

1 BEFORE THE ARIZONA POWER PLANT LS-150

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 22, 2025

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Filed: October 28, 2025

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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VOLUME III
(Pages 323 through 610)

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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	18	572
18		Environmental Compatibility		
19		(CEC) (filed September 5,		
20		2025) - Page One		
21	CG-2	Witness Summary of Trey Patton	571	572
22	CG-3	Witness Summary of Derek	571	572
23		Rieman		
24	CG-4	Witness Summary of Rebecca	571	572
25		Turner		
	CG-5	Witness Summary of Jeremy	571	572
		Casteel		

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	
//				

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

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 9:01 a.m. on
5 October 22, 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
R. DAVID KRYDER, Agricultural Interests
12 SAL DICICCIO, Incorporated Cities and Towns
ROMAN FONTES, Counties
(via videoconference)
13 DOUGLAS FANT, General Public
GABRIELA SAUCEDO MERCER, General Public

14

15 APPEARANCES:

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

3 Mr. Derstine, we left off yesterday, you
4 had talked about your Exhibit 23, the Arizona State Land
5 Department conditions for the right-of-way. I think you
6 had another exhibit, the draft cooperation agreement with
7 the Apache Natural Resource Conservation District. Do
8 you want to introduce that and tell us about it?

9 MR. DERSTINE: Yes, thank you,
10 Mr. Chairman. Good morning, Members of the Committee.
11 Good morning, everyone.

12 BY MR. DERSTINE:

13 Q. Mr. Patton, yesterday we touched on the
14 conditions that are in the right-of-way standard form
15 agreement with the Arizona State Land Department. Those
16 various conditions also included the requirement for the
17 surety bond to guarantee that the various remediation and
18 other obligations will be carried out.

19 I guess it's related to the various conditions
20 that we're obligated to honor with the state lands lease
21 and right-of-way agreement. We have a separate
22 cooperation agreement that's being finalized with the
23 Natural Resource Conservation District of Apache County.

24 Do you have GC, Exhibit GC-24 in front of you?

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

1 Q. It's my understanding that this is a form, or an
2 early draft of the agreement with the NRCD that you're
3 working towards finalizing; is that correct?

4 A. (Mr. Patton) Yes, sir, that is correct.

5 Q. Can you talk just briefly about how the
6 agreement and what role the NRCD will play in terms of
7 monitoring the activities of the applicants concerning
8 the construction of the wind and the solar project, but
9 also the interconnection project?

10 A. (Mr. Patton) Certainly. So we've been engaged
11 in dialogue with the Apache National Resources
12 Conservation District, NRCD, for quite some time now.
13 The intent of that dialogue is to just have streamlined
14 communications and get a sense as to what their expertise
15 and how that could be dovetailed into the development of
16 these projects.

17 And we have come to working on a -- we're
18 pending on this agreement being executed on a cooperation
19 agreement. And the intent of that is that we will
20 partner with NRCD as a liaison. NRCD will act as a
21 liaison between the company, the applicants, and the
22 respective grazing lessees, Arizona State Lands and just
23 be a local conduit.

24 And that includes everything from we sharing our
25 site designs, we notify them when we've selected our

1 contractor. We will coordinate with them on our
2 activities prior to construction and through construction
3 and many years after construction.

4 And NRCO has not seen a cooperation agreement
5 with this, at least the Apache office has not seen a
6 cooperation agreement like this put before them for a
7 project of this scale. So they're I think keen to see
8 this materialize, as it helps to ensure more
9 communications and planning throughout the process of the
10 projects.

11 Q. Just in scanning GC-24 and looking at some of
12 the provisions under, like, Section 4, which outlines the
13 Apache NRCO's duties, that includes safety training, but
14 also goes on to include working as a liaison for grazing
15 lessees. It says, "Given that the wind project is sited
16 only entirely on Arizona State Trust Lands managed for
17 cattle grazing, the district coordinator will liaise
18 between company representatives and grazing lessees
19 affected by the wind project."

20 And I guess this draft is focused on the wind
21 project. As I understand it this is being negotiated and
22 will include for the interconnection project as well. Is
23 that the plan?

24 A. (Mr. Patton) Yes, sir, the interconnection
25 project and the solar project.

1 CHMN STAFFORD: Mr. Derstine, perhaps you
2 could give the committee a little background on the
3 Apache Natural Resource Conservation. What is it, what's
4 its function, what does it do outside of entering an
5 agreement with the applicant?

6 BY MR. DERSTINE:

7 Q. Mr. Patton, can you give a little background on
8 NRCD generally, and Apache County NRCD?

9 A. (Mr. Patton) Give me one moment here.

10 Q. And I guess I'll just read from, maybe to start
11 off Chairman's question, in the recitals of Exhibit 24
12 CG-24, it states, "The Apache NRCD is a conservation
13 organization that collaborates with landowners and other
14 interested parties to implement best management practices
15 to protect natural resources for an expansive area of
16 2,549,624 acres in Arizona, including the wind project
17 location."

18 Do you have more to add to that description of
19 the NRCD?

20 A. (Mr. Patton) Yes, sir. So in my dialogue and
21 correspondence with NRCD, it's become very clear to me
22 that their personnel are well-versed in erosion control,
23 soil quality, water conservation, and cultural analysis.

24 CHMN STAFFORD: So are they a state agency,
25 are they an independent non-profit? What kind of

1 organization is it exactly?

2 MR. PATTON: It is a government-based
3 organization?

4 CHMN STAFFORD: Is it a subdivision of the
5 county?

6 MR. PATTON: Of the state.

7 CHMN STAFFORD: Of the state.

8 MEMBER HILL: Mr. Chair.

9 CHMN STAFFORD: Okay. Member Hill, you had
10 a question.

11 MEMBER HILL: They're quasi-government.
12 The state provides funding to NRCDC across the state. But
13 they also do provide other services to some federal
14 agencies and gets them grants and do those kinds of
15 things. But they're really the -- I mean, this is a good
16 move on the part of the company. They're often the
17 people closest to the ground.

18 In fact, I was just going to mention that
19 Heather Lee was one of the public testimonies, she was
20 with -- she is with NRCDC. She commented she's the one
21 who made the astute observation that we should use the
22 corridor with Navopache that I've kind of hit on a couple
23 of times.

24 So anyways, for the record I know a little
25 bit about the NRCDC. We've worked with them over the

1 years, and they're really, like, the closest to the
2 ground conservation organization typically.

3 CHMN STAFFORD: Does every county have one?

4 MEMBER HILL: I don't know that. I've
5 worked with ones in Pinal, there's -- and some of them
6 are regional, I think. So I don't know that it's
7 necessarily a specific county all the time. But they do
8 have regional ones as well.

9 MEMBER FANT: Mr. Chair?

10 CHMN STAFFORD: Yes, Member Fant.

11 MEMBER FANT: There's a map of the Natural
12 Resource Conservation Districts in the state of Arizona
13 on page, I think it's 7 of CG -- Exhibit CG 024.

14 CHMN STAFFORD: Okay.

15 MEMBER HILL: Thank you.

16 MEMBER FANT: Sure.

17 MR. PATTON: If I may I'd also like to just
18 add comment that the Apache NRCD is looking to use this
19 as a precedent for all developments in Apache County. I
20 think they're very keen to see this type of engagement.

21 We've been, like I said, in many, many
22 months of dialogue with the board, and they're looking to
23 use this as a template for projects of these nature
24 coming forward. I think we're essentially the first to
25 broach this approach.

1 CHMN STAFFORD: Thank you. Member Hill.

2 MEMBER HILL: Many of these groups have a
3 lot of talent and a lot of skills. It does look like
4 they have some pretty significant duties here. Are you
5 compensating them for these services?

6 MR. PATTON: Yes, there will be
7 reimbursement for some of their services.

8 MEMBER HILL: Okay. Good.

9 CHMN STAFFORD: I assume that's in the
10 portion of the document that's redacted.

11 MR. DERSTINE: That's correct.

12 MEMBER HILL: Okay. That's good.

13 MEMBER COMSTOCK: Mr. Chairman.

14 CHMN STAFFORD: Yes, Member Comstock.

15 MEMBER COMSTOCK: In reviewing this
16 document on I guess it's page 1 under the agreement under
17 Definitions, they -- it's referred to the term special
18 use air space as identified in the map in Exhibit A.
19 I've looked at Exhibit A extensively. I can't find
20 anything about special use air space. Can somebody
21 expand what that is? And is it relatable to this
22 project?

23 CHMN STAFFORD: Are you talking about
24 Hearing Exhibit C-24?

25 MEMBER COMSTOCK: On CG-24 under

1 Definitions, it's the second, number 2 under Definitions.
2 It says, "Apache NRC D boundaries means those federal,
3 state, and private lands and special use air space
4 identified in the map attached in Exhibit A." So I've
5 looked at Exhibit A and trying to find those, to see if
6 it's relevant to this project. I just can't, so I need
7 some help identifying what's being talked about there.

8 MR. PATTON: I think that's something we
9 would probably need to confer with counsel on how that's
10 being legally defined.

11 MR. DERSTINE: Honestly, I have no idea.
12 Because -- and I guess, Member Comstock, this seems to be
13 language that Apache NRC D has drafted here in terms of
14 defining the boundaries of their jurisdiction, and then
15 they refer, as you note, to Exhibit A, and Exhibit A
16 shows the state of Arizona broken up into their different
17 conservation districts.

18 As you note there's nothing in the legend
19 for Exhibit A which identifies special use air space or
20 whatever the term is. So I think that's a question for
21 NRC D. Obviously they have physical boundaries of their
22 districts, but in that definition, they're including
23 something having to do with air space. I don't know that
24 it applies to this project.

25 MEMBER COMSTOCK: Because of the wind

1 project which we have no jurisdiction over, but if it's
2 air space and it has to do with flight in that area
3 that's in this project, it should be noted. If it's
4 boilerplate language, then I understand.

5 MR. DERSTINE: Yeah.

6 MEMBER COMSTOCK: It may need to be struck
7 from the agreement. But if we can find out, great. If
8 not, we'll have to move forward without it.

9 MR. DERSTINE: We'll see if we can make
10 Mr. Patton or someone on his team can make a call to NRCD
11 and ask them what their special use air space is or
12 means --

13 MEMBER COMSTOCK: Thank you. I appreciate
14 that.

15 MR. DERSTINE: -- and get back to you on
16 that.

17 BY MR. DERSTINE:

18 Q. I think on the air space issue, it is worth
19 noting that the applicants have already obtained, and
20 you're going to help me with the acronym and the name of
21 this determination from the Federal Aviation
22 Administration relating to the airport -- local airport
23 here, but it's essentially that they have determined that
24 there's no impact from the interconnection project and/or
25 the wind project to operations at the local airport. Is

1 that true, Mr. Patton?

2 A. (Mr. Patton) Yes, sir. So the FAA has granted
3 us a valid what is a DNH, which stands for determination
4 of no hazard.

5 CHMN STAFFORD: Member Fant.

6 MEMBER FANT: Thank you, Mr. Chair. The
7 NRCDS are linked to the State Land Department and their
8 primary concerns are approving soil quality for farmers
9 and ranchers. So they're concerned about soil
10 conservation, et cetera, largely.

11 CHMN STAFFORD: Thank you.

12 MR. DERSTINE: I guess to Member Fant's
13 point, one of the key obligations set forth in the draft
14 agreement is that the NRCDC will monitor, it says,
15 "Because of terrain of the lands over which the project
16 is being built, the NRCDC will have to continue to monitor
17 reclamation and site restoration activities by the wind
18 project. The duty will include monitoring soil,
19 vegetation, cattle guards and fencing affected by
20 construction, especially after big storm event to ensure
21 erosion control structures are appropriately working."

22 So the monitoring obligation with regard to
23 soil conservation, et cetera, is a primary obligation and
24 focus of this agreement.

25 CHMN STAFFORD: Thank you.

1 BY MR. DERSTINE:

2 Q. Anything else you wanted to note about the
3 cooperation agreement with the Apache NRCDC, Mr. Patton,
4 before we move on?

5 A. (Mr. Patton) Yes. As you can see in
6 Section 6C, there's also going to be, there is a
7 provision that states that prior to decommissioning and
8 restoration, we would enter into a decommissioning,
9 restoration, coordination effort. So roping them in on
10 those efforts as well, once the cycle -- once the project
11 has reached its maturity.

12 Q. So you have the contractual obligations with
13 State Land Department under your right-of-way agreement,
14 we've covered that, and that's set out in Exhibit 23,
15 CG-23. And then the NRCDC will essentially be there to
16 monitor, ensure that those restoration obligations are
17 performed?

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

19 CHMN STAFFORD: Thank you.

20 MR. DERSTINE: So that covers those two
21 exhibits. Unless any other committee members had
22 questions we're ready to move on. And I think what we
23 had talked about was wedging in or completing the
24 discussion on our public outreach and engagement and our
25 various statutory notifications. And then we'll be ready

1 for our transmission witness, Ms. Turner, and we wanted
2 to coordinate that with Member Fontes' availability. So
3 I think that's our plan.

4 CHMN STAFFORD: Excellent. Thank you.

5 BY MR. DERSTINE:

6 Q. Good morning, Mr. Casteel.

7 A. (Mr. Casteel) Good morning.

8 Q. See in big letters up on the screen here, Public
9 Involvement. Let's talk about it.

10 I think you're going to start us off with giving
11 an overview of the different methods of public outreach
12 and engagement that were used for this project, please.

13 A. (Mr. Casteel) Correct. Good morning. The
14 applicants with assistance from SWCA undertook a
15 comprehensive public outreach effort to include
16 stakeholders and the public landowners, provided various
17 methods of communication which I'll review through the
18 next slides.

19 I do want to note that our notification boundary
20 for this project --

21 CHMN STAFFORD: And you're referring to the
22 map on Slide 186 of hearing Exhibit CG-7; correct?

23 MR. CASTEEL: Yes.

24 The notification boundary for this, for all
25 mailings and for the interconnection project was five

1 miles centered on the study -- sorry, the interconnection
2 project corridor.

3 That's a little larger than maybe you have
4 seen for other projects. I want to note that we heard
5 comments yesterday from a member of the Greens Peak
6 Hideaway. They were included in our notification
7 mailings.

8 There were other individuals besides
9 landowners or stakeholders included in our mailing and
10 I'll get into it a little bit.

11 BY MR. DERSTINE:

12 Q. Could you take a minute on looking at the
13 Slide 186 of Applicants' Exhibit 7, which carries the
14 identification of public notification boundary.

15 I'm seeing different lines there, and just for
16 the record so we have this larger line-dot-line, that's
17 the five-mile notification buffer around the
18 interconnection project? Is that correct?

19 A. (Mr. Casteel) Correct.

20 Q. Then within that, the smaller dotted line that's
21 closer to the boundary or the path of the gen-tie line,
22 that is, as I understand it, your -- the study area, so
23 the various cultural studies, environmental studies, they
24 were focused on that one-mile buffer around the gen-tie
25 corridor. Is that also true?

1 A. (Mr. Casteel) That's correct. That's our study
2 area associated with the interconnection project
3 application.

4 Q. Okay.

5 A. (Mr. Casteel) Then the yellow line in the
6 middle is our interconnection project CEC corridor with
7 the center line of the proposed route shown.

8 Q. So for purposes of notification, that is
9 newsletters, other forms of channels of communication
10 that we used for this project that you're going to cover
11 here in a minute, we went out to a much larger area and
12 tried to ensure that folks within the vicinity, even if
13 they were up to five miles away, received notice of this
14 project?

15 A. (Mr. Casteel) Yes, correct. I can review those
16 methods of communication and contact now.

17 Q. Yeah, please.

18 A. (Mr. Casteel) We set up project e-mail
19 addresses, voicemails, mailing addresses were all
20 provided additional opportunities for members and the
21 public to learn about the project and provide questions
22 and comments. The contact information that was included
23 in all of our mailers as well as social media and our
24 websites is provided on the Slide 188 on the left hand of
25 the screen.

1 This is a picture of our social media ad which
2 also we used for the newspaper notification as well.

3 The voicemail we provided to inform callers
4 about the filing, the application and the public hearing
5 information. That is all currently live and available
6 for public comment today.

7 Q. So one of the main ways that folks could learn
8 about this project and also provide comment was through
9 your project website. Do you want to talk about that?

10 A. (Mr. Casteel) Yeah, the project website which
11 is current provides the public and stakeholders and other
12 interested parties project information and additional
13 opportunities to provide comments. A copy of the notice
14 of hearing and other documents are also currently
15 available on the project website.

16 Q. So that -- just for the record, Applicants'
17 Exhibit 11 includes reference to and is evidence of the
18 project website? Is that correct?

19 A. (Mr. Casteel) Correct.

20 The image on the right is an image of the
21 project website at that time, which was notifying of
22 various methods of communication including the open house
23 and the informational letter that we provided for the
24 open house, which I'll get to in a moment.

25 I want to take a moment to discuss who we

1 notified as part of our public outreach efforts. As I
2 mentioned we notified stakeholders, landowners, but our
3 list also included all tribal contracts, grazing lessees,
4 and the applicant also included individuals who commented
5 during their Apache County conditional use permit
6 outreach, with the public meetings and open houses, so it
7 was people who commented on the nonjurisdictional wind
8 farm or the solar project were also included in our
9 mailers and notification efforts for the interconnection
10 project. A copy of that letter is provided on the
11 slide 192 on the right-hand side.

12 Our notification mailing notifying of our open
13 house was provided on May 5, 2025.

14 Q. And that informational letter that's shown on
15 slide 192 of Applicants' Exhibit 7, that informational
16 letter is found at our Exhibit 16. Do I have that right?

17 A. (Mr. Casteel) That is correct.

18 Q. Or I shouldn't be asking you that. I'll tell
19 you it's Exhibit 16.

20 A. (Mr. Casteel) Yeah, I'll verify, but it is
21 definitely included in our application as well as our
22 exhibits that we filed.

23 Q. Okay. Thank you.

24 A. (Mr. Casteel) The informational letter
25 including information about the project as well as the

1 contact information that we previously covered as well as
2 the map of the interconnection project.

3 You'll notice at that time during the
4 notification, we did have our, we call it, Option 2 route
5 identified. That was the route that followed the 69kV
6 line. So the public was made aware of alternatives or
7 options associated with the route to the TEP
8 Springerville Generating Station.

9 Q. So I guess at that stage of the project, we were
10 still hopeful or looking to collocate as much of our
11 gen-tie line with the existing 69kV Navopache line, and
12 that alternative to the route that's presented now in the
13 application was sent out to the public, and we allowed
14 them to comment on that alternative as well as the other
15 route that we're now left with, given that TEP and the
16 owner of the right-of-way advised us that they would not
17 allow us to utilize their right-of-way for our
18 interconnection project; is that right?

19 A. (Mr. Casteel) Yes. Correct.

20 MEMBER DICICCIO: Mr. Chair.

21 CHMN STAFFORD: Yes, Member DiCiccio.

22 Please get closer to the microphone.

23 MEMBER DICICCIO: Yeah, I think it's
24 just -- is it working now? There it is. I think I'm
25 usually loud enough being Italian, but if you need a

1 microphone we'll do it.

2 I still find it just so odd that here it is
3 you're hoping that they work with you and they're not
4 going to allow you into that right-of-way, basically.
5 Why is that? I mean if you're building this and hoping
6 to connect to their power plant, you would think they'd
7 be the first one saying, hey, let's work together on
8 this. I find that just incredibly strange.

9 MR. PATTON: So in terms of engaging with
10 TEP, is that what you're --

11 MEMBER DICICCIO: Yeah. Exactly.

12 MR. PATTON: We broached this with TEP in I
13 believe 2023 in an early site iteration. Their
14 perspective is that I think they wanted to see the
15 project materialize more in development before
16 entertaining an easement.

17 And so for us, you know, we were still in
18 our interconnection studies phase. Those interconnection
19 studies have now been complete. We signed
20 interconnection agreements.

21 When we approached them for an easement
22 they were looking at it as all you've got so far is a
23 pending application with ASLD and pending interconnection
24 studies. And so for them to deploy the resources for an
25 easement, I think they felt the project needed to develop

1 more before they would entertain -- subsequently the
2 project has developed, it has materialized to be viable.

3 We have signed those interconnection
4 agreements, we have gotten those interconnection studies
5 connections done. We have conducted all of the
6 subsequent studies. And for us we have to continue
7 developing the project in a way that we -- in a way that
8 ensures success.

9 And so if we have been given an indication
10 from TEP that they were not willing to entertain an
11 easement in 2023, then we have to continue to evaluate
12 all other feasible options. So it wasn't they were
13 saying we don't want to do this easement with you now
14 because of we have a concern about how you intend to
15 erect these structures. It's just a sense of come back
16 to us when the project is more viable. And that was two
17 years ago.

18 MEMBER DICICCIO: So the testimony that
19 I've heard at least was that the answer was no, not we're
20 thinking about it. And apparently you have a letter from
21 them that says no. Do you see what I'm saying? I mean,
22 from my end --

23 MR. PATTON: There's nuance to those
24 negotiations I'm sure you can appreciate.

25 MEMBER DICICCIO: Of course. I do them

1 every day. Well, not every day, but close enough.

2 BY MR. DERSTINE:

3 Q. So, Mr. Patton, in terms, I mean, we've had a
4 recent meeting with TEP on the interconnection and
5 getting an understanding of where they are in their RFP
6 process.

7 In addition to the ask to collocate with the
8 Navopache 69kV line, we also had requested the
9 utilization or a right-of-way or an easement to build a
10 road which would -- on a portion of their property. They
11 also said no to that and that was more recent.

12 So, I mean the decision on whether or not we
13 could collocate with the Navopache line, the right-of-way
14 is controlled by TEP. The line is owned by Navopache.
15 The various considerations in terms of where you have a
16 transmission provider and whether they allow you to
17 utilize their corridor and/or utilize their facilities, a
18 lot of factors go into that. And it is not unusual for
19 an existing transmission line owner to say no for any
20 number of reasons. And so it is not surprising --

21 MEMBER DICICCIO: But it is surprising when
22 you're looking at a partnership with them. I mean,
23 usually in these discussions or something else you would
24 get some sort of indication of like, hey, look, we're
25 really open to this idea. They wouldn't send you a

1 written letter that becomes memorialized and gets
2 presented at committees like yes, they don't. I know
3 these companies, too. They don't.

4 MEMBER HILL: Well, actually --

5 MEMBER DICICCIO: I'm not done. Sorry.
6 I'm not completed. So once it is formalized and
7 memorialized in a letter like that, that's a pretty firm
8 statement. Usually in negotiations a lot of it's done
9 verbally like, hey, look, we'll do this, but they're not
10 going to send you a letter saying, hey, we're not going
11 to entertain this idea. Okay. Now I'm done.

12 CHMN STAFFORD: Member Hill.

13 MEMBER HILL: I was just going to remind
14 the committee that we had this question, and I can't
15 remember the name of the project in Pima County, but it
16 was a couple of years ago, where there were three
17 existing transmission lines and one of them was a TEP
18 line.

19 And TEP had identified it as a line to
20 upgrade in their 10-year transmission plan. And the
21 applicant had approached them about cost sharing and
22 developing that line so we weren't putting a fourth line
23 in. Because at some point collocation gets a little
24 overwhelming.

25 And TEP said, well, that's not in our plan

1 for the next year, year and a half. That was their
2 horizon for construction and so they said, no, we will
3 not work with you on that.

4 The other thing that I want to point out is
5 that TEP actually does a lot of their own generation
6 development and they own a lot of land there. And there
7 might be something proprietary that they want to build
8 something on their own land, and this transmission line
9 doesn't make sense for that. Or could interfere with
10 their own generation.

11 So I do think I don't want TEP to have to,
12 or the applicant to divulge sensitive information or
13 proprietary information about what their business plans
14 are. I know that it's nuanced, but I just want to say
15 that there's a couple of times this committee has been
16 surprised that utilities aren't interested in collocation
17 and reducing costs for transmission and developing and
18 sharing resources.

19 I think that, and then I want to
20 acknowledge that I've learned a lot on this committee
21 over the last few years, and this really comes often down
22 to liability and reducing liability. TEP's helped me
23 understand several times that the liability -- shared
24 liability is not their desire, they would like exclusive
25 liability and responsibility around things. And

1 sometimes that's part of the decision-making process.

2 So I'm not surprised that they said no, but
3 I am disappointed that they said no. But if TEP has a
4 vision for the lands that they own there and want to do
5 their own generation, I could absolutely see that being a
6 reason to say no.

7 MEMBER DICICCIO: Mr. Chair, just a
8 response. But to memorialize it in a letter is very
9 strong. When you're in negotiations lot of discussions
10 are made, you know, they're just -- they're discussions,
11 right. But when you memorialize it in a letter it's very
12 strong. It moves it to a different level.

13 MR. DERSTINE: Member DiCiccio, I don't
14 think there is a letter.

15 CHMN STAFFORD: That was going to be my
16 question. I was going to say where is the letter?

17 MR. DERSTINE: There is no written letter.

18 MEMBER DICICCIO: Oh, I thought there was
19 something in writing from them.

20 MR. DERSTINE: No, no.

21 MEMBER DICICCIO: Well, if we go back to
22 the testimony two days ago, my understanding is they --
23 did send a letter saying that they were not going to do
24 this?

25 MR. PATTON: No, sir, these are all verbal

1 communications.

2 MEMBER DICICCIO: That's what I thought I
3 heard. Okay. Stand corrected.

4 CHMN STAFFORD: Mr. Derstine.

5 BY MR. DERSTINE:

6 Q. So we were noting that your explanation,
7 Mr. Casteel, was simply at the time of that public open
8 house, that the alternative route where we would
9 collocate or utilize the existing right-of-way of the
10 69kV line was under consideration. So that's why it was
11 included in the newsletter and your map at that time;
12 right?

13 A. (Mr. Casteel) Yes, it was included in the
14 newsletter and other communications that we use such as
15 the website. That other option was available at that
16 time.

17 Q. Okay.

18 A. (Mr. Casteel) We can touch on the newspaper
19 advertisements that we've published for the project. We
20 published a newspaper advertisement in the White Mountain
21 Independent, which is a newspaper of general circulation
22 in the area. We published those on May 13th, 20th, 27th
23 as well as June 3rd. The newspaper advertisement is on
24 the right-hand screen on Slide 194. That's how it
25 occurred in the paper, and again here is the

1 advertisement that was provided.

2 Again, it provided the multiple ways to
3 communicate with the project and provide comment and
4 feedback.

5 We also published using the same ad used in the
6 newspaper, we published on Facebook to further advertise
7 the project and solicit feedback. The clients actually
8 boosted the ad, which means that we use ZIP Codes
9 associated with the study area to focus that ad to the
10 people that the project would affect.

11 I'll just give you some metrics for the Facebook
12 post. We received -- 6,630 accounts that were reached.
13 There was over 147,000 impressions, which means that the
14 same person could see the ad, but they might have visited
15 the ad multiple times.

16 We had 36 shares and 42 comments.

17 Let's move ahead to the next.

18 MEMBER COMSTOCK: Mr. Chair.

19 CHMN STAFFORD: Yes, Member Comstock.

20 MEMBER COMSTOCK: I apologize, Mr. Casteel.

21 Could we go back to slide 186, please, on the boundaries
22 of the notification. First, I have to compliment you on
23 the extensive expanse that you used as the outer boundary
24 for notification. But considering the input from the
25 public over the last couple of days, can you explain why

1 you didn't include Springerville in the notification
2 process?

3 MR. CASTEEL: That's a good question. I
4 would say that we included the applicants, the contact
5 list that they received as part of their Apache County
6 conditional use permit. Many of those people have been
7 involved in the wind project as well as the solar
8 project, and those individuals reach Springerville-Eagar,
9 St. Johns and Show Low.

10 So that list was very helpful to provide a
11 greater reach outside of our five-mile buffer. They were
12 included in all mailings. It was very helpful as you
13 could see with the public comment that we received.

14 BY MR. DERSTINE:

15 Q. So your point is that -- and I don't know if
16 there is direct notification of the Town of Springerville
17 or the Town of Eagar. Obviously they were aware of the
18 project through various communications and outreach
19 efforts beyond your newsletter.

20 But you're saying that folks, there were people
21 who showed up on your mailing list who were well beyond
22 the five-mile notification area shown on Slide 186, and
23 many of those people resided in Springerville, Eagar,
24 and/or Show Low?

25 A. (Mr. Casteel) Correct. We reached as far as

1 Nutrioso, Show Low, Pinetop. And as I will get to in a
2 moment, we held our open house in Springerville at the
3 high school.

4 MEMBER COMSTOCK: Thank you. I appreciate
5 that.

6 MR. CASTEEL: We can talk about the open
7 house now.

8 BY MR. DERSTINE:

9 Q. Yes. So you held an in-person open house. I
10 think you mentioned that that -- did that open house
11 occur in Springerville at the Round Valley High School?

12 A. (Mr. Casteel) Yes, it did. We held it in the
13 multipurpose room on June 9, 2025. The format was
14 informal open arrangement. Many of the Repsol staff, the
15 applicant staff were in attendance as well as SWCA.

16 And the open house allowed for questions,
17 comments. We received several comments. 19 people
18 attended the open house and we received two formal
19 comments during that time. We presented boards,
20 simulations that Ms. Casteel will go through as well as
21 project information, maps.

22 Q. In addition to the in-person open house, you
23 also prepared and had on the website a virtual open
24 house; correct?

25 A. (Mr. Casteel) Correct. We hosted a virtual

1 open house to allow for more public comment for those who
2 may not have been able to attend the in-person open
3 house. The virtual open house provided the same boards,
4 when I say boards I mean information boards for project
5 information on -- including information on the applicant
6 and the simulations that were going to be presented by
7 Ms. Casteel were also provided.

8 That virtual open house remains live today. I
9 do want to note that in our application we noted there
10 was 175 individuals who attended that. The number was a
11 little higher than -- it's not accurate. It was more
12 around 101 at that time.

13 Some of that traffic was SWCA staff setting up
14 the website. But I checked it before the hearing
15 started. That number is approximately 116.

16 Q. So 116 individuals from the community or other
17 areas who visited the virtual open house, the number that
18 was shown in the application included visits by members
19 of your team and staff looking at the -- making sure the
20 content was there and updated, et cetera?

21 A. (Mr. Casteel) Correct.

22 Q. Okay. And Member Kryder has been wary of that
23 before in terms of applicants puffing up their visit
24 numbers by having all their team visit the open house
25 website and virtual open house website. So important

1 that you clarify that number.

2 A. (Mr. Casteel) I was aware and wanted to make
3 sure I mentioned it.

4 MEMBER KRYDER: Thank you.

5 BY MR. DERSTINE:

6 Q. Comments through these various outreach efforts,
7 what have we received?

8 A. (Mr. Casteel) At that time we received 22
9 public comments, four via phone, six via e-mail, and 10
10 via mailings, the mailings were provided to SWCA's
11 Flagstaff office.

12 And some of those responses were -- most of the
13 responses were from the public but I'll note that we did
14 receive feedback from U.S. Army Corps of Engineers, the
15 Arizona Game and Fish Department and the State Historic
16 Preservation Office.

17 Q. I'm noting the one comment form from the White
18 Mountain Apache Tribe. What was their comment? Do you
19 know?

20 A. (Mr. Casteel) I'll touch base -- sorry, I'll
21 touch on that later in the presentation, but generally
22 the -- as I mentioned the tribes were also included in
23 our mailings, there's seven tribes that claim affiliation
24 to the study areas. Those comments were generally thank
25 you and please keep us included on future coordination.

1 Q. So you're going to go more in depth into what --
2 you're going to cover the tribal outreach engagement, the
3 tribes who received your information letters and the
4 follow-up communications we had with them. I was just,
5 this one comment from the tribe jumped out at me, but
6 you're going to cover it a little bit later in your
7 testimony?

8 A. (Mr. Casteel) Yeah, I will.

9 Q. Okay. Similar, Game and Fish, what was their --
10 can you summarize their comment or is that something that
11 Ms. Casteel is going to cover in her environmental
12 testimony?

13 A. (Mr. Casteel) Ms. Casteel will cover it, but
14 that comment was to include their mitigation
15 recommendations that we've included in Exhibit H.

16 Q. Okay.

17 MEMBER KRYDER: Mr. Chair.

18 CHMN STAFFORD: Yes, Member Kryder.

19 MEMBER KRYDER: Just looking at Slide 199,
20 I believe it is there on the left, the final comment
21 there, "To ask for more information and one expressed
22 concerns for hunting access."

23 Talk with us, please, about what is the
24 hunting access underneath our jurisdictional lines, but
25 also if you could extend it beyond our jurisdiction to

1 the wind farm itself. How does the applicant look at
2 hunting rights?

3 MR. CASTEEL: That's a great question, and
4 I was going to cover that in detail in the recreation
5 section, but I will do it right now. Because it's
6 relevant to what Mr. Patton was talking about a little
7 bit ago.

8 So it's all state land, and on state land
9 you need a special use permit for recreation, so you get
10 that, and if you want to hunt, then you would go to the
11 Game and Fish Department and request a permit.

12 When you request that permit you're also
13 going to identify what game unit you're -- you want to
14 hunt in. So with the coordination from the Apache County
15 natural resource conservation district, as a liaison they
16 will actually be a great tool to be that interaction
17 between hunters and the applicant.

18 So when the applicant is under
19 construction, and they get a -- they will be able to
20 coordinate with Game and Fish and State Land, they'll be
21 aware of those permits, at least we'll ask them to please
22 monitor those permits, so if a hunter requests a permit
23 on those game units they can coordinate to make sure
24 there's no conflicts.

25 //

1 BY MR. DERSTINE:

2 Q. So more generally, I gather during -- from your
3 comment that during the construction phase of the
4 project, there may be limitations depending on where the
5 construction is occurring on hunting in the area where
6 there's ongoing construction activities.

7 What about after the line is constructed, how
8 will -- is there any impact on hunting activities
9 post-construction?

10 A. (Mr. Casteel) No. We would not anticipate any
11 restrictions when operation -- when the line is in
12 operation. Ms. Casteel will touch on this a little bit.

13 With the phased approach of the line
14 construction, that's going to be done to prevent any
15 impacts to Pronghorn. So it's going to be a great tool
16 to make sure if somebody requests hunting access maybe
17 for Pronghorn or other species, there won't be that
18 conflict where the applicant is in construction in that
19 unit where that hunter might want to go.

20 MEMBER KRYDER: I appreciate that very
21 much. Actually the construction roads work out real nice
22 for people who are hunting. Perhaps you're a hunter. I
23 am. And sometimes the construction roads well after the
24 operation are really nice to be able to drag game out or
25 just to move from point A to point B, so thanks very much

1 about this.

2 I simply wanted the clarification that as
3 was pointed out after operation begins, there's no
4 restriction.

5 MR. CASTEEL: That is correct. Member
6 Comstock.

7 MEMBER COMSTOCK: Mr. Chair.

8 CHMN STAFFORD: Yes, Member Comstock.

9 MEMBER COMSTOCK: If I could have the
10 applicant address, just looking at the slides for the
11 opening in-house person event which was June 9, seems
12 like you had a few attendees there, you had a few
13 comments come back from Facebook and that kind of thing.

14 The last two days we saw thousands of
15 signatures against the project. And I'm curious, one,
16 are they protesting against the wind farm and the solar
17 project or the line, the CEC for the line?

18 And, two, when did you notice the tide
19 turning to move to that kind of outpouring from the
20 public in response to your application?

21 MR. CASTEEL: I would say that we prepared
22 for a robust attendance at our open house. And we were a
23 little surprised at the low attendance. And that is
24 nothing against the outreach that we did.

25 I think the tide certainly turned, as you

1 say, when the application was submitted, the CEC
2 application was submitted because I believe the public
3 realized that this was -- this was an opportunity for
4 them to provide additional comment. So we've seen that
5 in the docket with the comments that have been received
6 since early October.

7 MEMBER COMSTOCK: Thank you.

8 MR. DERSTINE: And I guess, Member
9 Comstock, I would just note for the record, I'm sure you
10 have and I have in looking at all the various comments,
11 some of them reference or touch on the interconnection
12 project, the application before you, but in large measure
13 even if a letter or a comment made some reference to the
14 interconnection project, it's fairly read as being in
15 opposition to the wind project, and that's really the
16 focus of the public's concern here. As you saw from the
17 folks with signs at Safeway and along the route and what
18 you saw here in the room and the T-shirts. It doesn't
19 say "Stop the interconnection project." It says "Stop
20 the wind project."

21 MEMBER KRYDER: Exactly.

22 MEMBER COMSTOCK: Thank you, Mr. Derstine.
23 I appreciate that. I'm just trying to get my head around
24 where did it start going south and, you know, why was
25 that reasoning. And so now I think I understand the

1 explanation, the application. Thank you.

2 MR. DERSTINE: And I would say, I mean,
3 Mr. Casteel, maybe you can speak to it more but there is
4 a Facebook web page and this, the opposition group to the
5 wind project has been mobilized and organized for some
6 time.

7 And I think that this -- this proceeding is
8 kind of the first formal proceeding where they had an
9 opportunity to come out in numbers and as a show of force
10 to show how the community feels about, or many of the
11 community feel about the project.

12 And so this is -- this has become kind of
13 the trigger or the lightning point for this particular
14 group in seeing a way they can speak to the
15 interconnection project, but their focus is to stop the
16 wind project.

17 MR. CASTEEL: Just one more slide about the
18 outreach before we get to tribal.

19 I just want to note that the applicant did
20 personally do outreach to some of the -- part of the some
21 of the public comments. They did provide written
22 letters, e-mails, back to some of those folks who
23 provided comment. They also returned phone calls.
24 Mr. Patton personally returned calls to a few individuals
25 that left messages on our project hotline.

1 And all those comments are summarized in
2 table J-1 in your Exhibit J, both the comment and the
3 response provided to that individual.

4 BY MR. DERSTINE:

5 Q. And that outreach summary is also contained as
6 Applicants' Exhibit 15.

7 A. (Mr. Casteel) Correct.

8 Q. Do you want to transition into tribal outreach?

9 A. (Mr. Casteel) So the applicant has been
10 coordinating with the tribes since 2021, when they first
11 initiated review of the proposed wind facility, but that
12 outreach also included the solar facility and the
13 interconnection project corridor.

14 We've used the government-to-government tribal
15 toolkit to identify those tribes. There are seven tribes
16 that we continue to coordinate with even today.

17 Exhibit CG-015 includes -- let me verify that.
18 Yes, CG-015 including the tribal coordination letters
19 from the applicant and received from the tribes since
20 March of 2021.

21 And again, those same tribes were included in
22 all of our additional open house coordination, project
23 initiation mailers and the informational mailer that we
24 sent for the notification hearing, which I'll speak to in
25 a bit.

1 Q. I guess just to clarify for the record, when I'm
2 looking in my exhibit book, I think the various
3 communications with the tribes, the various listed tribes
4 that was performed for this project are collected under
5 applicants Exhibit 17, CG-17?

6 A. (Mr. Casteel) Yes, sorry about that. They're
7 in CG-15, but CG-17 is specific to the tribal outreach
8 and includes all those letters.

9 Q. So CG-15, Exhibit 15 is a summary of all of our
10 outreach. That included outreach and engagement with the
11 tribe, so that's included in our summary table. But as
12 to the copies of the letters that went out and the
13 communications with the tribes, those are all collected
14 under Exhibit 17. Is that right?

15 A. (Mr. Casteel) Correct.

16 Q. Okay. In terms of your initial mailing to the
17 various tribes, that was -- that took place on May 5,
18 2025?

19 A. (Mr. Casteel) Yes. Related to the
20 interconnection project, we, again, included the tribes
21 in our outreach starting with our May 5, 2025, mailer
22 advertising the interconnection project CEC application
23 as well as the open house.

24 Q. So in looking at the -- on Applicants'
25 Exhibit 7, our witness slides, and Slide 205, which is on

1 the left screen here in the room and 206 on the right
2 screen, what I'm understanding from those images and
3 those slides is that there is specific outreach related
4 to the interconnection project, but there was ongoing
5 outreach and communication that also included the wind
6 and the solar project?

7 A. (Mr. Casteel) Yes, correct. We received two
8 comments back, one from the White Mountain Apache tribe
9 and another from the San Carlos Apache tribe. The White
10 Mountain Apache tribe provided us a no adverse effect
11 determination. But requested continued coordination.
12 And to be kept current.

13 The San Carlos also said thank you and asked us
14 to please include them in future coordination.

15 CHMN STAFFORD: Member Hill, you have a
16 question?

17 MEMBER HILL: Yeah. Thank you, Mr. Chair.
18 This may or may not be relevant at this point in time.

19 But it does look like the Class III
20 cultural resources report that you sent to them was
21 mostly the nonjurisdictional wind farm. It covers
22 approximately 60 percent of the current -- oh, and
23 60 percent of the current interconnection project.

24 Can you -- I don't know if you want to talk
25 about it here or if you want to talk about it in another

1 section, but can you talk a little bit about the
2 Class III survey work that remains to be done and how
3 you'll approach that with the tribes?

4 MR. CASTEEL: Yeah. I can speak to that
5 now.

6 MEMBER HILL: Thank you.

7 MR. CASTEEL: And if more detail is needed,
8 Ms. Casteel was going to cover the cultural section.

9 MEMBER HILL: Oh, okay.

10 MR. CASTEEL: Yeah. On slide 206 I
11 mentioned that on June 3 we sent what is the current
12 draft of the Class III survey, but that did include the
13 wind facility as well as the interconnection project and
14 the solar facility.

15 So the applicant provided that Class III.
16 That -- in that Class III includes 60 percent cover of
17 the corridor. It covers the center line of the route
18 plus a little bit more. The applicant is currently in
19 the field getting 100 percent survey on the
20 interconnection project corridor.

21 MEMBER HILL: Okay. Thank you.

22 BY MR. DERSTINE:

23 Q. I think one of the limited appearances or public
24 comments that I read, there was some concern raised about
25 whether we had communicated with the Zuni tribe and

1 whether they were included in our outreach. Can you
2 speak to that, please?

3 A. (Mr. Casteel) Yes, they were included as one of
4 the seven tribes. The slide, let's see, 203 has a full
5 listing of the tribes identified as part of the
6 government-to-government toolkit. And they've been
7 coordinated with since March of 2021.

8 BY MR. DERSTINE:

9 Q. And the Zuni tribe would have received the
10 Class III survey that was shared with all the various
11 other tribes.

12 A. (Mr. Casteel) Yeah, and the Zuni tribe, we
13 personally mailed those to the contact at the Zuni tribe.
14 They were all mailed to the contacts at the Zuni tribe.
15 So they have a copy of the report whether digitally or
16 hard copies.

17 Q. And Class III survey just means what?

18 A. (Mr. Casteel) It means a full, 100 percent
19 pedestrian survey of the project area.

20 Q. Okay. And the purpose and the focus of the
21 Class III cultural survey is to do what? Identify
22 potential cultural resources?

23 A. (Mr. Casteel) Yes.

24 Q. Pottery shards, scatters, all the kind of things
25 that we look for in a cultural resource analysis; is that

1 right?

2 A. (Mr. Casteel) Correct. They either record new
3 or re-record sites, whether those be archeological or
4 historic sites. And then provide eligibility
5 determination through the -- to the State Historic
6 Preservation Office.

7 Q. Have you received response from any of the
8 tribes who have been notified, who have indicated
9 opposition to the project or that they have -- they
10 oppose the project or they have concerns with impacting
11 cultural sites in which they are important to them?

12 A. (Mr. Casteel) No, not to date.

13 Q. And the one response that you said you received
14 from the White Mountain Apache tribe, what was their
15 response?

16 A. (Mr. Casteel) Their response was a no adverse
17 effect determination for the project. But please --
18 requested to be kept in the loop for future coordination.
19 There will certainly be additional coordination that
20 occurs.

21 Q. And they will receive along with all the other
22 tribes the balance of the cultural survey once it's
23 completed?

24 A. (Mr. Casteel) Correct.

25 Q. Anything else you wanted to add or note on our

1 tribal outreach effort?

2 A. (Mr. Casteel) Just that after we provided the
3 September 11 notification letter for the announcing the
4 CEC hearing, we received one comment from the San Carlos
5 Apache tribe, again, just saying thank you and keep the
6 coordination coming.

7 MEMBER HILL: Mr. Chair.

8 CHMN STAFFORD: Yes, Member Hill.

9 MEMBER HILL: Early, I can't remember what
10 day we're on, but the first day we talked about there's a
11 jog in the interconnection proposal, and that was related
12 to historic site or a cultural resource site was my
13 understanding. Is that correct?

14 MR. CASTEEL: That is correct.

15 MEMBER HILL: Was that new discovery or an
16 existing discovery?

17 MR. CASTEEL: It is an existing discovery
18 that from time to time when archeologists revisit sites
19 that were recorded several decades ago, they need to
20 re-record, so information is changed or new research is
21 done. But it's still considered eligible. That's why
22 the avoidance occurred.

23 MEMBER HILL: Okay. And then the other
24 question I had about, is -- maybe no one wants my
25 curiosity questions at this hour, but it's a curiosity

1 question. I was looking at the transects for 20, what's
2 the metric, meters?

3 MR. CASTEEL: Yeah, meters. I'd have to
4 look at the exact transect.

5 MEMBER HILL: This region of the state has
6 a lot of topographic change and running 20-meter, walking
7 20-meter transects with topography might mean that you
8 miss things because your next 20-meter transect is over a
9 ridge and you don't -- and we also know that ridge tops
10 and other things are kind of important, so how do you
11 adjust your methodology in an area where you might have
12 significant topographic change to do surveys well?

13 MR. CASTEEL: I would prefer to get back to
14 you on that answer. I would say that the archeologists
15 that SWCA has on staff are amazing, and I think that they
16 are well equipped to deal with this terrain. That said,
17 SWCA was not the archaeologist that completed the survey.
18 I don't want to speak for them, but I know that they're
19 well qualified to do so.

20 MEMBER HILL: And I've just seen this come
21 up in other cases where even tribal leaders have asked
22 these questions, because they don't want things to be
23 missed. So I just wondered if you adapt at all your
24 methodology. It might be a standard 20-meter set of runs
25 that you're doing, but do you have adapt or do you choose

1 to adapt when there's a certain terrain involved?

2 MR. CASTEEL: I can get back to you on
3 that.

4 MEMBER HILL: Okay.

5 MR. CASTEEL: I will say that there were
6 multiple surveys in the area that we were able to look at
7 or the firm that did the cultural survey was able to look
8 at to get a little bit of information about how to focus
9 our efforts.

10 MEMBER HILL: Okay. Thank you.

11 BY MR. DERSTINE:

12 Q. So we covered the public outreach and engagement
13 efforts and tribal outreach.

14 Let's cover the formal notification
15 requirements. The CEC application was filed on
16 September 5, 2025. And we're required by statute to
17 publish a notice of hearing twice within 10 days of the
18 filing of the application.

19 Was that done?

20 A. (Mr. Casteel) Yes, it was.

21 Q. Want to cover the publication dates in the
22 newspaper?

23 A. (Mr. Casteel) Yes. We filed in the White
24 Mountain -- I'm sorry, the White Mountain Independent on
25 September 12, 2025, as a legal advertisement, and we

1 published the notification of the hearing in the Arizona
2 Republic on September 10, 2025.

3 Q. And as occurs in many cases in these counties
4 where it doesn't have a newspaper of -- a local newspaper
5 of daily publication, we have to combine publication in
6 the local newspaper along with the Arizona Republic to
7 ensure that we get those -- that two in ten publication
8 requirement met. That's what we did here?

9 A. (Mr. Casteel) Yes, we did.

10 Q. And the affidavits of publication are found at
11 Applicants' Exhibit CG-9.

12 A. (Mr. Casteel) Yes, and they're also shown on
13 Slide 210.

14 Q. Okay. The Chairman's procedural order requires
15 that we also post copies of the application in a public
16 location. We generally are utilizing public libraries
17 for that purpose. Did we do that?

18 A. (Mr. Casteel) Yes, we did. We posted copies of
19 the application at the St. Johns public as well as the
20 Round Valley library.

21 Q. And your communications with, or delivery
22 evidence to the libraries is found in Applicants'
23 Exhibit CG-12?

24 CHMN STAFFORD: 10, I believe.

25 //

1 BY MR. DERSTINE:

2 Q. Or 10.

3 A. (Mr. Casteel) Yes, in CG-10.

4 Q. Project website, we covered -- I think you've
5 covered that in terms of the project website that's
6 available. Continues to be available today. That
7 evidence, that's at Exhibit 11.

8 A. (Mr. Casteel) Yeah, the website is current
9 today with postings of preconference, prehearing, the
10 copies of the CEC application. The materials that are
11 required are posted to the website currently.

12 Q. Okay. Then I see your last bullet -- well,
13 okay. We've moved on to the other screen.

14 So the notices to affected jurisdictions
15 required by statute to mail by certified mail notices to
16 affected jurisdictions, the affected jurisdictions that
17 we identified here including Apache County itself, the
18 Town of Springerville, Town of Eagar, Arizona State Land
19 Department, and the Arizona Department of Transportation.

20 And evidence of those certified mailings, the
21 notices to our affected jurisdictions I think are
22 collected under Applicants' Exhibit 12?

23 A. (Mr. Casteel) Correct.

24 Q. And then the notice of the hearing, we make
25 efforts to publicize this, and the Chairman's procedural

1 order requires that we also use social media in that
2 notification effort.

3 Was that done?

4 A. (Mr. Casteel) Yes, it was. New social media ad
5 was initiated for the announcement of the CEC hearing.

6 Just want to -- I just want to provide those
7 dates for you. Just a moment.

8 Q. So you utilized the notice of hearing letter
9 that went out, was mailed, and then additionally used
10 social media for -- in addition to the printed letter;
11 correct?

12 A. (Mr. Casteel) Yeah, we did. We used social
13 media from October -- sorry, September 23 and then ad ran
14 till October 19. Sorry, I'll say that again.

15 It ran from September 23 to October 19, again,
16 providing information on the hearing, ways to comment,
17 et cetera.

18 Q. And I guess a copy of that social media ad that
19 was run to notify the public of this hearing, that's
20 found under Applicants' Exhibit 14, I believe. That's
21 what you have here on screen 216 is a copy of?

22 A. (Mr. Casteel) It is. So, again, the social
23 media ad was ran. I'm having a little trouble with
24 the -- sorry. I have a little bit of trouble with the
25 clicker. It seems to want to go by itself.

1 Q. Takes you ahead.

2 A. (Mr. Casteel) Yes, it does.

3 The social media ad was ran and again we boosted
4 those ads to the ZIP Codes associated with the study
5 area. Again, the project website was updated with all
6 the relevant information, key documents that were
7 required.

8 Again, here's the social media. Well, sorry.
9 This is the new social media ad that was ran specifically
10 for the hearing. And images of the current project
11 website are on the right-hand side of that image. Again,
12 with links to all the relevant information.

13 Q. Okay. We're also required and we coordinate
14 with the Chairman in our prefiling and prehearing
15 conference concerning the posting of signs. Take us
16 through the signs that were posted. And those are, I
17 guess, evidence of the sign posting found in Applicants'
18 Exhibit 13?

19 A. (Mr. Casteel) Yes, it is. We posted five total
20 signs within and around the study area. Four of those
21 signs are in the locations that we communicated with the
22 Chairman.

23 We did need to move one of those signs to an
24 area that was more accessible. That sign was number 4.
25 It's currently located near the intersection of US 180

1 and US 60. It was placed in the -- along US 180 near an
2 access road that's used by grazing lessees. It was more
3 visible.

4 The eastern half of the interconnection project
5 was, it's just not accessible, so we needed to -- so we
6 made a move to -- we wanted to get the same number of
7 signs out and we did, and that sign is much more visible.

8 The map, the current map is located on Slide 214
9 showing those sign locations and images of each of the
10 signs, which I hope you saw yesterday at a couple of our
11 route stops. Those are the photos of the signs as they
12 were installed.

13 Q. Okay. I think you have a slide or two that,
14 again, I got ahead of you in our social media posts and
15 the project website updates. If you want to cover that
16 again because I pushed you out of order in your
17 testimony?

18 A. (Mr. Casteel) That's okay. I was just going to
19 mention some metrics that we received as part of the
20 social media.

21 Q. Please.

22 A. (Mr. Casteel) So the ad that we posted for the
23 CEC hearing had -- it reached over 7,000 accounts. It
24 had over 1100 engagements. And shared 20 times and had a
25 total of 24 comments.

1 Again, we've updated the website to provide all
2 the relevant information that's required by the statute.

3 Q. And your bullet point there under the social
4 media, it says, "CEC hearing post boosted to reach
5 accounts in the vicinity of the interconnection project
6 including," and you're listing three ZIP codes there.
7 What areas does that cover, those ZIP Codes?

8 A. (Mr. Casteel) The areas of Concho,
9 Springerville and St. Johns.

10 Q. So that's well beyond, I guess those go outside
11 of your five-mile notification area but we included and
12 made sure that our social media posts reached those
13 areas?

14 A. (Mr. Casteel) Yes, they were very helpful to
15 reach beyond and between our mailings and that reached
16 into Springerville and Eagar and even as far as, like I
17 said, Nutrioso and Show Low. The social media ad was
18 very helpful to prompt engagement.

19 Q. Anything else you wanted to add on public
20 outreach and engagement or tribal outreach and our formal
21 notification efforts to comply with the statute and the
22 Chairman's procedural order?

23 A. (Mr. Casteel) No. That was everything.

24 MR. DERSTINE: I think with that, Mr. Chairman,
25 we're probably ready to transition, but might need a

1 short break to transition to our online witness, who
2 we'll be calling, and need to swear her, Ms. Turner, in.
3 And then she'll proceed with -- we'll proceed with some
4 testimony on the transmission studies and the Staff's
5 letter.

6 CHMN STAFFORD: Excellent. Let's take a
7 15-minute recess, and then come back. At that time I
8 guess your witness will be online and we can get her
9 sworn in.

10 MR. DERSTINE: That's right.

11 CHMN STAFFORD: Excellent. We stand in
12 recess.

13 (Recess from 10:12 a.m. to 10:35 a.m.)

14 CHMN STAFFORD: Let's go back on the
15 record. Mr. Derstine, I believe you're going to call
16 your next witness, Rebecca Turner.

17 MR. DERSTINE: Yes. Thank you,
18 Mr. Chairman.

19 Ms. Turner, can you hear me okay, here in
20 the hearing room?

21 CHMN STAFFORD: She's on mute.

22 MS. TURNER: Oh. Can you hear me? I'm
23 off. Sorry about that.

24 MR. DERSTINE: You can hear me and I can
25 hear you. Is that right?

1 MS. TURNER: Correct.

2 MR. DERSTINE: Okay.

3 CHMN STAFFORD: Ms. Turner, would you
4 prefer an oath or affirmation?

5 MS. TURNER: I'm not sure I know the
6 difference to be --

7 CHMN STAFFORD: I'll give you the oath,
8 then.

9 (Rebecca Turner was duly sworn by the
10 Certified Reporter.)

11 CHMN STAFFORD: I didn't hear a response.
12 Seems to be a little bit of a delay there.

13 MS. TURNER: I said "I do." Okay.

14 CHMN STAFFORD: Thank you.

15 Mr. Derstine, please proceed.

16 MR. DERSTINE: Do we have a lag or anything
17 we can fix? Everything's okay on the feed? Okay. I
18 know it's hard if you're -- there's a delay in me hearing
19 you and you hearing me, but we'll do our best to work
20 through it, Ms. Turner.

21 MS. TURNER: Thank you.

22 //

23 //

24 //

25 //

1 REBECCA TURNER,
2 called as a witness herein, having been first duly sworn
3 by the Chairman to speak the whole truth and nothing but
4 the truth, was examined and testified as follows:

5

6 DIRECT EXAMINATION

7 BY MR. DERSTINE:

8 Q. Start us by stating your name and business
9 address for the record, please.

10 A. (Ms. Turner) My name is Rebecca Turner. And
11 our offices are on McKinney Avenue in Houston, Texas.

12 Q. Okay. We interrupted whatever you were doing on
13 this, what day of the week are we, Wednesday, to have you
14 address some issues that came up regarding -- well, to
15 educate the committee on the transmission studies that
16 were performed in support of the Lava Run Interconnection
17 Project, and to address some questions that were raised
18 by Staff in their letter, I think it's dated October 14,
19 2025, which is marked as Applicants' Exhibit CG-20.

20 But before we get into that business,
21 Ms. Turner, introduce yourself to the committee. Tell us
22 about your background and your experience, particularly
23 with transmission issues and your responsibilities
24 regarding the interconnection of the Lava Run Wind and
25 Lava Run Solar projects at the Springerville Substation.

1 A. (Ms. Turner) Certainly. Well, good morning.
2 My name is Becky Turner, and I serve as the vice
3 president for regulatory affairs and transmission
4 services for Repsol Renewables.

5 In addition to managing the regulatory affairs
6 team, I oversee the company's generator interconnection
7 activities. This includes really the full life cycle for
8 the interconnection which includes submitting
9 application, reviewing, analyzing all the study results,
10 and then ultimately negotiating the interconnection
11 agreement itself.

12 I actually did submit these for both the Lava
13 Run wind and solar. I was responsible for submitting
14 those requests and reviewing all the study work and
15 negotiating the interconnection agreements which are now
16 fully executed.

17 I have over 30 years of experience in the energy
18 sector with significant experience in evaluating
19 transmission access for interconnecting generation
20 projects.

21 Q. All right. Thank you for that. The first areas
22 that I'd like you to cover, Ms. Turner, will be to
23 address, we have a jurisdictional requirement under our
24 siting statute that we file a Ten-Year Plan with the
25 Commission that identifies our project and updates it

1 from time to time.

2 I think the next slide here identifies the
3 Ten-Year Plans. The initial Ten-Year Plan filing
4 occurred on August 8, 2023, and then those Ten-Year Plans
5 were updated with regard to, particularly with regard to
6 updated and better maps as well as some clarification of
7 information.

8 Those updates occurred on July 30 and July 31,
9 2025, and then we had another update or amended Ten-Year
10 Plan that was filed on October 2, 2025.

11 And I say that, I guess, as a representation to
12 the committee because our office handled the filing of
13 those Ten-Year Plans.

14 Are you familiar with those Ten-Year Plan
15 filings, Ms. Turner?

16 A. (Ms. Turner) Yes, I am.

17 Q. So with the Ten-Year Plan, we included certain
18 transmission studies that were filed under a
19 confidentiality agreement with Staff, because some of the
20 information contained in those studies is -- at least the
21 applicants would review as proprietary or confidential,
22 and/or TEP may have view some of that information as
23 proprietary or confidential.

24 But those Ten-Year Plan filings did include the
25 various supporting system impact studies and facilities

1 studies.

2 So with that out of the way on the Ten-Year
3 Plan, will you take us through the various other studies
4 that were -- identify the studies that were performed for
5 this project, I think starting us off with the system
6 impact studies.

7 A. (Ms. Turner) Okay. For the Lava Run Solar
8 phase 1, there's a system impact study which was
9 completed on January 13, 2021, as shown on your slide.

10 The results of that study were the only upgrades
11 that were identified in that study were the upgrades
12 necessary for us directly to connect to Springerville
13 Substation, the real system network upgrades identified
14 by Tucson that the project was required to fund.

15 Importantly, this particular system impact study
16 was looked -- studied the resource as a network resource
17 interconnection service, which is the highest level of
18 interconnection service that you can obtain. And, again,
19 it did not find any network upgrades on TEP's system that
20 would be required.

21 The Lava Run Wind phase 1 project system impact
22 study was also completed on January 13, or deemed
23 complete January 13, 2021, and likewise there were no
24 system upgrades identified on TEP's system that the
25 project was required to fund.

1 The only funding that's required was, again, for
2 the direct interconnection of the wind project at the
3 Springerville Substation.

4 Q. And what, Ms. Turner, what were the -- what were
5 the applicants required to fund with regard to the
6 interconnection under the system impact studies for Lava
7 Run Solar 1 and Lava Run Wind 1?

8 A. (Ms. Turner) Okay. For both of the projects we
9 need to fund, each project needs a 345kV breaker and two
10 345kV switches. That's the main piece of equipment.
11 There's relay and communication equipment as well. And
12 for the Lava Run Solar the total cost to interconnect was
13 \$3.4 million.

14 And for Lava Run Wind the cost to interconnect
15 was \$3.6 million. And that includes the cost of the
16 breaker and the switches and the construction work to
17 interconnect those positions --

18 Q. Okay. My recollection as we kind of talked
19 through those studies is that on the -- for the system
20 impact study for Lava Run Solar I and Wind I, the
21 interconnection was studied on two different service
22 bases.

23 And I know we've talked about whether we wanted
24 to get in depth on kind of this NRIS, ERIS, but I think
25 it's important maybe for the committee to have some

1 understanding in terms of the results in understanding
2 the results of those studies, what we -- the different
3 services and then the different outcomes in terms of the
4 any sort of upgrades or system improvements that were
5 required under either of the alternative study bases.

6 Am I making any sense to you on that?

7 A. (Ms. Turner) Yes. Yes. When you submit the
8 interconnection application to be studied for NRIS
9 service, basically says that if you look and you fund --
10 if there are upgrades to receive the NRIS service, that's
11 again, the highest level interconnection service you can
12 have for the transmission provider. And that puts you in
13 a position to be studied on a comparable basis as the
14 transmission provider would study the resources needed to
15 serve native load.

16 Put another way, if you have NRIS status in this
17 case it's with TEP, if TEP were to contract with the
18 projects, no additional study work would be necessary
19 because it's established that we're deliverable to TEP's
20 native load.

21 So that's the importance that the -- ERIS is a
22 lower, it's a lower -- a lower level of service I guess
23 is the best way to put it, and it allows you -- so put
24 another way, if projects with ERIS status wanted to
25 deliver in this case to TEP or TEP wanted to contract

1 with those projects, they would need to be restudied at a
2 later date to be studied for NRIS to be deliverable and
3 be network resources on TEP's system.

4 Q. And so am I --

5 A. (Ms. Turner) Is that clear?

6 Q. I think it is. But let me ask you this
7 question: So am I correct in understanding that the
8 results of the system impact study for Lava Run Solar I
9 and Lava Run Wind I found that there were no significant
10 system upgrades required for NRIS service which would
11 allow for the delivery of the energy from these projects
12 to Tucson's service territory or load pocket, and that
13 was on an NRIS basis. Do I have that right?

14 A. (Ms. Turner) That's correct.

15 Q. Okay. And then as to the system impact studies
16 then for Lava Run Solar II, was there a different result
17 or did we make a different election from NRIS for solar
18 II?

19 A. (Ms. Turner) Yes, we did. We submitted the
20 phase II request, it was either several months, could
21 have even been up to a year after the solar I, so there
22 were quite a few projects in the queue ahead of us that
23 would have impacted the capacity available on the system,
24 and the Lava Run Solar II results, the system impact
25 study results that I believe were shared with Staff and

1 with this -- within the line siting committee, those
2 results showed what would be required for solar run --
3 for Lava Run Solar II to be integrated within our NRIS
4 service.

5 And it showed two major upgrades on TEP's system
6 and it also identified a number of parties, I believe
7 there were five other transmission providers that we
8 would have had to coordinate affected system studies
9 with, because the projects could have impacted those on
10 their system as well.

11 For that reason, due to the economics and the
12 additional study work that would be required, we informed
13 the EP that we wanted ERIS service. And when they went
14 back and looked at what it would take to interconnect the
15 projects with ERIS, they didn't identify any network
16 upgrades that would be necessary.

17 Q. Okay. So I'm looking at Staff's letter dated
18 October 14, 2025, marked as Applicants' Exhibit CG-20,
19 and let me read you a portion of it and then have you
20 explain at least your understanding of what Staff saw in
21 the system impact study.

22 I'm looking on the second page of Applicants'
23 Exhibit 20. It's in the fourth paragraph down, several
24 sentences down. It starts, "The results of the SISs for
25 the project identified several issues requiring

1 mitigation, including thermal overloads, voltage impacts,
2 and short circuit upgrades. Results also showed that the
3 project would overload other parties' or utilities'
4 transmission facilities, and the applicant will be
5 responsible for coordination with each respective party
6 for resolution.

7 "In each case, the studies concluded that the
8 project will not impact the reliability of the
9 interconnection transmission system with the recommended
10 upgrades and coordination."

11 Are you familiar with Staff's letter and the
12 language that I just read?

13 A. (Ms. Turner) Yes, I am.

14 Q. So what I'm reading there is that Staff reviewed
15 the system impact studies and they don't identify which
16 studies they are referring to. But I have to assume that
17 they're referring to the -- well, I guess it could be
18 the -- well, it would have to be the system impact study
19 for solar II, which you just testified to, identified
20 various upgrades and issues concerning other -- the
21 effects on other utilities or transmission providers.
22 And on that -- for that reason, applicants elected the
23 ERIS service and under the -- when it was restudied under
24 an ERIS basis, those various concerns, overloads, voltage
25 impacts, did not show and there was not a requirement for

1 various recommended upgrades and coordination.

2 Do I have that right?

3 A. (Ms. Turner) Well, I think what Staff is
4 referring to is they're referring to all three studies.
5 For solar phase II there were no short circuit issues
6 identified, and there no voltage issues identified.
7 There were thermal overloads identified on TEP's system,
8 as well as there were five other transmission providers
9 that we would have to coordinate affected system studies
10 with. So that's what was in the phase II.

11 I believe when they're talking about voltage for
12 both phase I of the wind and phase I of the solar the
13 projects at the project substation, this is not on
14 Tucson's system, will be adding faster banks for voltage
15 support. This is not unusual and we expected it, and the
16 projects will be designed to meet the power factor
17 requirements for the system.

18 So I believe that's what they're talking about
19 on the voltage. And again, these are at the project
20 substation.

21 On the short circuit, it was identified for the
22 solar I that there are short circuit issues at
23 Springerville, but TEP already had in their plan to
24 replace all of the breakers that were showing short
25 circuit due to interruption capability issues. So we did

1 not have to fund those. Those were already in Tucson's
2 long-term place to replace, and I believe they have been
3 replaced.

4 I believe that's what they're talking about on
5 the short circuit and the voltage, because for solar II
6 it was just the two overloads and the affected systems.

7 Q. Okay. I think when you were explaining I guess
8 the different studies or the system impact studies that
9 were evaluated on an NRIS and an ERIS basis, my
10 understanding is that based on your election of ERIS for
11 solar II, that the upgrades that you would have been
12 obligated to make and that Staff I think is pointing to
13 here in part in the paragraph that I just read into the
14 record, that those on an ERIS basis, those upgrades are
15 not required.

16 Am I right about that?

17 A. (Ms. Turner) That's correct. They're thermal
18 overloads and because with ERIS you don't -- it doesn't
19 convey any transmission rights. So for ERIS the two --
20 the two thermal overloads were identified, we no longer
21 were responsible to fund with the ERIS service, as well
22 as the affected systems were no longer an issue.

23 MEMBER HILL: Mr. Chair.

24 CHMN STAFFORD: Yes, Member Hill.

25 MEMBER HILL: I don't want to interrupt the

1 line of questioning, but as we talk about these different
2 phases, is the BESS system associated with solar I or
3 solar II? I'd like to understand that.

4 MR. DERSTINE: Ms. Turner, do you -- can
5 you speak to that in terms of --

6 MS. TURNER: I didn't hear the last part of
7 your question, Ms. Hill.

8 MEMBER HILL: Is the BESS system, the
9 battery storage symptom, associated with solar I or solar
10 II?

11 MS. TURNER: There is an energy storage
12 component for both solar I and solar II included in the
13 application.

14 MEMBER HILL: Okay. Thank you.

15 CHMN STAFFORD: I had a quick follow-up
16 question, too. You talked about the difference between
17 network resource interconnected service and energy
18 resource interconnected service as different like kind of
19 different tiers of interconnectedness.

20 How else could you describe the difference
21 between the two? I mean, on the first level, solar phase
22 II has the issues that Staff raised. But under the other
23 service, under the ERIS service level, it does not. Can
24 you explain more thoroughly what the difference between
25 the two levels of service is?

1 MS. TURNER: Well, when Tucson studies
2 these projects, when they're studying them for NRIS
3 service, they're looking at the resources and they have a
4 study process that they go through to determine could
5 this resource serve Tucson's native load in the same
6 fashion that Springerville serves Tucson's native load
7 and any other network resource on Tucson's system. And
8 I'm not -- I'm not completely familiar with that study
9 process. But it is different.

10 With ERIS what they're studying is they're
11 not going to look at your deliverability. What they're
12 going to look at is do you impact the short circuit duty,
13 do you have voltage issues that you cause, and in the
14 case of Tucson there's a two-county flow test that they
15 run, and I'm not completely familiar with what that is,
16 but we had no impact on it on any of the projects.

17 And then they also look at the
18 subsynchronous control interaction.

19 So if you don't have any impact on those
20 four items, then you qualify for ERIS because they're not
21 looking at actually delivering your energy because you're
22 not going -- the service that you're opting for doesn't
23 convey those rights.

24 CHMN STAFFORD: Is that because there's a
25 firm transmission pathway allocation through the NRIS and

1 not the ERIS?

2 MS. TURNER: It is firm for Tucson's load.
3 So the NRIS applies to Tucson. It doesn't apply to other
4 load-serving entities in Arizona. So that's the NRIS
5 status.

6 Again, if we wanted to contract or if
7 Tucson wanted to contract with us for solar I or wind I,
8 there's no additional study work that would be required.
9 It's already been determined that they are deliverable to
10 Tucson's native load in the same fashion, in the same
11 manner as other network resources that Tucson has.

12 CHMN STAFFORD: Thank you.

13 MS. TURNER: You're welcome.

14 BY MR. DERSTINE:

15 Q. So I'm looking back at Staff's letter, and it
16 identified or raised a couple different questions, but I
17 think those questions were premised on the results of --
18 study results for solar II under NRIS service which
19 identified various system upgrades and other issues.

20 But let's go through and see if we can maybe
21 address those questions, or was the first part of my
22 question correct, that as you understand it, the concerns
23 or the issues from -- that Staff has raised with regard
24 up to upgrades really pertains to what was identified for
25 NRIS service under, for solar II and that based on our

1 ERIS election, those upgrades are not required? Do I
2 have that right?

3 A. (Ms. Turner) That was how I interpreted -- that
4 was the conclusion I came to when I reviewed Staff's
5 letter.

6 Q. Okay. And where do you make that election?
7 Where would, if Staff didn't see the election, where is
8 that election made and how is it made?

9 A. (Ms. Turner) When you execute the facility
10 study, which you have a system impact study and then you
11 move to the facilities study, which does a -- basically
12 does a time and materials and cost analysis for the
13 upgrades, in that document there's an attachment A to the
14 facilities study, and that is where you elect either ERIS
15 or NRIS service and it's in that attachment that we
16 elected ERIS service.

17 Q. And so then reviewing -- I'm sorry. Go ahead.

18 A. (Ms. Turner) No, I was just going to say it's
19 also memorialized in the interconnection agreement
20 itself.

21 Q. So in looking, if I were to look at the
22 facilities study agreement for solar I and wind I, the
23 facilities study would identify the breaker and the
24 switch and the other were minimal upgrades that you
25 identified; correct?

1 A. (Ms. Turner) That's correct.

2 Q. And then for solar II, the facilities study,
3 what does it -- does it identify any upgrades that are
4 required to support our election for ERIS service?

5 A. (Ms. Turner) There would need to be some relay
6 adjustments and some communication equipment, and the
7 total for that was like \$245,000.

8 CHMN STAFFORD: And those are upgrades made
9 directly at the Springerville Substation; correct?

10 MS. TURNER: That's correct.

11 CHMN STAFFORD: Member Hill, you had a
12 question.

13 MEMBER HILL: Yeah, I don't know if this is
14 public information, so I'm sensitive to that. But I am
15 curious if the queue positions of these projects and
16 other projects are available for public information. I
17 know CAISO I can look at queue positions, but I don't
18 know if TEP provides that.

19 And I just would like to understand that to
20 understand the complexity of the things that are trying
21 to go into the switchyard and the timing and who has
22 seniority.

23 BY MR. DERSTINE:

24 Q. Ms. Turner, can you speak to that? I mean, my
25 general understanding is that the queue positions, maybe

1 they don't identify the applicant, but the queue position
2 information is available on the TEP's old website. But
3 please speak to that.

4 A. (Ms. Turner) The, for TEP, the queue positions
5 and the dates they were submitted into the
6 interconnection queue are all public and they are on
7 their OASIS public website. I believe the system impact
8 study and the facilities study are on the public website.
9 They may not be -- they may be on the website that you
10 have to have a certificate, it's a process you go
11 through, but I believe they're public is my
12 understanding. The system impact studies and the
13 facilities studies.

14 The only document that would not be public is
15 the interconnection agreement itself.

16 MEMBER HILL: Okay. Thank you.

17 CHMN STAFFORD: Member Fontes, you have
18 your hand raised.

19 MEMBER FONTES: Thank you, Mr. Chairman.
20 And thank you for the testimony, Ms. Turner, it's very
21 useful.

22 I'm looking at two separate
23 interconnections, but we have one gen-tie that's going to
24 be used by two different varied types of resources. So
25 got a couple of questions I want to ask you just so we

1 can get some of our fellow members here to understand the
2 operational and characteristics of the behavior of how
3 inverter-based solar projects and a rotary-based project,
4 one being nonfirm and the other being firm, are going to
5 operate on a 345kV lead that will terminate at San Juan.

6 And is there any kind of cumulative impacts
7 we need to be aware of? And let me give you some context
8 here. This is the first, what I'll refer to as collector
9 system, of two different types of renewables that I've
10 been on in 30-plus CEC proceedings.

11 So this is a unique gen-tie setup where we
12 have two different types of resource of this character.
13 Wondering if you --

14 MS. TURNER: Yeah, I -- I -- first, let me
15 explain the interconnection itself.

16 The wind project will have a terminal
17 position at Springerville. And it will have one gen-tie
18 which will include both wind I and wind II.

19 The solar project will have a separate
20 terminal position at Springerville, and it will
21 include -- and it will have a separate gen-tie and it
22 will have solar I and solar II. So the solar projects
23 will have a terminal position and a separate
24 interconnection at Springerville, and the wind will have
25 a separate interconnection position at Springerville.

1 So they're not --

2 MEMBER FONTES: For clarity, we're talking
3 two separate circuits on this --

4 MS. TURNER: Correct. That's correct, sir.

5 MEMBER FONTES: So two circuits dedicated
6 to the solar, and there will be two circuits -- a
7 separate set of circuits for the wind and they will not
8 share the same circuit. Is that correct?

9 MS. TURNER: Well, they'll be -- that is
10 correct but there's one circuit for the solar because
11 solar II shares the gen-tie with solar I, and they have
12 their own terminal position, they will be metered
13 separately. And the wind is a similar setup, where
14 wind I -- well, wind II will share the gen-tie with wind
15 I and it will have a separate terminal position at
16 Springerville and be metered separately.

17 MEMBER FONTES: That's very helpful.

18 So with respect to environmental compliance
19 and monitoring, which we look at here, there will be two
20 separate circuits. There will be no systems reliability
21 between the two separate circuits that we can
22 characterize, and they will be operated separately for
23 NERC compliance, SCADA controls (indiscernible); is that
24 my understanding?

25 MS. TURNER: That's correct. That is

1 correct.

2 MEMBER FONTES: Okay. With respect to PPA
3 scenarios, and I know that's not your wheelhouse. But it
4 does generate the ability to pursue different offtake
5 opportunities based on the lead engineering as you're
6 well aware.

7 The wind, it seems, is best suited for a
8 network offtake, that being TEP or some sort of instate
9 capacity, but the solar being nonfirm and having an ERIS
10 interconnect, would not necessarily be ideally suited for
11 that as I read that. But it may be.

12 So what I'm looking for is beyond the
13 Springerville, if they pursue a commercial arrangement
14 for offtake, Repsol, your company being the they, or any
15 other kind of offtake arrangement, would there be
16 additional considerations that would need to be revisited
17 on interconnect issues or regulatory such as FERC if that
18 is wheeled to a second circuit?

19 MS. TURNER: The project phase II solar
20 which has ERIS interconnection service, if that project
21 is coupled with FERC transmission service, that's
22 purchased, Tucson has firm point-to-point transmission
23 out of Springerville, Public Service of New Mexico
24 likewise has some firm transmission at Springerville, as
25 does SRP.

1 If you couple that resource with firm
2 transmission, it becomes firm, meaning it has capacity
3 and energy value. And I'm not aware of any additional
4 FERC or any other additional study work that would be
5 required.

6 MEMBER FONTES: That answers my questions.
7 Thank you.

8 MS. TURNER: Thank you.

9 CHMN STAFFORD: All right. I had a couple
10 follow-up questions.

11 You have a wind phase I and the solar
12 phase I and the solar phase II. I assume that at some
13 point in the future there'll be a wind phase II?

14 MS. TURNER: That's correct. There is a --
15 we have an interconnection request that is being
16 evaluated in Tucson, what they're calling their
17 transitional cluster study. But that study work is not
18 complete.

19 CHMN STAFFORD: Okay. And what is the --
20 what's the size of phase I? How many megawatts of wind
21 is in phase I?

22 MS. TURNER: Wind phase I is 300 megawatts.

23 CHMN STAFFORD: And what do you
24 anticipate -- what is wind phase II, then?

25 MS. TURNER: It's 300 megawatts as well.

1 CHMN STAFFORD: Okay. So if both of those
2 are in full service you'd have 600 megawatts of wind
3 going into TEP's system?

4 MS. TURNER: That's correct. Well, you
5 know, at some point in time we might if it's peaking.

6 CHMN STAFFORD: Right. That's the maximum.
7 Right.

8 And then solar phase I, how -- what's the
9 megawattage of the solar and the megawattage of the
10 storage and then same question for solar phase II?

11 MS. TURNER: Right. The way that we
12 submitted these interconnection requests is we didn't
13 anticipate that the solar and the energy storage would be
14 generating at the same time. So for Lava Run Solar I,
15 that project is 200 megawatts. And the battery storage
16 is 100-megawatt, four-hour system.

17 The injection rights for that position is
18 200 megawatts. So that's to say we can inject into the
19 system no more than 200 megawatts for that
20 interconnection position, and we set it up that way
21 because, again, we anticipated that the energy storage
22 would be a useful resource as the PPU-solar is rolling
23 off into the evening hours.

24 CHMN STAFFORD: Okay. So how solar I is to
25 be operated is you would, I guess you'd initially charge

1 the battery and then the solar would put all
2 200 megawatts if it's available into the system, and then
3 once that's -- as that starts to phase out you'd phase in
4 the discharge from the storage portion to maintain
5 100 megawatts across the -- from when the solar is
6 producing to when it's not?

7 MS. TURNER: That is one -- yes, that's a
8 strategy that could be employed. I mean, you wouldn't
9 necessarily have to. It really just depends on the
10 system load, whether it was needed.

11 CHMN STAFFORD: So solar phase I is only
12 100 megawatts of storage; correct? That's what I heard.

13 MS. TURNER: That's correct. That's
14 correct, 100 megawatts.

15 CHMN STAFFORD: So another way you could,
16 once that's charged you could sit there and then you
17 just, after the solar is no longer charging -- no longer
18 producing, you could even wait and hold the battery
19 storage and discharge it at say eight or nine o'clock at
20 night for four hours?

21 MS. TURNER: That's correct.

22 CHMN STAFFORD: And then solar phase II,
23 what's the size of that one again?

24 MS. TURNER: It's 250 megawatts of PV
25 solar, and 150 megawatts of four-hour energy storage.

1 CHMN STAFFORD: So with both solar I and
2 phase II, if they're both online, that's 350 megawatts of
3 storage that could flow on to the system. Is that all at
4 the same time?

5 MS. TURNER: For solar phase II, the
6 interconnection is 250 megawatts. That is the maximum
7 that we can inject at any given time for solar phase II.

8 We have a 250-megawatt solar project
9 coupled with 150-megawatt energy storage project. And,
10 again, the thought there, or the strategy there would be
11 to use the PV during the solar hours, and if needed, if
12 the system warranted it, then you could, as the solar is
13 tapering, you could discharge the energy storage
14 component.

15 CHMN STAFFORD: Okay. So it's capable
16 of -- and the storage systems under either phase, I think
17 we heard testimony that they're not capable of being
18 charged by the wind system. Can they be -- is that
19 accurate? And can the storage systems be charged from
20 the grid, or are they only able to be charged from the
21 solar?

22 MS. TURNER: For them, the way that the
23 application was submitted at the time it was submitted,
24 it was anticipated that the energy storage would be
25 charged from the onsite solar. And that was because of

1 the rules that were in place for the ITC. You could
2 include the cost of the energy storage if it was being
3 charged by the solar.

4 That has changed, and so if we move forward
5 and build the energy storage, we would ask TEP, we'd be
6 in a different study process, we would ask them to
7 evaluate the ability for their system to charge the
8 energy storage from the grid. We would want to have the
9 ability to do either.

10 CHMN STAFFORD: And you won't know if that
11 requires network upgrades until that's submitted, then.

12 MS. TURNER: That's correct.

13 CHMN STAFFORD: Okay.

14 MS. TURNER: But -- I'm sorry.

15 CHMN STAFFORD: Go ahead.

16 MS. TURNER: I was going to say with energy
17 storage under the new rules that came out in 2023 for the
18 open access rules, you can -- you can let the
19 transmission provider know when you're going to charge
20 your resource so you can select to charge during off-peak
21 conditions, and that mitigates to a great extent any
22 negative impacts on the system.

23 CHMN STAFFORD: Okay. It says here you
24 have interconnection agreements with TEP for Lava Run
25 Solar I and II, and Lava Run Wind I. Have those been

1 provided to Commission Staff? It seems like they weren't
2 aware of even the facilities studies when they put their
3 letter out.

4 So I'm -- if there's an interconnection
5 agreement in place it seems any concerns with the thermal
6 overload or anything like that has been addressed. I'm
7 curious as to why those issues are raised in Staff's
8 letter if there's interconnection agreements in place.

9 MR. DERSTINE: So to your first part of
10 your question, was Staff aware of the facilities studies,
11 we did provide the facilities studies to Staff and the
12 facilities studies were included with our Ten-Year Plan
13 filing.

14 Staff then asked for the system impact
15 studies, which apparently they did not have. We provided
16 those to them in addition to responses to data requests
17 that we fully answered. They did not get the
18 interconnection agreements, but, Ms. Turner, what was the
19 timing?

20 My understanding is the interconnection
21 agreements were apparently just relatively recently
22 signed or am I wrong about that?

23 CHMN STAFFORD: I'm looking at your
24 Slide 59 of your Hearing Exhibit 7 that says they were
25 signed September 9th and 25th of this year, so just last

1 month they were executed.

2 MR. DERSTINE: That's right. So --

3 MS. TURNER: That's correct.

4 MR. DERSTINE: -- Staff did not see the
5 interconnection agreements, but to answer your question,
6 they did have the system impact studies and the
7 facilities studies.

8 CHMN STAFFORD: Okay. Now, did -- I don't
9 know, did the applicants typically provide copies of
10 their interconnection agreements to Staff? I mean, if
11 they did, I assume it would be subject to a
12 confidentiality agreement.

13 MR. DERSTINE: That's right. I mean,
14 candidly, I think in terms of the projects that are at
15 this phase, oftentimes they're still, sometimes
16 applicants are waiting for their system impact study and
17 we've had issues surrounding the studies aren't yet
18 complete, and we have to just simply -- you're either
19 getting some sort of a third-party preliminary
20 transmission study to satisfy Staff and to satisfy this
21 committee on the reliability impacts.

22 But in this particular case, we have system
23 impact studies, facility studies, and now as you noted,
24 just last month obtained a signed interconnection
25 agreement, so happy to share the interconnection

1 agreements with Staff.

2 But, yeah, at this point we -- Staff's
3 particular request was for the system impact studies. We
4 shared those, but I think what was missed in the analysis
5 of those various agreements was the ERIS election which
6 eliminated the need for the various upgrades that Staff
7 is concerned about in its letter.

8 CHMN STAFFORD: Right. And that was
9 designated in the facilities studies, which they also
10 have.

11 MR. DERSTINE: Yes.

12 CHMN STAFFORD: Okay. So I guess is the
13 applicant comfortable with providing the Commission Staff
14 with the interconnection agreements?

15 MR. DERSTINE: Yes, under the same
16 confidentiality agreement, we'd absolutely do that.

17 CHMN STAFFORD: Okay. So I think we can
18 address that in a condition at the appropriate time.

19 The other thing is when they do move
20 forward with the solar -- with -- excuse me, wind phase
21 II, there'll be required additional system impact
22 studies, additional facilities studies, and now would it
23 work -- would they have additional interconnection
24 agreement or would it be amendment to the existing one
25 for phase I?

1 MR. DERSTINE: Ms. Turner?

2 MS. TURNER: It would be a separate
3 interconnection agreement.

4 CHMN STAFFORD: Okay. And then they also
5 talked about generation resources retiring. I assume
6 they're speaking about the Springerville plant. I think
7 I recall that it was -- there's units that TEP has and I
8 think there's one or two units that SRP has.

9 MS. TURNER: I believe SRP has --

10 CHMN STAFFORD: Can you please repeat that?
11 You froze and we didn't hear your answer.

12 MS. TURNER: Sorry. I believe that TEP has
13 Springerville 1 and 2, and SRP, I believe, has
14 Springerville 3. And then Tri-State GNT has
15 Springerville 4.

16 CHMN STAFFORD: And the TEP units are
17 attached to the 345kV system? I think the SRP one is
18 attached to a 500kV system.

19 MS. TURNER: No.

20 CHMN STAFFORD: Or is that -- am I
21 confusing those with different plants? Because I
22 remember we had a prior case where there was -- they had
23 some system impact studies and it was -- they were
24 both -- there was a 500 and a 345kV substations at the
25 plant, and the solar project was tying only into the

1 500kV, so the 345 was implicated for one of the units.

2 MR. DERSTINE: Ms. Turner, maybe you can
3 speak to this. I'm not aware whether the Springerville
4 Substation has 345kV service plus 500kV service. My
5 general understanding is that Springerville is limited to
6 its 345kV transmission service, but please correct me or
7 please educate us on that.

8 MS. TURNER: The Springerville Substation
9 is 345kV. SRP does have a transmission line from
10 Springerville to Coronado, and I believe they have a
11 transformer there where it has transformation up to 500.
12 But that's not at Springerville, that's at Coronado.

13 CHMN STAFFORD: Okay. That must be the
14 system I'm thinking of then. Thank you.

15 MS. TURNER: Sure.

16 MR. DERSTINE: And Mr. Chairman, I think
17 you covered and we're happy to give Staff the
18 interconnection agreements, but that should address
19 Staff's suggestion for the condition that we provide
20 evidence, or I'll read it here, "Staff's recommendation
21 that the committee include a condition requiring
22 applicant to demonstrate the upgrades and coordination
23 have been completed prior putting the line in service."

24 I think that goes to the issue of, and
25 Staff's understanding of the -- that we were -- the

1 upgrades that were required for NRIS service, but as
2 we've now documented through Ms. Turner's testimony under
3 the ERIS service selection that those upgrades are not
4 required and I would suggest that we don't need that
5 condition.

6 CHMN STAFFORD: Okay. And then again when
7 phase solar -- when wind phase II is added, I guess
8 we'll -- I guess we need to have language to say okay,
9 when you do that -- because the transmission line is able
10 to accommodate all the phases, there won't be any
11 upgrades to the transmission line for that, I think Staff
12 would probably still want to see that second phase comes
13 on, that last phase wind comes on, that the system impact
14 studies, the facilities studies and ultimately probably
15 the interconnection agreement shows that everything is
16 hunkey-dorey with the system, and so they'll have that
17 peace of mind knowing that it's going to be adequate.

18 MR. DERSTINE: Yeah, and I think in
19 addition to agreeing to provide Staff with the
20 interconnection agreements, we will share with Staff the
21 phase II wind cluster study that is currently underway.

22 BY MR. DERSTINE:

23 Q. Do you have an understanding of the timing for
24 completion of that study, Ms. Turner?

25 A. (Ms. Turner) I believe it will be completed by

1 the end of this year. It could possibly be Q1 of next
2 year. We anticipate executing the interconnection
3 agreement in Q2 of next year. That's my best guess.

4 Q. And is there an election between NRIS and ERIS
5 service that will go with that interconnection, the
6 facilities study or interconnection agreement?

7 A. (Ms. Turner) For the Lava Run Wind phase II we
8 opted for ERIS service and that's how we're being
9 studied.

10 MEMBER HILL: Mr. Chair.

11 CHMN STAFFORD: Yes, Member Hill.

12 MEMBER HILL: I agree with foregoing the
13 language that Staff proposed. But I would suggest that
14 we also stipulate as conditions precedent that the
15 interconnection agreements will be provided to Staff just
16 as the offset to that decision.

17 MR. DERSTINE: That's perfectly acceptable.

18 MEMBER HILL: Thank you.

19 MR. DERSTINE: Thank you.

20 CHMN STAFFORD: And then, I guess, finally
21 they talk about generation resources retiring. I think
22 it was Springerville expected to retire by '32, but now
23 maybe not so much. Whether Springerville retires or
24 doesn't retire or converts to gas, I guess none of that
25 will affect how the Lava Run Solar and Wind, all phases

1 will operate. Is that an accurate statement?

2 MR. DERSTINE: I think that's correct, but
3 Ms. Turner, can you speak to that?

4 MS. TURNER: That is correct.

5 CHMN STAFFORD: I just wanted to make sure.
6 Thank you.

7 MR. DERSTINE: Any more questions for
8 Ms. Turner on transmission studies, on interconnection
9 agreements, on Staff's letter which was marked as
10 Applicants' Exhibit 20?

11 CHMN STAFFORD: I think I'm not seeing any
12 members with more questions. I think that concludes the
13 questions from the panel.

14 MR. DERSTINE: Well, thank you, Ms. Turner.
15 We appreciate you dialing in and being here, even if
16 you're not here in person, we're happy to have your
17 testimony and appreciate it.

18 MS. TURNER: You're welcome. Thank you
19 very much.

20 CHMN STAFFORD: And Mr. Derstine, just
21 quick.

22 MR. DERSTINE: Yeah.

23 CHMN STAFFORD: I can foresee later on at
24 some point when we're discussing conditions or typically
25 after you've presented your entire case, the committee

1 may have additional questions. You had the panel sort of
2 bat cleanup I guess is kind of the slang term we use for
3 it.

4 Will Ms. Turner will available potentially
5 at a later time if necessary? I think she's pretty much
6 covered everything she's going to need to do. I think
7 there was one other question I had when we got to this
8 point was about the capacity factors of the wind.

9 Now, is she necessary for that testimony?
10 Or I think Mr. Patton was looking into that. Before she
11 leaves, do we want to cover that in case she's needed?

12 MR. DERSTINE: Happy to do that. I think
13 Mr. Rieman was going to speak to the capacity factor
14 question and give you that information.

15 MR. RIEMAN: Yes, I would like to preface
16 my comments that typically the specific net capacity
17 factor for a particular project is considered proprietary
18 and confidential. So I will speak to it in ranges or
19 generalities if that suits the Chair.

20 For this particular project on the wind
21 side, based on the turbine technology that we are
22 currently contemplating the design and the wind
23 measurement data that we've collected on site to date, we
24 are currently estimating a net capacity factor of
25 somewhere in the mid to high 20s. And so --

1 CHMN STAFFORD: And that's on an annual
2 basis?

3 MR. RIEMAN: That's correct.

4 CHMN STAFFORD: Okay. And the second part
5 of my question, before you get to -- I think you're
6 heading that way, is the capacity factor different for
7 say winter versus summer, and then where is the higher
8 capacity, is it the day or the night, so --

9 MR. RIEMAN: Yes. So the net capacity
10 factor is dependent on primarily the wind resource and
11 design of the project. At this particular project the
12 wind resource and energy profile for the wind
13 demonstrates that the wind resource in the evening is
14 greater than during the daytime.

15 And then secondly the energy generation for
16 the project from seasonal perspective is greater in the
17 winter going into the early spring.

18 And so as we think about the overall
19 generation profile, the wind and solar, the actual
20 generation profile are complementary, and so the wind is
21 generating more so than when the solar is and then vice
22 versa.

23 CHMN STAFFORD: Thank you. That was what I
24 was looking for.

25 MR. DERSTINE: And I guess to tie back to

1 Member Comstock's question. He has raised legitimate
2 questions and concerns about icing or, yeah, icing on
3 lines that may be affected when the turbines are not
4 operating. It sounds to me when you're describing when
5 the wind project is likely to have the greatest
6 generation capacity and capability is during the evening
7 and/or winter months.

8 And so those would be the particular time
9 periods when the concerns over icing conditions on the
10 transmission line would be.

11 So the idea that the project is -- will not
12 be transmitting energy and the line will be cold during
13 the evening and/or winter months is -- maybe is not
14 accurate in that our greatest production is going to
15 occur at those times when the weather is the coldest?

16 MR. RIEMAN: That is correct.

17 MR. DERSTINE: And just so I understand, I
18 think there was a public comment that was made, that the
19 wind resource or wind generation project only works or
20 generates energy 25 percent of the time. That's not what
21 25 percent capacity factor means; right?

22 MR. RIEMAN: That's correct. The capacity
23 factor is an overall average of the nameplate capacity of
24 the overall generating facility.

25 And so as I mentioned the generation

1 profile changes over the course of the year. And so in
2 some instances at the evening the capacity factor will be
3 much greater, and then there's certain instances during
4 the summer during the day where the capacity factor will
5 be lower, and so as we think about the overall yearly
6 annual energy production from the project, that will kind
7 of fluctuate diurnally during the day or seasonally
8 across the entire year.

9 MR. DERSTINE: But that, the capacity
10 number, your estimate in the high 20s, that means that
11 over a given year, it's anticipated that 25 percent of
12 the nameplate or the maximum generating capacity of the
13 wind resource will be 25 percent, but that doesn't mean
14 it's only going to run a quarter of time?

15 MR. RIEMAN: That's exactly correct.

16 CHMN STAFFORD: Right, because it's a
17 measure of capacity, not the megawatt hours.

18 MR. DERSTINE: That's correct.

19 CHMN STAFFORD: So I guess --

20 MR. DERSTINE: And I only add that just
21 because there were some comments to that effect and I
22 thought it would make sense to at least note that for the
23 record.

24 CHMN STAFFORD: Right, and the total output
25 from wind I and II would be 600 megawatts; correct?

1 MR. DERSTINE: Yes.

2 BY MR. DERSTINE:

3 Q. Ms. Turner, while we still have you, I had a --
4 my phone buzzed while you were testifying and relating to
5 the -- what was studied for wind I and wind II. I
6 received a note that indicated that the -- what was
7 studied for wind I was 300 megawatts but that for wind II
8 it's an additional 200 megawatts, not 300 and 300. Is
9 that correct, or do you have a different understanding of
10 maybe what was studied?

11 Because I think the -- what we've identified as
12 the capacity of the wind project is approximately
13 500 megawatts. Does that sound right?

14 A. (Ms. Turner) The transitional study work that
15 TEP is completing assumed that it was a 300-megawatt wind
16 project. So they studied -- for phase II they did study
17 300 megawatts. And there has been confusion with TEP on
18 the -- what that value should be. But they opted on the
19 300 megawatts in terms of what they studied, what they
20 were going to study.

21 Q. So they studied 300, which is more than if that
22 turns out to be more than what the project will be built
23 to, there's no harm in that; correct?

24 A. (Ms. Turner) No, that's correct. And we can,
25 if we -- if it's going to be a 200-megawatt project, then

1 that will be what will be used in the interconnection
2 agreement.

3 CHMN STAFFORD: But if you were to go, say,
4 say they studied 200 megawatts and you decided to install
5 300 megawatts in phase II that would require a redoing of
6 the study, would it not?

7 MS. TURNER: That's correct.

8 CHMN STAFFORD: Okay.

9 MS. TURNER: You'd have to put in another
10 interconnection request for 100 megawatts.

11 CHMN STAFFORD: Okay. Yeah. So I think
12 there's no harm in them doing the second phase, it's 300
13 even though you're actually only going to build out 200.

14 MR. DERSTINE: That's right.

15 CHMN STAFFORD: So better to -- what does
16 it say, have it and not need it than need it and not have
17 it?

18 MR. DERSTINE: That's what they say.

19 All right. Well, Ms. Turner, we will
20 coordinate with you. The Chairman has asked that if
21 during deliberations, and we're not sure when we'll get
22 there yet, but once we maybe have a better understanding
23 of timing, we'll do our best to coordinate you and see if
24 we can have you available in the event that questions or
25 issues come up during the deliberation process that we

1 need you to address. Is that okay?

2 MS. TURNER: Oh, absolutely.

3 CHMN STAFFORD: Member Comstock, you have a
4 question.

5 MEMBER COMSTOCK: Excuse me, Ms. Turner,
6 before you go out, I'm not sure if you're the one to
7 answer this. But I'm curious about the reliability and
8 integrity of the system from the solar site through the
9 lines that we're looking at to the power plant.

10 Recently in the valley, in the Phoenix
11 Valley there was a fire at a battery storage facility and
12 the suppression process at that time was to let the fire
13 burn out.

14 I'm concerned about a fire in the storage
15 facility and the reliability of the system of the lines
16 themselves should a fire occur, particularly because of
17 the isolated area that this is in.

18 Can somebody address what those processes
19 are should a bank start on fire?

20 MR. DERSTINE: And if that --

21 MS. TURNER: Mr. Comstock --

22 MR. DERSTINE: Yeah, I was going to say,
23 Ms. Turner, if that's a question that's better answered
24 by Mr. Patton or Mr. Rieman, feel free to ask them to
25 address it. But if you can speak to it, that's great,

1 too.

2 MS. TURNER: No, Mr. Derstine, I'm not
3 familiar with -- that's not a question for me. That is a
4 good question for Mr. Rieman, I believe, would be
5 probably best suited to address that.

6 MR. RIEMAN: Yes. The battery energy
7 storage system would be installed with fire suppression
8 equipment. In the event that there was a thermal
9 runaway, the system would be shut down and allowed to
10 effectively burn out.

11 And we would be coordinated with local EMS
12 and fire districts on a plan that we would put in place
13 prior to construction and provide training to ensure the
14 local authorities were equipped to manage such a
15 situation. And the plant would be shut down.

16 MEMBER COMSTOCK: Thank you.

17 CHMN STAFFORD: Quickly refresh my memory.
18 Is the battery storage system, is that on private or
19 state land?

20 MR. DERSTINE: Mr. Patton?

21 MR. PATTON: State land, sir.

22 CHMN STAFFORD: Okay. So I'm assuming
23 that, is this addressed at all in the right-of-way
24 agreement with State Land Department?

25 MR. PATTON: That agreement would be a

1 commercial lease. But, yes, there would be safety
2 provisions and such would be codified.

3 CHMN STAFFORD: Right. And that's outside
4 the scope of this, because what we've been provided is
5 the right-of-way, which is for the transmission project,
6 but there's a separate agreement for the location of the
7 solar storage project.

8 MR. PATTON: Yes, sir. So, again, to
9 recap, the solar facility is comprised of one private
10 parcel that we have entered a lease with, and then the
11 remaining parcels are lands administered by ASLD and they
12 have a commercial lease that is a separate but similar
13 process to the right-of-ways.

14 CHMN STAFFORD: Okay. So they -- State
15 Land Department is savvy enough to protect its own
16 interest and address these issues in the lease that for
17 the land they're going to provide to you, then.

18 MR. PATTON: Yes, sir.

19 CHMN STAFFORD: Okay. So they'll address
20 fire protection and suppression and who's going to be
21 able to respond to it, and that would be addressed in
22 those lease agreements.

23 MR. PATTON: To a degree, yes. We also
24 have taken the initiative to relay fire emergency
25 response plans to all of the fire chiefs and fire

1 districts in proximity to all of our projects including
2 Vernon, Round Valley and St. Johns.

3 CHMN STAFFORD: Okay. Thank you. Member
4 Fant.

5 MEMBER FANT: Mr. Chair, I might add for
6 Mike's benefit, since I worked out of rural fire
7 districts, they will inspect the facility before
8 construction and the standard operating procedure is to
9 isolate a battery fire and just let it burn out.

10 MEMBER COMSTOCK: Thank you, Member Fant.
11 I appreciate that. Just checking the box on all the
12 issues. Thank you.

13 MR. DERSTINE: Yep.

14 CHMN STAFFORD: Any other questions from
15 members?

16 MR. PATTON: I'd also like to add a comment
17 if possible.

18 CHMN STAFFORD: Please, Mr. Patton.

19 MR. PATTON: It's very common practice for
20 us in my line of work to organize and conduct several EMS
21 response drills prior to construction, during
22 construction, and after construction. It's part of our
23 safety protocols to where we do a variety of drills
24 including fire response with the local jurisdictions and
25 the intent of that is to understand how we can be best

1 suited to respond in a variety of scenarios.

2 CHMN STAFFORD: Okay. Thank you.

3 Mr. Derstine, so I think at this time would
4 you like to excuse the witness, Ms. Turner, subject to
5 recall if necessary?

6 MR. DERSTINE: Yes. I will do exactly as
7 the Chairman has asked me and I will excuse you,
8 Ms. Turner, subject to recall and we'll coordinate with
9 you to do our best to make you available if we need you
10 in the future.

11 MS. TURNER: Okay. Thank you.

12 MR. DERSTINE: Thank you.

13 CHMN STAFFORD: Thank you. So I guess we
14 have some time here before the lunch hour. Do you want
15 to get on with the environmental studies?

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1 VICTORIA CASTEEL, JEREMY CASTEEL, TREY PATTON,
2 and DEREK RIEMAN (continued),
3 called as witnesses as a panel on behalf of the
4 applicants, having previously been affirmed or sworn by
5 the Chairman to speak the truth and nothing but the
6 truth, were examined and testified as follows:

7

8 DIRECT EXAMINATION (continued)

9 BY MR. DERSTINE:

10 Q. That's right. I think we're going to get back
11 to Ms. Casteel who is covering our biological studies.
12 And I think where we left off roughly was the areas of
13 biological wealth?

14 And maybe just if you'll back us up just a
15 little bit, Ms. Casteel, and just reset the stage
16 concerning areas of biological wealth, what are they, and
17 then let's get into the various studies and the focus of
18 your -- the studies that were performed for the
19 application.

20 A. (Ms. Casteel) Yes. Thank you. Just because
21 it's been a little while, I'll refresh everyone.
22 Starting kind of at the top, areas of biological wealth
23 include any habitat, feature, or location that might
24 serve to provide important, unique, or concentrated
25 resources for wildlife and plants.

1 Within the study area, we identified five areas
2 of biological wealth. There are seven designated areas,
3 but three of which overlap with the Little Colorado
4 River, and so those were considered collectively as one
5 area of biological wealth.

6 CHMN STAFFORD: And we're looking at the map on
7 Slide 94 of Applicants' Hearing Exhibit 7; correct?

8 MS. CASTEEL: Yes, that's correct.

9 CHMN STAFFORD: Thank you.

10 BY MR. DERSTINE:

11 Q. And your various studies and the write-up on
12 your analysis of areas of biological wealth is found in
13 Exhibit C to the application which is Applicants'
14 Exhibit 1?

15 A. (Ms. Casteel) That is correct. So starting
16 with the Little Colorado River corridor, there are three
17 designated areas.

18 Those include the riparian wildlife movement
19 area as well as the middle Little Colorado River
20 terrestrial conservation opportunity area. And the Lyman
21 Lake to Highway 261 aquatic conservation opportunity
22 area.

23 MEMBER KRYDER: Mr. Chairman.

24 CHMN STAFFORD: Yes, Member Kryder.

25 MEMBER KRYDER: Could I ask Ms. Casteel to

1 use her pointer to designate these for us?

2 MS. CASTEEL: So these three areas all
3 overlap in this blue corridor that follows the Little
4 Colorado River.

5 BY MR. DERSTINE:

6 Q. So you've identified the three areas. I guess
7 some might count them as five, but you're combining the
8 couple different areas within the Little Colorado River
9 corridor. Do that I have distinction right?

10 A. (Ms. Casteel) There are seven designated areas
11 but three of which overlap in this blue corridor. And so
12 those were collectively called one area of biological
13 wealth.

14 Q. Okay.

15 A. (Ms. Casteel) The river corridor is important
16 for wildlife movement as was mentioned previously, it is
17 a perennial river, which is not common in Arizona in
18 general. And so it does provide unique habitat for
19 wildlife in the area.

20 The different conservation opportunity areas do
21 have different wildlife focuses, so the terrestrial has
22 focus species of the Southwestern Yellow Flycatcher,
23 Mexican Spotted Owl and Mexican Wolf, whereas the aquatic
24 conservation opportunity area has strategy species such
25 as the Little Colorado Spinedace, Little Colorado Sucker

1 and the Bluehead Sucker.

2 The species that are specifically protected
3 under the Endangered Species Act or other state -- the
4 species of greatest conservation need, those will be
5 discussed individually in the coming slides.

6 So the remaining three areas of biological
7 wealth include the Coyote-Mamie terrestrial conservation
8 opportunity area, and that is this brown corridor here
9 that follows Coyote Creek.

10 There are also two diffuse wildlife movement
11 areas, and those are these green hatched areas. There's
12 one on the east side and one on the west side.

13 And one landscape movement area that is here on
14 the west side of the corridor.

15 MEMBER HILL: Ms. Casteel.

16 MS. CASTEEL: Yes.

17 MEMBER HILL: Can you define those movement
18 areas for us. I don't know if you're going to do it
19 right now or move on, but yeah, it would be helpful.

20 MS. CASTEEL: So a diffuse wildlife
21 movement area is where wildlife will move within a
22 habitat block. This -- these particular diffuse movement
23 areas have been identified as important for Pronghorn and
24 mule deer.

25 The landscape movement area is a wildlife

1 linkage where wildlife move between habitat blocks, and
2 this particular one has been identified as important for
3 several game species including Pronghorn and mule deer.

4 MEMBER HILL: Thank you.

5 CHMN STAFFORD: Quick question. In this
6 area where you have the movement areas, isn't that all
7 currently used as range land, and isn't large chunks of
8 it fenced off with cattle guards?

9 MS. CASTEEL: Yes. It's my understanding
10 that the large game animals can get over fencing, get
11 around those things.

12 CHMN STAFFORD: So they're not bound like
13 the cattle are?

14 MS. CASTEEL: It's not considered
15 necessarily a barrier to that movement.

16 CHMN STAFFORD: Okay. Just want to make
17 sure. Thanks.

18 BY MR. DERSTINE:

19 Q. Just for my -- I may have missed it, but using
20 your laser pointer, can you identify the movement area on
21 slide 98 which is shown here in the hearing room on the
22 right screen which is part of Applicants' Exhibit 7?

23 A. (Ms. Casteel) Yes. With the three different
24 movement areas, the landscape movement area is this kind
25 of tan, orange-ish color here on the east side. And then

1 the diffuse are in these green hatched areas, one on the
2 general west side and one on the east side.

3 MEMBER HILL: Mr. Chair.

4 CHMN STAFFORD: Yes, Member Hill.

5 MEMBER HILL: Ms. Casteel, I'm going to
6 back up to the first area of biological wealth that you
7 mentioned. We talked a little bit about the span that
8 you're going to do on the Little Colorado, but at some
9 point when we're talking about mitigation measures or
10 otherwise, please identify your approach to Coyote Creek
11 and the span related to that. So you can do it now or
12 later, whichever your preference.

13 MS. CASTEEL: Actually the next slide will
14 be to discuss the impacts to these areas, and then I'll
15 speak about the minimization measures that will be used
16 to address the issues.

17 So during construction, there is
18 anticipated to be impacts both with ground disturbance
19 that may cause some sedimentation that may get into the
20 Little Colorado River and Coyote Creek.

21 But the use of erosion control measures
22 through the required storm water pollution prevention
23 plan will mitigate, minimize those impacts to hopefully
24 avoid all impacts to any kind of sedimentation that might
25 reach those streams.

1 There will also be disturbance from human
2 presence and noise during construction. That disturbance
3 may discourage wildlife movement. The immediate area of
4 construction will displace individuals and may impact
5 foraging or nesting behaviors in the area of
6 construction.

7 But those impacts would be temporary. So
8 following construction, the disturbance from noise and
9 human presence would be much reduced, so left to
10 maintenance activities there on site.

11 And there's other minimization measures
12 that would be taken. You mentioned the Coyote Creek. So
13 we will be spanning not only the Little Colorado River
14 but also Coyote Creek. The disturbance footprint will be
15 minimized whenever possible, and that is part of the
16 State Land agreement as well that we minimize
17 disturbance.

18 It would be limited to the pole locations,
19 access roads and polling locations, and the access roads
20 would use existing road alignments whenever possible.

21 No disturbance would happen within Little
22 Colorado River or Coyote Creek, and the erosion control
23 measures would protect those streams.

24 Then following construction, the project
25 would be permeable. Fencing would be minimized and

1 concentrated around areas for security reasons such as
2 the substations, but would not be along the corridor.

3 And any fencing that is used would follow
4 the Game and Fish's wildlife-compatible fencing
5 guidelines as applicable.

6 And any areas of the temporary disturbance
7 would be revegetated following construction.

8 And then specifically to address Pronghorn,
9 if there is any construction during the Pronghorn fawning
10 season, which is May through mid-June, there would be
11 efforts taken to minimize the areas of construction so
12 that they could get around -- you know, the distance
13 would be minimized whenever possible so that the species
14 could get around the construction area.

15 MEMBER HILL: Okay.

16 MEMBER KRYDER: Mr. Chairman.

17 CHMN STAFFORD: Yes, Member Kryder.

18 MEMBER KRYDER: Ms. Casteel, this shows my
19 ignorance. I have lots of it. But what is a bird
20 diverter?

21 MS. CASTEEL: I'm not familiar with the
22 specifics around that. I have subject matter experts I
23 work with that are ornithologists. So I could get you
24 some more information, we could show photos of it. I
25 just don't have that handy right now.

1 MEMBER KRYDER: I would appreciate that
2 because that really looks difficult to me.

3 MS. CASTEEL: The use of bird diverters and
4 other APLIC, which is the Avian Power Line Interaction
5 Committee, the guidelines for interconnection projects,
6 those are fairly standard, bird diverters are used
7 commonly in situations like this, and for our projects,
8 any of the collision risk areas that were identified such
9 as Little Colorado River and Coyote Creek would use these
10 bird diverters. But yeah, I can provide you more details
11 on what that looks like.

12 MEMBER KRYDER: Thank you very much. I
13 look forward to it.

14 MS. TURNER: Mr. Chair.

15 CHMN STAFFORD: Yes, Member Hill.

16 MEMBER HILL: Frequently when we issue the
17 CECs we identify minimization measures in the
18 application.

19 The minimum --

20 CHMN STAFFORD: Mitigation.

21 MEMBER HILL: I want to say mitigation, but
22 I know that not everyone likes that term, so I'm just
23 going to use it. The mitigation measures because we say
24 minimum -- anyways.

25 The mitigation measures in the application

1 are for the entirety of your project. It's the
2 nonjurisdictional project, it's the jurisdictional
3 project.

4 I want to suggest, and Mr. Chair, if you
5 have a different idea, that we actually create a separate
6 exhibit of mitigation measures that are unique to the
7 corridor and to this project, so that we're not getting
8 all of that jumbled at some point. And that might be
9 just preparing to do a CEC faster if the applicant can
10 prepare that for us.

11 CHMN STAFFORD: Ms. Casteel.

12 MS. CASTEEL: Yes, so the measures that are
13 listed in Exhibit C on page C15 and C16 as well as the
14 ones in Exhibit D, I believe D starting on D42.

15 CHMN STAFFORD: D43.

16 MS. CASTEEL: D43, thank you. Those are
17 specific to the interconnection project.

18 The Game and Fish Department did make
19 recommendations that apply to both the wind, solar and
20 interconnection project. Not all of those Game and Fish
21 recommendations apply to the interconnection project.
22 But the ones that are listed in the application are
23 specific to the interconnection project.

24 MEMBER HILL: Okay. Got to reference this
25 again for me. What sections?

1 MS. CASTEEL: I'm sorry. In the
2 application it's C15 and C16.

3 MEMBER HILL: Thank you.

4 MS. CASTEEL: And D42.

5 MEMBER HILL: Okay. I'll take a look. I
6 looked at it all but I got overwhelmed because some of it
7 didn't apply. So I'll take a look at those and --

8 MS. CASTEEL: So let me correct that again.
9 It's D43.

10 MEMBER HILL: D43.

11 MR. DERSTINE: And I guess taking, Member
12 Hill, your comment as an action item, I think we're happy
13 to prepare a separate exhibit setting forth the
14 minimization measures that apply to the interconnection
15 project. I think they're all outlined in the application
16 as mentioned by Ms. Casteel, but we could create that as
17 an exhibit if --

18 MEMBER HILL: I don't want to cause you
19 more work. Let me look specifically at the lists in the
20 specific places she's identified and just make sure that
21 covers everything for me. Thank you.

22 MR. DERSTINE: We'll make a reference to
23 those sections of the application.

24 MS. CASTEEL: And for reference many of the
25 measures that are listed in Exhibit C overlap with the

1 measures that are in D, because they do deal with similar
2 species.

3 MEMBER HILL: Thank you.

4 CHMN STAFFORD: Member Fant, you had a
5 question.

6 MEMBER FANT: Thank you, Mr. Chair.

7 Ms. Casteel, has the applicant spoken with
8 any local hunting groups or local wildlife conservation
9 groups about appropriate conservation measures, and also
10 what wildlife is present in the particular area or not
11 present?

12 MS. CASTEEL: So we have coordinated with
13 Arizona Game and Fish, I'll have to check the dates, but
14 it's I believe since 2022. And to identify species that
15 are of concern for the area as well as addressing --
16 accessing the Fish and Wildlife species lists for the
17 area to identify the special status species.

18 As far as the game species, the Game and
19 Fish Department includes gaming units that list the
20 different species of interests, game species in the area
21 including mule deer, Pronghorn, black bear, turkeys and
22 others.

23 So we know about those particular species
24 of concern. The assessment that we did and the impacts
25 we've identified with minimization measures do apply to

1 wildlife in general, so there's terrestrial species as
2 well as aviation species, and that would apply to both
3 game species and nongame species, special status and
4 nonspecial status.

5 MEMBER FANT: Mr. Chair, if I may continue.

6 CHMN STAFFORD: Yes, Member Fant.

7 MEMBER FANT: And that's great that you've
8 gone through all the Arizona Fish -- Game and Fish
9 curricula. But we had a professor yesterday who
10 identified that the, for example, the Big Horn Antelope
11 herd tends to winter in this area, they migrate from the
12 Big Horn Lake -- I'm sorry, Big Lake area to this area.
13 So that's why I'm asking, have you spoken with any of the
14 local wildlife conservation groups or local hunting
15 groups and asked them what's out there and where they go
16 or what they do?

17 MS. CASTEEL: I'll have to follow up on
18 that. I want to check our stakeholder list to see who we
19 specifically reach out to.

20 MEMBER FANT: Thank you.

21 MEMBER KRYDER: Mr. Chairman.

22 CHMN STAFFORD: Yes, Member Kryder.

23 MEMBER KRYDER: Question, Ms. Casteel.
24 Maybe you want to bring it up later. Back on day one we
25 talked about the native plant inventory. Were you going

1 to bring that up later? Do you want to talk about it
2 now?

3 MS. CASTEEL: I can talk about it now.

4 I'll speak in general about vegetation, but
5 I'm happy to talk about the native plant inventory.

6 So the inventory that was completed is
7 specific to Arizona State Land Departments, and they have
8 specific species that they look for. So those include in
9 general cactuses, succulents, yucca, and tree species.
10 And those are State Land valued species, meaning if you
11 take them out you have to pay. There's a cost associated
12 with those individuals.

13 The protocol that we use for our surveys
14 includes sampling plots and that's an approved protocol
15 with State Land.

16 The sample plots are chosen based on soil
17 units, the NRCS soil units, so that we get a fair
18 representation of the species that are out there because
19 different plants grow in different soils.

20 And then we do a representative number of
21 plots, and while we're out there counting the ASLD valued
22 species, we are also counting all the other species that
23 we see, so we'll make record of any species that we see
24 in those plots.

25 Based on our results, for the

1 interconnection project specifically, we conducted that
2 survey between October 30 and November 14, and found 54
3 unique species in the plots.

4 And then to address the concern about frost
5 or other weather conditions affecting the condition of
6 the plants at the time, the -- there was a separate
7 survey done for the solar. The wind and the
8 interconnection project were done at the same time, so
9 that October to November time period.

10 The survey that was done on the solar site
11 was done in August of 2021, and so different time of
12 year. That came up with 70 unique species, many of which
13 overlapped with the 54 that were found in the
14 interconnection project.

15 When combined between the wind and the
16 interconnection and the solar surveys, we found
17 approximately 100 unique species out there.

18 MEMBER KRYDER: That's pretty fantastic,
19 actually. I noted in the pro formas that were provided
20 that if there is any soil disturbance that would be
21 reseeded at the end of construction. You've got a
22 hundred and how many was that, 74?

23 MS. CASTEEL: Total of 100 unique species
24 that we found out there.

25 MEMBER KRYDER: Okay. So when you reseed

1 do you actually try to reseed the same ones in the same
2 area? Or do you just do a general broadcasting of it?
3 We're talking about a corridor, what, a little over two
4 miles wide, I guess.

5 MS. CASTEEL: Yes. So there'll be an
6 approved seed mix, we'll develop a seed mix that State
7 Land will approve and consist of native species that are
8 native to the area. Generally the dominant species that
9 are in that area.

10 MEMBER KRYDER: And in that process, and I
11 know it's later in our agreement and I didn't see it
12 addressed here, but maybe I missed it, the noxious weeds,
13 did you look at those bad boys?

14 MS. CASTEEL: Yes, we will note if there's
15 noxious weeds present. And there will be noxious weed
16 surveys done, I believe, prior to construction. And
17 there'll be mitigation associated with those if there's
18 noxious weeds found.

19 MEMBER KRYDER: Got to keep those guys out
20 of there. Thank you.

21 MR. DERSTINE: I guess, Ms. Casteel, you're
22 going to -- you were good in responding to Member
23 Kryder's question generally on the plant survey. We're
24 going to get back to that. You have a number of slides
25 directed to state-protected native plant species and

1 impacts to state-protected native plant species and
2 others, covers that you're going to cover on the plant
3 impacts. Maybe for now, Mr. Chairman, is this a decent
4 time to take our lunch break?

5 CHMN STAFFORD: Yes, and I believe Member
6 Fontes has a question before we go to the break. Member
7 Fontes.

8 MEMBER FONTES: Thank you, Mr. Chairman. I
9 just wanted to follow up on Member Fant's question to ask
10 a common question, Mr. Derstine, that I ask all.

11 Did you consult with other infrastructure
12 projects like Tucson Electric Power who has and operates
13 lines in that area, if they have environmental
14 mitigations just the same as consulting with the local
15 community so that they were known and included as part of
16 your awareness to conduct the studies and your effort?

17 MS. CASTEEL: So during stakeholder
18 outreach we would have reached out to TEP and other
19 utility contacts in the area. I can pull up a specific
20 list for you, but asking about whether there is any
21 concerns with the projects, I don't know if we asked
22 specifically about species of concern from agencies that
23 were not species specific, like Game and Fish. But I can
24 get some more information if you'd like.

25 MEMBER FONTES: Let me rephrase. I'm just

1 looking to know if they have mitigation measures that
2 they have on their projects that they do on an annual or
3 a monitoring basis so that we can have an awareness as
4 they may apply. Similar to consultation with the local
5 community who noted the antelope annual patterns here,
6 that would be good awareness for this proceeding.

7 MS. CASTEEL: And because we're on Arizona
8 State Land, they will have their standard mitigation or
9 requirements surrounding vegetation and other biological
10 resources.

11 MR. DERSTINE: I guess to Member Fontes'
12 question, can we take it as an action item to coordinate
13 or check in with TEP, and if there's any specific
14 information they have concerning their environmental
15 mitigation measures for the facilities that they have in
16 the area, although I'll note that other than our -- when
17 we're getting at the interconnection point with
18 Springerville, TEP doesn't have any transmission
19 facilities that are particularly -- that are in our
20 project area. Is that right?

21 MS. CASTEEL: It's my understanding that
22 the transmission facilities that are in our project area
23 are the Navopache 69kV, and then there is additional 345
24 lines that come out of Springerville, but just in this
25 small corner of the study area, and I don't believe those

1 are actually in our corridor itself.

2 MEMBER FONTES: What I'm looking to do,
3 Mr. Derstine and Ms. Casteel, is just to capture if
4 there's any mitigations they have to do on any of those
5 projects, just for awareness for the public.

6 MS. CASTEEL: Okay.

7 MEMBER FONTES: Appreciate you checking.

8 MS. CASTEEL: We can follow up.

9 CHMN STAFFORD: Thank you. And with that I
10 think that is an excellent stopping point to take the
11 lunch break. So we'll take a recess until approximately
12 one p.m. We're in recess.

13 (Recess from 12:03 p.m. to 1:09 p.m.)

14 CHMN STAFFORD: Let's go back on the
15 record.

16 Mr. Derstine, I believe we were in the
17 midst of the environmental studies.

18 MR. DERSTINE: We are and we were.

19 BY MR. DERSTINE:

20 Q. Ms. Casteel, my handwritten note scribbled here
21 says that we're ready to move forward with the Endangered
22 Species Act, but I think there were a couple items that
23 we wanted to -- that were follow-up or questions that --
24 before our lunch break. Maybe the first was what is a
25 bird diverter?

1 A. (Ms. Casteel) So we can start with the bird
2 diverters. We did pull some images of common bird
3 diverters. Most studies have shown reduction in
4 collisions and/or increase in avoidance of lines that use
5 these diverters. And there's three general categories
6 including aerial marker spheres, spirals and suspended
7 devices, things like swinging or flapping, like the one
8 in the middle there. So these are examples of what might
9 be used.

10 And these are all from the APLIC guidelines.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: A question, then. This
14 would be following construction and when the line is in
15 place; is this correct?

16 MS. CASTEEL: Yes.

17 MEMBER KRYDER: So that was part of what my
18 confusion was. It seemed to be unclear to me on that
19 slide 99 whether this statement was regarding during the
20 construction period or following. And you clarified now
21 that there's only following, when it's in functioning
22 position; right?

23 MS. CASTEEL: Once the lines are installed,
24 these would be also installed and they would remain up
25 during operations.

1 MEMBER KRYDER: Many thanks.

2 CHMN STAFFORD: Right, and the applicant is
3 going to have those, the bird diverters, over both the
4 Little Colorado and the -- what's the other one?

5 MS. CASTEEL: Coyote Creek?

6 CHMN STAFFORD: Coyote Creek.

7 MS. CASTEEL: Yes, that's correct. And the
8 other question that had been brought was coordination
9 with hunting groups. During stakeholder outreach we
10 didn't specifically reach out to any hunting groups
11 outside of Arizona Game and Fish and the Apache NRCDC.

12 NRCDC will be a liaison with the local
13 community to share information about construction and
14 make sure there's -- public safety is maintained.

15 But I did want to mention that we received
16 several public comments that noted hunting as a concern,
17 including one, we got a letter from the Arizona Antelope
18 Foundation that expressed some concerns, but did state
19 that the interconnection project itself would not --
20 would be unlikely to have any long-term effects.

21 CHMN STAFFORD: I have a quick question. I
22 think most of the area for the transmission line is
23 currently under grazing leases; correct?

24 MS. CASTEEL: Correct.

25 CHMN STAFFORD: Now, other people can go

1 hunt on land that's held under a grazing -- has a grazing
2 lease on it?

3 MS. CASTEEL: It is my understanding that
4 this area, state land is open for hunting.

5 MEMBER HILL: Mr. Chair.

6 CHMN STAFFORD: Yes, Member Hill.

7 MEMBER HILL: I don't want to interrupt if
8 you have further questions.

9 CHMN STAFFORD: No, she just answered it.

10 MEMBER HILL: Okay.

11 CHMN STAFFORD: Yes, you can hunt on the
12 grazing lands of other people.

13 MEMBER HILL: I wanted to inquire with the
14 applicant, there was a recommendation from Game and Fish
15 about reducing impacts on hunters that isn't in your
16 minimization list.

17 First of all, you guys did a really
18 excellent job on page 820, 21 and 22 of responding to all
19 of the Arizona Game and Fish comments. I really like the
20 format of this. This is really helpful for me to know
21 where you're at on all of their comments.

22 I want to recommend that everyone who
23 listens to these hearings and comes before this body does
24 this, because I think this is really helpful.

25 But the one that I wanted to talk about

1 related to hunting was item number 29, and the Game and
2 Fish Department says, "To reduce impacts on hunters, the
3 Department requests continued coordination on proposed
4 starting and ending times for construction so the
5 Department can notify constituents of closures during
6 proposed hunting and/or seasons. Notification of the
7 construction time line will also enable the Department to
8 account for any adjustments to access agreements with
9 lessees."

10 My thought is that I realize that the
11 larger probably disruption --

12 MEMBER KRYDER: Member Hill.

13 MEMBER HILL: Yes.

14 MEMBER KRYDER: Could you speak into your
15 microphone a little better.

16 MEMBER HILL: I realize -- oh, yeah, that's
17 way better.

18 I realize that the nonjurisdictional
19 construction might have more impacts on the hunting
20 community. But I'm wondering if this is a minimization
21 measure that we should consider regardless of the
22 construction. They're not specific to whether it's
23 jurisdictional or nonjurisdictional construction.

24 But maybe this is a minimization measure
25 that we should be doing with all of the construction that

1 happens in conjunction with any of these projects. So I
2 just want to propose that.

3 MR. DERSTINE: I think we're certainly open
4 to it as a condition for the interconnection project,
5 take it under consideration for the wind and the solar
6 projects, and if the team is -- if we need further time
7 we can consider it.

8 Or if we're willing to agree to it for the
9 remainder -- for the other, for the solar and the wind
10 project, then I'll let Mr. Patton or Mr. Rieman speak to
11 that.

12 MEMBER HILL: I think they've already
13 agreed to it, because the company response --

14 MR. DERSTINE: Well, they didn't have my
15 advice when they did.

16 MEMBER HILL: The company response is:
17 "The company will notify Arizona Game and Fish of the
18 anticipated construction schedule for the purposes of
19 notifying lessees and hunting groups."

20 MR. DERSTINE: Well, then I think it's
21 done.

22 MR. PATTON: That is correct.

23 MEMBER HILL: So I think if we just add
24 that as a minimization measure to this construction
25 project as well, that would be a good practice.

1 MR. PATTON: Yes, ma'am.

2 CHMN STAFFORD: Member Fant.

3 MEMBER FANT: Thank you, Mr. Chair.

4 Have either you or your husband walked
5 across the proposed wind lease?

6 MS. CASTEEL: The -- my site visit would
7 have been during our tour. I otherwise had not been on
8 site.

9 MR. CASTEEL: No, I have not walked across
10 the wind lease area.

11 MR. DERSTINE: For the -- I guess following
12 up on Member Fant's question, but in terms of the
13 cultural surveys and other surveys that were performed in
14 connection with the wind and the solar project, I assume
15 you had team members who did do that.

16 MS. CASTEEL: Yes, we had, from SWCA, we
17 had biologists, ornithologists for the bird surveys,
18 botanists for the native plant inventory and general
19 biology specialists on site doing our surveys.

20 And then the cultural survey was done by
21 Tetra Tech, another firm. And they had people on the
22 ground, cultural specialists to do those surveys.

23 BY MR. DERSTINE:

24 Q. And I guess circling back to your -- you
25 mentioned, Ms. Casteel, the letter we received from the

1 Antelope Foundation. I think you indicated their comment
2 expressed that the interconnection project, this project,
3 would not impact movement, migration of the Pronghorn
4 antelope, but they had concerns beyond that. And that
5 was directed to the wind project and/or the solar
6 project; is that right?

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

8 Q. Okay. Do you want to proceed with -- I think
9 you've concluded. Was there more testimony that you
10 needed to provide to wrap up your -- the studies and the
11 results on areas of biological wealth or have we covered
12 that?

13 A. (Ms. Casteel) I believe we've covered it unless
14 there's any other questions.

15 CHMN STAFFORD: Yeah, I have a quick
16 question.

17 I'm looking at the Hearing Exhibit 1, the
18 application, Exhibit C to the application talks about
19 that there will be a storm water pollution prevention
20 plan developed as part of the county permitting process.

21 I thought there was an attachment to one of
22 the limited appearance statements that the county didn't
23 require a conditional use permit because exempted
24 renewable energy projects on state land.

25 Is the applicant, in fact, going to have to

1 go through the county permitting process for either
2 the -- it won't for the transmission line, because that's
3 a permitted use, I'm pretty certain of that.

4 But for the wind and the solar projects, is
5 there going to have to be a county permitting process
6 beyond, you know, like a plan amendment or a conditional
7 use permit or special use permit as -- I'm not talking
8 about construction permits, because they're going to
9 require those.

10 MS. CASTEEL: Well, there's I guess two
11 parts to that question. I'll address the first and I'll
12 let Mr. Patton address the permitting.

13 But as far as the storm water pollution
14 prevention plan, that's actually a state requirement. So
15 that would be an ADEQ permit, the -- permit, construction
16 general permit that goes through ADEQ will require that
17 SWPPP, storm water pollution prevention plan, and that
18 can include the erosion control measures that we were
19 speaking about with the minimization measures.

20 CHMN STAFFORD: Okay. That's kind of the
21 main thing I wanted to get so, because whether or not you
22 have to go through the county permitting process, you
23 will have to do the storm water pollution prevention
24 plan.

25 MS. CASTEEL: That is correct.

1 CHMN STAFFORD: Okay. Now you can please
2 proceed to the second part of the question.

3 MR. DERSTINE: I think that's Mr. Rieman or
4 Mr. Patton can address on the zoning issue. I think
5 there was some testimony or indication, maybe it was out
6 on the route tour, I think, that we touched on kind of
7 where we were in the zoning process.

8 That there was plans underway to submit the
9 permit application for the solar project that's more near
10 term, and that the decisions or the timing for an
11 evaluation, I guess of the zoning requirements for the
12 wind project were more in terms of a later time line and
13 later consideration, that this process was coming ahead
14 of that. And that the decisions on zoning beyond the
15 solar project were yet to come.

16 Am I characterizing that generally correct,
17 or add to any of that or correct me, Mr. Rieman or
18 Mr. Patton.

19 MR. PATTON: That is correct. I would also
20 state that Apache County is currently openly working
21 through their ordinance, and so we are strategically
22 observing and assessing how that pans out. But that is
23 certainly an ongoing process with Apache County planning,
24 board planning and zoning board.

25 //

1 BY MR. DERSTINE:

2 Q. So there was some indication that we had
3 received, although they have I think approved a different
4 solar project, it's already gone through that approval
5 process that the county was, our understanding was
6 looking to potentially reevaluate it and maybe modify its
7 zoning regulations pertaining to renewable projects; is
8 that right?

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

10 MEMBER COMSTOCK: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Comstock.

12 MEMBER COMSTOCK: I'm not sure this is the
13 appropriate place to discuss this, but if it could be
14 answered in some other location that would be great.

15 These are working cattle farms and open
16 grazing. How has the applicant worked with the local
17 ranchers to address issues like cattle within the
18 construction zone, the movement of cattle during branding
19 season, you know, stray cattle running up on the
20 construction zone?

21 How are you working with them in regard to
22 that?

23 BY MR. DERSTINE:

24 Q. Mr. Patton?

25 A. (Mr. Patton) Yes, sir, that's a great question.

1 So, again, we do have construction impact agreements that
2 are meant to codify any type of financial obligations,
3 commercial obligations that are incumbent on us, but it
4 boils down to streamline communication with these cattle
5 ranchers.

6 And so it's not uncommon to understand, you
7 know, where their -- they run this as a business, so I
8 try to understand how does your business work, what can
9 we do to coexist with your business and understanding
10 when you intend to run cattle, when you intend to brand
11 cattle.

12 And so whether it's in placing cattle guards, so
13 that way the cows encroach on our footprint, whether it's
14 putting up fences or any number of ancillary things that
15 are at the discretion of grazing lessees, we're an open
16 book.

17 And so I can't say from experience when ranchers
18 on other projects have had cattle nearby, if they
19 encroach on construction operations, we demobilize for
20 the day. We stop operations for the day, we coordinate
21 with the rancher.

22 I can't tell you how many times I've had to get
23 on a quad and help ranchers move cattle out of pasture
24 just so we can resume operations. We minimize down time.
25 It's nice to be paid to do some cowboy work.

1 But I will say it just boils down to
2 communication and we try to codify that on the front end
3 with these construction impact agreements and then on the
4 day-to-day it boils down to 30 days, 60 days in advance,
5 just understanding what they intend to do with their
6 leased areas and how we're planning on operating.

7 MEMBER COMSTOCK: So I appreciate the
8 answer and that seems like well-coordinated effort.

9 What if a crew rolls out on to a
10 construction site and finds cows there?

11 MR. PATTON: We demobilize for that.

12 MEMBER COMSTOCK: How do they deal with
13 that?

14 MR. PATTON: We demobilize for the day. We
15 stand down. It's communicated to the foreman, the
16 foreman then lets the construction superintendent know.
17 The superintendent demobilizes for the day. I typically
18 get a phone call. I have to coordinate phone call --
19 coordinate communications with either the ranch hand, the
20 lessee, and we understand how long it's going to take to
21 move those cattle out. If they need help, et cetera, and
22 then we just, we stand down until we get the all clear.

23 MEMBER COMSTOCK: Thank you.

24 BY MR. DERSTINE:

25 Q. And I guess just to fill in the picture on your

1 coordination and who you're working with, there are, as I
2 understand it, eight grazing lessees who are within the
3 project area; is that right?

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

5 Q. And those eight lessees hold nine grazing
6 leases, so one of those eight has more than one grazing
7 lease?

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

9 Q. And those grazing lessees, you're coordinating
10 and working with them and you have been having
11 communications with them about the project and the very
12 issues that Member Comstock just raised?

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

14 Q. And I guess the coordination that you're talking
15 about is great, and it's important in terms of what we
16 say we're going to do. But I assume there's going to be
17 memorialized in some sort of written agreement with those
18 grazing lessees that will set out in written word how we
19 will coordinate with them and how they'll -- we'll
20 interact with them and how we ensure that we're not
21 disrupting their cattle operations.

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

23 CHMN STAFFORD: I assume most of that will
24 take place on the front end, so you don't run into the
25 situation where you go to the site expecting to go to

1 work and then have a bunch of cows there and you have to
2 call it for the day.

3 MR. PATTON: Yes.

4 CHMN STAFFORD: I assume that you would say
5 hey, this is where we're going to be on such and such a
6 day, there's not going to be cows there; right? And
7 they'll say yeah, we'll have them someplace else.

8 MR. PATTON: Every provision -- I mean,
9 this is something that is common in my experience,
10 whether it's doing a private lease with a cattle rancher
11 or with a construction impact agreement with a grazing
12 lessee of ASLD, there are specific provisions that we put
13 in place that we provide notice well in advance of any
14 construction operations.

15 We coordinate if there is, for example, I
16 mean cattle typically go to market October, November. If
17 we begin to mobilize in September and those cows are
18 having to be put to market early, there's compensation
19 for those cows that, you know, if a cow weighs 50 pounds
20 less than it would have for that extra month, and all
21 that is predetermined, all that is to say there is far
22 and above consideration for those operations and how we
23 can coordinate with them.

24 CHMN STAFFORD: Thank you.

25 One quick follow-up question on Exhibit C

1 to the application before we go to, I think, I guess
2 we're going to D next; right?

3 MS. CASTEEL: I still have the ESA listed
4 species and other special status species that's from
5 Exhibit C.

6 CHMN STAFFORD: Okay. Good. That's my
7 question, is one of the you have six listed there, one of
8 which is proposed threatened Monarch butterfly. I guess
9 my question is is there even milkweed in this area?

10 MS. CASTEEL: Yes, and I have some
11 information on that. But, yes, there has been milkweed
12 found nearby, so not within the corridor but nearby. So
13 it's possible. So we've addressed that. I'll get to
14 that in the slides.

15 CHMN STAFFORD: Okay. Great. I'm getting
16 ahead of you.

17 MR. DERSTINE: It's all right. Yeah, we'll
18 do our best to answer your questions when they arise.

19 BY MR. DERSTINE:

20 Q. Want to move forward with your discussion, then,
21 on the special status species including the Monarch
22 butterfly, Ms. Casteel?

23 A. (Ms. Casteel) Yes. So there's several
24 categories of special status species. The first that
25 I'll be talking about is the Endangered Species Act.

1 And then I'll also be speaking about bald and
2 golden eagles, birds of conservation concern, and state
3 protected species of greatest conservation need and also
4 protected native plants.

5 To start out with, the Endangered Species Act.
6 To identify if there is any species of concern, we
7 consult the Fish and Wildlife's Information for Planning
8 and Consultation System or IPaC, and that IPaC list,
9 which is shown on the right-hand side, identified nine
10 different species that Fish and Wildlife recommended for
11 further analysis.

12 And so during our studies we evaluated each of
13 those nine. Based on our studies, six may occur within
14 the study area. And so I'll go through each of those six
15 individually.

16 And there was no designated critical habitat
17 present, but there is suitable habitat for these species.

18 The first species being the Little Colorado
19 spinedace. That would be present within the Little
20 Colorado River, which we are avoiding. So the study area
21 does contain suitable habitat for the fish, but the river
22 itself will be avoided and the erosion control measures
23 implemented as part of the storm water pollution
24 prevention plan would reduce or prevent any sedimentation
25 from entering those waters.

1 The next species, Mexican wolf. So the study
2 area is within the Mexican wolf experimental population
3 area. So the wolf is not listed endangered or
4 threatened, but it is considered nonessential
5 experimental population, meaning that they have
6 introduced wolves, and our area is in zone 2.

7 And wolves living in this area are treated --
8 they're not listed or proposed for listing, but they're
9 treated as if they were proposed for listing.

10 So the wolf is also a tier 1 species of greatest
11 conservation need, and I'll get to what that means
12 shortly.

13 So the effects to wolf may include temporary
14 displacement during construction, the presence of humans
15 and construction noise may discourage them from using the
16 area. But those impacts would be temporary and limited
17 to the area of construction.

18 Following construction, the project would be
19 permeable and would not restrict wildlife movements. So
20 we don't anticipate any long-term impacts.

21 The next species, the Mexican Spotted Owl, is
22 listed as threatened, is also a tier 1 species of
23 greatest conservation need. There's no critical habitat
24 or any nesting, roosting or preferred foraging habitat
25 for the owl, but it is within the owl's range, and so use

1 by the owl is possible.

2 And similar impacts, so during construction the
3 construction noise may discourage use of the area. The
4 impacts will be a little more limited for this species
5 because species generally moves at night, outside of
6 construction times.

7 The risk of collision for these birds will also
8 be mitigated or minimized through the use of those APLIC
9 guidelines including the bird diverters.

10 So here we'll talk a little about the Monarch.
11 So the Monarch is proposed for listing as threatened, and
12 the study area does contain suitable foraging habitat for
13 the Monarch, and then the milkweed, which is used for
14 breeding, has been found nearby. And so the Monarch may
15 be using the area for breeding as well.

16 The project's not anticipated to affect Monarchs
17 from migrating, foraging or dispersing through the area,
18 though individual Monarchs may avoid the area during
19 construction.

20 Following construction, with the revegetation of
21 temporary impacted areas, the impacts would be minor to
22 the Monarch. If the species does become listed before
23 construction occurs, the applicants will reassess and
24 assess whether guidance from Fish and Wildlife at that
25 time requires any additional survey or mitigation.

1 CHMN STAFFORD: But am I correct in hearing
2 you say that no milkweed was found in the transmission
3 line corridor?

4 MS. CASTEEL: Not within the corridor.

5 CHMN STAFFORD: Okay. I guess that takes
6 it off your plate, then, for our purposes.

7 MS. CASTEEL: Next species, Southwestern
8 Willow Flycatcher. Listed as endangered and a tier 1
9 species of greatest conservation need. The study area is
10 within the species' current and predicted ranges but not
11 its designated critical habitat.

12 The habitats within the study area are not
13 suitable for breeding, but could support migrating
14 individuals, particularly along the Little Colorado River
15 from May to September.

16 So during construction, if construction
17 occurs during those times, impacts are anticipated to be
18 disturbance due to noise and human activity.

19 Following construction, that would cease
20 and the risk of collisions would be addressed using the
21 bird diverters and other APLIC guidelines.

22 The Yellow-Billed Cuckoo similarly has
23 similar impacts. The Yellow-Billed Cuckoo is listed as
24 threatened and is also a tier 1 species of greatest
25 conservation need. The study area is within the species'

1 current and predicted ranges, but not within suitable
2 breeding habitat. But may support migrating individuals,
3 particularly along the Little Colorado River.

4 So avoidance of the river and
5 implementation of the APLIC guidelines including bird
6 diverters would minimize the impacts to the cuckoo as
7 well.

8 So now I'll go into other special status
9 species unless there's questions.

10 CHMN STAFFORD: Member Fant.

11 MEMBER FANT: Just a point of order,
12 curiosity. Thank you, Mr. Chair. If the owls are
13 night-foraging birds, can they see the bird diverters?

14 MS. CASTEEL: I'm not an ornithologist, so
15 I don't want to speak in too much detail there, but they
16 should be able to navigate around them. I can find more
17 specific information on that. I'll get back to you when
18 we have a break.

19 CHMN STAFFORD: I look forward to hearing
20 your answer. I seem to recall hearing in some other case
21 that bird diverters are effective regardless of the time
22 of day. I may not -- that may not be a correct
23 recollection, so I look forward to your follow-up answer.

24 MS. CASTEEL: I will follow up with my
25 ornithologist and let you know.

1 CHMN STAFFORD: Thank you.

2 MS. CASTEEL: As far as the other special
3 status species, there are several bird, avian species,
4 particularly bald and golden eagles.

5 So they -- we have conducted surveys for
6 eagles, and they are known to occur in the area, but no
7 nests were found within the study area during our field
8 surveys.

9 Similar to the other birds that we've
10 spoken about, the APLIC guidelines will minimize impacts
11 to eagles. Prior to construction we will be doing nest
12 surveys. If eagle nests are found during those surveys,
13 there is mitigation to buffer around any found eagle
14 nests so that we don't impact eagle breeding.

15 CHMN STAFFORD: I think there was, I seem
16 to recall, some mention of the incidental take permits
17 for the project. I don't recall, I don't think they're
18 required for the transmission line, but for regards to
19 the wind project, is there -- is the applicant going to
20 have to get an incidental take permit from Game and Fish?

21 MS. CASTEEL: I believe that's something
22 that's still being worked out, whether an incidental take
23 permit will be needed for the wind. It's not anticipated
24 to be needed for the transmission corridor.

25 CHMN STAFFORD: I thought Member DiCiccio

1 was saying something. He's not.

2 MS. CASTEEL: For birds of conservation
3 concern, they're federally listed species outside
4 Endangered Species Act listed birds that are considered
5 highest conservation priority.

6 There are three birds of conservation
7 concern known to occur in the study area, 14 that may
8 occur, and then one that is unlikely to occur. The
9 impacts to birds of conservation concern, again, similar
10 to potential impacts to the Endangered Species Act and
11 eagles meaning risk of collision, avoidance of the area
12 due to construction noise, and the risk of damage to
13 active nests, eggs or nestlings.

14 The minimization measures including APLIC
15 guidelines and bird diverters as well as the nest surveys
16 prior to construction would minimize or prevent impacts
17 to birds in that way.

18 Additionally, there was some risk of
19 scavenging birds that may be struck by construction
20 vehicles, and there is a minimization measure that low
21 speed limits and worker awareness trainings would be
22 implemented.

23 Migratory birds. Like I mentioned there
24 will be migratory bird nest surveys prior to construction
25 if during the breeding season. So any risk of impacts to

1 nests or nestlings or eggs would be minimized through
2 those nest surveys.

3 When nests are found, they are buffered so
4 that they are not disturbed. And then anything, if it's
5 an area that needs to be disturbed, the nest needs to be
6 found inactive before any work is done there.

7 My next slide being the impacts which I
8 have discussed, as well as the minimization measures
9 there. That brings us to the species of greatest
10 conversation need. Those are state-listed species that
11 Game and Fish have identified as in the most need of
12 conservation action and have conservation priority.

13 They're prioritize into three tiers. Tier
14 1 being the highest priority vulnerable; 2 representing
15 the remainder of species meeting vulnerability criteria;
16 and 3, with an unknown status.

17 Our studies focused on the tier 1 and 2
18 species because they're of known vulnerable priority.

19 Out of the 84 SGCN tier 1 and 2 species
20 that were identified using the Arizona Game and Fish
21 environmental online review tool, 21 were known to occur
22 based on preconstruction surveys we've done in the area.
23 56 may occur because the area falls within that species'
24 predicted range and contains suitable habitat. And seven
25 are unlikely to occur.

1 Among those species, America Pronghorn was
2 identified as a particular species of concern. It is a
3 tier 2 species. And it's known to occur in the study
4 area.

5 As I've mentioned previously, there are
6 impacts anticipated during construction due to human
7 presence, construction noise, and that the Pronghorn and
8 other game species such as elk, bighorn sheep, mule deer
9 would likely avoid the area immediately around
10 construction.

11 But those impacts would be temporary and
12 following construction the project would be permeable,
13 fencing would only be around substations, not around the
14 line itself.

15 And then to mention again, the Arizona
16 Antelope Foundation, they also recognize that long-term
17 impacts are unlikely to the Pronghorn.

18 CHMN STAFFORD: You may have said this
19 already, what is the fawning season for the Pronghorn?

20 MS. CASTEEL: The fawning season is May
21 through mid-June. And so one of the minimization
22 measures is if construction occurs during the fawning
23 season, that construction -- the area of construction be
24 minimized however possible to allow for the Pronghorn to
25 go around areas of construction.

1 CHMN STAFFORD: Thank you.

2 MEMBER HILL: Mr. Chair.

3 CHMN STAFFORD: Member Hill.

4 MEMBER HILL: Before you go to native
5 plants.

6 MS. CASTEEL: Yeah.

7 MEMBER HILL: So, again, I really like the
8 table in Exhibit H of the application, pages 18
9 through 22.

10 There are a couple of Arizona Game and Fish
11 comments where the company response is such that they
12 would like to satisfy those comments that I think might
13 actually apply to the interconnection project that I
14 wanted to ask about that I didn't see in the minimization
15 lists.

16 So the first one you gave, you talked about
17 this, but I didn't actually see it in the list, so if I
18 missed it let me know, but I was trying to marry these up
19 pretty quickly and eat lunch and call my mother.

20 So the first one I wanted to talk about was
21 number 19. It says, "The Department recommends
22 minimizing the number and extent of new access roads and
23 recommends restoring habitat disturbed during
24 construction."

25 Is it in your list? Because you talked

1 about this but I didn't see it --

2 MS. CASTEEL: Yes.

3 MEMBER HILL: -- when I was trying to marry
4 it up.

5 MS. CASTEEL: So I realize I may have
6 forgotten to mention specifically some of the
7 minimization measures. One of them is to minimize new
8 access roads and to use existing two track or existing
9 unpaved roads out there.

10 Access roads along the line will not be
11 paved. It is unpaved to reduce disturbance. And then if
12 there's disturbance along the shoulders that is not
13 needed for long-term maintenance, those areas would be
14 revegetated along with any other kind of temporary impact
15 areas.

16 MEMBER HILL: Can you tell me if that's on
17 C15 or 16 or D43? Do you know which list that's in?

18 CHMN STAFFORD: And you're referring to the
19 application still; correct?

20 MEMBER HILL: Oh, now I see it. I
21 apologize, it's D43, it's the one, two, three, four, the
22 fifth bullet. Okay. I got it.

23 MS. CASTEEL: It is also on C16.

24 MEMBER HILL: Okay. All right. Next one.

25 MS. CASTEEL: Okay.

1 MEMBER HILL: Lighting. Is there going to
2 be lighting at substations and will there be lighting
3 along the interconnection project?

4 MS. CASTEEL: It is my understanding that
5 the transmission poles will not need lighting. That's
6 generally required by FAA when they're 200 feet or
7 taller. I can't speak to the substations. I'm not sure
8 if Mr. Patton or Mr. Rieman can speak to that.

9 MR. PATTON: In my experience there is some
10 security lighting at substations. But in this specific
11 case I'm not entirely sure. I'd have to confirm and get
12 back to you.

13 MEMBER HILL: I just ask because we know
14 artificial lights affects and attracts nocturnal animals
15 as Game and Fish has identified that. I think they're
16 probably mostly thinking of the turbines, but I do think
17 that sometimes we -- I'd like to understand the lighting
18 plan around the substations in particular and the impacts
19 that that might have.

20 But it does say the company plans to shield
21 lighting installations and use motion sensing. So if
22 that is a minimization measure that you guys are looking
23 at, we could include that to address the lighting piece
24 as well.

25 MR. RIEMAN: Yes, that's correct. We will

1 have motion detected lighting at substation that will be
2 shielded downward to minimize impacts outside of the
3 substation area. And that requirement or implementation
4 is largely driven by security, just recognizing the
5 sensitivity of the substation infrastructure with respect
6 to the project and to the broader transmission system.

7 MEMBER HILL: Okay. So if there's a
8 mitigation measure that we could include around that that
9 you're comfortable with illustrating, that would be
10 great.

11 MR. RIEMAN: Yes, that would be fine.

12 MEMBER HILL: Okay. The last one is one
13 that I have deep curiosity about. And I don't normally
14 bring this up in very many projects, but I do feel like
15 this one is worth talking about. Now I made you scared.
16 So that's not my intention.

17 But one of Arizona Game and Fish
18 Department's recommendation, again, they weren't specific
19 to jurisdictional or nonjurisdictional for us, was that
20 the Department recommends development of a
21 post-construction wildfire fatality monitoring plan.

22 The Department would like to review this
23 plan along with a series of acronyms that, I don't know
24 all of them, if developed. Prior to implementing, the
25 Department requests the opportunity to review the results

1 of that post-construction wildlife fatality monitoring on
2 an annual basis, including any information that may occur
3 once formal fatality monitoring has been completed.

4 I realize that there have been several
5 observations about how this interconnection project
6 doesn't -- doesn't affect wildlife as much as the
7 generation sites associated with it. But I did wonder
8 because we don't see an opportunity to evaluate impacts.
9 I think we make a lot of assumptions. I don't know that
10 there's a lot of good science around transmission impacts
11 on wildlife fatality.

12 I did wonder if your wildlife fatality
13 post-construction monitoring plan would include the
14 interconnection project and any monitoring within the
15 interconnection project.

16 MS. CASTEEL: It's my understanding that
17 the fatality studies are generally focused on the wind
18 projects. But I can confer and see if it's something
19 that would also apply to the interconnection project.

20 MEMBER HILL: We don't have Game and Fish
21 here to understand exactly what it is they want. So I
22 don't want to create something that's not useful to them.
23 But I'm under the impression that we just -- we really
24 just take transmission lines for not having a lot of
25 impacts on things.

1 And so I guess I was just trying to see if
2 we could gather some data and information that could
3 inform future decisions. I'm thinking about -- I've been
4 thinking -- I think about transmission way too much, way
5 too much. My husband is like, I don't care.

6 But I do think that we don't fully
7 understand the buildout of all of this infrastructure,
8 and to the discussion that we had a little bit yesterday,
9 I think -- I've lost track of time -- all the cumulative
10 impacts.

11 And so while I'm not asking for a
12 cumulative impact study, I am wondering if the
13 interconnection could be included in that monitoring.

14 MS. CASTEEL: It's something we can confer
15 about. I'm being pinged that it's generally it's not
16 something that Game and Fish has asked for.

17 MEMBER HILL: Yeah.

18 CHMN STAFFORD: Member Fant.

19 MEMBER FANT: Thank you, Mr. Chair. One
20 question on bats. I'm looking at the list of species
21 here. And I see that the Big-eared Bats and Free-Tailed
22 Bats and some Cave Myotis were detected. It says, I'm
23 looking at the note, it says species was detected. This
24 is page CG-001, C26.

25 It says, "Species was detected via passive

1 bat acoustic surveys for the adjacent wind facility," and
2 then in parentheses says "SWCA." Which I assume is your
3 company, 2024(a).

4 Did you all review those -- two
5 questions -- did you all review those acoustic surveys
6 and do bird diverters work for bats?

7 MS. CASTEEL: We did do the bat acoustic
8 surveys for the wind facility.

9 So the known occurrences that we mention
10 there are because where the interconnection line overlaps
11 with the wind facility, we had those positive results for
12 those bats in the interconnection area itself. So that's
13 how we know that they're known to occur. Based on those
14 studies.

15 As far as the bird diverters working for
16 bats, generally the bats are using the echolocation, and
17 so for the stationary objects they're seeing them that
18 way, as opposed to like the visual bird diverters.

19 But it would be some other physical thing
20 that they would sense as well. If you need more detail,
21 I might have to go to my bat biologists.

22 MEMBER FANT: While you're in your bat
23 cave, do these species of bats, what you listed, are
24 these low-flying bats or do they fly mid-air column or do
25 they fly high air column? Because if they're low-flying

1 bats there's no risk. But if they're maybe high-flying
2 column, air column bats, there might be a risk.

3 MS. CASTEEL: I'm not sure about flight
4 heights. I would assume maybe a mix of close to the
5 ground and higher up. But in general bats will see
6 stationary objects at night based on their echolocation
7 abilities.

8 CHMN STAFFORD: Is it seeing if they use
9 echolocation? Isn't it more like hearing them?

10 MS. CASTEEL: Yeah, I guess you could say
11 that.

12 BY MR. DERSTINE:

13 Q. I think you're moving on. We had a couple
14 questions that you've addressed. You're ready to
15 transition into the state protected native plant species?

16 A. (Ms. Casteel) Yes. And actually before we move
17 on, I have a note that early on in the hearing there was
18 some questions about the avian surveys that were
19 completed. So wanted to address those questions now.

20 Q. Please.

21 A. (Ms. Casteel) We're talking about birds.

22 So the avian surveys were done for the wind
23 facility and we did avian surveys. We do bird counts
24 once a month for two years. And the way that we do that
25 is we have ornithologists go out on site and they do --

1 they station in various areas to ensure adequate coverage
2 of the full area.

3 They will look for birds. So if they see them
4 in the sky they will count how long -- where they are
5 within a certain radius and how long they are in that
6 radius.

7 And they will also listen for bird calls. And
8 so these are ornithologists trained to recognize bird
9 calls and recognize birds by sight as well. And they'll
10 make note of what they see there.

11 In general, the surveys take four or five days
12 for a site this size and they will do that once a month
13 for two years.

14 Q. And that two-year study has been completed?

15 A. (Ms. Casteel) Yes.

16 CHMN STAFFORD: And was that for the
17 project area, the jurisdictional project area or is it
18 everything including the wind?

19 MS. CASTEEL: That survey was done for the
20 nonjurisdictional wind facility. We do do eagle surveys
21 for both the wind facility and the interconnection
22 project, and that's how we know there were no eagle nests
23 within the interconnection project area.

24 And we conduct those surveys over two
25 years, but concentrated, I have notes here, so it's -- we

1 do that I believe in March and possibly April once a year
2 for two years. And the first year they'll look for
3 habitat for eagle nests that -- areas that are likely or
4 possible to have eagle nests.

5 And we'll note if there's any nests found.
6 And then the second year they will specifically look at
7 those areas closely to see if there's any eagle nests
8 present. And that's how they know there weren't any
9 found.

10 And those surveys get done via helicopter,
11 so it's a popular survey.

12 CHMN STAFFORD: I'll bet.

13 MEMBER COMSTOCK: Mr. Chairman.

14 CHMN STAFFORD: Yes, Member Comstock.

15 MEMBER COMSTOCK: I appreciate the
16 information about the type of study that the on-site
17 folks do. I think you indicated that in some cases they
18 go out once a month for two years. Do they give you GPS
19 locations on where they were and the time that they spent
20 in each location along the study route?

21 MS. CASTEEL: So the locations that our
22 ornithologists go to and station at and do their counts
23 from, we have record of where they are. So we'll know
24 from what areas that they did those specific bird counts
25 from.

1 MEMBER COMSTOCK: And that gives you
2 location. How about time spent at the location?

3 MS. CASTEEL: So they will spend, it says
4 at each plot they spend 10 minutes counting small birds
5 and then an hour counting large birds at each location.

6 MEMBER COMSTOCK: Okay. And then one last
7 question. Weather permitting, they stay there. If they
8 get a bad day, do they go back -- bad weather day, do
9 they go back to the same location, that count?

10 MS. CASTEEL: Yes, they'll need to follow
11 that protocol, the hour for large birds and 10 minutes
12 for the small birds at each location. And so if they're
13 unable to complete that survey at that location they'll
14 need to go back when weather permits.

15 MEMBER COMSTOCK: Thank you.

16 BY MR. DERSTINE:

17 Q. We covered the -- provided the committee with
18 additional information on the bird surveys. Anything
19 else you wanted to add before transitioning to the plant
20 species?

21 A. (Ms. Casteel) I think that's it for me.

22 Q. Okay. For you for everything? Oh, have you
23 touched on the plant species before? Is there anything,
24 you covered a little bit of that in terms of the response
25 to the question from Member Kryder. Right?

1 A. (Ms. Casteel) so as far as the wildlife species,
2 I believe I covered everything I wanted to.

3 Q. Okay.

4 A. (Ms. Casteel) For the native plant species, the
5 project will be in compliance with the Arizona Native
6 Plant Law. There is also State Land requirements as I
7 had mentioned previously about the native plant
8 inventory, so State Land has ASLD valued plants that they
9 look for.

10 So we did those surveys to identify, account for
11 those, where we do plots and then extrapolate for the
12 project area as a whole. But then while we're out there,
13 also looking for other species.

14 As far as the Arizona native plant list, Arizona
15 native plant law, there's several categories of plants
16 including highly safeguarded, salvage restricted, salvage
17 assessed and harvest restricted. During our
18 preconstruction site visits, we found eight salvage
19 restricted plants but no harvest restricted, salvage
20 assessed or highly safeguarded species.

21 Q. Can you just explain the difference between them
22 in terms of salvage restricted and harvest restricted?

23 A. (Ms. Casteel) So salvage restricted would be
24 species that are subject to damage and vandalism.

25 The highly safeguarded are the ones that are

1 more threatened for survival and in danger of extinction,
2 so more sensitive.

3 The salvage restricted just meaning there's --
4 the native plant law states that plants shall not be
5 taken, transported or possessed without permission or
6 permit from the ADA, the Arizona Department of
7 Agriculture.

8 And so prior to disturbing those plants that are
9 listed, including those salvage restricted plants that we
10 had found, notification to the Arizona Department of
11 Agriculture will be required. And so that will be
12 conducted prior to construction.

13 CHMN STAFFORD: What are the salvage
14 restricted species in the study area?

15 MS. CASTEEL: Just a moment. Let me check.
16 We're going to compile a list and get back to you shortly
17 on that.

18 CHMN STAFFORD: Okay. Thank you. And then
19 can you give me an example of the highly safeguarded,
20 which is the highest category of the native plants?

21 MS. CASTEEL: The most sensitive category?

22 CHMN STAFFORD: Yeah, it's highly
23 safeguarded; right? That's the most sensitive category?

24 MS. CASTEEL: Correct.

25 CHMN STAFFORD: Can you provide one example

1 of that? Doesn't need to occur in the study, I'm just
2 curious what the --

3 MS. CASTEEL: I'm being told the Peebles
4 Navajo Cactus, which is more rare, very difficult to see
5 plant, and so it's more sensitive than other species.

6 CHMN STAFFORD: Those are the real, look
7 like a tiny, stubby little, like barrel cactus, sort of?

8 MS. CASTEEL: They're very tiny, like an
9 inch maybe, and yet they are -- I'm looking at notes
10 here.

11 So the Peebles Navajo Cactus is endangered
12 and found only in Holbrook, but as an example that's --

13 CHMN STAFFORD: Thank you.

14 MEMBER HILL: Mr. Chair.

15 CHMN STAFFORD: Yes, Member Hill.

16 MEMBER HILL: There's some excellent
17 monitoring and protocol that was developed as part of the
18 wind farm. It was developed with the tribe, Nature
19 Conservancy was involved, which is why I mentioned it,
20 Ms. Casteel. And it was -- we were just talking about
21 the wind farm, that's just the Babbitt farm or the
22 Babbitt ranch.

23 The Babbitt ranch has some really great
24 monitoring protocol that they developed with the tribes,
25 and so -- I can't remember who did that work. But it is

1 peer reviewed now, there's some publications around it, I
2 think. So you might want to take a look at that if that
3 could be a reference for you, that would be great, so.

4 MS. CASTEEL: Okay.

5 MEMBER HILL: Yeah.

6 MS. CASTEEL: So as far as impacts to these
7 native plant species, the areas of disturbance will be
8 limited to the -- permanent disturbance would be limited
9 to the poles, access roads and polling stations. And any
10 areas of the temporary disturbance would be revegetated
11 with a native seed mix that would be approved by State
12 Land.

13 Like I mentioned before, the native plant
14 inventory has been conducted out there.

15 BY MR. DERSTINE:

16 Q. I noted, and maybe it's in a prior slide, but
17 you have to notify the Arizona Department of Agriculture
18 60 days before plants are destroyed. How is that carried
19 out?

20 A. (Ms. Casteel) There is a form that is filled
21 out and the Department of Agriculture is notified, and if
22 there's a party that wants to -- I believe if there's a
23 party that wants to come and harvest the plants they can.
24 But otherwise it's just a notification process.

25 Q. All right.

1 A. So that brings us to the nonspecial status
2 vegetation and wildlife.

3 In addition to the ESA, bald and golden eagles,
4 birds of conservation concern, state -- the state
5 protected species of greatest conservation need and the
6 protected native plants, there are general wildlife and
7 vegetation that would be impacted by the project.

8 So impacts to wildlife similar to those that
9 have been discussed for the special status species, so
10 construction noise, human presence would discourage
11 wildlife from using the area, those impacts would be
12 temporary, but there are some measures that we haven't
13 discussed yet that would apply to just general wildlife.

14 So one with trenching, if trenching is needed
15 for any reason, those trenches would be either backfilled
16 immediately or escape ramps would be implemented so that
17 terrestrial wildlife, if they were to accidentally fall
18 into these trenches, that they could get back out.

19 And then the trenches would be inspected for any
20 wildlife before being backfilled. If there are any
21 wildlife that are encountered that have been injured or
22 otherwise at risk, wildlife specialists would be called
23 to handle those species.

24 And then measures that have been mentioned with
25 the use of existing roads whenever possible to reduce

1 impacts from access roads, and the use of the standard
2 best management practices for the invasive species as
3 well as the worker awareness trainings and low speed
4 limits would be implemented in order to reduce impacts to
5 wildlife from vehicle collisions or other impacts during
6 construction.

7 CHMN STAFFORD: Have any noxious weeds or
8 invasive species been observed along the corridor for the
9 transmission line?

10 MS. CASTEEL: Noxious weeds have been
11 documented within the interconnection project area. And
12 to minimize introduction or spread of invasive and
13 noxious species, the standard best management practices
14 would be used such as cleaning vehicles and identifying
15 areas of known infestations.

16 CHMN STAFFORD: Okay. And then your second
17 bullet on there says about filing existing road
18 alignments or existing two track paths for an option.
19 You're going to have to do an access road for the
20 transmission line; correct?

21 MS. CASTEEL: Correct.

22 CHMN STAFFORD: And that access road will
23 be contained in the final right-of-way?

24 MS. CASTEEL: I'm not sure. I would have
25 to defer to the applicant for that.

1 CHMN STAFFORD: Okay. Mr. Patton?

2 MR. PATTON: Can you pose the question one
3 more time for me, Chairman?

4 CHMN STAFFORD: Yeah. So any new access
5 road for the transmission line, those will be located
6 entirely within the final right-of-way; correct?

7 MR. PATTON: Yes, sir.

8 CHMN STAFFORD: I just wanted to confirm
9 that. Thank you.

10 MEMBER HILL: Mr. Chair.

11 CHMN STAFFORD: Yes, Member Hill.

12 MEMBER HILL: One other question about
13 invasive species, it was a big topic at the last hearing,
14 so you're subject to my thinking and continuing thoughts
15 on this.

16 I don't see it in the letters, I was trying
17 to go through it, but often Game and Fish suggests using
18 iMap to identify invasive species. It's kind of a
19 database of innovative species, you can enter lat-long
20 and identify patches of invasive species.

21 And I've noticed a lot of applicants use it
22 to inform their field work before they go out in the
23 field just to get a better idea of what's mapped and
24 what's not as they're mapping invasive species. But when
25 I asked do you contribute to it, I got a no.

1 And so I guess I'm just asking applicants,
2 you know, so much of the state is not surveyed, and as
3 much as I wish we could survey for all the things, at
4 least surveying and contributing data to iMap would be
5 really helpful I think long-term for rangers as well as
6 those interested in biodiversity; right.

7 And so I would just encourage you as you're
8 mapping invasive species in corridor and patches to
9 actually contribute that data to iMap. I think we're
10 only as good as us pulling it together. So, thank you.

11 MS. CASTEEL: So in conclusion, wildlife
12 and vegetation would be impacted by construction of the
13 project. Most of those impacts would be temporary during
14 construction and would be subject to the minimization
15 measures that we discussed and are included in C15, C16,
16 and D43.

17 The particularly sensitive Little Colorado
18 River would be avoided with the direct disturbance and
19 then the erosion control measures being used to prevent
20 any sedimentation into the river to control the
21 particularly sensitive areas.

22 And then like I mentioned, the vegetation
23 disturbance would be minimized and any temporary
24 disturbance areas would be revegetated.

25 And then in general the project will comply

1 with all applicable laws and regulations including those
2 discussed, Endangered Species Act, Bald and Golden Eagle
3 Protection Act, Migratory Bird Treaty Act, the Arizona
4 Native Plant Law.

5 CHMN STAFFORD: Quick question about
6 Exhibit D to the application, or hearing Exhibit CG-1.
7 Appears that Exhibit D starts at page 36. What happened
8 to pages 1 through 35, was it just a typo?

9 MS. CASTEEL: That's just a formatting
10 issue, so the page numbering continued from C when it
11 should have started back at 1.

12 CHMN STAFFORD: Okay. Thank you.

13 BY MR. DERSTINE:

14 Q. So I see on the Slide 133 of Applicants'
15 Exhibit 7, those are your overarching conclusions
16 concerning the impacts of the interconnection project on
17 wildlife and vegetation, and your bottom conclusion is
18 that the interconnection project is environmentally
19 compatible with biological resources that you've just
20 walked us through in terms of the various studies. Do I
21 have that right?

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

23 MEMBER HILL: Mr. Chair.

24 CHMN STAFFORD: Yes, Member Hill.

25 MEMBER HILL: I wasn't sure where to stick

1 this one, but I just wanted to respond to some public
2 comment that we got. I think there were at least two
3 people who talked about the need to do a NEPA process.

4 And I wondered if the applicant or someone
5 else could explain why NEPA doesn't apply here. Or if we
6 could address that in some way, shape, or form.

7 MS. CASTEEL: So NEPA is triggered when
8 there's a federal nexus. So that could mean it's on
9 federal land. It could mean there's federal funding. Or
10 that there's a federal approval that's needed.

11 So in this case, it does not apply and so
12 NEPA does not apply.

13 CHMN STAFFORD: I think the connection was
14 if you need to get an incidental take permit for eagles,
15 isn't that a federal nexus? I guess my understanding
16 it's not. Can you explain why?

17 MS. CASTEEL: The take permit is not
18 anticipated to be needed for the interconnection project.

19 The -- whether or not an incidental take
20 permit triggers NEPA, I think that's a nuanced question
21 I'd want to ask my NEPA specialist.

22 CHMN STAFFORD: We could ask your lawyer.

23 MR. DERSTINE: I am not a NEPA specialist
24 by any stretch of the imagination. But, yeah, I think
25 the issue of the federal eagle take permit is something

1 that has been discussed in relation to the wind project.

2 It doesn't apply as Ms. Casteel noted to
3 the interconnection project. But I think we'll have to
4 evaluate that. I think with changes that are happening
5 in Washington concerning various NEPA guidelines and CEQ
6 rules and regulations, there's a lot of ongoing changes
7 there. And so I think that determination is still up in
8 the air.

9 CHMN STAFFORD: Member Fontes, you have
10 your hand raised.

11 MEMBER FONTES: I concur with the
12 applicants' consultant, SWCA, that this does not apply.
13 There's no federal nexus in terms of jurisdiction, land,
14 interconnect, right-of-way, based on my work previously
15 over a decade working with the Department of Energy. I
16 think this, because it's on all state land trust, is
17 falling within this purview, for whatever it's worth,
18 Mr. Chairman.

19 CHMN STAFFORD: Thanks. You also
20 interconnect here. It's TEP. A local public service
21 corporation. So --

22 MR. DERSTINE: That's correct.

23 MEMBER FONTES: There's no touch point,
24 Mr. Chairman.

25 CHMN STAFFORD: Right. That was my

1 understanding. Thank you.

2 MEMBER DICICCIO: Mr. Chair.

3 CHMN STAFFORD: Yes, Member DiCiccio.

4 MEMBER DICICCIO: So I'm just enough to be
5 dangerous with the NEPA process, but you've done, when
6 you look at your process that you went through and all
7 the things that you did, it's pretty close to what the
8 NEPA guidelines are.

9 It would be better if you just knew the
10 different -- I mean, I don't know what the difference is
11 between the NEPA process and what you completed here. I
12 just think you've done a lot of it already, that you've
13 done the biological, you've done the environmental,
14 you've done everything that NEPA would require except
15 maybe determine what the economic impact would be or
16 something like that.

17 MS. CASTEEL: There is a lot of overlap but
18 it's not exactly the same process.

19 MEMBER DICICCIO: Sure.

20 MS. CASTEEL: Public involvement is a
21 little different. There's different requirements, and it
22 depends on what level of NEPA applies will change the
23 process also. And so there is a lot of overlap with the
24 studies, but not exactly the same process.

25 MEMBER DICICCIO: You wouldn't go through

1 NEIS, you'd probably just do an EA or something like that
2 on a project like this through NEPA.

3 MS. CASTEEL: It depends on the lead
4 federal agency and what they believe the potential for
5 impacts would be. So I don't know. Because NEPA doesn't
6 apply in this case. It's not something we looked into.

7 But generally up to the lead federal agency
8 to determine what needs to be evaluated in detail, and
9 then whether or not it's an environmental assessment or
10 an environmental impact statement which is more involved.

11 I did get clarification on the eagle
12 permit. The Bald and Golden Eagle Protection Act,
13 permitting is under a general permit, and there is a
14 categorical exclusion for that, so it would not
15 federalize the project.

16 CHMN STAFFORD: And that's the category of
17 exclusion, it's my understanding or recollection from
18 prior cases, what kind of federal permit you'd get for
19 crossing like the CAP canal, for example. You don't have
20 to go through a NEPA process to cross that. They do a
21 categorical exclusion for that.

22 MS. CASTEEL: There's certain categories
23 that are excluded from the need for the NEPA process, and
24 the general permit that the eagle take permit would fall
25 under is considered one of those exclusions.

1 BY MR. DERSTINE:

2 Q. All right. I think your next section we're
3 going to get to would be your analysis of the visual
4 impacts.

5 But I wanted to make a note. I had a received a
6 follow-up on, to Member Fant's question on bats, which I
7 know nothing about. But I will state for the record that
8 bats are known to be susceptible -- are not known to be
9 susceptible to collision for transmission lines.

10 Only studies that show impact to bats is for
11 flying foxes, if you know what that is, Member Fant.
12 Big-eared Bats fly low, Mexican Free-Tailed can fly high,
13 but are highly maneuverable. So I think general
14 transmission lines do not pose a threat to bat species.

15 And then, Member Hill, on your question and your
16 ask was could we adopt a PCM that would apply to the
17 interconnection project. The applicant I think is
18 willing to do that, will agree to that.

19 And what I'm told is that the -- we would commit
20 to doing a sample PCM for the line and sample along high
21 risk areas to ensure that our bird flight diverters are
22 effective.

23 MEMBER HILL: Thank you.

24 MR. DERSTINE: All right. Before we move
25 on to your next chapter is this an appropriate time to

1 take a break?

2 CHMN STAFFORD: You're reading my mind,
3 Mr. Derstine.

4 MR. DERSTINE: Never happens.

5 CHMN STAFFORD: I was thinking a nice
6 break, breaking point, because the environment, the
7 visual resources will take I think probably good
8 45 minutes at least to get through. Those are usually
9 more readily followed if you make it through all at once
10 instead of starting and stopping, so I think it's a good
11 time for a break, and the court reporter seems to agree,
12 so let's take approximately a 15-minute recess.

13 MR. DERSTINE: Thank you.

14 (Recess from 2:22 p.m. to 2:51 p.m.)

15 CHMN STAFFORD: All right. Let's go back
16 on the record. I believe we were about to start into the
17 visual impacts.

18 Member Fant, you had a question.

19 MEMBER FANT: Thank you, Mr. Chair. One
20 comment to Matt before we go further. I would just point
21 out that the latest in bird diverter technology, there's
22 been studies on the Niobrara River in Nebraska which show
23 migratory birds, not song -- not low-flying songbirds,
24 high-flying migratory, can see infrared light.

25 So one thing you can do is put infrared

1 lights on your towers which is not visible, of course, to
2 humans or most other animals. But the migratory birds
3 can see it in nighttime and rain and fog, et cetera, et
4 cetera. So I just mention that.

5 MR. DERSTINE: I appreciate that, and I
6 think the applicants' representatives will make note of
7 that and will look into it. Thank you.

8 BY MR. DERSTINE:

9 Q. And I guess in line with that, there were two
10 questions that came up, Ms. Casteel, during your
11 biological testimony. One had to do with I think whether
12 the Spotted Owl can see the line at night and you're
13 going to answer that. I'm excited to hear what the
14 answer is.

15 And then the other one is addressing the
16 chairman's question on if you could identify the salvage
17 plants. Correct?

18 A. (Ms. Casteel) Yes. So I'll start with the
19 Mexican Spotted Owl. For clarification on how it might
20 use the study area, the study area does not contain
21 nesting, roosting or preferred foraging habitat. But
22 they may use some of the areas for passing through. And
23 that generally will be limited to the pinyon-juniper
24 woodlands that are on the eastern side as well as the
25 Little Colorado River riparian habitat, so it's going to

1 be the main corridor that they would use.

2 They generally -- they rarely fly above the
3 forest canopy heights. They like being below the forest
4 canopy. So they're much more likely to use the canyon,
5 the Little Colorado corridor, the canyon there to travel.

6 But if interacting with the line, they do have
7 good night vision and it's possible that they would see
8 those diverters.

9 And then as far as the salvage restricted plants
10 that we found within the study area, those include eight
11 species. Like I mentioned previously, Banana Yucca,
12 Fendler's Hedgehog, Narrow Leaf Yucca, Pale Desert Thorn,
13 Plains Prickly Pear, Spiny Star, Tulip Prickly Pear, and
14 the Whipple Cholla.

15 Those eight species are fairly common throughout
16 the state, but they are on the protected list because
17 there tends to be a lot of cactus thievery, and so the
18 state wants to protect them from that.

19 Q. All right. Visual resources. I'll just note
20 for the record that the limited appearance filed by
21 Ms. Weiland has several pages devoted to her critique of
22 your visual resource analysis. I'm not going to cover
23 it. I think you had an opportunity to review it.

24 Honestly, when it gets down to the visual
25 resource analysis, the committee has seen a number of

1 your simulations already that we used on the route tour.
2 And my sense is that the committee members are more
3 inclined to trust their own eyesight rather than our
4 judgment about whether something grades a moderate impact
5 or a high impact.

6 But I think your analysis is important. I think
7 we need to put it on the record. But I think at the end
8 of the day the committee can judge, make its own
9 determination on visual impacts, et cetera.

10 A. (Ms. Casteel) Yes, and I will try to cover
11 those concerns through my testimony here, but if there's
12 follow-up questions, by all means let me know.

13 So for the visual resources, our visual resource
14 specialists conduct a visual resource assessment. And
15 that includes characterizing the scenic quality of the
16 area, evaluating the level of visual modification that
17 the project would have, and then to assess conformance
18 with any application management plans.

19 In order to do that, part of what they do is
20 identify key observation points, these KOPs, and those
21 are selected by our visual resource specialists, but
22 confirmed or approved by the applicants.

23 And they are intended to be representative of
24 different types of viewers and multiple different
25 distances to give a representative sample of what views

1 might be of the project area.

2 As far as the -- and I'll get into the KOPs in
3 just a moment.

4 Also with characterizing the scenic quality and
5 the level of impact and sensitive viewers, the review of
6 management plans did not identify any management plans
7 that require conformance with visual resource management
8 objectives or guidelines. No specific requirements or
9 measurable guidelines to follow on that.

10 For the landscape character, so the landscape
11 character refers to the overall visual and cultural
12 impression of the landscape, and it includes both natural
13 and human influences, including landforms, vegetation and
14 built features.

15 In general terms when we're doing our visual
16 resource assessments, scenic quality is based on premise
17 that landscapes with greater diversity and visual variety
18 and landforms and vegetation are more aesthetically
19 pleasing and therefore holds greater value.

20 The aesthetic value of an area is subjective,
21 and so the methodology that we use for this assessment
22 tries to make it as measurable as possible, but it was
23 something we know, we recognize is inherently subjective.

24 So when we describe the landscape character,
25 it's generally with the understanding or the premise that

1 greater diversity and visual variety in landforms and
2 vegetation would mean, then, higher scenic quality.

3 Within the study area, the landscape character
4 is mostly open and panoramic. Includes views of adjacent
5 mountains, rolling grasslands, occasional cinder cones
6 and buttes.

7 Here I want to make a correction to our analysis
8 in Exhibit E. There's a statement that was not fully
9 accurate. So in Exhibit E, page E-6, there is a
10 statement that says about the scenic quality that's in --
11 if you want to follow along -- yeah, page E-6, the
12 paragraph right above the "Sensitive Viewers" heading,
13 and it mentions that the landscape, as I just described,
14 but also with, "The prominence of existing built features
15 and development dominating the appearance of the natural
16 landscape," that was intended as far as prominence of
17 built features.

18 As you saw yesterday there's not prominent built
19 features in the majority of the CC corridor or study
20 area. That area with dominant built features is near the
21 generating station, so it applies to part of it, but not
22 most of the study area. So I just wanted to make that
23 clarification.

24 It was not intended to be misleading, there's
25 multiple other places within the visual assessment and

1 elsewhere where we recognize that the landscape is open,
2 rolling grasslands with limited development.

3 CHMN STAFFORD: You said that the prominent
4 existing built features, you said that was where again?

5 MS. CASTEEL: That is in the portion of the
6 study area that's adjacent to the Springerville
7 Generating Station. So through our studies, the
8 determination based on the landscape was that the scenic
9 quality is low to moderate based on moderately visually
10 interesting landforms and vegetation that are similar to
11 landscape typical across the Colorado plateau.

12 An important component of the visual
13 assessment is sensitive viewers who are the groups that
14 would be -- that would see the project. And we
15 identified two types of sensitive viewers, and that
16 includes vehicular travelers, so either on -- primarily
17 on US 180 and US 60, but also on a number of unimproved
18 roads and two track on the state land and adjacent
19 properties.

20 And then recreational area visitors who are
21 visiting those state lands that -- or adjacent properties
22 that are there for recreation, so like Mr. Casteel had
23 mentioned on state trust, in order to recreate on that
24 land you would need a recreation permit or special use
25 permit, but it is possible with that permit.

1 And some activities that occur in the area
2 are walking, hiking, biking, off-road vehicles, horseback
3 riding, nature view and bird watching, and hunting as
4 well.

5 There are no residences within the study
6 area, and so we did not identify any residential viewers.
7 The closest -- as part of the study, the closest
8 residence is 1.8 miles south of the corridor.

9 Based on our study, the sensitive viewers
10 have a low to moderate -- low-moderate to moderate
11 sensitivity within the study area.

12 So to illustrate the study area's landscape
13 character, visual simulations were created at six key
14 observation points as shown on the figure to the right.

15 CHMN STAFFORD: You're talking about the
16 slide 142 of the hearing Exhibit CG-7?

17 MS. CASTEEL: Correct. Also it's the same
18 image on Slide 144.

19 You can see KOP 3 and 6 which are near
20 Stops 1 and 2 from our tour. And then -- and those are
21 from US 60. KOP 2 is from the US 180 with KOP 1 and 5
22 from the state lands, and 4 as well from the east side.

23 They are all at varying distances from the
24 line to try to give a variation of viewing distances, the
25 impression would get from different distances away.

1 So this is the KOP 1. KOP 1 is facing
2 southeast from an unnamed road on state land located east
3 of 180.

4 This view is representative of a typical
5 travel route, views off of the dual-track travel routes
6 that are throughout the state land, generally used for
7 either the grazing lessees or possibly for recreation.
8 So this was intended as representative of recreationists
9 that might be using the area.

10 This image is the -- sorry -- the image on
11 the left is the existing condition. I can't point to it
12 but the image on the left there is the existing
13 condition. The image on the right is the simulated
14 condition.

15 You can see the transmission line along the
16 horizon here. See if I can point. There we go. The
17 simulated line back here along the horizon.

18 At this key observation point, the distance
19 to the nearest proposed structure is approximately .9
20 mile. And the transmission poles will be elevated and
21 prominently skylined at this location.

22 They would appear as predominant features
23 with the flat, expansive panoramic landscape surrounding
24 the viewer. The visual impacts to these viewers are
25 expected to be moderate as the project repeats the

1 similar form, line, color, and texture as the existing
2 transmission development, just at a larger scale.

3 So the smaller transmission line that you
4 see in the foreground is the 69kV line.

5 BY MR. DERSTINE:

6 Q. And, Ms. Casteel, in terms of, you created this
7 KOP simulation from this two track road. Do you have any
8 sense or can you give the committee a sense of how
9 frequently this road is used and who uses it? How often
10 would someone be utilizing this road? Is it behind a
11 fence, is it behind a gate?

12 What's the frequency that someone would be in
13 this position to view what we're viewing here on the
14 screen?

15 A. (Ms. Casteel) I can't speak to the exact
16 frequency, but this is on state land with limited access
17 to this. So primarily this would be used by either the
18 lessees during their operations or recreationists that
19 have gotten a recreation permit from State Land
20 Department. So not common, but -- used but not commonly.

21 Q. Thank you.

22 CHMN STAFFORD: And this is the weathered
23 steel pole simulations?

24 MS. CASTEEL: That's correct, yes.

25 //

1 BY MR. DERSTINE:

2 Q. So, and I guess that's true for all of the
3 simulations you'll be showing us up until we get to
4 the -- there's two additional simulations that were
5 created that have been marked as exhibits, and we'll
6 transition to those after you cover the simulations that
7 is were included in the application, which is Applicants'
8 Exhibit 1. Is that right?

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

10 This is the image from KOP 2. So this is near
11 where we stopped off yesterday along US 180, just south
12 of the proposed line facing northwest. This view
13 represents views from the traveling -- from travelers
14 along US 180 heading northbound.

15 The sensitivity of viewers at this key
16 observation point was assessed as low to moderate, and
17 the distance to the nearest proposed structure at this
18 point is .6 mile.

19 The forms, lines, colors, and textures of the
20 transmission line will be uncommon in this area.
21 Travelers would be at a neutral viewing position with
22 most of the length of the transmission poles would be
23 skylined as you can see on the right image here in the
24 simulation.

25 The interconnection project runs nearly

1 perpendicular to the roadway crossing at this location.
2 The structures will remain a codominant feature in the
3 landscape, but begin to -- begin to dominate the visuals
4 of the overall flat, expansive panoramic horizon
5 surrounding the viewer, and the dark, sinuous asphalt
6 roadway in which the vehicular travelers would be more
7 focused.

8 The visual impacts to travel route viewers at
9 this location are expected to be moderate to high. KOP 3
10 is near Stop 1 from the tour. That is on US 60 facing
11 southeast. It represents views from vehicular travelers
12 on US 60.

13 The sensitivity of viewers at this location were
14 assessed as low to moderate. The simulation shows the
15 interconnection project as it crosses US 60. We have
16 also simulated the potential locations of the wind
17 turbines in this simulation.

18 Distance to the nearest interconnection
19 project structure is .7 mile. The distance to the
20 nearest turbine location at this -- at this point is .75
21 mile. The number of turbines visible at the location is
22 12, with the modeled turbine height of 654 feet to the
23 tip of the blade.

24 BY MR. DERSTINE:

25 Q. And I gather that because the two prior

1 simulations did not include wind turbines simulated in
2 the view, that at those observation points for KOP 1 and
3 KOP 2 that the wind turbines would not be visible at
4 those two locations. Is that right?

5 A. (Ms. Casteel) That's correct.

6 The transmission line at this location, the
7 forms, lines, colors, and textures would be uncommon for
8 this area. Transmission poles would be elevated and
9 prominently skylined, and would introduce a stronger than
10 moderate contrast. The visual impacts at this location
11 are expected to be moderate to high.

12 CHMN STAFFORD: Quick question on the
13 nonjurisdictional portion. What's the minimum setback
14 from the road for the wind turbines and then is that
15 determined by the county or by the State Land Department?

16 MR. DERSTINE: Is that something you can
17 speak to, Mr. Patton, or someone else on the project
18 team?

19 MR. PATTON: Apologies. Could you reframe
20 the question for me, Chairman?

21 CHMN STAFFORD: What is the minimum setback
22 from the road for the wind turbines and is that
23 determined by the county or by the State Land Department?

24 MR. PATTON: It is determined by the county
25 and it is 1.1 times the tip height.

1 CHMN STAFFORD: So that comes out to --

2 MR. PATTON: Roughly 800 feet.

3 CHMN STAFFORD: Do you intend to place any
4 of that close to the road? I mean, that's the minimum
5 setback.

6 MR. PATTON: No, sir.

7 CHMN STAFFORD: The ones, I'm looking at
8 this picture and they look all like they're further away
9 than that from the road.

10 MR. PATTON: Yes, sir.

11 CHMN STAFFORD: Okay.

12 MEMBER COMSTOCK: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Comstock.

14 MEMBER COMSTOCK: It would be helpful in
15 the future to include the wire itself and any apparatus
16 that may be attached to the wires between the poles to
17 take a look at what the total visual effect is, so this
18 case bird deflectors or whatever may be hanging off the
19 wires in these areas.

20 I mean, the poles are one thing, but wires
21 add to the visual effect as well. So I'm not sure how we
22 ask the applicants to do that in the future, but if we
23 could find a way it would be helpful for me.

24 CHMN STAFFORD: I could have sworn I've
25 seen some of these simulations that have wires on them.

1 It's just you can't see them depending how far away you
2 are from the poles.

3 MS. CASTEEL: Yes, so the lines are
4 simulated here in the image, they're just harder to see
5 against the sky. There are -- we have not modeled bird
6 diverters on these, but we modeled the lines.

7 BY MR. DERSTINE:

8 Q. And how far away are the structures and the
9 lines from the viewer based on this simulation?

10 A. (Ms. Casteel) This is .7 mile.

11 Q. So based on the modeling and the creator of the
12 simulation you would say at .7 miles you can see the
13 structures but it's -- at this vantage point it's hard to
14 see the conductor at that distance?

15 MEMBER HILL: Mr. Chair.

16 CHMN STAFFORD: Wait. She's going to
17 answer the question and then you can ask yours.

18 MS. CASTEEL: It would be more difficult to
19 see the lines than the poles themselves, yes.

20 CHMN STAFFORD: And I don't think we have
21 any pictures of where the bird diverters would be located
22 anywhere along the line, because those are over the two
23 waterways in the Lower Colorado and Coyote Springs --
24 what's it called? I keep --

25 MS. CASTEEL: Coyote Creek.

1 CHMN STAFFORD: Coyote Creek. Right. And
2 those -- we didn't have any vantage points that you could
3 really see those crossings because they're not near any
4 roads. I don't think so. Is that correct?

5 MS. CASTEEL: That's correct.

6 CHMN STAFFORD: Okay. Member Hill.

7 MEMBER HILL: I don't have a question other
8 than I appreciate Mr. Comstock's comment, because it is
9 hard to see particularly on the screen. I do think what
10 was provided in the application is little bit easier to
11 see. It's just a wider frame. I just turned to KOP 4.

12 So for my colleagues who want to look at
13 that picture, it's on E-3. It's the Exhibit E-22. Those
14 are actually I think helpful because you can actually see
15 the wires in those pictures.

16 MS. CASTEEL: Thank you.

17 MEMBER COMSTOCK: Mr. Chairman, I'll bring
18 my magnifying glass to the next --

19 CHMN STAFFORD: Noted, Member Comstock.

20 MR. CASTEEL: And I guess to Member
21 Comstock, seeing them projected up on the screen here
22 with issues with backlighting, and we do our best to
23 capture those images, but I think as Member Hill points
24 out, it is easier if you look at the simulations as
25 they're printed in the application, that's Applicants'

1 Exhibit 1, you'll have, I think those come through more
2 clear and give you more clarity on what you can see.

3 MEMBER COMSTOCK: Appreciate the assist.
4 Thank you.

5 MS. CASTEEL: This next series, set of
6 photographs is from key observation point 4. This -- at
7 this KOP the view is facing southwest from an unpaved
8 road on state land. On the eastern side of the study
9 area. You'll see it here on the east side of the map.

10 The views at this location represent
11 typical views from an off-road dual track travel route
12 used for recreational purposes or by grazing lessees.
13 Sensitivity of viewers at this KOP is assessed as
14 moderate.

15 CHMN STAFFORD: What's that existing line?
16 Is that the 69kV line or is that the 345?

17 MS. CASTEEL: That is actually, I believe
18 it's a 345. It's the line that goes north-south. That
19 line is actually not on our figure. Apparently it's not
20 in the layer that we had available for transmission
21 lines, but it is present in the landscape, and it appears
22 to be larger. So 345 is what we assume it is. Sorry.
23 Go ahead.

24 CHMN STAFFORD: And then you talked about
25 the 69kV lines that we drove under on the -- I think it

1 was on the 60 and the 180. I seem to recall some
2 speculation whether those were wooden or metal poles. My
3 recollection is looking at them as we passed them by,
4 those are all metal mono poles, they appear to me.

5 MS. CASTEEL: It looked, and this is from
6 memory, so forgive me if I'm wrong, but it did look like
7 at least the portion that comes up from the Y on this
8 side are metal poles. That's what we saw as we crossed
9 over the freeway. I don't remember if that's the same
10 for the other side of the Y that goes off to the west.

11 MR. PATTON: Mr. Chair, I can speak to
12 that. They are weatherized mono poles.

13 CHMN STAFFORD: Thank you.

14 MS. CASTEEL: Key observation point 4, you
15 can see as the Chairman pointed out, there is the
16 existing line in the foreground. And so the -- what
17 looks like taller poles because they're closer, are the
18 existing transmission poles and then the project's
19 proposed poles are in the background here.

20 BY MR. DERSTINE:

21 Q. And what's the distance to those poles that are
22 in the background that you've simulated?

23 A. (Ms. Casteel) At this location it's 2.3 miles
24 to the poles. The distance to the nearest substation is
25 two and a half miles. The project structures are visible

1 in the background on the horizon here.

2 CHMN STAFFORD: And these existing -- this
3 existing 345kV line, those appear to be steel weathered,
4 finished mono poles; is that correct?

5 MS. CASTEEL: For the existing line?

6 CHMN STAFFORD: Yes.

7 MS. CASTEEL: Yes. I believe so, yes.

8 The forms, lines, colors, and textures at
9 this location will be common given its proximity to other
10 transmission lines that connect with the Springerville
11 Generating Station and Substation.

12 The viewers at this KOP would be at a
13 nearly level viewing position and the transmission poles
14 will be backdropped against the distant mountains located
15 behind the existing mono pole transmission line in the
16 landscape.

17 The project visual impact for travel route
18 viewers at this location is expected to be low to
19 moderate.

20 KOP 5 is facing southeast on County Road
21 4365 on state land west of US 180.

22 This view represents typical views for
23 travelers heading southeast on County Road 4365. And the
24 sensitivity of viewers is assessed as low to moderate.

25 //

1 BY MR. DERSTINE:

2 Q. If I were to drive on County Road 4365, where is
3 that going to take me?

4 A. (Ms. Casteel) I believe that just takes you to
5 the state land that's within the wind facility study
6 area, but on Arizona State Land Department-administered
7 lands. So for grazing lessees or recreationists.

8 Q. Okay. Thank you.

9 A. (Ms. Casteel) The distance to the nearest
10 structure at this location is .8 miles. The forms,
11 lines, colors, and textures of the line will be uncommon
12 to this area. Viewers would be at an inferior viewing
13 position.

14 Transmission poles will be elevated and
15 prominently skylined, introducing a stronger than
16 moderate contrast. However, the structures will remain
17 codominant in the landscape and begin to but not fully
18 dominate the visual of the overall, flat expansive
19 panoramic horizon surrounding the viewer.

20 The visual impacts at this location are expected
21 to be moderate to high.

22 BY MR. DERSTINE:

23 Q. Can I ask you what an inferior viewing position
24 means?

25 A. (Ms. Casteel) Means you're below it, just

1 elevation-wise.

2 KOP 6, which is located from Stop 2 from the
3 tour yesterday is facing northwest on US 60, southeast of
4 the proposed project crossing. This view represents
5 typical views for travelers on westbound US 60 within the
6 study area. Sensitivity of viewers at this location is
7 assessed as low to moderate.

8 The views at this position are similar to what
9 we saw for KOP 3, but facing for what this is for
10 westbound traffic instead of eastbound travel, so similar
11 locations but from different angles. The distance to the
12 nearest proposed project structure is .85 miles.

13 As you can see, we modeled the turbines here as
14 well, as they would be visible from this location and the
15 distance to the nearest turbine is .67 mile and the
16 number of turbines visible would be 16 from this
17 location.

18 The forms, lines, colors, and textures would be
19 uncommon in this area. The travelers would be at an
20 inferior viewing position, and so the transmission poles
21 would be elevated and prominently skylined, introducing a
22 stronger than moderate contrast. Based on the
23 orientation of US 60, the CEC corridor would be viewed
24 peripherally from the travel lanes for a short distance
25 for a short duration of time due to travel speeds.

1 These structures would remain a codominant
2 feature in the landscape and begin to but not fully
3 dominate the visuals of the overall flat, expansive
4 panoramic horizon surrounding the viewer, and the dark,
5 sinuous asphalt roadway on which the vehicular travelers
6 would be more focused. The visual impact at this
7 location was determined to be moderate to high.

8 Q. So looking at all of the simulations, the six
9 simulations that you've just covered in your testimony,
10 those involved, you simulated weathering poles in those
11 simulations.

12 And so one of the comments that we received was
13 that the application notes that the transmission line
14 structures may be galvanized or weathering. And so you
15 took that comment to heart and prepared I think just two
16 additional simulations that utilized the galvanized
17 structures to show the difference?

18 A. (Ms. Casteel) Correct. So the project
19 description did include the option for either the
20 weathering steel or galvanized steel. Applicant at the
21 time of preparing the key observation points simulations
22 was heavily leaning towards weathering, so that's how we
23 modeled it.

24 And, but we wanted to show the difference
25 between what the galvanized steel would look like versus

1 the weathering steel. So these are representative photos
2 of existing poles with the color difference shown there.

3 And then we also created simulations at two of
4 the closest KOPs so that you could see the difference in
5 our models for this project, what it would look like with
6 the different materials.

7 So on the left side, the Slide 159 that shows
8 the weathering steel as we had shown earlier in the
9 presentation and as included in Exhibit E of the
10 application. On the right-hand side is the galvanized
11 steel simulated condition.

12 MEMBER HILL: Mr. Chair.

13 CHMN STAFFORD: Yes, Member Hill.

14 MEMBER HILL: The galvanized steel blends
15 much better. I don't know if it will be like that in
16 every place, but in this particular picture it does. I
17 suppose if the backdrop is a mountain it may not blend as
18 well. Is there a price differential for these different
19 finishes?

20 MR. PATTON: Yes, ma'am.

21 MEMBER HILL: Am I picking the one that's
22 more expensive because my husband says I always pick the
23 one that's more expensive?

24 MR. PATTON: Your husband is correct.

25 MEMBER HILL: Is it significant? Is it

1 10 percent? Is it --

2 MR. PATTON: It is a different finish that
3 requires from the manufacturer additional materials. So,
4 yes, there is a substantial price delta.

5 CHMN STAFFORD: Approximately what is that
6 per pole? Is \$100,000 per pole, \$200,000 per pole,
7 assuming they're all 180-foot poles?

8 MR. DERSTINE: And if you need to check on
9 that, Mr. Patton, feel free to do that and we'll get the
10 price.

11 MR. PATTON: Let me verify with my --

12 CHMN STAFFORD: And I seem to recall that
13 there's also sometimes availability issues for particular
14 finishes as well.

15 MR. PATTON: That's correct. Galvanized
16 steel is typically what you're going to see in municipal
17 applications closer to cities, and so any type of
18 municipal expansion, usually that's where those materials
19 are routed to.

20 MEMBER KRYDER: Mr. Chairman.

21 CHMN STAFFORD: Yes, Member Kryder.

22 MEMBER KRYDER: I'm not sure who to direct
23 this to, but is there an additional cost differential
24 between the weathered and the galvanized steel?

25 MR. PATTON: Yes, sir, there is.

1 MEMBER KRYDER: I'm sorry?

2 MR. PATTON: Yes, there is a cost
3 differential.

4 MEMBER KRYDER: Okay. Thank you.

5 MR. DERSTINE: And we're going to -- I
6 think Mr. Patton's going to dig into what that cost
7 increase is to go to galvanized over the weathered steel
8 and we'll get you that number.

9 MEMBER KRYDER: Thank you.

10 CHMN STAFFORD: On a per pole basis.

11 MEMBER HILL: Mr. Chair, I have a question
12 for you.

13 CHMN STAFFORD: Yes, Member Hill.

14 MEMBER HILL: Have we ever dictated or
15 required a different finish before?

16 CHMN STAFFORD: Not in recent memory. But
17 I believe it has happened before. I couldn't -- I
18 couldn't tell you which case it was, though.

19 MEMBER HILL: Okay. Thanks.

20 CHMN STAFFORD: And it certainly, I mean
21 even if we had not, it seems the finish of the pole could
22 be some kind of condition that would be a reasonable one
23 to be imposed by the committee and the Commission. I
24 think the issue's going to be under the rules and
25 statutes it's like the cost difference would need to call

1 that out, and so again, we need that information from
2 Mr. Patton so we can make an informed decision.

3 Because if it's going to be, you know, if
4 it's going to increase the cost of the project by
5 10 percent, 20 percent, whether it comes out to millions
6 of dollars, what was the total price tag for the
7 transmission line?

8 MR. DERSTINE: Mr. Patton.

9 CHMN STAFFORD: It's in the application, I
10 just don't know.

11 MR. DERSTINE: I'm not sure it is.

12 MR. RIEMAN: It's approximately
13 \$67 million.

14 CHMN STAFFORD: Right, so if it added
15 10 percent, \$6 million, that would be one thing, I think,
16 but certainly we'd want to call it out. But if it turned
17 out to be more, like it added \$20 million to the price
18 tag, I think that would be a different calculation for
19 the committee to consider.

20 The other factor, too, is that this is not
21 a public service corporation, so it's -- the cost would
22 be borne by the applicant and their customers through the
23 price of the commodity, but it wouldn't be something that
24 would be rate based and passed along to ratepayers as if
25 we could to, say, TEP or APS.

1 So there's different factors at play, but
2 I'm -- before I'd even entertain considering a condition
3 of dictating a finish of galvanized steel, I need to know
4 what the price tag is going to be.

5 And refresh my memory, it's what, about 100
6 poles? 75 poles? What was the total number of poles?

7 MR. PATTON: Up to 200 poles.

8 CHMN STAFFORD: 200. Okay. Wow. Yeah, so
9 whatever the cost difference is per pole, I'll multiply
10 it by 200 and that's going to be the difference.

11 MR. PATTON: Yes, sir.

12 CHMN STAFFORD: So I think once we have
13 that, then we'll be ready to have an intelligent
14 discussion.

15 MR. DERSTINE: Fair enough.

16 CHMN STAFFORD: Pole finishes.

17 MEMBER HILL: Mr. Chair, can I ask another
18 curiosity question?

19 CHMN STAFFORD: Absolutely.

20 MEMBER HILL: Do you ever mix poles?

21 MR. PATTON: No, ma'am. These items are
22 long lead items that have to be procured and the
23 logistics of delivery and such, and so for us that would
24 be very atypical to mix.

25 MEMBER HILL: And the only reason I ask is

1 because where you've identified, Ms. Casteel, higher
2 visual impacts, maybe it makes sense for some of those
3 poles to be less visible. But if that's not a business
4 practice, that wouldn't make sense, but I wanted to
5 inquire. So thanks.

6 MS. CASTEEL: I also wanted to note that
7 there is not necessarily an objectively better finish.
8 It really depends on the viewing location and the
9 backdrop. So as you pointed out, oftentimes if the
10 backdrop is a clear blue sky the galvanized might be less
11 visible. But if the backdrop is, you know, rocky outcrop
12 or something like that, then the weathering would be less
13 visible.

14 CHMN STAFFORD: I have seen mixed poles on
15 69kV lines in town near my house, so I've seen a line
16 that has both finishes. It kind of got slapped in there,
17 I don't know the details of them because also it's 69kV
18 line, so --

19 MR. PATTON: And that's not atypical in the
20 case of repairing lines or resurfacing, repowering lines.

21 MR. DERSTINE: Yeah, that was going to be
22 my question. It's a matter of was it originally
23 constructed with a mix and match, or were there repairs
24 and rebuilding of the line that they utilized, whatever
25 was available in the yard or from their supplier.

1 CHMN STAFFORD: That would be my guess.

2 MR. DERSTINE: Yeah.

3 BY MR. DERSTINE:

4 Q. Did you want to speak to these separate -- is it
5 enough to note that these two additional simulations used
6 your original KOP, KOP 2 and KOP 3, that the only
7 difference is in the pole finish?

8 A. (Ms. Casteel) That is correct. So I haven't
9 really spoken to the KOP 3 version. But it's similar to
10 our KOP 2 comparison, this is just at KOP 3. It's a
11 different location. But shows the two different pole
12 finishes here.

13 Q. And, again, these additional galvanized
14 simulations are not included in the application, but
15 they're shown here on the screen in the hearing room and
16 they've been marked as Applicants' Exhibit 21.

17 A. (Ms. Casteel) That's correct.

18 CHMN STAFFORD: Quick question,
19 Mr. Derstine. The simulations, so we're looking at them,
20 the galvanized steel finishes in the hearing
21 Exhibit CG-7. Was that originally in those, were they
22 added in after we started?

23 MR. DERSTINE: I think in terms of the --
24 yeah, Applicants' Exhibit 7 included these by the time we
25 had marked it, the version that the court reporter has

1 and that were shown here on the screen. We made an
2 effort to make sure that those were included in the
3 presentation. But they were not included in the
4 application, so that's why we marked them separately as
5 exhibits.

6 So to answer your question, these were in
7 the Exhibit 7 from the jump.

8 CHMN STAFFORD: Okay. Great. I just
9 wanted to clear that up. Thanks. I thought so. But I
10 was hoping you could just answer the question, spare me
11 hopping around in this big thick binder.

12 MR. DERSTINE: I could have answered it
13 with a yes or no, so my apologies.

14 BY MR. DERSTINE:

15 Q. Do you want to wrap up your analysis and
16 conclusions on visual resource, please, Ms. Casteel?

17 A. (Ms. Casteel) Yes. So the interconnection
18 project will introduce elements that are uncommon in some
19 areas in the landscape in terms of form, line, color,
20 texture, and/or scale.

21 Based on the assessment of viewer sensitivity
22 and anticipated impacts on the landscape character, the
23 project will result in moderate to high impacts. Impacts
24 will be higher where there's a lack of existing similar
25 visible modifications, particularly near KOPs 2, 3, 5

1 and 6.

2 Impacts would be lower where the project
3 elements are similar to those of the existing substation
4 and adjacent transmission lines. Those are represented
5 by KOPs 1 and 4.

6 The impacts are influenced by perceived contrast
7 due to intervening visual elements, similarities with
8 existing transmission infrastructure, and the duration of
9 view from the -- of the CEC corridor.

10 The conclusion that we came to despite the
11 moderate to high visual impacts, we have determined that
12 the project is compatible with visual resources, because
13 there is no management plan that requires conformance
14 with any visual resource management objectives, so we
15 were not in conflict with any visual resource management
16 plan.

17 CHMN STAFFORD: Member Fant, you have a
18 question?

19 MEMBER FANT: Thank you, Mr. Chair. Just
20 curious. Have you shown any of these proposed view
21 points to the members of the community and gotten their
22 input on locations and positioning the facilities?

23 CHMN STAFFORD: And finishes.

24 MEMBER FANT: And finishes, I guess that
25 would be fine.

1 MS. CASTEEL: The simulations were provided
2 in the application, so those were visible at that point.
3 They were also shown during the public open house both in
4 person and the virtual open house.

5 MEMBER FANT: You said 19 people showed up
6 for the public open house at Round Valley High School.

7 MS. CASTEEL: In person, yes, and
8 additional people visited the virtual open house.

9 MEMBER FANT: Thank you.

10 MR. DERSTINE: I think there were over 100
11 views. Do I have that right, Mr. Casteel, on the virtual
12 open house?

13 MR. CASTEEL: Correct.

14 CHMN STAFFORD: Member Fant.

15 MEMBER FANT: Have you gotten any comments
16 and have you taken them into consideration from the
17 community on the location and placing of facilities?

18 MS. CASTEEL: We have received comments
19 from the public regarding the infrastructure project.
20 The line as proposed has not changed due to those
21 comments.

22 The siting of that was as we described
23 earlier in the hearing and was influenced by the
24 structural needs and landowners, but as far as public
25 comments, there wasn't, I guess there was concern about

1 the project in general, but there's not a specific
2 rerouting that was feasible that was suggested.

3 MEMBER FANT: Do you think it might be
4 appropriate to get some input from the community such as
5 the folks who showed up here Monday night on positioning
6 and location of facilities?

7 MS. CASTEEL: It's something that can be
8 considered. I think in this case as far as the siting of
9 the line, that would be the applicants' purview there.

10 But oftentimes there is the structural or
11 environmental minimization by taking direct routes when
12 possible. There are a lot of considerations that go into
13 the siting of the line. Including public involvement but
14 the public comments don't always influence the ultimate
15 location of the line.

16 MEMBER FANT: Thank you.

17 CHMN STAFFORD: I seem to recall there was
18 some comment about, hey, why don't you collocate the line
19 with the existing 69kV line. But I think that was --
20 went around that quite a bit and TEP controls the
21 right-of-way and they pretty much told them to kick
22 rocks. They weren't interested in collocating. So they
23 kind of took it off the table for them.

24 MR. DERSTINE: And I guess I would simply
25 note, I think, Member Fant, you've reviewed or at least

1 had an opportunity to look at the various written
2 comments and you've heard from the public what we -- the
3 bulk and the focus of the community comments is on don't
4 build it. And I don't want it.

5 If there was, you know, if we were
6 developing this project on private land, as you know,
7 being a transmission developer that we would work with
8 the landowner in terms of the spacing of structures.

9 We have the opportunity to work within the
10 corridor to extend or shorten span lengths to avoid, if
11 there's a preference for a particular pole location.

12 That's not the nature of the comments we've
13 received. It's not over it would be nice if that pole
14 was 200 feet further to the east or the west, and we'd
15 certainly be receptive to that kind of input.

16 But as you know looking at the comments,
17 this isn't a case in which we're working with a landowner
18 or the residents about this particular structure or these
19 three poles need to go somewhere else. It's don't build
20 this project.

21 MEMBER FANT: Thank you, Mr. Chair. Great
22 man of letters George Bernard Shaw said between the idea
23 and the reality falls the shadow, and between the two
24 extremes there are probably compromises.

25 And I know what I saw here Monday night, to

1 a lesser degree on Tuesday, that was a healthy chunk of
2 the leadership of the White Mountains was present right
3 here right in this room --

4 MR. DERSTINE: Sure.

5 MEMBER FANT: -- asking for input and I
6 don't think a healthy negotiation between the two parties
7 would hurt, and it may cause some adjustments. I'm not
8 asking you to abdicate your project, but I think there
9 could be some adjustments.

10 And they could be on a series of issues
11 but, you know, the antelope is just one issue. So I
12 think -- it calls for some communication is what I think.
13 Thank you, sir.

14 MR. DERSTINE: I don't disagree with you
15 one bit, and if there's -- if there were public comments
16 or there's input from the public and we're certainly
17 receptive and open to it about span lengths, locations,
18 setback of structures, of the interconnection project,
19 certainly happy to hear those and to work with the
20 community on those issues.

21 MEMBER FANT: Mr. Chair.

22 I'm glad that you say that. But I've been
23 sitting here waiting for one of the folks down here to
24 say that. And I haven't heard that in this hearing yet.

25 We'd be willing to work with the leadership

1 of the community to look at some of these issues and
2 adjust our project to the extent we can, feasible,
3 pushing against each at a political negotiation to at
4 least ameliorate some of the issues. That's all.

5 MR. DERSTINE: I appreciate your comment
6 and I'll let Mr. Patton respond. But I think that the
7 applicant is open to those, to that sort of discussion
8 and negotiation.

9 But we've got a project that's going to be
10 sited within a corridor and within that that gives us the
11 flexibility to adjust the line and adjust the number of
12 structures and the span lengths to accommodate any
13 concerns that we're able to do within that.

14 MR. PATTON: To that I would add, Mr. Fant,
15 I was there at the open house myself. I have been
16 actively engaged with stakeholders on the ground in
17 trying to build relationships within the community. Some
18 of the feedback that I've gotten is why don't you bury
19 this line underground.

20 To which I have to explain the nuances and
21 the voltage that comes out of these facilities and that
22 burying them underground is not feasible nor safe.

23 And obviously to build on what Mr. Derstine
24 alluded to is the overriding feedback we got is don't
25 build at all because we understand that this is part of

1 the wind project. So why don't you pick up the wind
2 turbines and move them out of sight and out of mind, and
3 I have to try to explain that our project thesis is based
4 off of go where the resource is, and we have used a --
5 there's a balance to the nature of our work.

6 There's a qualitative component and a
7 quantitative component. The quantitative component has
8 led us to site this as you see before you. And we have
9 always taken the approach of taking the most minimally
10 innovative approach. And so I'm always open to
11 suggestion. I'm always keen to hear feedback. And
12 negotiate.

13 And so to that end, I'm also trying to
14 posit that we try to work from this from a position of
15 reality and what makes business sense and what is
16 environmentally compliant.

17 MEMBER FANT: Mr. Chair. Thank you.

18 And I understand why you wouldn't bury the
19 line, but I'm just pointing out you have here on Monday
20 night in a little, a few people, also on Tuesday, a hefty
21 portion of the leadership of the entire White Mountain
22 area objecting to the project.

23 So I'm not asking you to cancel your
24 project or stop your project, I'm just one member of the
25 committee, but what it suggests to me is a willingness

1 and openness to communicate and meet maybe some political
2 compromises might make sense in this situation.

3 The reality is for the White Mountains,
4 tourism is one of the biggest industries here, including
5 hunting. There are some nationally recognized hunting
6 guides that live in Eagar and Springerville, and people,
7 for example, pay thousands of dollars to fly into this
8 area and hunt for elk and antelope, for example.

9 So it's not -- it's not an insubstantial
10 industry or just a hobby of a few local farmers and
11 ranchers. So I think that's -- and this is my opinion,
12 I'm not talking on behalf of the leadership of the White
13 Mountains, but I think the core issue here for them will
14 be protecting that ability to maintain their ability to
15 make money through tourism.

16 So I think that's a crux issue, which
17 hasn't really gotten a lot of discussion here. But I'm
18 just suggesting from my perspective, and I'm encouraging
19 you to communicate with the leadership. And I just
20 pointed out the votes of Springerville-Eagar as an
21 example because there's obviously other leaders here that
22 were speaking. That's all I have to say.

23 MEMBER DICICCIO: Mr. Chair.

24 CHMN STAFFORD: Yes, Member DiCiccio.

25 MEMBER DICICCIO: I agree with Member Fant

1 on that, too. I mean what type of negotiations had you
2 guys done with them? Other than having a presentation
3 and going to a meeting, what type of negotiations have
4 you done with the leadership of the White Mountains?

5 MR. PATTON: There's been presentations of
6 the project. In terms of negotiations we -- our position
7 is it is unincorporated Apache County land, and so we
8 have to be mindful of that, but also understand is there
9 a specific -- is there specific vendors that they would
10 like us to see, is there -- these are things that are
11 very common practice for us.

12 So anything that can help us be good
13 stewards, if it's sponsorships of certain programs in the
14 community, if it's workplace training, if it's safety
15 training for EMS, all of those discussions have been
16 broached and we continue to -- those discussions are
17 still helping to inform our development.

18 MEMBER DICICCIO: So there is a difference
19 between a presentation and a negotiation. There just is.
20 And I think you guys know that so. From my end I think
21 Mr. Fant brought up some really valid points. That where
22 was the sit down and say, hey, what do we need to do?

23 I mean having a presentation is a one-way
24 deal where you're dealing with just some individuals
25 coming to a meeting that doesn't involve everybody.

1 You have an entire leadership team here and
2 the impact that they brought up, I mean, it's been -- it
3 was pretty significant, the comments that they made about
4 the impact of their long-term viability, whether it's
5 hunting, whether it's grazing or whatever it is that they
6 discussed.

7 Usually that's a sit down, like, hey, what
8 do I need to do to make this thing work with the
9 leadership. And I didn't see that. I haven't heard that
10 at all. Well, I'll save my comments for tomorrow. But,
11 you know, it's just disappointing on my end.

12 The other is what is the cost differential
13 when it comes to kilowatt hour from wind versus let's say
14 gas? What do they charge?

15 MR. PATTON: I'm not an economist. I'm not
16 privy to the project details. Maybe Mr. Rieman knows
17 something.

18 MEMBER DICICCIO: You guys should know
19 that.

20 MR. RIEMAN: Yeah, the current cost of wind
21 energy and solar energy is less expensive than natural
22 gas. New build natural gas on a per kw megawatt.

23 MEMBER DICICCIO: What is the cost? Is it
24 like \$0.17, is it \$0.11? What is it?

25 MR. RIEMAN: I would need to get back to

1 you with specific figures just to ensure that I'm giving
2 you factual information. I have numbers that I could
3 share with you, but I don't have a reference point to
4 support those.

5 MEMBER DICICCIO: Because the ratepayers
6 have to pay for that. There's a reason, too, that the
7 federal government, the Trump administration in
8 particular came out against wind, other than the way it
9 looks, is because they believed it was inefficient and
10 not viable and was expensive.

11 MR. RIEMAN: Well, publicly available
12 sources state that new-build wind and solar is cheaper
13 than new-build natural gas.

14 MEMBER DICICCIO: So the plant here you're
15 saying that they reconverted over to natural gas is going
16 to be more expensive than the wind?

17 MR. RIEMAN: I'm saying that new-build
18 natural gas power plant is more expensive than new-build
19 wind and solar. I don't have the specific economics as
20 it pertains to reconfiguring an existing power facility
21 from coal to natural gas.

22 CHMN STAFFORD: I don't know if anybody
23 does in this state because I don't think it's been done
24 in Arizona yet. I don't think -- I can't recall any coal
25 plant that's been repurposed to natural gas in the last

1 20 years in this state. I know they built quite a few
2 gas plants in the last 20 years, early in the late '90s,
3 early '00's they built quite a few combined cycle plants.

4 But it seems like almost everything in the
5 last 10 years or so have been all simple cycle or single
6 cycle units that are for peaking, and they typically
7 build a bunch of them in a series.

8 I think the biggest one of those that I can
9 recall recently are the Ocotillo ones that APS did in
10 Tempe. Those are like about -- I think they're close to
11 100 megawatts each.

12 MR. DERSTINE: Combined cycle, I think
13 that's correct.

14 CHMN STAFFORD: They're simple cycle in
15 Tempe.

16 MR. DERSTINE: Or are they? Okay.

17 CHMN STAFFORD: They replaced the old
18 combined cycle ones that were down in Tempe just between
19 like Rural, between McClintock and Rural, I think, over
20 there.

21 But if you could look back and get the
22 kilowatt hour price, my recollection is I thought wind
23 was coming in at around \$.07 a kilowatt hour, and I know
24 that the avoided cost for solar is about like 2 and a
25 half to \$.03 a kilowatt hour.

1 I think the big difference when it comes to
2 things like gas, which is closer to, I don't know,
3 somewhere between, and I'm just, this is off the top of
4 my head memory, so please do some checking and come back
5 and give updated figures, but I thought natural gas was
6 more in line with 12 to \$0.16 per kilowatt hour.

7 But then that's high depending on what the
8 price of the commodity of natural gas is going for, and
9 that can swing quite a bit. I've seen, after one of
10 the -- years ago when the prices hit was like \$16 a
11 decatherm after the hurricane, and it was like we had
12 utilities coming to the Commission, they had a refund
13 going from the purchased power fuel adjuster clause, and
14 they had to come in and just immediately stop that
15 because they were way overpaying from what they had in
16 their base rate of fuel for gas in their rates.

17 So that's the thing. That's the difference
18 is that with the gas plants you can turn them on and off
19 when you want, you're not dependent on things like
20 weather or sunshine or wind. But, again, there's a fuel
21 cost component that's not, that you don't have for the
22 renewable sources.

23 So it's each different thing has its
24 strengths and weaknesses. I mean it seems like the way
25 the economy and the load is growing in this state, we

1 need all the help we can get. So Member Fontes has his
2 hand up and then I'll go to Member Fant. Member Fontes.

3 MEMBER FONTES: I'd like to go back to
4 Member Fant's observation and line of questioning and
5 point out that's the difference between stakeholder
6 engagement and stakeholder outreach. I agree with Member
7 DiCiccio that there's been some outreach, but I don't
8 know that's engagement.

9 I would like to offer that in other CECs
10 that I've been a party to, that engagement continues
11 beyond these proceedings, and I might offer that we look
12 for a conditions precedent, and on this CEC whereby final
13 design is reviewed with community leadership, so that
14 they have a final input with respect to both placement
15 structures, types of visual impact so that it's
16 throughout the project. It's not just stamping if we go
17 ahead and approve the CEC, Mr. Chairman.

18 With respect to the comments on the pricing
19 of the project I would encourage the applicant to cite
20 the source and to look at other Arizona Corporation
21 Commission recognized sources to include Tucson Electric
22 recognized costs.

23 I think there's two parts of this. The
24 overnight construction cost and then the operational
25 kilowatt per hour post-construction. A lot of that will

1 also depend upon the source of debt and equity and
2 financing because that is a big component in pricing the
3 project out.

4 So as the developer gets that information
5 please cite the source that and keep in mind that it
6 should conform to what other sources that the ACC has
7 used in other proceedings. Thank you, Mr. Chairman.

8 CHMN STAFFORD: Thank you, Member Fontes.
9 Member Fant.

10 MEMBER FANT: Thank you, Mr. Chair.

11 By the way, I want to make sure you
12 understand I'm not attacking you. I'm trying to offer a
13 valid piece of advice because I work heavily in
14 technology, and if you saw the queues for two largest
15 utilities, I'm not counting TEPCO, and APS and SRP,
16 there's a huge, yawning, gaping, massive, stunning, I
17 can't think of enough adjectives gap in the power
18 production versus the power demand in Arizona.

19 So I want your project to be successful and
20 it's great having your capital coming into the state so I
21 want to make sure you know I'm not attacking, I'm trying
22 to offer a tip to make sure the project succeeds.
23 Because there's a need for power in the state and it's
24 all power. So if you've got it, bring it.

25 But I just want to make sure you understand

1 it's not an attack in any way, shape, or form, it's just
2 a suggestion from a guy that's hung around the White
3 Mountains a lot, that I saw that and that's my
4 suggestion. That's all.

5 MR. RIEMAN: If I could, Chair. Thank you.
6 No, just to round out this conversation, greatly
7 appreciate the comments and the suggestions. We'd
8 certainly be open to having a productive and constructive
9 conversation with the stakeholders in Springerville and
10 Eagar, and so we'd welcome that opportunity to work
11 through the project, understand some of the rationale for
12 design and incorporate feedback.

13 As part of that process and continuing the
14 engagement. The comment was made was engagement doesn't
15 stop today or tomorrow. It's a continuing process as we
16 continue to work through the engineering design of the
17 project. And so at the extent that we can have that type
18 of collaboration and transparency we would welcome that
19 and look forward to encouraging those conversations
20 moving forward. So thank you for that suggestion and
21 guidance.

22 MEMBER HILL: Mr. Chair.

23 CHMN STAFFORD: Member Hill.

24 MEMBER HILL: A couple of follow-up
25 questions along this line.

1 What do you guys call your agreements that
2 you're doing with the current leaseholders on the ASLD?

3 MR. PATTON: Construction impact
4 agreements.

5 MEMBER HILL: In those construction impact
6 agreements, do you coordinate with them on their
7 operations and placement of poles?

8 MR. PATTON: Absolutely.

9 MEMBER HILL: Okay.

10 CHMN STAFFORD: Whereabouts of cattle, too.

11 MEMBER HILL: Whereabouts of cattle, too.

12 Do visual impacts, and -- can you look at
13 visual impacts and operations as you do that?

14 MR. PATTON: Could you reframe that for me?

15 MEMBER HILL: I'm not an attorney. That's
16 a question you ask an attorney. I'm not a reframer.

17 I'm just thinking that, I mean, some of the
18 closest affected parties are those that currently
19 operate -- or use that land.

20 I appreciate trying to be flexible with
21 your pole placement and their operations. Are there
22 visual considerations that you would take into account if
23 those lessees -- I don't know, I'm trying to get to a
24 place where we're --

25 MR. PATTON: In my discussion with the

1 lessees, their concerns and their reservations is not
2 relegated to the visual. It's more about the
3 operational --

4 MEMBER HILL: The ability to operate.

5 MR. PATTON: Exactly. Operational, safety,
6 coordination, et cetera.

7 MEMBER HILL: Okay. And then another
8 question, in the online workshop and in the in-person
9 workshop, did you show them the different finish options
10 that you had? I'm going to go back to this finish thing,
11 so --

12 MS. CASTEEL: At the time we had just
13 modeled them using the weathering poles.

14 MEMBER HILL: Okay. So the public hasn't
15 had the benefit yet in seeing a different finish.

16 MS. CASTEEL: Correct.

17 MEMBER HILL: Okay.

18 MS. CASTEEL: Outside of this.

19 MEMBER HILL: Okay. Thank you.

20 MS. CASTEEL: And just to kind of touch on
21 the consideration of visual impacts to least the
22 landowners or adjacent properties, the -- if you remember
23 from the route selection presentation that initial 2023
24 route did come a lot closer to that private inholding and
25 that was changed based on their feedback.

1 MEMBER HILL: I do recall that. Thank you.

2 MR. PATTON: Mr. Chairman, I was able to
3 get some figures routed on the difference between the
4 galvanized and the weathered.

5 CHMN STAFFORD: Oh, great. Excellent.
6 Thank you.

7 MR. PATTON: So what I have and I'm going
8 to break this out for tangent versus angle and dead-end
9 poles. You have to imagine a tangent pole is just, it's
10 a pretty fairly simple design and a dead end would have
11 more structure to it.

12 So for a weathered steel, tangent mono pole
13 we're looking at 110,000 and change for a weathered steel
14 pole. For a galvanized pole, tangent, 127,000.

15 CHMN STAFFORD: So it \$17,000 more per
16 pole?

17 MR. PATTON: Yes, sir.

18 CHMN STAFFORD: The tangent poles.

19 MR. PATTON: Yes, sir. That's roughly
20 about 13 percent.

21 CHMN STAFFORD: Okay.

22 MR. PATTON: For an angle dead-end mono
23 pole for weathered steel it's 275,000 per pole. For
24 galvanized it's 316,000. Yes, ma'am. For the angle and
25 dead-end poles of weathered steel, that is \$275,600 per

1 pole. For the galvanized it's \$316,940. That represents
2 a difference of about 40,000, that percentage I can't do
3 quite quickly off the top, but it represents roughly a
4 15 percent price delta between galvanized and weathered.

5 CHMN STAFFORD: So especially given over
6 200 poles, that's not a small amount. Can anybody do
7 that math real fast in their head? In essence even
8 assuming, we need to assume it's all tangent, which we
9 know it's not going to be, it's still several million
10 dollars.

11 MEMBER HILL: 3.2 plus.

12 CHMN STAFFORD: Pardon?

13 MEMBER HILL: 3.2 plus.

14 CHMN STAFFORD: Microphone, please.

15 MEMBER HILL: Oh, so I shouldn't say I'm
16 good at math. 3.2 plus was my initial calculation for
17 200. At least 3.2 million.

18 Fant is shaking his head yes, he's checking
19 my work.

20 CHMN STAFFORD: Checked the math on that?
21 Used the calculator? So let's -- so we have a number
22 then, if you decide to, hey, dictate the finish we're
23 looking at a multi-million dollar addition to the cost.

24 MR. PATTON: And I want to say, I mean,
25 this dovetails into the -- I know we've rounded out this

1 conversation, but cost is one component for
2 consideration.

3 As I mentioned yesterday in my testimony,
4 construction is about 70 percent logistics and then
5 30 percent execution.

6 And so there's varying lead times for these
7 materials. So, for example, just to juxtapose against
8 natural gas, I can tell you firsthand knowledge that it's
9 about a 96-month lead time to get a natural gas turbine,
10 and those lead times are only getting longer. So if
11 there is a market demand for electrons, and there is an
12 all-of-the-above mandate to get to market, we also have
13 to look at what is logistically feasible, and these
14 projects that come online just by the nature of
15 construction but also procurement.

16 CHMN STAFFORD: And then I guess first
17 we'll go back to the poles. Is it -- what's the lead
18 time on -- I'm assuming you haven't started to purchase
19 the poles for this project yet. Is that true or not?

20 MR. PATTON: No, sir, but capital has been
21 deployed for the critical infrastructure for these
22 projects.

23 CHMN STAFFORD: Okay. And so do you have
24 cash sunk in a particular finish at this point, I guess?

25 MR. PATTON: No, sir.

1 CHMN STAFFORD: Okay. But is there -- and
2 is there a different lead time for the weathered finish
3 as opposed to the galvanized?

4 MR. PATTON: Yes, sir.

5 CHMN STAFFORD: What was the -- you may
6 have said this before, but refresh my memory. What's the
7 difference in the lead, because I think it's you can get
8 the weathered steel faster than the galvanized?

9 MR. PATTON: Yes, sir, because galvanized
10 is going to be more relegated for municipal and city
11 applications.

12 CHMN STAFFORD: Okay.

13 MR. PATTON: You have to also imagine that
14 means for, again, going back to logistics piece for
15 transportation, it's a lot easier to route those
16 municipalities than it is to route to rural areas. As
17 someone I coordinate deliveries with highway patrol and
18 Department of Transportation and I can tell you that
19 going on to a rural area like this, the cost is a
20 consideration, it's just also logistics of delivery.

21 CHMN STAFFORD: Thank you. Any other
22 questions. Oh, Member Fant.

23 MEMBER FANT: Just two minor points then
24 I'll quit yipping like a coyote.

25 First thing I noticed when I came to this

1 hearing is the shape of your study area. Your study area
2 is shaped like a Hopi eagle dancer. If you noticed that.
3 And that's very propitious. But I also just want to
4 point out that people of the White Mountains are
5 delightful, and you can see from the comments they made
6 they are well mannered, so I encourage communication.
7 Thanks.

8 MR. PATTON: Yes, sir.

9 CHMN STAFFORD: All right. Mr. Derstine,
10 prepared to go into the cultural resources portion of the
11 testimony?

12 MR. DERSTINE: I think we are.

13 BY MR. DERSTINE:

14 Q. Do you want to set the stage for the cultural
15 resource surveys and what was done to analyze cultural
16 resources within the study area for the interconnection
17 project?

18 A. (Ms. Casteel) Yes. So in support of the
19 application, we did what we call a Class I record search,
20 and that is a search of the existing archival records
21 that apply to a given area.

22 For this area, for the study area there were 50
23 previous cultural surveys within the one mile buffer of
24 the CEC corridor. 17 of those intersect the CEC corridor
25 itself. And that equates to approximately 60 percent of

1 the corridor.

2 So at this point only 60 percent of the CEC
3 corridor has been surveyed for cultural resources, but
4 the remaining 40 percent is currently being surveyed.

5 And there is a Class III survey report that has
6 been completed by another firm, Tetra Tech, and that
7 accounts for the 60 percent that has been covered.

8 They are the ones also updating it with the
9 remaining 40 percent, so the existing Class III survey
10 report, which has been provided to the State Historical
11 Preservation Office as well as the tribes, that report
12 will be updated with the remaining 40 percent survey and
13 that report will go to State Land for their review and
14 then upon their approval it will go to the State Historic
15 Preservation Office as well as the tribes.

16 CHMN STAFFORD: All right. Quick follow-up
17 question. What is the anticipated completion date of
18 that Class III cultural resource survey for that
19 remaining percentage? And then it appears that you are
20 doing the survey for the entire corridor and not just the
21 final right-of-way. Is that correct?

22 MS. CASTEEL: Yes, that is correct.

23 CHMN STAFFORD: Okay. Is that typically, I
24 mean, even if it's on private land they'll do a Class III
25 survey for the final right-of-way, but is the difference

1 between the entire corridor, is that because the entire
2 project is on state trust land?

3 MS. CASTEEL: The applicants can speak to
4 this as well, but it's my understanding that the entire
5 500 foot wide, approximately, of CEC corridor was
6 surveyed in order to ensure that if the line was moved
7 within the corridor, that any historic sites, cultural
8 sites were known. So if it does move, they're covered.

9 MR. PATTON: Mr. Chairman, can I also offer
10 the Class III is actually being initiated now. I was
11 just confirming with my team that they'll be mobilized
12 out next week. The lead time for the completion of that
13 report I think is, I want to confirm that, but it would
14 be shortly thereafter.

15 CHMN STAFFORD: In any case, it will be
16 completed and evaluated by the State Land Department and
17 SHPO prior to any construction; right?

18 MR. PATTON: Well before. Well before.

19 MS. CASTEEL: The findings that we know
20 about at this stage, so the 60 percent that has been
21 surveyed, we know that there are within the study area
22 two historic-era sites, two historic-era in-use
23 structures, which are US 60 and US 180, and 21 previously
24 recorded archaeological sites are in the study area.

25 Of those, only two of the historic-era

1 in-use structures, US 60 and US 180, are in the CEC
2 corridor itself. The two historic-era sites are not
3 within the CEC corridor, and of the 21 archeological
4 sites, only six of those sites are inside the CEC
5 corridor and only three of those six are recommended
6 eligible. One of which, as we saw earlier in the
7 hearing, is being avoided. The other ones are
8 anticipated to be spanned.

9 CHMN STAFFORD: That was the jog in the
10 line. That's the purpose of that.

11 MS. CASTEEL: That's correct.

12 CHMN STAFFORD: Okay.

13 MS. CASTEEL: As I mentioned, there has
14 been consultation with the Arizona State Historic
15 Preservation Office. The applicants have complied with
16 the ACC-SHPO consultation checklist. And at this point,
17 the SHPO has recommended that the remainder of the CEC
18 corridor be surveyed, which is being completed. But SHPO
19 has deferred their determination until after they get to
20 see the full coverage report.

21 On the right-hand side is the copies of the
22 consultation with SHPO, so our letter to SHPO as well as
23 SHPO's response.

24 CHMN STAFFORD: And you're referring to
25 slide 172 of hearing Exhibit CG-7; correct?

1 MS. CASTEEL: That is correct. And it's
2 included in CG-19 as well.

3 So in conclusion with the cultural, the
4 applicants will continue to coordinate with SHPO
5 regarding CEC conditions, and there will be step-wise
6 approach here.

7 So the first preferred method since we
8 don't know where all the sites are, the first, we don't
9 know for sure that there aren't additional sites, we'll
10 know that shortly, the first step will be avoid whenever
11 possible, so that's shown with the known sites so far.

12 If sites cannot be avoided they'll be
13 subject to mitigation either through monitoring of a
14 qualified archaeologist with a 50-foot buffer, or if
15 ground disturbance within the site is necessary, data
16 recovery would occur prior to construction.

17 And then this might address Member Hill's
18 concerns with the survey protocol, but there's also a
19 condition that if there's any previously undocumented
20 buried cultural resources found, all work within 100 feet
21 will immediately cease until a qualified archaeologist
22 has documented the discovery and work will not resume
23 without ASM approval.

24 And there's also if human remains are
25 found, all work within 100 feet will immediately cease

1 and the Arizona State Museum and appropriate Native
2 America tribes will be notified and work will not resume
3 without approval.

4 BY MR. DERSTINE:

5 Q. I guess on that point if during the course of
6 construction workers came upon a site or what appeared to
7 be a pottery scatter or some sort of cultural resource,
8 how is that handled?

9 Is there a protocol in place even if it hasn't
10 been identified through the completion of the Class III
11 survey, you may encounter undocumented or sites that were
12 not anticipated. How is that handled?

13 A. (Ms. Casteel) So the work in that area needs to
14 stop. And then the -- there's notification, so a
15 qualified archeologist will need to come out and assess
16 the site to determine the boundaries of that site to know
17 if we need to avoid or conduct data recovery.

18 So if it's an area that's been discovered during
19 construction, logically it's probably an area that would
20 need to be disturbed, and so it would be subject to data
21 recovery at that point.

22 Q. And so does that involve training and education
23 of the -- whoever the construction foremen or the work
24 crew so that they understand that protocol?

25 A. (Ms. Casteel) That would be part of the worker

1 awareness training.

2 Q. Okay.

3 A. (Ms. Casteel) So with that, the conclusion was
4 that the project would be compatible with cultural and
5 historic resources.

6 Q. Okay.

7 MEMBER COMSTOCK: Mr. Chairman.

8 CHMN STAFFORD: Yes, Member Comstock.

9 MEMBER COMSTOCK: In specific, because I
10 was looking in your tables on E2, 3, 4 and 5 of your
11 submission and including E6, specifically did you find
12 any petrified wood in the northern, eastern part of your
13 project corridor? That would be specifically
14 intersecting with County Road 4162 or County Road
15 North 6480.

16 Considering the proximity to the Petrified
17 National Forest and the similarity of the geographical
18 areas. I noticed a lot of references to flake stone and
19 artifact scatter. I'm just curious, was that petrified
20 wood?

21 MR. CASTEEL: I suppose we would need to --
22 I suppose we would need to consult the Class III cultural
23 resources report to see if that was discussed. I can
24 work with the applicants' environmental lead to see if
25 that's -- see if that was noted.

1 MEMBER COMSTOCK: That would be important
2 to me before we take a vote on this, Mr. Chairman.

3 The second question that I have is on your
4 charts on E2, E3, you reference a number of pipelines
5 that are in the area. What type of pipelines are they?
6 Are they hazardous liquid? Are they natural gas? Are
7 they water? What kind of pipelines are they?

8 MS. CASTEEL: The table that is on E2 and
9 E3 is from the Tetra Tech report. We need to consult
10 that and get some more details, see if they discussed the
11 type of pipelines those are.

12 MR. PATTON: If I may, Mr. Comstock.

13 MEMBER COMSTOCK: Yes, sir.

14 MR. PATTON: A lot of these are water
15 pipelines that have been installed by the grazing
16 lessees.

17 MEMBER COMSTOCK: I appreciate that and I
18 hope the applicant understands my interest, and
19 Mr. Derstine certainly does, my interest in natural gas
20 pipelines in the intersection with AC power lines.

21 MR. PATTON: Yes, sir. I can tell you
22 having spoken with -- I'm not a subject matter expert and
23 I would still encourage Ms. Casteel to confer with the
24 Tetra Tech and cultural finding, but my anecdotal
25 experience working with the grazing lessees it's all

1 water pipes and there is no other utilities out there.

2 Usually a poly pipe that's been installed
3 because of the scarcity of the water out there.

4 MEMBER COMSTOCK: I understand. There's
5 some significant mileage of pipelines included in that
6 list, and, for instance, there's one on E3, or on, two,
7 three, four, fifth entrance down is a 14-mile pipeline.
8 That's a lot of underground work. So if we could maybe
9 expand on that little bit before the vote, that would be
10 important as well, Mr. Chairman.

11 CHMN STAFFORD: Thank you.

12 BY MR. DERSTINE:

13 Q. And I guess tying into Member Comstock's
14 question, it occurs to me is petrified wood considered an
15 artifact, archeologically significant? How is petrified
16 wood treated or considered in your studies?

17 A. (Mr. Casteel) I don't believe so, but this is
18 something that I would prefer to confirm with
19 professional archeologists just given the situation. It
20 may be different from project to project.

21 Q. And I guess given the proximity as Member
22 Comstock notes to the Petrified Forest, maybe that has
23 different status in this area than it would somewhere
24 else. So please let us know.

25 CHMN STAFFORD: Any other questions from

1 members? Have you finished your conclusions on the
2 cultural resources and ready to move on to recreational
3 resources?

4 BY MR. DERSTINE:

5 Q. I think you've concluded and presented the
6 various findings and conclusions on cultural resources.
7 Do I have that right, Ms. Casteel?

8 A. (Ms. Casteel) That's correct.

9 Q. So in terms of evaluation of recreation and
10 recreational resources within the project area, that's
11 going to fall to you, Mr. Casteel?

12 A. (Mr. Casteel) Correct.

13 I'll just note that we've had a lot of
14 discussion about recreation. I think this is a good spot
15 to sort of summarize what we've discussed and answer any
16 more questions.

17 SWCA consulted a wide variety of public
18 resources including State Land Department, Apache County,
19 U.S. Forest Service, and hunting information from Arizona
20 Game and Fish Department.

21 As we've discussed, private land is generally
22 not open in this location to hunting, but state trust
23 land is even with the grazing leases. Recreational
24 permits are obtained from State Land and then hunting
25 permits are then obtained from the Arizona Game and Fish

1 Department.

2 There's no designated recreational facilities or
3 parks or open spaces within our project corridor. The
4 Little Colorado is certainly used for recreation, but
5 there's no such use for rafting or typical water
6 activities.

7 The nearest designated recreational facility is
8 approximately nine miles south of us in the Forest
9 Service, Lyman Lake is also a few miles north of the
10 study area.

11 Q. As to the Little Colorado when you're talking
12 about recreation is that for fishing or what sort of
13 recreation takes place on the Little Colorado River?

14 A. (Mr. Casteel) I would just say general
15 recreation. I'm not familiar with whether or not there's
16 fishing in our crossing of the corridor, but I would say
17 it's general recreation, those who pull permits and want
18 to enjoy the state land in the area.

19 Q. So they'd have to pull a permit as well to be on
20 or near the Little Colorado River because at that area
21 it's surrounded by and bounded by state land? Is that --

22 A. (Mr. Casteel) Yeah, State Land recommends that
23 if you're going to recreate on state trust land, then you
24 acquire a special use permit for recreation. And then
25 for hunting, which I'll touch on in a moment, that's a

1 different permit from Arizona Game and Fish Department.

2 Q. So they have to get two permits, as I understand
3 it, for hunting. That is a permit from ASLD, and then
4 they also would have to have a hunting license that would
5 authorize them to hunt for whatever game species they're
6 seeking; right?

7 A. (Mr. Casteel) Correct. And I believe everybody
8 understands that who goes through that process.

9 Q. Okay.

10 A. Correct. County Road 3123 which is the road
11 that we were at for our Route Stop 1, we did note that
12 that is the road typically used to access the U.S. Forest
13 Service south of us.

14 And I think it's important to note that that
15 road is certainly -- and I would want to make sure it's
16 mentioned that, as we heard from public comment, that
17 it's also used to access some of the communities to the
18 southwest, including Greens Peak Hideaway community.
19 Just wanted to make sure we note that.

20 Specific to hunting, let's touch on this. That
21 the interconnection project does cross game management
22 units 1, 2B, 2C and 3B. These units offer a variety of
23 small and big game hunting opportunities. Turkey, water
24 fowl, antelope, elk, mule deer, black bear, mountain
25 lion. Those are all the types of species that are

1 eligible for those game units. And again, when an
2 individual requests a hunting permit, they will specify
3 the game unit in which they prefer to hunt in.

4 Circling back on what we've been discussing with
5 the Apache County Natural Resource Conservation District,
6 then acting as a liaison, that's a valuable tool here
7 because that will ensure that if there are conflicts
8 between hunters who want to access the land during
9 construction, they will be able to identify -- the
10 conservation district will be able to identify if there's
11 an individual who wants to access that land.

12 And they can work with the applicant to make
13 sure that there's no conflicts between them being there
14 and ongoing construction. They could also communicate to
15 where the applicant is currently constructing because it
16 may not be an issue.

17 But in general during construction, the project
18 corridor will not be open for access, just for safety
19 reasons. But once construction is complete, the
20 interconnection project will have minimal impacts to
21 hopefully no impacts on existing recreational use and
22 hunting, because it's fairly limited in the area, but it
23 won't be fenced during the operations either.

24 But once operation is -- once construction is
25 complete and operation of the interconnection project

1 is -- once the interconnection project is operational, we
2 anticipate no impact or very minor impact on recreation
3 and study area, because the implementation of the project
4 will generally not restrict access.

5 Q. I guess going back to the one written comment
6 that we received from the Antelope Association, they're
7 focused on hunting for Pronghorn antelope, and their
8 conclusion, or they noted their comment that they don't
9 anticipate or don't see impacts to hunting activities or
10 the migration of the Pronghorn antelope once the line is
11 constructed.

12 Their concerns are more with the impacts of the
13 wind project. Do I have that right?

14 A. (Mr. Casteel) That is correct. I'll let
15 Ms. Casteel correct me, if needed.

16 MEMBER COMSTOCK: Mr. Chairman.

17 CHMN STAFFORD: Yes, Member Comstock.

18 MEMBER COMSTOCK: If I could encourage the
19 applicant to work with Game and Fish, because getting
20 drawn for elk or antelope, it takes some time. You may
21 put in applications to be drawn for years before you
22 build up enough points to get a tag or an opportunity to
23 go hunt those particular game species.

24 So I would encourage there's some kind of
25 defined time line with Game and Fish so that people

1 aren't sending money in to get a tag that they can't hunt
2 that year because there's going to be construction in
3 that area. So that coordination, I think, is going to be
4 extremely important to the hunting group in this area.

5 MR. CASTEEL: Yeah, I think we agree. And
6 that liaison with the Natural Resources Conservation
7 District is going to be very valuable to situations like
8 that.

9 MEMBER COMSTOCK: Thank you.

10 BY MR. DERSTINE:

11 Q. You note in your Slide 177 that the
12 interconnection project crosses game management units 1,
13 2B, 2C, and 3B. My question is how much -- how large are
14 those different game units? And how much of the
15 interconnection project -- how much area does the
16 interconnection project impact those game units?

17 A. (Mr. Casteel) The game units are fairly large,
18 and our project is relatively minor compared to how big
19 those game units are. We'd have to -- we were looking at
20 this yesterday. We could get acreages if necessary, but
21 they are fairly large.

22 Q. So if you pull up a map, and maybe we should do
23 that at some point, of those game units so we could see
24 what's the footprint of the interconnection project and
25 how those construction activities may be impacting

1 hunting in those game units, is it a very small portion
2 of those game units? Or are we talking about a large
3 unit of these game units where people would be pulling a
4 tag for elk or other game?

5 A. (Mr. Casteel) I would consider it very small,
6 that the game units are very large and extend north,
7 south quite a bit, east, west in some cases.

8 They're difference shapes. But they're much
9 larger compared to our corridor.

10 Q. So construction activities within a particular
11 game unit, is that going to shut hunting within the
12 entire game unit or is it going to be restricted to the
13 localized activities within an acre, two acres? How is
14 that handled?

15 A. (Mr. Casteel) Given how big the game units are,
16 I would expect that the majority of it would continue to
17 be open north and south in most cases. But, again, we
18 can take a look at good look at that and provide some
19 acreages or some distances if that helped.

20 Q. Yeah. I only ask because Member Comstock has
21 noted it and Member Fant has noted it. We heard it from
22 the public. There is an expressed concern over the
23 impact of the interconnection project on hunting.

24 And so if we're looking at the footprint of the
25 interconnection project within particular game units, I

1 think it's important for us and the public to understand,
2 you know, what is that impact.

3 How -- how much of an area is going to -- could
4 be potentially closed off to hunting activities during a
5 given hunting season if the game unit is a thousand
6 acres, 50 acres, construction activities are taking place
7 with the project corridor which is, you know, our study
8 is two miles, but the construction activities are going
9 to be occurring within our 500-foot corridor, it would be
10 important to know that footprint and what that effect is?

11 A. (Mr. Casteel) We can look into that.

12 I would also note, as Ms. Casteel discussed,
13 that the sort of phased nature of construction, some of
14 the mitigation measures will be to ensure permeability of
15 the corridor during construction just to prevent any,
16 such as the antelope just to make sure that there is
17 always a passage for the wildlife through the corridor.

18 Q. What I gather, and you're going to -- subject to
19 your digging into it and getting us a map that gives a
20 better understanding of the footprint of the
21 interconnection project and how that may affect hunting
22 within any of these game units, that the impact will be
23 localized to the construction line within a much larger
24 game unit, and that hunting activities may -- and I'm
25 waiting for you to give us that testimony -- continue

1 during even during the construction phase depending on
2 the size of the game unit?

3 A. (Mr. Casteel) That would be correct, and during
4 operation we would not expect the same impact to occur.

5 Q. I understand, but the completion of construction
6 there should be and is no impact on hunting. But it's
7 during the construction phase that there may be some
8 impacts, and as Member Comstock raised, it does take a
9 while to pull a tag depending on, you know, for elk or
10 something else.

11 And so, if important to coordinate and at least
12 have an understanding of when hunting may be curtailed in
13 a particular area and how -- how much of the game unit is
14 impacted by that, by our construction activities?

15 A. (Mr. Casteel) Understood. And we can pull that
16 data.

17 CHMN STAFFORD: Member Comstock, you had a
18 question.

19 MEMBER COMSTOCK: Thank you, Mr. Chairman.
20 Just one other point to make while we're on the hunting
21 issue, and for the applicant I certainly would anticipate
22 you're aware it's not just the construction area that I'm
23 concerned about, for the risk of the individuals in the
24 area.

25 The folks that are hunting up there are

1 using large-caliber equipment to hunt for these in and a
2 300, 400-yard shot is not necessarily out of context.
3 And so your folks could be a significant distance away
4 from where the hunting could occur, but the danger still
5 is there for them.

6 So I think this is a pretty important issue
7 for coordination and making sure for the safety of the
8 individuals who'll be in the area that there's not a lot
9 of work going on when there's hunting in that area. So,
10 thank you.

11 CHMN STAFFORD: It seems like that would be
12 a key role for the Apache Natural Resource Conservation
13 District to play in coordinating, hey, we know what
14 hunters are out there, and if they're shooting
15 high-caliber rifles, black powder rifles, then you need
16 to make sure your guys aren't going to get caught in any
17 stray -- catch any stray bullets out there.

18 MEMBER COMSTOCK: Well, I'm not taking a
19 .38 caliber pistol to go out and hunt for an elk.

20 CHMN STAFFORD: Right. It's a .30-06.

21 MEMBER COMSTOCK: You've got to be aware of
22 that. I think that's important piece for them to
23 consider.

24 CHMN STAFFORD: Well, I think we've been
25 going about 90 minutes. I'm pretty sure the court

1 reporter is ready for a break. Let's take a short break,
2 approximately 10 minutes, and come back and see if we
3 can -- I think we have recreation resources to finish up
4 and then the noise and signal interference. I think
5 you've already done the public outreach already.

6 MR. DERSTINE: Correct.

7 CHMN STAFFORD: Okay. Stand in recess.

8 (Recess from 4:34 p.m. to 4:54 p.m.)

9 CHMN STAFFORD: All right. Let's go back
10 on the record.

11 Mr. Derstine, I believe you were about to
12 cover the noise and signal interference portion.

13 MR. DERSTINE: Yes. I think that's what's
14 coming up next. I guess, Mr. Casteel, I wanted to just
15 confirm in terms of the -- we spent a fair amount of time
16 talking about the hunting impacts from the construction
17 phase of the project.

18 I think it's been made clear through the
19 testimony and evidence that once the interconnection
20 project is completed that there's no impact on hunting
21 activities, but that it's during the construction phase
22 and we're going to get back with maybe a map and have a
23 better understanding of how those two activities,
24 construction of the line and hunting activities, can
25 occur safely within the different game counts. So we'll

1 get back that on that issue.

2 Was there anyone else you wanted to add in
3 terms of recreation or your analysis of recreation within
4 the project area?

5 MR. CASTEEL: No. We are -- but we are
6 preparing that map.

7 I do have an answer for Mr. Comstock about
8 petrified wood, though.

9 MEMBER COMSTOCK: Absolutely.

10 MR. CASTEEL: So the Petrified Natural
11 Forest is 40 miles north of us. There's that. And then
12 petrified wood in itself is not considered an artifact or
13 a cultural resource. But, for example, in this project,
14 we have artifact scatters, one of those sites that
15 Ms. Casteel discussed.

16 So, and some of the artifacts within the
17 site are projectile points made from petrified wood. So
18 by themselves, petrified wood is not an artifact but if
19 it's incorporated into a site and used for purposes, yes.
20 So we have we have eligible sites that have, for example,
21 a petrified projectile point in it, so then it's an
22 artifact and then it's a cultural resource.

23 MEMBER COMSTOCK: Thank you very much for
24 that. That leaves the pipelines and we'll be good after
25 that. Thank you.

1 BY MR. DERSTINE:

2 Q. Okay. Noise and signal interference.

3 A. (Mr. Casteel) Yes. SWCA completed noise
4 analysis to support the application and that's provided
5 in Exhibit I. I'll just touch on existing sound within
6 the corridor. During the day it's approximately 40
7 decibels. During the nighttime it's approximately 34
8 decibels. It's expected that some temporary noise will
9 occur during construction, and based on the equipment
10 that's proposed, we expect that anywhere between 75 and
11 90 decibels could be experienced if you are 50 feet away
12 from the right-of-way of the proposed line. That
13 right-of-way is going to be approximately 200-foot --
14 200 feet wide.

15 As we've been discussing there are no sensitive
16 noise receptors within the corridor. Noise receptors
17 would be houses, schools, parks. The nearest noise
18 receptor would be that residence that's located
19 approximately 1.8 miles to the south of the western
20 portion of the line. South of US 60.

21 I can touch on noise emission of the operation
22 of the project. I think that's most important. There
23 would be some noise associated with the operation of the
24 project. This graph on the right-hand side was
25 prepared -- oops, sorry, Javier. Can you fix the screen,

1 please?

2 Q. While they're doing that, when you're saying
3 noise during operation of the project, you mean once the
4 interconnection project has been constructed, and it's
5 energized, how much noise will be generated by the
6 conductor?

7 A. (Mr. Casteel) Correct. Let me go back one
8 step, that noise during construction is not anticipated
9 to be significant, and would effectively be attenuated
10 from the line due to the distance from the nearest
11 receptor, which is a house, that residence, 1.8 miles
12 away.

13 So the noise would be basically applicable to
14 the existing noise levels in the project area during
15 construction.

16 Q. And I guess during construction I think
17 Mr. Patton testified that the way that the foundation for
18 the poles, the tangent structures, how that happens is
19 likely the technology that's used uses some sort of a
20 pneumatic drill of some type, so I assume there's a fair
21 amount of noise that will come from that short-term
22 drilling activity.

23 But, again, it's short in duration or maybe
24 Mr. Patton can testify about the duration of that noise
25 and how if I'm 500 feet away or if I'm a mile away what

1 am I going to hear?

2 A. (Mr. Patton) Yes, sir. So having been around
3 this equipment so, again, so the equipment that we would
4 typically use would be a DTH, down-the-hole hammer rig,
5 and the noise that you would typically hear is actually
6 more from the air compressor itself to operate that piece
7 of equipment.

8 The boring that's actually done from that rock
9 auger, that rig, is actually that noise is really
10 muffled, because of the casing, the core casing that's
11 happening in the operation of it.

12 So what you're typically going to hear is going
13 to be -- the loudest thing you would hear would be the
14 air compressor operating.

15 Q. Okay. Thank you for that.

16 So getting back, then, to the operation of the
17 line. Once the line has been constructed, the noise that
18 will be generated by this 345kV transmission line, where
19 does that fall on the scale?

20 A. (Mr. Casteel) So, yeah, as I'm sure you've
21 heard before the Corona effect, which can cause a humming
22 of the line, this graph on the right-hand side is showing
23 two lines, one blue, one red. The blue line is during
24 dry conditions, and if you were standing at the
25 right-of-way line you would experience approximately 28

1 decibels during operation. Both sides of the
2 right-of-way line.

3 During wet conditions, which is not common in
4 the area, but wet conditions, it would be at its peak 53
5 decibels. Again, that's right at the right-of-way line.

6 But that attenuates as you move farther and
7 farther away.

8 CHMN STAFFORD: And the graph you're
9 referring to is on Slide 182 of hearing Exhibit 7;
10 correct?

11 MR. CASTEEL: Correct. And again, in terms
12 of the nearest noise receptor, noise that might occur
13 from the operation of the project is inaudible. It's
14 not -- it's not an effect to that residence.

15 I'll just touch on interference.

16 We heard a public comment about potential
17 disruption to cell phone communications for emergency
18 purposes. The lines are not known to cause interference
19 with cellular communications, so we would not expect that
20 to occur.

21 There is low potential for impacts to AM
22 radio stations. The nearest AM radio station is just
23 north of Springerville, approximately four miles away.
24 You have to be very close to a line for an AM station to
25 be affected. For FM it typically not -- it's typically

1 not an issue.

2 And the nearest -- sorry -- the nearest FM
3 radio station is four miles away. But the nearest AM
4 radio station -- sorry -- that's north of Springerville.
5 That's approximately seven miles away. So, again,
6 interference with cellular communications, FM or AM
7 radio, that's not anticipated for the project.

8 BY MR. DERSTINE:

9 Q. All right. Anything else on the topic of noise
10 and signal interference?

11 A. (Mr. Casteel) No.

12 MR. DERSTINE: So I think that concludes
13 the basic case presentation. We're able to go through
14 our exhibits, but I anticipate that maybe they wanted to
15 do a round, or you had indicated maybe doing a round of
16 questions from members of the committee, and then we have
17 the follow-up from Mr. Casteel on the coordination for
18 hunting, dealing with that recreational use, potential
19 impacts there, and how that will be done safely.

20 And I don't know if we have another
21 follow-up, we need to get back with you on this pricing
22 between wind energy, natural gas, what's that price
23 differential, just as the curiosity, not that it
24 necessarily goes to the interconnection project itself.
25 And there may be some other follow-up. If there's other

1 questions that you want us to get back to you on, we will
2 do that.

3 But I think in terms of our basic case
4 presentation we're at the point we don't have any
5 additional witnesses or topics to cover.

6 CHMN STAFFORD: Did they have the answers
7 to those follow-up -- the follow-up questions there
8 already?

9 MR. DERSTINE: I don't think we have the
10 answers yet on the price differential. And we're working
11 on the map of the game units. So we'll have to present
12 those tomorrow morning.

13 CHMN STAFFORD: Okay. All right.

14 So then I think we've referred to --

15 MEMBER COMSTOCK: Mr. Chairman.

16 CHMN STAFFORD: One second. I think we've
17 referred to all your exhibits except for 2, 3, 4, 5 and
18 6, which is the witness summaries. I mean, they've
19 introduced themselves and gave their testimony, so those
20 exhibits weren't specifically referenced, but they did
21 cover everything that was mentioned in those.

22 MR. DERSTINE: That's correct. We consider
23 those to be more of a disclosure item, but as you noted,
24 the witnesses introduced themselves and that testimony
25 was in line with what was contained in their witness

1 summary.

2 CHMN STAFFORD: All right. So then I think
3 all your exhibits have been covered. I assume you want
4 them admitted.

5 MR. DERSTINE: Yeah, I'll formally ask you
6 to admit our Exhibits 1 through 24. Other than I assume
7 we can -- probably want to skip the proposed form of CEC
8 unless, I mean, you have considered that. It's part of
9 the record, but I imagine, Mr. Chairman, you'll be, then,
10 looking at that and doing what you do to present that on
11 the screen when the committee's ready to deliberate.

12 CHMN STAFFORD: Right. And that was filed
13 at the time of the prehearing conference, so, yeah.

14 MR. DERSTINE: That's correct. It's in the
15 docket.

16 CHMN STAFFORD: I think what I'd like to do
17 is first of all I'm going to admit all your Exhibits 1
18 through 24.

19 (Exhibits 1 through 24 were admitted.)

20 CHMN STAFFORD: And then I'm going to admit
21 the limited appearance statements KG-1, TE-1, LW-1, MA-1
22 and MB-1. Those are all also admitted as exhibits.

23 (Exhibits KG-1, TE-1, LW-1, MA-1, and MB-1
24 were admitted.)

25 CHMN STAFFORD: So I think right now we

1 have final questions from members. And then I think what
2 we can do is you have that additional follow-up
3 information to give us.

4 Do you want to give those first and then
5 give your closing after the members have concluded
6 questions or do you prefer to do that in the morning and
7 then jump to the CEC?

8 MR. DERSTINE: I'll plan to be available to
9 do a short closing whenever you want to hear from me on
10 that. But I imagine it's appropriate once -- well, I can
11 do it either way, after the members have asked their
12 questions. Maybe that helps inform you in terms of the
13 what I might speak to in our closing argument, but I'm
14 happy to do it before or after.

15 CHMN STAFFORD: I think Member Comstock has
16 a question.

17 MEMBER COMSTOCK: Thank you, Mr. Chairman.
18 If I could just add to the follow-ups from the lists on
19 E2 and E3, the types of pipelines that are referred to
20 there.

21 MR. DERSTINE: Thank you.

22 MEMBER COMSTOCK: Thank you.

23 MEMBER DICICCIO: Mr. Chair.

24 CHMN STAFFORD: Member DiCiccio.

25 MEMBER DICICCIO: So mine is just a follow

1 up from the very first day which seems like three weeks
2 ago. That's what it feels like today. So I had asked if
3 the wind farm does not get approved, would you still
4 build that line? And the answer was no, you would not
5 build it. So I just need you to put that on the record.

6 MR. RIEMAN: We would build a portion of
7 the line that would support the solar facility.

8 MEMBER DICICCIO: Just the solar.

9 MR. RIEMAN: That's correct.

10 MEMBER DICICCIO: Okay. And so you're
11 going to be doing the solar first; correct?

12 MR. RIEMAN: The schedules that were
13 presented in the record show concurrent construction
14 schedules.

15 MEMBER DICICCIO: Oh, I got it. I like
16 this other part, so, but I just wanted to make sure we
17 were really clear that if the wind farm doesn't get
18 approved, nothing on that side would get built out
19 because it's not going anywhere. And so thank you for
20 that. And that was the only other follow-up question I
21 had, Mr. Chair.

22 CHMN STAFFORD: All right. Any other
23 members follow-up questions? Member Hill.

24 MEMBER HILL: I remember them all. Keep
25 going. Keep going.

1 CHMN STAFFORD: I think that's all we have
2 unless you have additional questions. They have some
3 homework to do to present, I think they should probably
4 do that before Mr. Derstine gives his closing. And then
5 once he gives his closing, we can begin to discuss the
6 CEC.

7 I think tonight will -- before we recess
8 for the evening I think it would be worth having a
9 discussion about some of the conditions the committee's
10 considering adding to the CEC.

11 I distinctly recall you, Member Hill,
12 having suggested language from the Exhibit H to the
13 hearing Exhibit CG-1, the application, and their
14 responses to Game and Fish about adding some of that
15 language to the condition in the CEC. I think it's
16 typically Number 5.

17 MEMBER HILL: That is correct. I want to
18 go back to my original suggestion where I said I didn't
19 want to create more work, but might be creating more work
20 now, that we actually take the minimization measures that
21 are in the application and then add the ones that we've
22 talked about and if you need me to go through those again
23 I'll go through these again.

24 And create a separate exhibit that we can
25 reference in the CEC for the minimization measures in

1 totality. How do you feel about that?

2 MR. DERSTINE: Perfectly acceptable. Can
3 you identify those additional conditions beyond those
4 that were contained in the tables?

5 MEMBER HILL: One was about lighting. I'm
6 looking to the applicant to help me remember some of
7 these because we talked about a few things.

8 So one was about lighting; right,
9 Mr. Patton? Something related to the --

10 MR. PATTON: Lighting on the substation,
11 yes, ma'am.

12 MEMBER HILL: Yes. Another one was about
13 notifying the Department, it's number -- so let me
14 reference this. So it's in Exhibit H and it's pages 18
15 through 22 that I'm referencing. I don't need all of
16 them. But the lighting one is Number 22. That's on
17 page 21.

18 MR. CASTEEL: 29 as well.

19 MEMBER HILL: 29, that's right. That's
20 informing the Department for closures about hunting
21 seasons. And my colleagues might have amendments to
22 that, but I think the language there reads well and was
23 directly taken from Game and Fish's request.

24 There was post-construction -- number 26,
25 post-construction wildlife monitoring things that could

1 be included in the corridor. I think that's it. Do you
2 guys have any different notes than what I have?

3 MR. DERSTINE: And I don't recall, Member
4 Hill, you'll -- let me confer.

5 You got it already.

6 MEMBER HILL: I'm 52, my brain's not gone
7 yet.

8 MR. DERSTINE: No, it is not. I agree, for
9 the record.

10 MEMBER HILL: Okay. Thank you. And I'd
11 entertain any conversation or contributions from my
12 colleagues as well. Those are the -- those are the ones
13 I thought were important and it seemed like the applicant
14 was amenable to those.

15 MEMBER COMSTOCK: Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Comstock.

17 MEMBER COMSTOCK: On page 22, number 25,
18 I'd like to support Member Hill in her request to add
19 that in.

20 My issue with that is that it's ambiguous
21 in terms of when the notifications need to be placed. In
22 Arizona, I believe you have to apply to get a tag in
23 March. You don't get drawn until I think it's June, and
24 the hunt isn't until October.

25 So you're talking about almost a year time

1 span between the time you would apply for a tag and put
2 money into that effort and be able to commit to a hunt.

3 So if there's some more specificity we
4 could add to that so the Department can take guidance or
5 maybe the Department can provide us guidance, I'd like to
6 support Member Hill in that addition.

7 CHMN STAFFORD: Any other thoughts or
8 questions from members? My suggestion would be to if
9 we're looking at the Exhibit A to the certificate, the
10 one that's attached to Hearing Exhibit CG-8, I think I'd
11 like to see one that's in color and doesn't, and has the
12 Coyote Creek, I could see the Coyote, lower Coyote Road
13 on this Exhibit A.

14 I think one that has -- because those are
15 the two sites for the bird diverters, are going to be the
16 Little Colorado and Coyote Creek. I think those should
17 be clearly visible on Exhibit A.

18 And then maybe a little bigger and have the
19 inset where it ties into the generating station, maybe
20 could be moved and typically like to see the other
21 transmission lines that are in the area visible and
22 labeled with the -- do we need ownership or just the size
23 of them?

24 And I guess do we need -- do we want to
25 have the 69kV lines on there, because those aren't

1 technically transmission, that's subtransmission.

2 I'm looking at members for their thoughts.

3 I think the 345kV, existing 345 line should be on the
4 map. But I'm flexible on whether the 69kV needs to be on
5 there or not.

6 MEMBER FONTES: Mr. Chairman, we have
7 always put the transmission. We've labeled it owner and
8 then the size of the transmission.

9 CHMN STAFFORD: Including 69kV? Even
10 though it's --

11 MEMBER FONTES: That's distribution.
12 Again, we focused on transmission.

13 CHMN STAFFORD: Right. So we don't need
14 the 69kV, just the 345. That's the only transmission,
15 other transmission line that's in this area that would be
16 on the map would be the existing 345; correct?

17 MR. DERSTINE: That's my understanding. I
18 think that's correct. I think I'm thinking back to the
19 last case where we dealt with this issue and sometimes
20 the direct -- or all the owners if you have joint
21 ownership on a particular line, it's difficult, or how we
22 identify ownership, and I think in the last case which
23 was the APS Pinal Energy Improvement Project case, at
24 least the case that I was involved with, we ended up
25 identifying on the map the transmission lines but just

1 indicated various owners.

2 CHMN STAFFORD: Right. It had the name of
3 the line, the substation, substation, how it was, the
4 nomenclature for it and the voltage of it, it didn't --
5 it was just kind of became cumbersome of have to list all
6 the different owners.

7 MR. DERSTINE: Right.

8 CHMN STAFFORD: I think for this one the
9 345kV line, is that -- are those joint ownership or is it
10 all TEP?

11 MR. DERSTINE: I don't know. We can try to
12 run that down. Maybe Ms. Turner can dig into that for us
13 or someone can. So we'll do our best to see if that's
14 solely TEP's line that serves its load down in Tucson or
15 if there are other owners. So we'll look into that.

16 MEMBER FONTES: We had that issue,
17 Mr. Chairman, and we've always put the owner in terms of
18 the owner of the physical asset, not the capacity which
19 you're getting into.

20 So whoever has the operations and
21 maintenance and reports, FERC and NERC. So typically it
22 is the utility. There may be other users of that on a
23 known basis, but the physical asset owner for
24 consistency.

25 MR. DERSTINE: Will do.

1 CHMN STAFFORD: All right.

2 MEMBER HILL: Mr. Chair.

3 CHMN STAFFORD: Yes, Member Hill.

4 MEMBER HILL: You did it. You did it.

5 CHMN STAFFORD: I did not.

6 MEMBER HILL: I thought we could not get
7 through a meeting without calling me Member Little.

8 CHMN STAFFORD: I didn't. I said Hill.

9 MEMBER HILL: Oh, I thought I heard Little.

10 CHMN STAFFORD: I think I said "Lill," but,
11 okay.

12 MEMBER HILL: Okay. We also talked about
13 in lieu of the language that was proposed by Corporation
14 Commission Staff on the system impact stuff, things that
15 we would do, some language condition precedent around
16 giving the Corporation Commission interconnection
17 agreements; right?

18 CHMN STAFFORD: Right. There was a
19 discussion. Mr. Derstine, I think you and the applicant
20 indicated that they have no problem submitting the
21 interconnection agreements to Staff under the protective
22 agreement. So I think we could, I guess it's another
23 matter of homework to you to kind of see if there's a
24 suggestion you have.

25 MEMBER HILL: Some language you're

1 comfortable --

2 CHMN STAFFORD: That's fine. I think it
3 would be a replacement for proposed condition Number 17.
4 To reflect what we had discussed about the -- because
5 they've already seen the system impact studies and the
6 facilities studies.

7 MEMBER HILL: That is right.

8 CHMN STAFFORD: So it's just a question of,
9 well, they have of getting the interconnection agreements
10 for the different, the two phases and then in the future
11 any -- the agreement or studies for the phase II wind.

12 MR. DERSTINE: Correct. We'll come up with
13 a sentence or two to address that.

14 CHMN STAFFORD: Okay.

15 MEMBER COMSTOCK: Mr. Chair.

16 CHMN STAFFORD: Yes, Member Comstock.

17 MEMBER COMSTOCK: If I could, I think I'll
18 be the fourth member to support this, but Member Fant's
19 original suggestion of the applicant meeting with the
20 leadership of the towns here, Springerville and Eagar, to
21 talk about what would be an opportunity to partner with
22 them to help alleviate some of the concerns about the
23 project.

24 I don't know, I'm looking to your
25 leadership on this one. Do we have the ability to put in

1 a time frame in the CECs for them to meet with that
2 leadership? Or would that be up to them to continue to
3 make that meeting happen? Or how would we go about that?
4 Because I think there's some relevance there.

5 CHMN STAFFORD: Right. I mean, we could
6 certainly craft some kind of condition that says, you
7 know, prior to construction they need to engage with,
8 probably be specific to say with whom they would be
9 engaging.

10 I think beyond, they're going to have to
11 engage State Land Department and they're going to have an
12 agreement with the National Resource Conservation
13 District, but there's -- I think about what would they
14 do.

15 I mean, we've had conditions before where
16 they would form a, like, working group to work on how to
17 decide how they'd mitigate impacts. Sometimes those
18 things, the Commission has had a different opinion and
19 removed those conditions that we've imposed subsequent to
20 the committee adopting them. So I'm just trying to think
21 about how we would phrase it.

22 I know we have the standard condition where
23 they will coordinate with, they'll participate in good
24 faith in state and regional transmission study forums to
25 coordinate transmission expansion plans projects.

1 I think you could probably wordsmith
2 something about including the community or something
3 along those lines, a condition -- I don't know if it
4 would be included in this, but something similar to that
5 as an additional condition, probably.

6 Member Fant.

7 MEMBER FANT: Mr. Chair, and I apologize
8 because I said I wasn't going to talk again.

9 CHMN STAFFORD: Famous last words.

10 MEMBER FANT: Yeah, exactly. Trust me. So
11 may be something really simple. Applicant agrees to
12 engage with and cooperate with the towns of
13 Springerville-Eagar and the community. Something
14 open-ended, simple but less likely to be removed by the
15 ACC, if you want to institutionalize it. Something
16 really simple.

17 CHMN STAFFORD: And that would be limited
18 to the jurisdictional portion of the project, which is
19 the transmission line.

20 MEMBER FANT: Right. Well, right, because
21 we can't tell them what to do. But obviously there's
22 going to be suggestions related to the wind field, but
23 that's political pushback that is up to the parties, not
24 us. We're just trying to encourage communication.

25 CHMN STAFFORD: Right.

1 MEMBER HILL: Mr. Chair.

2 CHMN STAFFORD: Member Hill.

3 MEMBER HILL: I like this approach. I
4 think what I'm struggling is to give better direction to
5 the applicant and provide some clarity on what we mean by
6 "engage with the public."

7 I think with the transmission line, we've
8 talked about visual impacts in the corridor. We've
9 talked about the finishes of the lines. We've talked
10 about, I mean, I even think about the bird deterrent
11 devices that are chosen.

12 I'm wondering if we can put some guidance
13 related to our jurisdiction about the things that need to
14 be included in a conversation and engagement. I don't
15 know. I'm really just thinking out loud here.

16 But to say you need to coordinate and
17 collaborate with them is really, you know, how will we
18 even know if -- I mean, they could listen all day and
19 not -- not actually maybe do engagement, and they could
20 listen all day and not satisfy the needs.

21 So I think providing -- if we're going this
22 direction I do want to provide, and I don't have the
23 answer, but some guidance around the important things
24 that need to be covered in an engagement, and that we
25 understand that they may not resolve all the issues.

1 But if there's a conversation to have about
2 moving things around in the corridor a little bit,
3 discussion to about have the finishes, I mean, I just
4 keep thinking, yes, some of this has some significant
5 visual impact.

6 But even if the field we talked about areas
7 where, wow, there's no visual impact here because it's
8 tucked in, because the topography they could have easily
9 picked a bunch of locations that didn't have any visual
10 impact, but they were looking for the locations that had
11 the most significant visual impact.

12 I mean, even just having those kinds of
13 conversations with the community to give them, again, I
14 think there's a larger conversation to have here. I want
15 to be very clear about that, because -- but that's
16 outside of our jurisdiction.

17 So I'm trying to figure out how to provide
18 something that -- and I'm looking to my colleagues to add
19 on or nix or make other suggestions, I think.

20 MEMBER DICICCIO: So may I add something?

21 MEMBER HILL: Absolutely.

22 CHMN STAFFORD: Yeah. Member DiCiccio.

23 MEMBER DICICCIO: So what you're asking for
24 is very noble and honorable to do. It's just really hard
25 to implement. Unless the only way to do it and the way I

1 used to do it would be you would give general directions,
2 but then they have to come back to you.

3 Then you can judge whether or not there was
4 movement, no movement, what they were. Because unless
5 you put in certain metrics into exactly what needs to be
6 accomplished, like this is what you have to do, okay, and
7 you don't know because you're not them; right?

8 And so unless you put that in there, then
9 they have to come back to you as the final arbiter, and
10 that's the only way to get people to come back. They
11 have to come back, then you can judge by what was -- what
12 occurred in those meetings. That's how you keep the
13 pressure on both parties.

14 MEMBER HILL: Yeah. I completely agree
15 with you. I mean, both of us have served in elected
16 office --

17 MEMBER DICICCIO: Right.

18 MEMBER HILL: -- and we've had the
19 authority to do that. What I'm struggling with is we're
20 kind of like the Planning Commission. We're not the
21 ultimate authority. So whether the Corporation
22 Commission wants the applicant to come back, like, I'm
23 flexible in what that looks like, because I agree with
24 you, there has to be some --

25 MEMBER DICICCIO: There is maybe another

1 way to structure it to where it becomes clear to the
2 Corporation Commission what the end objective is, and
3 that they would have to come back and say that these were
4 true negotiations, not, you know, just making
5 presentations. You know what I mean?

6 So then you would ask the Corporation
7 Commission to be the arbiter. The only other way, which
8 I'm sure nobody would want to do, would be to continue
9 the case and then have them come back to us with that one
10 thing.

11 So there are ways to do that. But as an
12 arbiter of this and as a decision-maker of this, even
13 though we're an advisory we still have to make a
14 decision, the only way to achieve that is to have them go
15 back, and you could even say they have to come back to
16 three members of this board, you know what I mean? You
17 can say that.

18 You put that in there that they need to
19 come back with the results. Where you get to hear both
20 parties because the decision made, ex parte is not in
21 there anymore at that point.

22 But there is a way to do that, where you
23 could just entrust three members and say, hey, these
24 three will make that final determination, whether they
25 did or whether they need to go back to the drawing board.

1 There is a way to do it.

2 MEMBER FONTES: Mr. Chairman.

3 CHMN STAFFORD: One second. I don't think
4 that the committee can create an obligation for them to
5 come back to get policed by the committee. How the
6 statute is set up is that basically we're the finders of
7 fact. We hear the evidence, and we make a decision on
8 the environmental compatibility of the project based on
9 the evidence before us in the record, and we can impose
10 reasonable conditions.

11 There are some limitations imposed by
12 statute with the authority we have. And typically how we
13 do it is there's a condition, it needs to have enough
14 specificity to where it's not vague. It needs to be --
15 they need to have clear instructions of how they're going
16 to -- who they're going to interact with and what they're
17 trying to accomplish.

18 Based on prior Commission decisions, the
19 Commission does not want to be arbitrating disputes
20 between stakeholders and the applicant. We had a prior
21 case where we had a working group, and that case, this
22 was more like that, I think I would still be in favor of
23 imposing that kind of condition about where the applicant
24 had a certain amount of money set aside and was going to
25 work with the community to implement mitigation measures,

1 that was a plant --

2 MEMBER HILL: It was generation.

3 CHMN STAFFORD: It was a gas plant, and it
4 had to do with, okay, what kind of landscaping you'd use
5 to obscure the view of it.

6 You can't, for the transmission line, I
7 mean it comes down the placement of poles, the finish,
8 those kind of things would potentially, you could have,
9 depending where it is, you could have some kind of
10 landscaping to obscure it.

11 But I don't think any of that really plays
12 into this case, because it's wide open and it's across
13 state trust land. So they're limited what they can do by
14 the State Land Department.

15 So I think how it would be any kind of
16 condition we propose to work with the community would
17 have to be a condition, and then they'd have to -- the
18 way -- it wouldn't come back to the committee to evaluate
19 whether they complied with it or not, they would submit
20 their annual compliance filing, say we did, we complied
21 with it, and here's how we did it.

22 And then it would be up to somebody else to
23 potentially, they could file a complaint alleging that
24 the applicant did not comply with one of the conditions.

25 That has happened, but again, we don't want

1 to create a situation that's going to open up a can of
2 worms and headaches for, you know, we ask them to square
3 the circle and then we're surprised when there's
4 litigation at the Commission over it that I don't think
5 the Commission has any interest in really participating
6 in.

7 Unless it was clearly something that, you
8 know, hey, you didn't -- one of the things, you didn't do
9 the studies for the gas line you're going next to.

10 We're going to tell you that you can't,
11 you're not in compliance, and you can't get -- stop until
12 you do that, before you can construct or something.

13 And then typically the obligation to submit
14 the compliance letter expires. Not always, but it
15 typically expires once the project is in service. It's a
16 rare situation where they will -- that will be an ongoing
17 commitment once the project is completed.

18 I see a number of members online have their
19 hands up. Let's start with Member Fontes and then Member
20 Drago.

21 MEMBER FONTES: Earlier today,
22 Mr. Chairman, I offered what I think is essence of this
23 conversation. In the past we have had and worked with
24 the applicant to voluntarily during the final design
25 review to have additional stakeholder engagement with the

1 cities to look at all of these issues, and then
2 subsequently file that final design as a subsequent
3 docket or exhibit into the Commission.

4 That has worked in the past and I do
5 believe that that is a prudent course of action here if
6 the applicant is willing to work with us to do so.

7 It incorporates a lot of the unknown
8 factors that we have here, that the applicant will
9 certainly need prefinancing and preconstruction.

10 And that timing would be linked to when
11 they're going to do their preconstruction activities with
12 the ASDL.

13 So again I apologize, I was traveling when
14 I stated that, I was not visual, but I believe what I
15 originally proposed addresses Member Hill, Member
16 DiCiccio, and other folks' concern, as well as yours,
17 Mr. Chairman, that it's reasonable and it sets the
18 standard prior to any shovels being turned to have that
19 looked at and these issues noted.

20 So I offer that once again.

21 CHMN STAFFORD: Thank you.

22 Member Drago.

23 MEMBER DRAGO: Yeah, thanks, Mr. Chairman.
24 I don't know if you were thinking of the SRP power plant
25 expansion near the Randolph disadvantaged community.

1 But for what it's worth, we might want to
2 look that up and see if there's anything in there we can
3 duplicate and revise. Just a suggestion. Thank you.

4 CHMN STAFFORD: Thank you. Thank you,
5 Member Drago.

6 Member DiCiccio.

7 MEMBER DICICCIO: So it is difficult, like
8 you said, to do that. And the one thing you don't want
9 to do is false solution to the community that they're
10 going to be able to have some say when, in fact, it's
11 not.

12 The only way you can judge this, and sorry
13 to bring this part up, but is what occurred in the past.
14 That's the only way to be able to judge this. What did
15 they do in the past? Did they do -- if you believe that
16 they've gone as far as they could, I don't, when it came
17 to the engagement end of it, then that is how you have to
18 judge the case.

19 It's -- it's difficult going forward if you
20 don't put in conditions of, like, you did at the cities
21 and stuff like that where it says they have to come back
22 to you.

23 And if they don't come back to you, then
24 you're leaving an open door is what you're doing.

25 So the only way I can judge in a case like

1 this because of the limitations we have would be what did
2 you do in the past?

3 MEMBER HILL: Mr. Chair.

4 MEMBER DICICCIO: Sorry. That was it. No,
5 I interrupted.

6 MEMBER HILL: Okay.

7 CHMN STAFFORD: Member Hill.

8 MEMBER DICICCIO: No, I did. Actually I
9 did. That's okay.

10 MEMBER HILL: I think the challenge is it's
11 really hard to separate the generation from the
12 transmission line. When I think about what they've done
13 with the transmission line, they have worked with
14 stakeholders to move that. And that is our jurisdiction.

15 I mean they moved it away from the existing
16 home. They've adjusted things. They tried to get, to my
17 disappointment, I'll say it again, collocation with TEP
18 and couldn't get that.

19 I understand that there is, again, I said
20 this earlier, there is a lot more work to do on other
21 pieces that we don't have jurisdiction on.

22 But the pieces that we do have jurisdiction
23 on, I do feel like they've made some accommodations.
24 Maybe there's more to make. I don't know.

25 So I agree with my colleagues that there

1 should be something here, but what I don't want to your
2 point is to raise the expectations from the community
3 that they're going to get exactly what they want and then
4 we find out because it's on state land, thank you for
5 raising that question, it's not even possible to do it
6 because of state land restrictions, and then we put both
7 the applicant and the community in a bad position.

8 I would like to see, I'm not volunteering
9 for this one, Jennifer -- I would like to at least have a
10 discussion or some language that we can start to noodle
11 on that can get us closer to some shared understanding
12 about the transmission line.

13 MR. DERSTINE: I am -- well, I hesitate to
14 jump into the fray.

15 I think the applicant is more than willing
16 to agree to the general condition on meeting and
17 conferring with the community along the lines of
18 Member Fontes' suggestion on leading up to and getting to
19 a final design for the interconnection project, and that
20 would involve pole finish, pole location, location of the
21 structures within the approved CEC corridor.

22 That is what this committee has
23 jurisdiction over, and I think that a condition within
24 the CEC would be absolutely appropriate and one that the
25 applicants would welcome on, again, getting back with the

1 community, discussing our final engineering and design
2 and what they would like to see or not see with regard
3 to, again, pole finish, things that are -- that relate to
4 the interconnection project. We're happy to do that and
5 support general language on that.

6 CHMN STAFFORD: Okay. And then I think to
7 demonstrate compliance with that would be in the annual
8 certification letter, and I think -- I don't know if it
9 would spell this out in the condition -- but I think when
10 you file a letter to demonstrate compliance that you say,
11 well, here's where we met with X, Y, Z on such and such a
12 date, such and such location, maybe attach the minutes
13 from the meeting or something to the later because they
14 typically -- they're going to attach documents attesting
15 what, you know, how compliance was -- demonstrating how
16 they complied with it.

17 MR. DERSTINE: That's correct.

18 CHMN STAFFORD: I don't know if that needs
19 to be spelled out, but I think if the applicant
20 understands that's how they demonstrate compliance with
21 that condition, I think that would be helpful.

22 MR. DERSTINE: And that's how SRP has
23 handled it with -- regarding its compliance filing
24 regarding its Coolidge expansion project.

25 I guess the comment I would make to

1 Member Drago is that the community working group that was
2 formed for Coolidge was a much more extensive and
3 negotiated and heavily funded situation involving the
4 Randolph community that had its own unique concerns and
5 impacts.

6 Then the Commission, that similar mechanism
7 was utilized with your -- the new plant project, I think
8 it was Project Bella down in Pinal County.

9 The Commission rejected that condition and
10 said this committee did not have jurisdiction to do that
11 and said no. And that was removed from that CEC.

12 But that's not where we're looking for here
13 and it's not that extensive. But a condition that would
14 require the applicant to coordinate and work with members
15 of the community, and I don't know who that -- it's hard
16 to get, necessarily to understand and have a community
17 speak with one voice, that doesn't typically happen.
18 Different people have different opinions about whether it
19 should be galvanized or weathered or the poles should be
20 here or there.

21 But those are things that can happen in a
22 meeting in a dialogue. But, you know, a condition about
23 final design and review prior to final engineering, happy
24 to support general language along those lines.

25 MEMBER DICICCIO: Mr. Chair.

1 CHMN STAFFORD: Yes, Member DiCiccio.

2 MEMBER DICICCIO: That doesn't work. And
3 I'll explain why. Because at this point you've taken any
4 pressure off. And if you get involved in negotiations
5 you got to keep pressure on both sides. I mean, that
6 will absolutely not work. It will make it sound good, it
7 makes them feel like it's a feel good thing.

8 Unless you put a condition in there that
9 prior to going into the -- in front of the final vote of
10 the Corporation Commission that they have to do certain
11 things. That's the only way that it works. Before a
12 final vote.

13 Whether it's a final vote in front of us or
14 a final vote in front of the final body, that's the only
15 way. If it's that important, then that's how you would
16 structure it.

17 It's something like, well, they need to
18 engage, they need to talk, they need to be able to do
19 these things. Prior to, nothing prevents you from saying
20 no. Nothing.

21 MR. DERSTINE: And nothing prevents either
22 side from saying no.

23 MEMBER DICICCIO: Right.

24 MR. DERSTINE: And so the reality is the
25 obligation is to meet and have the discussion focused on

1 the interconnection project and the final design issues.
2 If we reach an agreement that's great.

3 And then certainly our objective will be to
4 do that in good faith, but that isn't going to happen
5 between now and 60 days, and we're not in a final design
6 and engineering to even have that discussion over the
7 final design of the transmission line within that time
8 frame.

9 MEMBER DICICCIO: And it goes to my point
10 that this should have been done ahead of time. A lot of
11 this stuff should have been done ahead of time where
12 these type of engagements should have occurred.

13 CHMN STAFFORD: Yeah, but I don't -- I'm
14 not -- Member DiCiccio, I appreciate that but I don't
15 think in a lot of situations that's just not possible for
16 them to have all that stuff done ahead of time.

17 I don't think I've seen a single case where
18 the final engineering was done prior to getting a CEC.

19 MR. DERSTINE: Because we don't have the
20 corridor identified or we're applying for the corridor
21 and applying for the right-of-way, but that final
22 engineering design that's going to occur follows this
23 decision, and then that happens over some period of time
24 where you're able to then work with constituents and get
25 their input and feedback on those final design elements.

1 CHMN STAFFORD: Typically the corridor --

2 MEMBER FONTES: Mr. Chairman.

3 CHMN STAFFORD: One second. Typically the
4 corridors, it can be three, four, five, ten times the
5 width of the final right-of-way, and they're not -- they
6 haven't even figured out where in that corridor they're
7 actually going to locate the final right-of-way.

8 I mean, look at this case, for example. I
9 mean, you get to the -- when you get into the -- when
10 it's coming into the Springerville, that corridor is like
11 3200 feet by 2100 feet, but the actual final right-of-way
12 of the line is going to be 200 feet. So they don't know
13 until they get in there to where -- how they're actually
14 going to set it into the substation there.

15 MEMBER DICICCIO: So back to my point. Is
16 that had these types of engagements occurred early on
17 rather than making presentations, they would have been
18 able to sit down with the individuals, start figuring
19 some of these things out, and a lot of this stuff could
20 have been planned out ahead of time.

21 So it goes right to my point that had that
22 type of engagement occurred, we wouldn't even be talking
23 about this today. So from my end, that is problematic.
24 I won't get into a long debate over this. I think I made
25 my point.

1 But at the end of the day it comes down to
2 engagement. And that is a lot different than what
3 occurred in this case. Thank you, Mr. Chairman.

4 MEMBER MERCER: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Mercer.

6 MEMBER MERCER: This is only my opinion,
7 but I want it on record. I think we're getting lost in
8 the weeds. It is -- it sounds very nice to think about
9 what the community's concerns are. But the bottom line
10 is the community does not want this project. And that is
11 beyond our control. We as a committee, we are here to
12 oversee that the applicant does their due diligence. End
13 of story.

14 CHMN STAFFORD: Thank you. Hang on a
15 second. I think Member Fontes had a comment or a
16 question. Member Fontes.

17 MEMBER FONTES: I withdraw, Mr. Chairman.

18 CHMN STAFFORD: Okay. Member Fant.

19 MEMBER FANT: Okay. His comment. I agree
20 with the comments that have been made here by Colonel
21 Fontes, Matt, Sal and Ms. --

22 MEMBER HILL: Member Hill. Not Little.
23 Just Hill.

24 MEMBER FANT: Yes, Hill.

25 CHMN STAFFORD: Hill.

1 MEMBER FANT: Just a simple statement.
2 Meet and confer in good faith. Nelson Davis from the
3 Apache County Board of Supervisors was here, so he's
4 similar with the issues. The board of supervisors have,
5 they carry what I call a half a hammer, not a full
6 hammer, but that's -- that's the leverage for -- from the
7 political perspective from the community.

8 So that's why I think a simple meet and
9 confer in good faith would suffice, and then the
10 political issues can be worked out between the applicant,
11 Repsol, and the community because they'll need things
12 from the Apache County Board of Supervisors, and that's
13 where this will bubble up next.

14 CHMN STAFFORD: Right, and I think the big
15 dispute in probably negotiating between the community and
16 the applicant is going to be on the nonjurisdictional
17 part of this project.

18 I mean, I think that the line is the least
19 of their worries. I think that the line isn't going to
20 really -- I mean, the people who it would have the most
21 impact on are the ranchers who have grazing leases under
22 the line. But it's -- they're already working with them
23 to mitigate any impacts of that.

24 And once -- and the impacts are going to be
25 primarily from the construction of the line. Once it's

1 finished, it's just another feature that they just mosey
2 around.

3 So I think the big sticking point is the
4 wind farm. We don't have jurisdiction over that. That's
5 going to come down to ASLD and the county supervisors
6 about --

7 MEMBER FANT: Right.

8 CHMN STAFFORD: -- what they need to do to
9 mitigate the impacts of that. That's kind of beyond the
10 authority and the purview of this committee.

11 MEMBER FANT: Yes, and that's why I think
12 the proper thing is say meet and confer in good faith,
13 and then let the next set of political parties who do
14 carry a hammer and have influence resolve the issues.

15 MR. DERSTINE: I think so long as that meet
16 and confer obligation is tailored and directed to the
17 final design and engineering of the transmission line,
18 that's absolutely appropriate.

19 MEMBER FANT: I don't think I'd accept that
20 limitation, but I hear what you're saying, but I just say
21 meet and confer in good faith.

22 MR. DERSTINE: Then if it's broader than
23 that, then it goes well beyond what the committee has
24 jurisdiction over, and then you're compelling them to
25 deal with issues and negotiate issues that are not before

1 this committee and for which you have no jurisdiction.

2 So I think that's the -- that's the difficulty.

3 CHMN STAFFORD: I guess it comes down to
4 how it's phrased, I mean, and how would the applicant
5 demonstrate compliance in their annual certification
6 letter. We don't have the authority to order them to put
7 conditions on the wind plant, because that's not a plant
8 for purposes of our jurisdiction.

9 MEMBER FANT: Correct.

10 CHMN STAFFORD: So I think that, you know,
11 we would be, our authority is over the line. And so I
12 think, I'm just trying to think out loud how -- well,
13 let's see here. It's 5:48. I think that if the members
14 can come up with some language that they would like to
15 see as a condition that would address this, I think we
16 can propose that, and we can discuss it and workshop and
17 wordsmith it.

18 I mean, because it has to be, we can't
19 impose a condition that says you're going to negotiate
20 the placement of the wind turbines with the community
21 because that's not what we have authority over.

22 MEMBER FANT: Correct. We're asking them
23 to just cooperate in good faith.

24 CHMN STAFFORD: Right.

25 MEMBER FANT: I mean. If you want to

1 withdraw that and just leave it at what I'll call a Mad
2 Max Thunder Dome situation, two men enter, one man
3 leaves, we can. That's fine. I mean, but I heard the
4 comments --

5 CHMN STAFFORD: Right.

6 MEMBER FANT: -- and whether or not you
7 think those comments are valid, they're pretty broad,
8 they're pretty deep, and they have a significant amount
9 of representation from the political leadership at the
10 county, so they need to be addressed somewhere, and it's
11 banging heads in the political process, so maybe we just
12 stay away from it.

13 CHMN STAFFORD: I mean, we could do it in
14 terms of mitigating impacts of the line. But for the
15 plants, unless we had jurisdiction, if we had authority
16 over the wind project itself, we could say, okay, well,
17 you need to put -- we could impose additional
18 restrictions on setbacks from the road, we could impose
19 restrictions on locations of the towers.

20 We could have a working group that says,
21 hey, we need to work to -- but we don't have that
22 authority, it's just the line, and it's, at this point if
23 we were to propose or condition the CEC as putting in the
24 location other than what is noticed in the application
25 notice of hearing, then we would be required to hold

1 additional hearings on that location and additional
2 notice on it, which I don't think that really gets us
3 anywhere.

4 MEMBER FANT: Mr. Chair.

5 MEMBER HILL: Mr. Chair.

6 CHMN STAFFORD: One second. Member Fant, a
7 thought to finish and then --

8 MEMBER FANT: I'll stop, yeah, I'll quit
9 talking. Then I'd suggest we just withdraw it. I mean,
10 the issue's been acknowledged, so I think that's
11 sufficient. It's there. And leave it to the political
12 parties and the applicant to work it out.

13 We've raised the issue and they've
14 acknowledged they'll work with them. So that's -- maybe
15 that's where we stop.

16 CHMN STAFFORD: Okay. Member Hill.

17 MEMBER HILL: I was leaning in that
18 direction, too. And the reason that I say that is I'm
19 running scenarios in my head, and I'm thinking that a
20 citizen group wants a certain set of things done in the
21 corridor and then the rancher doesn't because of their
22 operations.

23 And so then we have that conflict to deal
24 with. Or Arizona State Land Department says, no, that's
25 unacceptable to us to do the structures that way in this

1 place.

2 So if we go in this direction I think we
3 have to acknowledge that we may not come to a perfect
4 resolution.

5 But I am starting to step away from this
6 condition precedent because I'm not sure that this
7 instrument is the place to have the conversation that we
8 all need to know needs to happen. And so I'm listening
9 to Gabby at the end of the table and I appreciate her
10 comments.

11 MEMBER FANT: Mr. Chair.

12 CHMN STAFFORD: Yes, Member Fant.

13 MEMBER FANT: It's similar to the footnote
14 on the Black Mountain case, the irrelevant footnote that
15 the judge glommed onto in the Superior Court of Arizona
16 and overruled the entire case, the line citing 230 case.

17 CHMN STAFFORD: That's a whole 'nother ball
18 of wax to deal with.

19 MEMBER FANT: Inside joke.

20 CHMN STAFFORD: Well, it is getting close
21 to six o'clock. We've run quite late this evening. I
22 think, I say we should recess. In the morning I'll have
23 the Chairman's 1 and 2 out.

24 I guess when we come back the applicant had
25 some homework to do on energy prices and something about

1 hunter outreach. Mr. Derstine, what was the other
2 homework item you had?

3 MR. DERSTINE: Bring in a map on the game
4 units. And then give a better understanding of all of
5 the -- how that can be coordinated between the
6 construction activities and the -- and the hunting when
7 it's hunting season.

8 And then Mr. Rieman, you had -- you were
9 going to remind me or the committee about something.

10 MR. RIEMAN: Don't want to forget Member
11 Comstock's inquiry about the pipelines.

12 MR. DERSTINE: The pipelines as well. So
13 we have a number of things that's on our list. Member
14 Comstock. And then color map, Mr. Chairman, and we need
15 to call out the transmission facilities and ownership.
16 And then creating the minimization measures exhibit for
17 the CEC. I think those are my action items on my list.

18 CHMN STAFFORD: All right. I think we all
19 we have some homework. I guess if any of the members
20 want to propose language for a condition they're more
21 than welcome to work on that and bring it to the meeting
22 tomorrow.

23 I think we'll start, the applicant will
24 present the items that Mr. Derstine has just laid out.
25 Upon conclusion of that, he can give his closing and then

1 we can begin the deliberations on the certificate.

2 MR. DERSTINE: Thank you.

3 CHMN STAFFORD: All right. With that we
4 stand in recess until nine a.m. tomorrow.

5 (Proceedings concluded at 5:54 p.m.)

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