in this area?

16 MS. CASTEEL: We are currently outside of
17 the volcanic field, and you can tell the color of the
18 rocks has changed from where we were before.

19 CHMN STAFFORD: Okay.

20 MEMBER COMSTOCK: Mr. Chairman.

21 CHMN STAFFORD: Yes, Member Comstock.

22 MEMBER COMSTOCK: Does the 69kV that comes
23 out of Springerville, that crosses the Little Colorado as
24 well, doesn't it?

25 CHMN STAFFORD: I don't think it's 69kV

1 coming out of Springerville. I think it's 345.

2 MEMBER COMSTOCK: This is the 69kV?

3 CHMN STAFFORD: No, this is distribution
4 lines here. This is like 14kV, isn't it?

5 MR. CASTEEL: Yeah, we don't have it on our
6 map, but yeah, it's --

7 MEMBER COMSTOCK: Let me go back to the
8 question, then. I apologize for getting off track.
9 Where are the poles for the 69kV as it crosses the
10 Colorado? Are they -- how far is the setbacks for those,
11 do you know?

12 MR. CASTEEL: I don't know offhand. We
13 could get a good measurement for you or a map that shows
14 that they do cross.

15 MEMBER COMSTOCK: Right. So I guess that's
16 the question, how far is the setback for those poles?
17 And they're much smaller than what you're going to put
18 in, so that will give an idea of what the perspective is.
19 Thank you.

20 MEMBER KRYDER: Is the 69kV on wooden
21 structures or on steel structures? Do you know?

22 MR. CASTEEL: I believe they're on wooden
23 structures.

24 MEMBER KRYDER: Wooden structures. Okay.

25 CHMN STAFFORD: I hope the ones we saw

1 driving up here were on steel structures.

2 MR. CASTEEL: That is a great question.

3 I'm going to go back and check and check that line.

4 That's not --

5 CHMN STAFFORD: Right, because we drove
6 past this line here, and I'm pretty sure those were steel
7 structures.

8 MR. CASTEEL: Yes. I want to verify
9 this -- this line.

10 MEMBER HILL: It's this line.

11 MR. CASTEEL: Right.

12 MEMBER HILL: Yeah, that I think might be
13 wooden. We can see them on the way out.

14 MR. CASTEEL: Correct. We drove underneath
15 what will be a similar pole structure.

16 CHMN STAFFORD: We drove under twice. We
17 came under 60 this way and we drove under it this way
18 coming up back up the 180. So for this one here, we'll
19 drive past it on the 180 down to Stop 5; right?

20 MR. CASTEEL: Yes, we will cross it again.

21 MEMBER HILL: Okay.

22 CHMN STAFFORD: Take a look. Don't ask
23 them on the bus, but you can observe and we can confirm
24 when we get to the next stop.

25 All right. So the next stop is going to be

1 the Safeway. I think that's going to be a -- kind of a
2 rest stop before we --

3 MR. CASTEEL: Rest stop before we head back
4 to the hotel.

5 CHMN STAFFORD: Are we going to go on the
6 record at Stop 5 area just do a pit stop and head back
7 to --

8 MR. CASTEEL: It wasn't intended for that,
9 no.

10 MEMBER HILL: Mr. Chair, I do have one more
11 question. I was thinking about the testimony last night.
12 And I just wanted to put this back on the record and
13 confirm it, especially since we do have some citizens
14 with us today.

15 There was some discussion about a desire to
16 do collocation, which we all prefer, along the 69kV line.
17 And my understanding was that you explored that with the
18 owners of that line and that property, and they were
19 unwilling to work with you on collocation. Is that
20 correct? So it was something the company explored.

21 MR. PATTON: Yes, ma'am.

22 MEMBER HILL: And tried to make happen.

23 MR. PATTON: We approached them with the
24 possibility of doing an easement, and they indicated to
25 us -- not indicated, they stated to us that they were not

1 willing to do an easement with us.

2 MEMBER HILL: Okay. And Tucson Electric
3 Power is the landowner there.

4 MR. PATTON: Yes, ma'am.

5 MEMBER HILL: But the easement for the 69kV
6 is --

7 MR. PATTON: Navopache.

8 MEMBER HILL: Navopache. Okay. Just
9 wanted to put that back on the record and share that
10 information.

11 MR. PATTON: Yes, ma'am.

12 CHMN STAFFORD: Okay.

13 MEMBER HILL: I agree with that, but I
14 appreciate that you guys tried to do that, because I do
15 much prefer collocation of this type of --

16 MR. PATTON: Specifically it makes sense
17 because that tells us that everything from the
18 geotechnical studies that are pending, clearly it passed
19 for those structures.

20 MEMBER HILL: Exactly.

21 MR. PATTON: And for us from a
22 constructability there must be some existing access
23 roads --

24 MEMBER HILL: You can share road
25 infrastructure on those kinds of things if you do it

1 well, so that's unfortunate that TEP didn't want to do
2 that.

3 MR. PATTON: From your lips to god's ears.

4 MEMBER HILL: That never happens.

5 CHMN STAFFORD: All right. So from here
6 we'll go to Stop Number 5. Do we need -- do the members
7 feel the need to ask any more questions at 5, or just be
8 a break stop and then we'll head back to the hearing
9 room?

10 MEMBER HILL: We can cover it in the
11 hearing room if we have other questions that come up
12 along the way; right?

13 CHMN STAFFORD: Okay. And then lunch
14 plans, I think the applicant indicated that they wanted
15 to have lunch ready at one o'clock. I think that maybe
16 we won't -- I don't think we'll get there by one o'clock.

17 MEMBER DICICCIO: It's what, about
18 40 minutes.

19 MR. CASTEEL: It's not something that's
20 going to be like -- it's cold sandwiches, so they said it
21 would be fine, they can preserve it. It won't --

22 CHMN STAFFORD: Okay. So they'll just have
23 it ready when we get there, then.

24 MR. CASTEEL: Right.

25 MEMBER FANT: Safeway has a deli.

1 CHMN STAFFORD: You can't wait, huh?

2 MEMBER HILL: I think they have Starbucks,
3 too.

4 CHMN STAFFORD: Okay. And I think there's
5 additional members of the public that would like to make
6 comment, if they have not already done so. My thought is
7 what we'll do is we'll make the stop at Safeway, we will
8 not go back on the record, take any questions. That'll
9 just be kind of get ourselves in order for the trek back
10 to the hearing location.

11 We'll go back to the hearing room. We'll
12 briefly go on the record and announce what time we'll be
13 back. And then at what time we'll be taking additional
14 public comment so the public has a chance to get there,
15 and know what time they can get their own lunch and they
16 know what time to show up to make additional, well, I
17 guess it's new comments from additional members of the
18 public. So --

19 MEMBER FANT: Mr. Chair.

20 CHMN STAFFORD: Yes, Member Fant.

21 MEMBER FANT: I assume we'll have enough
22 time between noting when additional public comment will
23 be taken to taking the public comment so the public can
24 hear about it and disseminate that information.

25 CHMN STAFFORD: Right. I think the members

1 of the public who wish to comment have been following the
2 tour, or are in communication with other people. Someone
3 that's on the tour wants to make additional comment,
4 there are others in addition to that person, so they can
5 communicate with them what time.

6 So what will happen we'll go make the
7 stop 5 at Safeway. We're not going to take any
8 questions. We'll just take a pit stop and then we'll get
9 back on the bus and go back to the hearing room. We'll
10 go with the hearing, go on the record and then announce
11 what time we'll reconvene to take public comment. And
12 then everyone can go to lunch, the public can go to
13 lunch, we can go to lunch and we'll come back and go back
14 to work.

15 MEMBER DICICCIO: Mr. Chair.

16 CHMN STAFFORD: Member DiCiccio.

17 MEMBER DICICCIO: Just as a thought, would
18 it be better if we just made a time here so that they
19 don't have to come all the way back there if they're not
20 planning on being back there right away?

21 CHMN STAFFORD: It depends how long it
22 takes us to get back, how long at Safeway. I don't want
23 to say a time now and be 30 minutes late when we get
24 back.

25 MEMBER DICICCIO: Yeah.

1 CHMN STAFFORD: So I think what we'll do is
2 let's get back to the hearing room, go on the record. If
3 there's any clarifying questions from the trip back, you
4 can ask them, then we'll take a recess to a set time and
5 then we'll come back and then take public comment and
6 then the applicant can resume their testimony. I guess
7 it's going to depend what time it is. It's 12:22 now.

8 MEMBER DICICCIO: What, about 40 minutes
9 back.

10 CHMN STAFFORD: It's at least a 45-minute
11 trip back there. It's going to be 10 minutes to the
12 Safeway, we'll be at the Safeway for 10 minutes. So we
13 don't start -- we won't get back to the hearing room
14 until after one o'clock.

15 MEMBER DICICCIO: I was thinking 1:30 we
16 get there.

17 CHMN STAFFORD: Does our driver know a
18 shortcut?

19 MR. CASTEEL: I'm not sure he is aware of
20 other roads.

21 CHMN STAFFORD: Well, let's go on to Stop
22 Number 5. Let's go off the record and get back on the
23 bus.

24 (TIME NOTED: 12:22 p.m.)

25 (Conclusion of Stop No. 4.)

1 (The tour concluded at 2:14 p.m.)

2 (The hearing resumed at 2:14 p.m.)

3 CHMN STAFFORD: Let's go back on the
4 record. We have returned from our tour. Took a little
5 bit longer than expected.

6 Mr. Derstine, you have -- while on the tour
7 I believe at the first or second stop you talked about
8 getting a better topographical map together.

9 MR. DERSTINE: It's my understanding that
10 the SWCA team is putting together a topographic map in
11 response to the request from the committee, and we should
12 have that available after lunch.

13 CHMN STAFFORD: Okay. And you'll introduce
14 that as another exhibit, CG-22?

15 MR. DERSTINE: Yes.

16 CHMN STAFFORD: All right. And then also I
17 think there was quite a bit of public interest in the
18 tour, I believe that there's additional members of the
19 public who would like to comment on the application.

20 So I think this afternoon we'll take some
21 additional public comment from those people who weren't
22 able or did not comment previously during last night's
23 session.

24 About how much more of your direct case do
25 you have to present?

1 MR. DERSTINE: So we have the rest of the
2 biological studies for Ms. Casteel to present, including
3 the visual simulations. And then we have to go through
4 our public outreach and engagement presentations,
5 including our tribal engagement.

6 And then final section is going to just be
7 dealing with the statutory and notice and compliance with
8 your procedural order.

9 So those are our final sections of the
10 case. And then, I'm sorry, I omitted that our plan with
11 your permission would be to start tomorrow morning with
12 our witness who's appearing virtually, and she'll be
13 addressing the transmission studies that were performed
14 in connection with the interconnection application at
15 Springerville and address the issues raised in Staff's
16 letter.

17 CHMN STAFFORD: Okay. I know some of the
18 members have some questions about that. So here's what I
19 think we should do. I think, well, I'm ready to eat.
20 It's been a long tour.

21 MR. DERSTINE: Yep.

22 MEMBER HILL: I agree.

23 CHMN STAFFORD: We'll take a lunch recess
24 and then come back at 3:30 and then I guess we'll take
25 public comment. I think they'll be here by then. I

1 think we had three or four more people to take comment.
2 And then you want to proceed with your environmental
3 studies after that and then plan on starting with
4 Ms. Turner in the morning.

5 MR. DERSTINE: Yes.

6 CHMN STAFFORD: Okay. All right. Does
7 that sound agreeable to members?

8 (A chorus of yeses.)

9 CHMN STAFFORD: With that, we stand in
10 recess until 3:30.

11 (Recess from 2:17 p.m. to 3:42 p.m.)

12 CHMN STAFFORD: Let's go back on the
13 record.

14 We are now going to take additional public
15 comment from the members of the public who have not yet
16 commented. First up you each will have three minutes.
17 Please come to the podium and adjust the microphone to
18 your height so we can hear clearly what you're saying.

19 First up we have Wink Crigler. And please
20 spell your name for the court reporter.

21 MS. CRIGLER: Thank you. Thank you for
22 allowing me to be here. My name is Wink Crigler, spelled
23 C-r-i-g-l-e-r. I represent the X Diamond Ranch in South
24 Fork holding property very near this proposed despicable
25 idea of transmission lines from basically what we would

1 call the Greens Peak Hideaway area or the Greens Peak
2 area across the area along Highway 60 there.

3 My family -- I'm from a four-generation
4 ranch family, a four-generation family ranch that has
5 worked for many decades to preserve the pristine beauty
6 of an unfragmented habitat. We've gone so far as to
7 historically always pack our salt, pack our fence posts,
8 barbwire and et cetera so as to prevent soil disturbance,
9 resource loss, grass and herbaceous diversity loss,
10 wildlife habitat disturbance, and maintain a productive
11 environment for the -- for the production of a
12 sustainable sustenance, beef.

13 That is still what we do today on this
14 landscape. I've been told a lot of things about how we
15 wouldn't have ground disturbance. Well, unless you come
16 by helicopter, you will have ground disturbance. When
17 you cross the waters, you will impact the clarity and the
18 purity of what few waters we happen to have in that area.

19 You will run over plants and destroy the
20 very mixed biodiversity -- herbaceous biodiversity that
21 we have there. When that happens, wildlife lose their
22 home. It becomes impacted by additional vehicular
23 traffic and et cetera.

24 It's been mentioned to me something about
25 the soils. Well, anyone who thinks that our soils are

1 not erodible does not study soils. Our soils are highly,
2 highly erodible. I have seen right in my own
3 neighborhood a two-track road go now to a road
4 disturbance of more than 50 feet.

5 I've measured those with United States
6 Department of Agriculture employees and et cetera to see
7 how much topsoil has been lost on a very shallow soil
8 base. We do have extensive capacity for soil loss
9 erosion and ground disturbance.

10 I was told by some of the proponents of
11 this project that there would be no less than a minimum
12 of 15 vehicles per day in any given area.

13 CHMN STAFFORD: Thank you very much.

14 MS. CRIGLER: Thank you.

15 CHMN STAFFORD: Up next we have David
16 Larson. L-a-r-s-o-n.

17 MR. LARSON: Good afternoon, Chairman and
18 Committee Members. I want to thank you for allowing me
19 to speak today. And I'm already nervous. Here we go.

20 Anyway, to address the committee my
21 concerns, my name is David Larson, and I am the president
22 of Greens Peak Hideaway. You saw me with my sign.

23 We -- our community was established in the
24 '60s. There's 131 residents in our community. There are
25 two additional communities in that area. When you were

1 all at the road -- the intersection on your first stop,
2 that is the entrance to our community. We are five miles
3 up that road. Okay? Our community is one mile away from
4 the proposed first phase of the wind farm, one mile away.

5 Our water source -- our primary water
6 source the Atascacita Springs. You all didn't get to see
7 all this stuff today, which is unfortunate. Our spring
8 is less than a quarter mile away from the boundary of
9 that wind farm, projected wind farm.

10 So we -- so we are much closer than what I
11 heard today of other communities that you were told
12 about.

13 So Repsol, now called Apache County LLC,
14 obviously they're starting to buffer themselves from some
15 responsibilities as we all know what an LLC is, limited
16 liability corporation, has never recognized in any of
17 their publications that there are residents that close to
18 both the wind farm and the transmission line which they
19 are asking you for approval.

20 Apache County residents along with the
21 Apache County planning and zoning are not in favor of
22 placing the wind farm right next to federal forested
23 land. Our community sits at 8300-foot elevation. I
24 believe you all came back on 260 today. Did you enjoy
25 the turning of the trees and the beautiful Ponderosa

1 forest? That's what we live in. You didn't get to see
2 that. The state land that they're proposing to put the
3 wind farm on is forested just like the natural forest is.
4 What you saw was a down slope of that.

5 I just encourage you to -- I've written a
6 lot more stuff in an attachment that I can't get to in
7 the time frame. Please look at my write-up. There's a
8 lot more information.

9 Thank you for your time and thank you for
10 coming out. It was really -- we were glad to see you.

11 CHMN STAFFORD: Thank you very much.

12 Next up we have Deanna Davis. D-e-a-n-n-a
13 D-a-v-i-s.

14 MS. DAVIS: Oh, good afternoon. I'm Deanna
15 Davis. I'm a second-generation business owner in
16 Springerville, Arizona. We're planning to have some
17 expansion in our business and expand out throughout
18 Apache County to the smaller areas. But a lot of my
19 plans are on hold based on what happens with the
20 decisions on the wind turbines and the power lines.

21 I can't foresee my area growing anymore if
22 this is allowed to impact the areas as far as tourism,
23 people wanting to move here where it's beautiful which
24 you drove through on 260 coming over the mountain.

25 I have a big problem with -- and I don't

1 oppose energy. I don't oppose growth. I'm a former big
2 city girl. But I now love the rural area. And I think
3 we deserve this company, Repsol, to be demanded to do the
4 studies, the impact on the area, the wildlife. Not just
5 we'll drill holes as we go and see if it will hold.

6 I'm sorry. This stuff is fragile. If you
7 were out there on a horse, you'd know you're leaving
8 footprints on that. It's that fragile. And you're going
9 to put 15 vehicles. You're going to put all those poles
10 out there. You're going to put -- you know, I never
11 wanted to put my house next to power lines because
12 they're a cancer risk. And you're bringing in these high
13 impact deals on metal poles. Yes, I know the answer to
14 that. They couldn't answer that today. You need to make
15 them stand up and do the work, do the studies, and come
16 at this again and maybe in another way.

17 Power poles to me, why aren't they putting
18 this out closer to TEP to the generating stations? Why
19 isn't it going out there? Why do we have to further
20 impact the areas with power lines and poles? I don't
21 understand it. I'm hoping someone will be able to
22 explain it to me throughout what I listen to.

23 But I ask that you question why two utility
24 companies have refused to share their infrastructure
25 already with them. Why can't they use their lines? Why

1 can't they tie in? There's something that really smells,
2 and I hope you're all able to look deeply into this.

3 Thank you for listening.

4 CHMN STAFFORD: Thank you.

5 Up next we have Karen Glennon,
6 G-l-e-n-n-o-n.

7 MS. GLENNON: Thank you, Mr. Chairman,
8 members of the committee. I'm Karen Glennon. I'm a
9 26-year resident of Springerville. And I also have filed
10 a limited appearance and several public comments.

11 I appreciate you coming on this tour. We
12 weren't sure if you would do it. We weren't sure if you
13 would come to our community, and we appreciate it very
14 much that you did.

15 I'd like to start by saying that our two
16 towns, the Town of Springerville and the Town of Eagar,
17 have both voted unanimously to oppose this project. Now
18 they didn't vote on the interconnection line, but I can
19 venture to say that they oppose it because they oppose
20 the wind project.

21 I'd like to comment on a few things that
22 between yesterday and today things that were not
23 100 percent clear or maybe disputable. Yesterday morning
24 there was a lot of talk about public outreach and
25 Facebook pages and all this wonderful outreach that has

1 been done. Well, I'd like to put on the record the fact
2 that it wasn't until June 14, 2023, that our
3 Springerville town manager first heard about this
4 project. He immediately told the council. And this is
5 how our community became aware of it.

6 It turns out going back as far as 2019 and
7 I think yesterday it was clarified that it was actually
8 2018 measuring devices were put out, branches were
9 consulted with, agreements were signed. I know of a
10 friend of mine who was approached to be a consultant to
11 them to help them sell the project here. They met with
12 Game and Fish, State Land Department.

13 And all of this was done, including going
14 to the FAA and getting permission. They have a
15 determination of no hazard to air traffic. I have put in
16 a public comment about what a hazard this wind farm will
17 be to aviation at our small airport here, and I urge you
18 to read that public comment.

19 I'm just going to go on from that. I'm
20 going to go as fast as I can because I'm afraid I'm going
21 to run out of time. Oh, I already ran out of time.

22 The Vernon Community Center. There are
23 community plans. The little dot that was next to the
24 substation, that is the Vernon community plan. Alpine,
25 Greer, our county encourages these

1 incorporated/unincorporated to have plans. That's what
2 that was about.

3 Dave Larson talked about that forest road.
4 It was mentioned that this is where people go to recreate
5 up here. No, this is where all these people live.

6 There's been just some misunderstandings,
7 and I'm going to run out of time. And before I do, I
8 would like to say I'm going to make another public
9 comment written. I hope that is permissible. I hope
10 you'll read it.

11 And if you decide to approve this, the
12 majority, I'm begging those of you who don't agree to
13 write a dissenting opinion. You can write a dissenting
14 opinion, and that will go to the Corporation Commission
15 for consideration. Thank you.

16 CHMN STAFFORD: Thank you.

17 Cindy Moyer, M-o-y-e-r.

18 MS. MOYER: Good afternoon. My name is
19 Cindy Moyer. Thank you for allowing me this time to
20 speak with you all and thank you for coming here to hear
21 our side.

22 I moved here four years ago. And one of
23 the reasons I moved here was because of the beautiful
24 scenery and the animals. My grandson is 11 years old,
25 put in for his antelope hunt, which will be out where the

1 proposed area is. As dad told him, you might put in for
2 10 or 15 years before you get drawn. But he's waiting,
3 and he wants very badly to go, be part of that tradition,
4 so I hope that he gets to do that.

5 I hope that the ground is still there. I
6 hope that the wildlife is still around. Our water supply
7 is extremely fragile. And I just -- it seems like
8 there's so much ground, and they say they only need 500
9 acres. If there's that many acres, could it be somewhere
10 else? But you know what, nobody else wants it either.
11 Nobody wants it in their backyard. Nobody wants these
12 power lines going through their housing developments or
13 their -- even where they go hiking. Nobody wants to hike
14 through power lines.

15 So I just please, please consider the
16 people that moved here or lived here for generations that
17 truly love this area and that want the best for their
18 children and grandchildren to be able to grow up in this
19 beautiful area. Thank you.

20 CHMN STAFFORD: Thank you.

21 Is there a Kurt Kerr here? K-e-r-r.

22 You might move the microphone up a little
23 bit for you.

24 MR. KERR: Good afternoon. My name is Kurt
25 Kerr. I'm a local resident. I am an earth science and

1 ecology teacher here in the community. I am representing
2 myself, no organization or agency.

3 I'd like to speak to the location of the
4 project and to the power line that's connecting it to the
5 power plants.

6 I'm opposed to the location where it's at
7 because of the wind farm because it is in winter range
8 for elk and antelope. I believe you received some
9 information from the Arizona Antelope Association that
10 outlined the migration routes of our pronghorn antelope
11 in the Big Lake area that come down through there, and
12 they winter in the area where this wind farm is projected
13 to be built and subsequently the power line that connects
14 it, okay.

15 There's also elk that winter in this range.
16 When you're going to build this farm, you're going to
17 have to widen the roads and put in intersections. This
18 is going to interfere with migration routes for these
19 animals. You've already heard about how they affect
20 avian birds of prey and bats. And so you're aware of
21 those.

22 My suggestion would be to move this
23 location north and east of the power plants on the east
24 side of the Little Colorado River. It's not going to be
25 in the plain view of the residents who will have to look

1 at it for the rest of their lives. It is not going to
2 impact the tourism, which is a huge concern of the people
3 here in the White Mountains.

4 You wouldn't put this next to Sedona. You
5 wouldn't put it next to the Grand Canyon without a lot of
6 public outcry. The residents, I believe, have a valid
7 concern about their vistas and the, for lack of a better
8 term, sight pollution that these would create. By moving
9 it north and east of the power plants you wouldn't need a
10 30-mile connective power line in order to hook this all
11 up.

12 So in closing, I'll simply say that if
13 you're going to build this, and it might not be a bad
14 thing, but I disagree with the location of it because
15 it's in wildlife wintering areas, and it's in the direct
16 view of the residents and the people who come to recreate
17 in this area. Thank you very much.

18 CHMN STAFFORD: Thank you. We also had a
19 Kristin Spillman sign in, but she indicated she did not
20 wish to speak.

21 Is there anyone -- I don't -- that's
22 everyone I have for public comment.

23 At this time I guess we'll go back to the
24 applicant. You had some -- I guess you want to put your
25 witnesses back in there.

1 MR. DERSTINE: We need to get resituated.

2 CHMN STAFFORD: And then we had some
3 outstanding questions from the tour.

4 Do you want to get to those first before
5 you resume your direct case?

6 MR. DERSTINE: Yes.

7 CHMN STAFFORD: All right. Thank you.

8 Are you good to proceed, Mr. Derstine?

9 MR. DERSTINE: I think we are. Getting
10 everyone seated over there.

11 I have a list of the questions that came
12 from members of the committee on the tour. We'll try to
13 address all of those. We might have one that we're still
14 working on background information for, but we'll work
15 through the list.

16 The first one I had was I think this was
17 Member Comstock's question on operational integrity
18 specifically asked the -- what do you do in the case of
19 cold weather, wind, or ice storms to prevent the icing of
20 the transmission line.

21 BY MR. DERSTINE:

22 Q. Mr. Patton, are you the one to address that
23 question?

24 A. (Mr. Patton) Yes, sir.

25 So I've conferred with our engineering team, and

1 in doing some investigative analysis on how we would
2 mitigate in the event of icing, there's -- I want to kind
3 of back up and paint a picture in terms of how we design
4 these thing. I hope that helps inform our mitigation.

5 So several factors go into the design
6 considerations when siting these transmission lines,
7 including the humidity, the altitude, maximum minimum
8 temperatures, and, of course, the topography.

9 And so from construction perspective, we -- in
10 the event where we know we're going to be in a site
11 condition where ice and cold weather is typical, not
12 frequent but typical, we would install a large diameter
13 conductor, so a thicker line if you can imagine. And
14 from there we would also apply some -- so that's a
15 mechanical feature we would install a large diameter
16 conductor.

17 We would put in some coatings, what we call a
18 passive coating, and that's kind of a viscous material
19 that helps the ice from building up on the line itself.

20 And then there are active methods that we can
21 use in the event of ice buildup. There's automatic
22 equipment that serves as essentially almost like a pulley
23 system that sits mid-span and has detectors --
24 high-frequency detectors for ice, and those are activated
25 in the event of ice buildup. And those activators

1 essentially run the length of the span mechanically to
2 break up that ice. And so that is one mitigation.

3 There's also taking advantage of the
4 electrical -- the electric sequencing of the DC current
5 or AC current rather where we use the heat from the
6 electrons transferring on the line to de-ice the line.

7 Q. I think Member Comstock's questions was
8 specifically when the turbines are not operating and the
9 line is not energized it's more susceptible to icing and
10 what are we doing to prevent that condition from
11 occurring at that time?

12 A. (Mr. Patton) Exactly. And that's where those
13 automated devices would likely be installed during the
14 construction for those events in anticipation.

15 MEMBER COMSTOCK: Thank you for that
16 information -- Mr. Chair.

17 CHMN STAFFORD: Go ahead, Member Comstock.

18 MEMBER COMSTOCK: Sorry. Thank you for
19 that information. That was quickly done.

20 So I need to go back to the first part of
21 your answer. You said that your team determines the
22 location where icing or storms may be present. Have you
23 identified this region as that?

24 MR. PATTON: Every site is going to have
25 certain site conditions, and so taking into account, yes,

1 the weather data all that is also informed by the MET
2 towers that are also currently erected. So the MET
3 towers that we spoke about yesterday in yesterday's
4 testimony that collects the wind density that also helps
5 inform the site and structural design of every structure,
6 not just the turbines but also the transmission lines.
7 So we understand wind speeds, ambient temperature,
8 maximum temperature, minimum temperatures, and that helps
9 to inform the design process.

10 MEMBER COMSTOCK: Mr. Patton. I hate to be
11 picky, but have you -- this project, has it been
12 identified as a project that could experience ice on the
13 line?

14 MR. PATTON: Yes, sir.

15 MEMBER COMSTOCK: And the mitigation
16 measures that you referred to, those mitigation measures
17 such as a thicker conductor, a coating, those will all be
18 installed as part of the project?

19 MR. PATTON: Those will all be
20 considerations with the final design iteration. So these
21 are things that are still underway as part of the design
22 process.

23 MEMBER COMSTOCK: When would we know?

24 MR. PATTON: We get through several design
25 iterations. Obviously we're running these in tangent

1 with our permitting sequence, but we get these -- this is
2 established well before construction. So we would have
3 our design and engineering drawings established. We
4 procure equipment respectively based off of those designs
5 and we proceed.

6 MEMBER COMSTOCK: Mr. Chairman, I need a
7 few minutes to think through what my next questions would
8 be, but if I need to pause here, I hope you understand.

9 CHMN STAFFORD: All right. Well, then I
10 have a quick follow-up question.

11 You said "MET towers"?

12 MR. PATTON: Meteorological towers, yes.

13 CHMN STAFFORD: And those are the devices
14 you set up to determine where to locate the wind
15 facility; correct?

16 MR. PATTON: Yes. It also informs the wind
17 profiles and shear strength and everything that would
18 help inform the design of the structures.

19 CHMN STAFFORD: Okay. And then in
20 developing this project, the transmission line is what's
21 before the committee. But it's the -- the bulk of it is
22 to reach the wind resource.

23 Did you measure the used MET towers
24 throughout state trust land in this area or did you focus
25 on the area where you were proposing to put the wind

1 facility?

2 MR. PATTON: Primarily around the wind
3 facility.

4 CHMN STAFFORD: Okay. I think it was
5 mentioned in public comment, they said, well, wouldn't it
6 be better to put it to the northeast of the existing coal
7 plant?

8 Was that -- was that area studied at all by
9 the applicant?

10 Did they look at -- because for wind
11 facilities, you have to my understanding is that the
12 location is driven by where the wind resource is, and the
13 wind doesn't blow the same all over the place. And so
14 there's certain spots where it's more active, which is --
15 would get to my question, but with the capacity -- the
16 anticipated capacity factor is going to be for the wind
17 facility.

18 But I'm just curious as to what other
19 locations you've evaluated besides the one that's -- you
20 have here that's related to this application.

21 MR. PATTON: If you recall from yesterday's
22 testimony, the map that was submitted, I can't recall
23 exactly where in the slides or what exhibit it was, but
24 it was a gradient map showing the wind density of the
25 region. The further east you go, the less wind speeds

1 there are.

2 And so for us knowing that there is a cost
3 associated and an approvals process that has to be
4 initiated with ASLD, Arizona State Land Department, for
5 erecting those MET towers we have to take a quantitative
6 approach on where we're going to put them, so we put them
7 in the areas where we know that the wind speed is viable.

8 CHMN STAFFORD: And the map you're
9 referring to, that was -- that's somewhere in -- it's one
10 of the slides in hearing Exhibit 7; correct?

11 MR. PATTON: Yes, sir.

12 CHMN STAFFORD: And the source of that data
13 is refresh my memory?

14 MR. PATTON: It's taken from a number of
15 publicly available databases. There's vendors out there.
16 I can't recall specifically which vendor we used for that
17 particular map, but there are contractors and services
18 that compile all the publicly available data into a
19 streamlined dataset for us to review.

20 CHMN STAFFORD: Okay. So then wind
21 developers access -- can all access that data, and that's
22 where they try to make informed decisions about where to
23 locate their facilities then?

24 MR. PATTON: Wind developer, private
25 citizens, anybody who's interested in such data.

1 CHMN STAFFORD: Because that's kind of the
2 first step. The next step is to erect the MET tower is
3 to see what you're working with.

4 MR. PATTON: Exactly.

5 CHMN STAFFORD: So that kind of flows into
6 my next question about what was the anticipated capacity
7 factor for the wind facility on an annual basis and then
8 if there's a difference seasonally. Like, if there's
9 going to be a higher capacity factor in the wintertime as
10 opposed to the summertime or the fall if there's --
11 however you differentiate that. And then I guess also
12 between with the anticipated capacity factor is in the
13 daytime as opposed to the nighttime hours.

14 MR. PATTON: This is something that we have
15 on hand. I don't have it readily available to put for
16 you today. I've routed this question to my team who are
17 not here today, and they should be able to get me some
18 clarification for us to expand on tomorrow.

19 CHMN STAFFORD: Well, excellent, because I
20 think we're going to have some testimony from Ms. Rebecca
21 Turner about the interconnection stuff, so I think that
22 would be a good time to provide that information about
23 the capacity factors of the proposed wind project.

24 MR. PATTON: Yes, sir.

25 CHMN STAFFORD: All right. Thank you.

1 I believe I see Member Fontes has his hand
2 up and then Member Fant. So let's go --

3 MR. DERSTINE: Oh, and Member Hill.

4 CHMN STAFFORD: And Member Hill.

5 Member Fontes has been -- he's had his hand
6 up since I started talking, so we'll go to Member Fontes
7 and then Member Hill and then back to Member Fant.

8 MEMBER FONTES: I want to provide some
9 clarity from Member Comstock with respect to the events
10 that happened. And tomorrow will be really informative
11 when we have the subject matter expert on the
12 interconnect to further flesh this out.

13 Member Comstock, design review is done
14 after the PPA is awarded. This applicant has represented
15 that they're going to seek project finance from a
16 qualified lender. That lender will appoint a lender's
17 engineer that will review all the items you're
18 specifically looking at. They will be determined
19 bankable or not. So it's premature at this time for them
20 to do it because you can't guarantee you're going to get
21 the financing.

22 Tucson Electric Power, who they
23 interconnect with, will have, more than likely, a lot of
24 say-so on all these issues because that is something that
25 has to be built to an electrical standard that

1 (indiscernible) that we have (indiscernible) and then
2 also operationally will have to (indiscernible) which is
3 also part of our conditions that we put in the CEC.

4 A second (indiscernible) was put in the CEC
5 is that we have what I'll refer to as conditions
6 precedents -- Mr. Chairman can perhaps use a different
7 word -- whereby we have environmental compliance and
8 mitigation measures that all applicants will have to
9 adhere to to monitor all of the statutory requirements of
10 our CEC.

11 So we've had this issue before on other
12 wind projects. It's a bit of a cart before the horse,
13 but there is an industry-wide sequence, and that's how
14 it's played out in other CECs that I've been party to,
15 project finances on wind projects. Is it perfect? No,
16 it's imperfect. But it has precedent in terms of what
17 we've done.

18 I hope that offers you some help to shape
19 thoughts.

20 And I defer back to you, Mr. Chairman, if
21 you want to correct me, members on this case based on
22 past cases.

23 CHMN STAFFORD: Thank you, Member Fontes.

24 Member Comstock, did that help?

25 MEMBER COMSTOCK: Thank you. It helped.

1 Member Fontes, thank you very much for that
2 clarification. The regulatory background that I come
3 from is trust but verify and make sure that that
4 verification is in place long before the project gets
5 constructed.

6 It sounds to me like in this case your
7 background leads you to believe that that will be done.
8 However, my vote will be long gone before this project
9 gets constructed, so I want to make sure that for the
10 long-term integrity of this project that the
11 considerations for this location in Arizona, which my
12 experience as a native Arizonan has taught me to believe
13 it's cold up here and ice is frequent, and that project
14 needs to be protected from that ice and wind storms.

15 So I'm going to verify and trust that your
16 background is adequate to help me understand that.

17 So thank you.

18 MEMBER FONTES: As an addendum to that
19 comment, part of my verification with you and my fellow
20 members is listening very -- it's apparently tomorrow
21 hopefully starting around nine, 9:30 upon the systems
22 impact study where they're at.

23 I will note for the applicant and
24 Mr. Derstine I'm very particularly interested on what is
25 the differences -- material differences with respect to

1 setting a gen-tie line for solar and storage from that of
2 a wind. I have done both, and I do not view them as the
3 same.

4 I'm also very interested to know what the
5 path is given that TEP has planned for the ATC, that
6 being the available transmission from the substation at
7 San Juan in the future. So those two things are
8 overarching concerns that relay back to what you're
9 pointing to, Member Comstock.

10 For pointing that out I just want to tell
11 you I still have questions, but I am comfortable that
12 there's a tiered approach to this for mitigation.

13 MEMBER COMSTOCK: Thank you, sir.

14 CHMN STAFFORD: And, Member Comstock, just
15 background, in every CEC, there's a condition that they
16 file an annual compliance letter showing how they've
17 complied with all the conditions that are imposed by the
18 certificate.

19 And then so they have to file it with the
20 Commission every year until the project's done till it's
21 in service. And the Commission monitors those, and it's
22 the Commission enforces its own orders.

23 MEMBER COMSTOCK: I appreciate that because
24 I know I'm rather new on the committee, but understanding
25 the background helps me feel more comfortable with the

1 process. It doesn't necessarily mean that I'm
2 comfortable with the sequencing of the process, but the
3 process sounds like there's checks and balances along the
4 way that will establish a long-term integrity for the
5 project. So thank you.

6 CHMN STAFFORD: Yes, Member Hill.

7 MEMBER HILL: Thank you, Mr. Chair.

8 I was just going to reiterate the role of
9 the interconnection requirements to mitigate the concerns
10 that my colleague has identified. So I'm good now.

11 CHMN STAFFORD: Thank you.

12 Member Fant.

13 MEMBER FANT: Thank you, Mr. Chair.

14 I represent the general public on this
15 committee, and I personally was -- I have a -- I left
16 last night and today with the major impression from the
17 comments made by the public.

18 As Don Henley says, I'd like to get down to
19 the heart of the matter. You use meteorological data to
20 site your towers, et cetera, as the primary reason to
21 adjust to it.

22 You have two towns. You have the two major
23 towns in the White Mountains from my perspective. Show
24 Low would be a third, of course. Eager --

25 MEMBER KRYDER: Mr. Fant, please speak into

1 your microphone.

2 MEMBER FANT: You have the two major towns
3 here in the White Mountains, Eager and Springerville,
4 formally voting to oppose this project. For me,
5 that's -- that's a shock because Eager and Springerville
6 generally don't get along in any basis. So here they are
7 agreeing on something strongly unanimously.

8 Do you -- have you met with either the
9 officials of the Town of Eagar or Springerville to talk
10 with them about their bases of objection to the project
11 or to the location of the given wind towers?

12 MR. PATTON: Yes.

13 MEMBER FANT: And you've discussed it?

14 MR. PATTON: I myself have not, but other
15 members of the team have, yes.

16 MEMBER FANT: Okay. Discussing a potential
17 compromise on the locations of the wind towers?

18 MR. PATTON: I can't speak to the nature of
19 those conversations because I wasn't privy to them.

20 MEMBER FANT: Okay. Thank you.

21 CHMN STAFFORD: Any other questions?

22 (No audible response.)

23 CHMN STAFFORD: Mr. Derstine, please
24 continue.

25 MR. DERSTINE: Yes.

1 So we addressed Member Comstock's questions
2 on the operational and the potential for the icing on the
3 line.

4 The next one on my list was at Stop 2
5 Member Kryder had the question about that scar that we
6 saw across the Highway 60 where they had dug out --
7 someone had dug out that side of the hill there. And the
8 question was when was that done and curious about why
9 there were no signs of access to that excavation area.

10 BY MR. DERSTINE:

11 Q. So, Ms. Casteel, did you dig into that?

12 A. (Ms. Casteel) Yes. I have some information.
13 We reviewed historic aerials, and it appears that that
14 scar occurred as of the 1968 aerial. So at least as old
15 as 1968.

16 As far as access roads to that, we reviewed the
17 current aerial, 2025 aerial. It does not show a road.
18 But when you go back even through aerials on Google Earth
19 in past aerial photographs, the road -- there's a road to
20 it that shows up, and then a couple years later goes
21 away. And then a couple years later there's another
22 little road, a couple years later it goes away. I can
23 share the Google images if you would like.

24 MEMBER KRYDER: Mr. Chairman.

25 CHMN STAFFORD: Yes, Member Kryder.

1 MEMBER KRYDER: You said this took place in
2 1968. What exactly took place?

3 MS. CASTEEL: We don't know. It's just
4 based on historic aerials you can see a scar on the
5 landscape.

6 MEMBER KRYDER: So you don't know if it's a
7 minehead, you don't know what -- how deep is it? Any
8 idea?

9 MS. CASTEEL: We don't know.

10 MEMBER KRYDER: Okay. So basically all we
11 know is that something took place, made a hole out there
12 in the late 1960s. And there were subsequently over the
13 next 10 years by aerial shots there had been roads to it.

14 MS. CASTEEL: Yes.

15 MEMBER KRYDER: That's end of story?

16 MS. CASTEEL: That's what we know from
17 historic aerials. We don't have mining records. And
18 it's fairly a small -- you know, as far as mining is
19 concerned it's pretty small, so I'm not sure if there are
20 records.

21 MEMBER KRYDER: What sort of things are
22 mined in that area?

23 MS. CASTEEL: I would have to guess. So
24 I'd rather not guess. I'm not sure.

25 MEMBER KRYDER: Okay. Okay. Thank you.

1 CHMN STAFFORD: I thought I recalled
2 hearing at that stop that there was a hole that they dug
3 ash out to put on roads or something.

4 MEMBER HILL: Cinder.

5 CHMN STAFFORD: Cinder.

6 MEMBER KRYDER: I think that was
7 speculation. I'm not sure given Ms. Casteel's comment if
8 that is something that was a possible idea for or for a
9 real idea or an improved idea. Which was it?

10 MS. CASTEEL: That's speculation based on
11 what the resources are out there that it would be cinder
12 that was mined, but we don't know.

13 MEMBER KRYDER: Thank you.

14 CHMN STAFFORD: The one thing we do know is
15 that you will not be putting any towers or turbines in
16 that location.

17 MS. CASTEEL: Correct. It's not within the
18 CEC corridor.

19 CHMN STAFFORD: Right.

20 MR. DERSTINE: And then I guess, Member
21 Kryder, to your point I think your concern was with
22 the -- given the nature of the soil that, you know, an
23 access road, any sort of vehicular traffic in that area
24 would be a longstanding permanent scar. And I guess what
25 the aerial photos are showing that there was a road. We

1 don't see a road today.

2 So whatever has taken place in terms of
3 recovery of that soil has allowed for the access road to
4 be removed from our site. Obviously the scar is still
5 there.

6 MEMBER KRYDER: Thank you very much.
7 That's a good summary.

8 CHMN STAFFORD: What's next on your list,
9 Mr. Derstine?

10 MR. DERSTINE: Next on my list -- well,
11 next on my list was your capacity question, which we're
12 still working on, and we'll get that information and be
13 ready to present that tomorrow morning.

14 The next one is topographic maps, and I
15 think we're ready to show within the hearing room up on
16 the screen a topographic map. And that's been marked as
17 CG -- CG-22.

18 MS. CASTEEL: Yes. We can go ahead and
19 share.

20 BY MR. DERSTINE:

21 Q. Can you orient us to the map, Ms. Casteel, and
22 tell us what we're looking at? There's a lot going on
23 there.

24 A. (Ms. Casteel) Yes. We put this figure
25 together. It shows topography as the background as well

1 as the map project features. So the CEC corridor and the
2 proposed route center line and then the associated wind
3 project area and solar project area.

4 Q. Can I have you use the laser pointer, please?

5 AV TEAM MEMBER: Sorry, Mr. Chairman. The
6 laser pointer won't work since it's Ms. Casteel's
7 computer that's displaying, but you should be able to use
8 your mouse and the online participants would see that.

9 MS. CASTEEL: Oh, yeah. Okay. I can do
10 that.

11 CHMN STAFFORD: Thank you.

12 MS. CASTEEL: Okay. So as we've seen in
13 other figures, the CEC corridor is here in what looks
14 like lime green on the screen.

15 The wind facility is this gray area
16 outlined in black.

17 And then the solar facility being this
18 hatched area on the east side.

19 The red line that you see is the boundary
20 of the Springerville volcanic field. And the inset there
21 shows just a wider regional context of the volcanic
22 fields in relation to where the project is.

23 So you can see what portion is within the
24 volcanic field and which portion is outside of. The area
25 to the west is inside the field. And the area to the

1 east is outside of the field.

2 CHMN STAFFORD: And I think from the tour
3 we were looking at where Substation 2 is. Can you zoom
4 in on that? I mean, we saw some hills there. And it was
5 going to be -- that substation was going to be down lower
6 and a good part of the line be obscured by those
7 features.

8 MS. CASTEEL: So the stop that we made was
9 around this area here.

10 BY MR. DERSTINE:

11 Q. So that dark line is US 60?

12 A. (Ms. Casteel) So this it's like a maroonish
13 line here is US 60. So our first stop would have been up
14 around here, and then our second stop was down around in
15 this general area.

16 Q. And then in terms of the topography I think some
17 of the testimony out on the tour was that the line would
18 be behind some of the rises and the hills that were in
19 that area; is that correct or not?

20 A. (Ms. Casteel) Yes. So there is these hills
21 here.

22 CHMN STAFFORD: Those were what we were
23 looking at from the tour?

24 What's the cinder pit right there on the
25 map?

1 MS. CASTEEL: Just a second. Sorry.

2 MR. DERSTINE: That's not the same cinder
3 pit, but it is a cinder pit according to the map.

4 MS. CASTEEL: Okay. Thank you. Sorry
5 about that.

6 So we were stopped somewhere around here,
7 and so this was the hill that we saw. And then this was
8 the secondary mound in the back. So we are behind that
9 with the line.

10 CHMN STAFFORD: And then down to the right
11 where the Substation 2 would be located, that's --
12 that's -- what's the elevation there? How do you tell
13 from the map?

14 Because I remember from looking at it it
15 seemed like it was much lower down.

16 MS. CASTEEL: So with these contours this
17 being 2100 feet, and this next contour this being
18 2200 feet, somewhere in between there I'm going to guess
19 2150. I don't have an exact number.

20 CHMN STAFFORD: Just an approximation.

21 Member Hill, you look like you're about to
22 ask a question.

23 MEMBER HILL: No. This is helpful. I was
24 actually going to blow it up myself, but I don't see it
25 on the pad. So if we could have it on the pad for the

1 remainder of the meeting, that would be helpful to me.

2 MEMBER KRYDER: Can you speak up, Nicole.
3 I can't hear you.

4 CHMN STAFFORD: It's been marked as an
5 exhibit, so they're going to provide a copy of it, so
6 they'll get one on the iPad and get a hard copy to me and
7 the court reporter.

8 MR. DERSTINE: I'm told it may be there now
9 if you don't.

10 MEMBER HILL: Magic.

11 CHMN STAFFORD: Oh, I see additional ones
12 too that we haven't talked about yet.

13 MR. DERSTINE: Don't look ahead. We're not
14 ready.

15 MEMBER HILL: Forgive me. What exhibit
16 number is it, then?

17 CHMN STAFFORD: 22.

18 MEMBER HILL: Oh, I was looking at the last
19 one. I'll look at it there. Okay.

20 MEMBER COMSTOCK: Mr. Chairman.

21 CHMN STAFFORD: Yes, Member Comstock.

22 MEMBER COMSTOCK: My iPad has decided to
23 take a vacation. Could I get AV to come over and fire it
24 back up? Thank you.

25 MEMBER HILL: This is super helpful. Thank

1 you for this. I don't have any specific questions. I'm
2 just mentally revisiting the route that we took.

3 It does show several other kind of two
4 tracks and things like that that give me a better sense
5 of where you might be able to access for construction.

6 MS. CASTEEL: And I would just like to
7 clarify the elevations are in meters here, so it's
8 2202 meters not feet.

9 BY MR. DERSTINE:

10 Q. Is that more or less than feet?

11 A. (Ms. Casteel) It's less than feet, so feet --
12 it's, yeah, there's about three feet per meter. Give or
13 take a little over three feet per meter.

14 Q. So 2200 meters is a lot taller than 2200 feet?

15 MEMBER KRYDER: It would be about 7,000
16 feet or 6800 feet.

17 MR. DERSTINE: Got it.

18 MS. CASTEEL: So we're looking at -- the
19 substation is approximately -- an approximate elevation
20 of 7300 feet.

21 BY MR. DERSTINE:

22 Q. Anything else? It sounded like Member Hill is
23 analyzing the map which has been marked as CG-22.

24 Is there any more features, Ms. Casteel, that
25 you'd want to at least point out that would be relevant

1 to the project using the topographic map?

2 A. (Ms. Casteel) I guess while we're here just
3 being able to see the Little Colorado River come through
4 here. So that's what this line here is.

5 Coyote Creek comes out -- it's a tributary to
6 the Little Colorado River, so this is going to be an area
7 of biological wealth that I'll review. It comes out and
8 crosses out here. It will also be spanned.

9 And then the rest of these topographic features
10 there's some mesas and cliff areas or slopes that are
11 showing up -- they look like linear features but are not
12 water features.

13 Q. And just while it's in my mind, could you use
14 your mouse or your -- yeah, your mouse to point out where
15 that closest residence is that we had some discussion at
16 the stop about approximately 1.8 miles from the gen-tie
17 line. I see you're circling that little box there.

18 Am I correct in understanding that that box is
19 an inholding of private land within the larger
20 state-land-owned parcels?

21 A. (Ms. Casteel) That is correct.

22 Q. And there's a home in that little box, and that
23 is the closest home to the gen-tie -- the interconnection
24 project?

25 A. (Ms. Casteel) Yes, that's correct.

1 MEMBER KRYDER: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Kryder. I
3 believe -- I believe it was Mr. Patton who estimated that
4 the size of that private parcel to be somewhere between
5 60 and 100 acres?

6 MR. PATTON: Yes, sir.

7 CHMN STAFFORD: Member Kryder.

8 MEMBER KRYDER: Following your one comment
9 that we had an hour or so ago, and looking at that
10 property here under discussion, this hideaway that was
11 addressed is that what this is?

12 Or where is that so-called hideaway in
13 relation to this property that's a mile and a little bit
14 from the corridor?

15 MS. CASTEEL: So I believe I have that
16 located on my Google Earth map if I can pull that up.

17 MR. DERSTINE: Sure.

18 MEMBER KRYDER: It's there?

19 CHMN STAFFORD: It's the part that's
20 surrounded by the BLM land; right?

21 MS. CASTEEL: So this is where I'm showing
22 the Greens Peak Hideaway. It's about five miles from the
23 interconnection project.

24 MEMBER KRYDER: Okay. Thank you. That's
25 what I needed.

1 I also saw as you were bringing up your map
2 our little hole there a moment ago. Yeah. Very
3 interesting.

4 Okay. Thank you very much. No other
5 questions, Mr. Chairman.

6 CHMN STAFFORD: Thank you, Member Kryder.

7 BY MR. DERSTINE:

8 Q. I'll go back to my list here. So the last one
9 was prepare a detailed topographic map. We've done that.

10 I think one of the questions is whether or not
11 we had any stream gauge data for the Little Colorado
12 River.

13 A. (Ms. Casteel) We do. So we looked at the
14 available USGS stream gauge data at Lyman Lake, which is
15 downstream of our crossing, so not exactly the same
16 because it's further downstream, but it's a good
17 approximation of the water flow in our project area.

18 And over the last five years, the maximum depth
19 was five feet and generally is closer to about two.

20 MEMBER KRYDER: Okay.

21 MR. DERSTINE: Did that answer the -- I
22 don't know who raised the question on the depth. I think
23 it was you, Member Kryder.

24 MEMBER KRYDER: It was. I have an allied
25 question. May I -- okay.

1 I think Mr. Patton addressed some of this
2 when we were out at Stop Number 3. So you're dealing
3 with the Arizona land group for -- and they would be the
4 regulatory officers for your permitting if to build the
5 various towers for the power lines; correct?

6 MS. CASTEEL: Yes. The Arizona State Land
7 Department.

8 MEMBER KRYDER: Yes. Thank you for
9 correcting me.

10 And, in addition, or what exactly what
11 kinds of things are you allowed to do under those
12 regulations?

13 What -- and is it only within the corridor
14 or is it ancillary to the corridor?

15 I guess that's kind of a two-pronged
16 question.

17 MR. DERSTINE: Mr. Patton, is that a better
18 question for you?

19 MR. PATTON: Yes, sir. Thank you for the
20 question.

21 So ASLD -- ASLD will provide us a draft
22 form that will indicate to us their requirements. It's
23 called a development approval plan. And from there we
24 will submit whatever site iteration or designs that we
25 have at that time, and they'll provide feedback.

1 And so specifications on access roads such
2 as aggregate usage or turnouts, turning radius, what we
3 intend to do for water runoff, all that will be addressed
4 in that agreement. And ASLD has posited that they will
5 make sure that whatever stipulations or guidelines is
6 mirrored to the local Apache County ordinance.

7 MEMBER KRYDER: Okay. So they've assured
8 you if you follow whatever is your agreement, that it
9 will also pass through the Apache County people.

10 MR. PATTON: We have to demonstrate to ASLD
11 that we are adhering to Apache County's ordinance.

12 MEMBER KRYDER: I was thinking specifically
13 not just the roads but the roads are a first concern.

14 MR. PATTON: Yes, sir.

15 MEMBER KRYDER: Addition to that, what
16 about -- you're going to be building how many structures
17 on the total if approved?

18 MR. PATTON: Up to --

19 MEMBER KRYDER: About 200; right?

20 MR. PATTON: Yes, sir.

21 MEMBER KRYDER: Okay. And each one of them
22 is going to need a certain amount of concrete?

23 MR. PATTON: Yes, sir. And I'll have that
24 figure for you today actually as well.

25 MEMBER KRYDER: And so will you be building

1 a batch plant, a concrete batch plant on the corridor or
2 do you build it out on the highway or what's the plan on
3 that?

4 MR. PATTON: That's a great question.

5 So we do establish lay down yards and
6 temporary facilities for -- for not just the batching of
7 the concrete but also for the assembly of the structures
8 for storage of conduit and other ancillary materials.
9 It's very typical for us to have lay down yards, some
10 temporary, some permanent, but it will all be defined as
11 the site has continued to evolve from the site design
12 perspective.

13 MEMBER KRYDER: Right. Because it's a
14 pretty good-sized pile of material just lying on the
15 ground before you get it up in the air; correct?

16 MR. PATTON: Yes, sir. If I may, I may
17 want to take a little bit of an anecdote. I once had a
18 mentor explain to me that construction is about 70
19 percent logistics and 30 percent execution.

20 And so when it comes to doing these
21 constructions for a site like this, we will sequence and
22 identify where materials will be staged. We'll optimize,
23 you know, a downtime, how long it will take for
24 individuals to batch concrete, to assemble materials, to
25 be -- you know, to get their safety equipment on. All of

1 that will be quantified down to, I promise you, the
2 minute.

3 MEMBER KRYDER: Okay. And given that it's
4 approximately 30 miles, are there going to be one site
5 one staging area or are we going to have six or 10 or any
6 idea on that?

7 MR. PATTON: That will be -- there will be
8 several to be sure.

9 The exact amount is something that has to
10 be quantified as we get closer to the construction
11 because it's all -- it's predicated not off of just the
12 amount of material but also you've got to imagine
13 seasonally. When do we -- when are we actually
14 anticipating commencement of construction?

15 Commencement of construction looks
16 different in the summertime than it does in the
17 wintertime, right? And so as we get closer to the
18 construction commencement date that will help inform all
19 the ancillary logistics that go with the construction
20 operation.

21 MEMBER KRYDER: Okay. Back of the envelope
22 from your experience to build 200 towers, is this a
23 six-month or is this a 16-month or a 26-month project?

24 MR. PATTON: That's a good question.

25 CHMN STAFFORD: I guess it's contingent on

1 whether anything goes wrong.

2 MR. PATTON: Exactly. And there's a
3 myriad -- like I said, a lot of it is logistics. It's
4 weather events. It's mobilization. It's the delivery of
5 materials, right? The amount of personnel that we're
6 able to deploy on hand.

7 So I would say certainly no less than six
8 months. I can give you a floor. It's hard to give a
9 ceiling because that would be speculative.

10 MEMBER KRYDER: Thank you. Thank you very
11 much.

12 MR. DERSTINE: And, Member Kryder, I think
13 along the lines of your questions, I'm going to direct
14 your attention to and I'm going to ask Mr. Patton some
15 questions regarding two new agreements or new exhibits.
16 They're not new agreements but new exhibits.

17 The first one is marked CG-23. That's a
18 right-of-way additional conditions piece of the ASLD
19 right-of-way agreement that ultimately the applicants
20 have applied for right-of-way with State Land. That
21 application is under review and consideration by State
22 Land. State Land has basic form agreements that it uses
23 and requires applicants to sign ultimately when we get to
24 finalizing the right-of-way.

25 What's been marked mark as CG-23 is an

1 additional conditions set. It's a separate schedule that
2 will go with the right-of-way agreement. I wanted to
3 direct your attention to some of the provisions in that,
4 and I think Ms. Odisho just handed out paper copies, and
5 they should also be on your tablet.

6 And the other agreement is a cooperation
7 agreement between the applicants and the natural resource
8 conservation district for Apache County.

9 But let me give you a second to find CG-23
10 on your tablets and/or we have paper copies if you'd
11 rather look at paper.

12 But I think your questions, Member Kryder,
13 are good ones and they go to the concern over how the
14 construction will be carried out, what sort of
15 protections are in place for the ground and the soil,
16 what happens after the construction? How's the
17 construction prosecuted? What happens after construction
18 in terms of remediation and restoration? And then what
19 also happens at the end of the project life 30 years down
20 the road? And those conditions -- those requirements are
21 covered here in Exhibit 23.

22 And so if -- Mr. Patton, if you have that
23 in front of you. You don't have it? One second. Let's
24 help.

25 MEMBER HILL: Mr. Chair.

1 CHMN STAFFORD: Yes, Member Hill.

2 MEMBER HILL: I've been on line siting for
3 almost three years, and no one has ever shared this. So,
4 first of all, I want to say thank you because this is a
5 level of detail that I didn't have.

6 I had a general understanding of what state
7 land departments obligated of folks, but I didn't -- so
8 thank you for sharing this. I appreciate the
9 transparency.

10 I'd like to take a look at it. We may have
11 questions tomorrow, but I appreciate it.

12 MR. DERSTINE: Absolutely. And I was just
13 going to maybe touch on a -- direct your attention to a
14 couple provisions at a high level, and please, members of
15 the committee, review it, and we're happy to answer
16 questions further tomorrow.

17 But one of the sections, I believe it's --

18 CHMN STAFFORD: Section 11?

19 MR. DERSTINE: Well, Section 6 I wanted to
20 start with, "Cultural Resources Native Plants." You have
21 a number of provisions that deal with ground disturbance
22 in areas not previously subject to cultural resource
23 surveys, addresses how that is to be handled in
24 coordination with this -- the State Land Department's
25 cultural resources section.

1 In addition, this section addresses prior
2 to any ground disturbance at the request of
3 grantor/grantee agrees to conduct and submit a plant
4 inventory and plant salvage plan.

5 And then there's subsequent provisions
6 dealing with vegetation and preserving and relocating
7 plants if viable and feasible.

8 So a number of detailed provisions dealing
9 with cultural resources and plants.

10 And then the next section, Section 7, deals
11 with construction and restoration. It starts out, "Prior
12 to any future construction or other ground-disturbing
13 activity, the Grantee shall submit to Grantor for
14 concurrence any applicable design construction plans,
15 engineering infrastructure reports or studies,"
16 et cetera.

17 And there's a number of detailed provisions
18 dealing with construction as well as restoration.

19 The right-of-way could be within or
20 adjacent to a soil area subject to corrosion. Grantee
21 shall be responsible for design, construct, and operate
22 the infrastructure within the area in accordance with
23 engineering standards. That would mitigate these
24 potential problems.

25 And I'm, you know, just directing you maybe

1 at a high level.

2 And then Section 8 goes to the question
3 that Member Fontes raised on the first day of our hearing
4 concerning the surety bond requirements. That's
5 Section 8.3 of Exhibit 23. And it requires that, "Prior
6 to Commencement of Construction, Grantee shall secure or
7 otherwise post a bond from an issuer with an AM Best
8 rating of not less than 'A' in a form reasonably
9 acceptable to Grantor," et cetera.

10 And then it discusses the amount of the
11 bond and the escalation of the payout on the bond.

12 So --

13 CHMN STAFFORD: And so that would -- just
14 to clarify quickly, that would -- so in case of the
15 insolvency of the applicant there will be sufficient
16 funds to remediate the site.

17 MR. DERSTINE: That's the intent of the
18 bond, and then it will be posted, and you have a third
19 party who has an AM Best rating of A who is standing
20 behind that financial obligation if for whatever reason
21 Repsol or these applicants failed to perform its various
22 obligations at the end of the life of the project.

23 CHMN STAFFORD: I just wanted to make sure
24 that was clear to the members. Thank you.

25 MEMBER HILL: Which also frankly is more

1 assurance that we have about remediation and reclamation
2 than on other projects that aren't on state land in other
3 counties that don't obligate, so this is a pretty high
4 standard. The highest frankly.

5 CHMN STAFFORD: Right. So this is what the
6 State Land Department requires.

7 MEMBER HILL: Yeah.

8 CHMN STAFFORD: So if they were doing the
9 same thing on private land, I think it would be up to the
10 negotiation between the private landowner and the
11 applicant. And the private landowner may not be in the
12 same bargaining position as, say, the State Land
13 Department would be.

14 So you may not see these types of
15 conditions for leases on -- or, I mean, you wouldn't see
16 it on ownership because if they own it in fee and they
17 don't -- there's not a bond requirement for the lessor.
18 They may have some kind of bond requirement by their
19 investors, but it's not going to be by the lessor.

20 But if they -- if it's a private lease,
21 then my understanding is that you don't quite see this
22 level of security in private leases for land -- leases
23 for private land as opposed to state trust land.

24 MR. DERSTINE: That's right. And I think
25 all the provisions that I just touched on briefly

1 concerning restoration, dealing with cultural resources,
2 plant resources, et cetera, those may not be relevant to,
3 say, a solar development on private land, but they may.

4 And but certainly as to state land, you
5 know, the State Land Department has taken the time and
6 requires that we agree to all these various obligations
7 that are set forth in Exhibit 23, and we won't get our
8 right-of-way without agreeing to these obligations. And
9 we won't get our right-of-way without posting the surety
10 bond that's required in Section 8.

11 MEMBER HILL: Thank you, Mr. Derstine.

12 Mr. Chair.

13 CHMN STAFFORD: Yes, Member Hill.

14 MEMBER HILL: I still think that at some
15 point we need to discuss having an orientation manual for
16 this committee, and this should be part of that manual.
17 I've picked up a lot of things on the fly over the last
18 few years, but I do think there are a set of materials
19 that we should be developing, and if you need help with
20 that, I'm volunteering.

21 CHMN STAFFORD: Member Fant.

22 MEMBER FANT: Mr. Chair.

23 Mr. Patton, can you describe to me what
24 paragraph 19 in that agreement says?

25 MR. PATTON: One moment please.

1 MEMBER FANT: Sure. Take your time.

2 MEMBER KRYDER: Which one?

3 MEMBER FANT: Paragraph 19.

4 MEMBER KRYDER: Okay.

5 MR. PATTON: Mr. Fant, would you like me to
6 summarize --

7 CHMN STAFFORD: Can you get a little closer
8 to your microphone, please.

9 MR. DERSTINE: I think his mic is not on.

10 MEMBER DICICCIO: Test.

11 CHMN STAFFORD: Thank you, Member DiCiccio.

12 MR. DERSTINE: And just for the record, so
13 we printed this as the kind of a standard form, and I
14 know that it's what's here in blue shows that this may be
15 a modification to the standard form to address and deal
16 with the -- a multiphase project, but I'll let you speak
17 to that, Mr. Patton.

18 MR. PATTON: Yes, sir. I'm just getting
19 familiar with this language.

20 CHMN STAFFORD: Mr. Fontes, we see you.

21 Once Mr. Patton answers the question posed to him, you'll
22 be next.

23 And, Mr. Fant, what was it --

24 MR. DERSTINE: And, Mr. Patton, I will
25 counsel you you are not a lawyer. I don't think Mr. Fant

1 is asking you for your legal opinion on what that means,
2 but what is the -- do you have an understanding of the
3 purpose of paragraph 19, which is headed "Multiple Phases
4 of Subject Land."

5 MR. PATTON: Again, I would -- I'm a slow
6 reader, so apologies. My sense would be that this
7 paragraph stipulates that if we wanted to engage in
8 phasing or increasing the number of wind facilities, we
9 would have certain notice periods to request to ASLD
10 before that could be granted.

11 CHMN STAFFORD: I'm thinking it looks to me
12 that it means you can build this thing -- you don't have
13 to put all the things in at once. You can put -- say,
14 your plan is to put in a total of 200 turbines you can
15 put 50 in and come back and put another 50 in and so
16 forth as long as you provide the adequate required notice
17 and get the additional rights-of-way from the State Land
18 Department. That's my two cents on it.

19 Is that more or less accurate or am I way
20 off?

21 MR. DERSTINE: That's -- this is my first
22 reading of that paragraph as well. But given that the
23 applicants are seeking to construct the wind project in
24 two phases, I assume this paragraph was inserted to
25 address how that will be done and how it's covered under

1 the terms of the right-of-way and the lease.

2 CHMN STAFFORD: Member Fant.

3 MEMBER FANT: Thank you, Mr. Chair.

4 So essentially what we see on the paper
5 here is the full project? It's not -- there's not going
6 to be an extension beyond the current boundaries of the
7 project or intensification of number of wind turbines
8 that would be placed in that gray area?

9 MR. PATTON: No, sir.

10 MEMBER FANT: Thank you, sir.

11 CHMN STAFFORD: Member Fontes.

12 And I've been asked to remind you to speak
13 more slowly. The reporter has been having -- I think the
14 last time you were cutting out some. I think it's more
15 that than anything else. Your connection may have been
16 lost. So please proceed.

17 MR. DERSTINE: We're not hearing you,
18 Member Fontes.

19 CHMN STAFFORD: We have no audio from you,
20 Member Fontes.

21 MEMBER FONTES: Can you hear me now?

22 CHMN STAFFORD: Yes.

23 MEMBER FONTES: With respect to -- on the
24 biological resource did the biological resource studies
25 account for the cumulative impacts of the wind at that

1 set paragraph 19 with how it will impact the gen-tie
2 towers? That's one question I want to follow up
3 tomorrow.

4 The other question I had is a
5 clarification, Mr. Derstine, and that has to do with
6 assignment. I appreciate that this ADSL right-of-way has
7 the insurance indemnification and the surety bond, but we
8 are still -- have representations from this developer
9 that they may project finance this, and they haven't
10 stated where that gen-tie's going to go. It could go
11 under the solar storage project or it could go under the
12 wind farm.

13 It will be useful for these proceedings if
14 we have a little bit more clarity on that because you can
15 have all of the surety that you want, but right at
16 assignment is what we need certainty on this to get to
17 the essence of the CEC.

18 Thank you, Mr. Chair.

19 MR. DERSTINE: I guess I'm -- yeah, Member
20 Fontes, if I can respond briefly to that because I'm a
21 bit curious because the obligation is to have a surety, a
22 third-party, AM-rated-based surety in place that secures
23 and obligates itself to pay for the restoration of the
24 corridor that's granted by ASLD. Regardless of whether
25 it's the applicant or how they finance this project that

1 surety remains in place, and State Land can draw on that.

2 And it doesn't depend on the project finance mechanism.

3 CHMN STAFFORD: And it would apply to the
4 entire -- the entire wind project, the solar plus
5 storage, and the transmission line because it's -- all
6 the facilities there are located on state trust land;
7 correct?

8 MR. DERSTINE: Correct.

9 CHMN STAFFORD: Okay. Thank you.

10 MEMBER FONTES: That's helpful.

11 CHMN STAFFORD: All right. Member Fant.

12 MEMBER FANT: Thank you, Mr. Chair.

13 Another question on biological resources
14 probably for the Casteels. One of the prior speakers,
15 Mr. Kerr, talked about this area being a wintering ground
16 for Big Lake antelope herds.

17 What do you think about what he said?

18 MS. CASTEEL: The use of the area by
19 pronghorn is something that we evaluated. There's other
20 large game species, elk and bighorn sheep, that use the
21 area as well.

22 I do address that in my testimony. There
23 is some mitigation that we are proposing to account for
24 that use.

25 CHMN STAFFORD: And we are at almost

1 five o'clock.

2 Mr. Derstine, I think this is wrapped up
3 what we're going to get to today about the follow-up
4 questions.

5 We're going to come back at nine a.m. I
6 know we had talked about starting with the
7 interconnection stuff at nine, but I understand that
8 Member Fontes may not be online until 9:30. And it's
9 very important he wants to be here to hear all that
10 testimony and he has questions to ask.

11 So my thought is we should recess for the
12 evening to come back at nine. And would you want to
13 start with the -- we don't want to wait around from nine
14 to 9:30. But I'm saying what --

15 MR. DERSTINE: We could start with our
16 public testimony from Mr. Casteel on public outreach and
17 our statutory notice.

18 CHMN STAFFORD: Okay. That's good. Let's
19 get that out of the way, and then we'll move to the
20 interconnection issues. And then the members will be
21 able to ask the questions they have then.

22 Yes, Member Hill.

23 MEMBER HILL: I didn't raise my hand. I
24 just give him the look. It's like.

25 I just want to make sure that we make a

1 little bit of time. I have several questions from the
2 public comment process.

3 MR. DERSTINE: Okay.

4 MEMBER HILL: And all of this has been a
5 little iterative with the trip and everything, so I just
6 want to make sure that we're finding time for me or -- me
7 to ask the questions or the applicant to present or
8 respond to those questions at some point.

9 So however you want to look at that I just
10 don't want to lose track of that.

11 MR. DERSTINE: I'm happy to start the day
12 off with that if you'd like.

13 MEMBER HILL: Whatever the Chair wants to
14 do.

15 CHMN STAFFORD: I would prefer to start
16 with let's get the notice requirements established.

17 MR. DERSTINE: Okay.

18 CHMN STAFFORD: And then move on to the
19 interconnection. And then I think we still have an
20 environmental studies to cover, and then we have -- some
21 of that I think -- some of the concerns brought up in the
22 public comment and the limited appearance statements go
23 to those factors.

24 So I think -- and my thought is that as the
25 applicant presents its direct case, it would behoove it

1 to incorporate some responses to what's been alleged in
2 the limited appearance statements and respond to those.
3 And bear in mind some of what the -- what's in there when
4 it comes to addressing mitigating factors.

5 MR. DERSTINE: Yeah. I guess the -- I
6 would only note that the limited appearances are
7 extensive. I'm not going to take the time to respond
8 point by point, exhibit by exhibit. But we will address
9 I think what we think are the important issues.

10 CHMN STAFFORD: And I guess whatever issues
11 that the members directly call out.

12 MR. DERSTINE: Yes.

13 CHMN STAFFORD: So I think that's the best
14 way to approach it. And I think that -- and, of course,
15 after -- once the applicants conclude its direct, and
16 there's usually a clean-up period where they -- all the
17 members can just let loose on all the questions they have
18 and go through anything that they feel needs to be
19 addressed before they prepare to address the certificate
20 itself.

21 Member Kryder, you look like you're about
22 to say something.

23 MEMBER KRYDER: One quick comment to
24 Mr. Derstine.

25 I really appreciate this. It was a

1 stimulating trip we had this morning, and I was afraid I
2 couldn't get to sleep tonight, and now I know I can.

3 MR. DERSTINE: Well, we weren't able to
4 address Exhibit 24. We'll do that tomorrow, but those
5 two kind of go hand in hand.

6 MEMBER KRYDER: Very seriously, though,
7 thank you. This is -- this is really what I felt was
8 needed, and it covered a whole lot of the questions that
9 I've been trying to probe your colleagues here.

10 MR. DERSTINE: Thank you.

11 CHMN STAFFORD: Thank you very much.

12 With that, we will recess until nine a.m.
13 tomorrow.

14 (Proceedings concluded at 5:03 p.m.)

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)
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