

1 BEFORE THE ARIZONA POWER PLANT LS-451
2 AND TRANSMISSION LINE SITING COMMITTEE

3 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 23, 2025
15 Filed: October 28, 2025
16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 VOLUME IV
19 (Pages 611 through 767)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee at Pinetop, Arizona, commencing at 9:30 a.m. on
5 October 23, 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

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1 CHMN STAFFORD: Let's go back on the
2 record. Mr. Derstine, I believe you have some new
3 exhibits to introduce this morning.

4 MR. DERSTINE: We do. Let me start with a
5 clarification for the record. Yesterday in testimony I
6 think there was a question around whether or not the wind
7 project requires or triggers some sort of NEPA process
8 related to the eagle permit for that project. And so we
9 had some comments about a categorical exclusion.

10 I think the result is the same, but I'm
11 going to -- the clarification is that the 2024 Eagle Rule
12 revision was supported by an environmental assessment
13 which was tiered to a previous programmatic environmental
14 statement from 2016.

15 And that precludes the need for NEPA
16 analysis under the general permit. So the result is the
17 same, and again important to understand there's -- the
18 interconnection project doesn't trigger need for the
19 eagle permit.

20 But as to the wind project, the 2024 rule
21 revision precludes the need for analysis for the general
22 permit for the wind project.

23 CHMN STAFFORD: Right. And it's not
24 applicable for the project that's before this committee,
25 then.

1 MR. DERSTINE: That's correct.

2 CHMN STAFFORD: But the -- so it's just a
3 ministerial act. You apply, you fill the form out, they
4 issue the permit. You don't have to go through the whole
5 NEPA analysis and process.

6 MR. DERSTINE: I'm looking to my eagle eye
7 eagle expert.

8 So I'm being told by a reliable source that
9 it's a self-certification process. And so there's no
10 application process. So that's the long and the short of
11 it, I think.

12 CHMN STAFFORD: Okay. Thank you. That's
13 what I thought. Just wanted to make sure we had the
14 facts on the record.

15 MR. DERSTINE: Right.

16 CHMN STAFFORD: All right. So then you
17 have -- let's see.

18 MR. DERSTINE: Then.

19 CHMN STAFFORD: CG-25.

20 MR. DERSTINE: Right. So that's the -- we
21 had the discussion yesterday. Mr. Casteel testified
22 about the -- his testimony was that there would be no
23 impacts to hunting from once the interconnection project
24 is constructed and in operation, but there would be some
25 potential impacts and the need for coordination with

1 Game and Fish and hunters during the construction phase
2 of the project -- of the interconnection project.

3 And I had asked Mr. Casteel if he could
4 prepare a map showing that would overlay the
5 interconnection project, where the construction
6 activities will occur in relation to the game management
7 units that are identified for draws for hunting.

8 So that's what's shown here on the screen
9 in the hearing room, and that's what will be marked as
10 Exhibit 25, as Applicants' Exhibit 25.

11 BY MR. DERSTINE:

12 Q. So Mr. Casteel, can you orient the committee and
13 explain what we're looking at on Applicants' Exhibit 25,
14 please?

15 A. (Mr. Casteel) Yes. Good morning. I can't use
16 the pointer. Near the wind facility shaded in black,
17 you'll see the game units, 2C. Just below that on the
18 southern half of the wind facility, south of US 60 is
19 game unit 1.

20 And on the east side of the wind facility and
21 the east side of US 180 it's 2B. So there's three game
22 units. I mentioned 3B in my testimony. 3B will not be
23 affected; it's not associated with the interconnection
24 project.

25 And I can give you a little background on the

1 size of those game units in comparison to the CEC
2 corridor, keeping in mind that the applicants'
3 right-of-way is 200 feet, not 500 feet, which is what the
4 CEC corridor is, so the numbers are a little larger.

5 But just for perspective, game unit 1 is
6 approximately 540,000 acres. Our CEC corridor will
7 account for 55 acres within that game unit.

8 Game unit 2B is over 527,000 acres. Our acreage
9 will be approximately 1056 acres within that game unit.

10 And 2C is over 201,000 acres, and we will
11 account for approximately 600 acres of our CEC corridor
12 will be located within that.

13 All in all, the CEC corridor includes less than
14 1 percent of the three game units. Within game unit 1
15 it's less than .1 percent. For 2B it's approximately
16 2.2 percent. And for game unit 2C it's approximately
17 .3 percent.

18 Q. Mr. Patton, talk a little bit about how this
19 practically works in terms of once -- how much area are
20 you building out at any given time, and then how is that
21 coordinated on the ground, and what sort of safety
22 protocols are in place to ensure that the hunters and
23 your construction workers are -- are safe?

24 A. (Mr. Patton) Certainly. So I conferred with my
25 construction group last night and again this morning.

1 And the feedback that we've gotten is this is very
2 typical for us, having built projects across the country
3 and a myriad of different experiences across the hunting
4 seasons.

5 And so in terms of safety protocol, we post
6 signage everywhere where we stage and have operations.
7 That'll be signage that will obviously be erected from
8 the time that we commence construction of the
9 interconnection project for deliveries and such, but
10 specific to hunting season, there'll be signage alerting
11 hunters, but also craft workers, shouldering the hunting
12 season, so before and shortly after, so that way there's
13 situational awareness.

14 Hunters would be required to check in if they
15 are crossing or entering the vicinity of where our
16 construction activities are.

17 And from there, they would be given a safety
18 orientation for the hunters. The craft workers, we
19 typical commence what's called a plan-of-day meeting, a
20 POD meeting, every morning.

21 So leading up to, during, and shortly thereafter
22 hunting, hunting season, there will be daily reminders
23 that there are -- it is season, and to be mindful of
24 high-caliber weapons, or if they hear anything to radio
25 to their foremen. The foremen will then inform the site

1 lead.

2 And in the case of the presence of hunters that
3 haven't checked in or if high-caliber weapons are
4 detected, then demobilization will happen for the day.
5 We'll stand down for the day till we get the all clear to
6 proceed.

7 There's also tailgate. So each crew essentially
8 is sent out to their respective area. And at each
9 tailgate session there'll be a note, make sure you are
10 wearing your PPE, but also that there is safety awareness
11 of hunters in the area, and there will be specific
12 special safety training given during the shoulder season
13 of hunting season. So to be mindful of that.

14 We're also aware that there's heavy machinery
15 and crews that are operating, so the anecdotal experience
16 of our construction site team is that typically is
17 something that animals and hunters are sensible enough to
18 avoid.

19 Q. So also our minimization measures which are
20 going to be incorporated as a separate exhibit to the
21 CEC, also calls out that we will notify the Arizona
22 Game and Fish Department, and I don't know if it's
23 60 days or I'm looking to Ms. Casteel, because she
24 prepared that, but where there's a notification of
25 Game and Fish and the coordination with Game and Fish is

1 an obligation within our minimization procedures. Do
2 that I have right, Ms. Casteel?

3 A. (Ms. Casteel) The proposed minimization measure
4 does not include a time frame.

5 Q. Okay.

6 A. Just that notification with Game and Fish about
7 the anticipated construction schedule and the purpose,
8 for the purpose of lessee and hunting notifications. So
9 open communication with Game and Fish on that.

10 And then is -- the applicant has also agreed to
11 post signs during construction and that will be part of
12 the minimization measure as well.

13 Q. So if I'm looking at Applicants' Exhibit 25,
14 which are the game units in which our interconnection
15 project touches, and that you'll be constructing at some
16 point in time, Mr. Patton, take, for example, unit 1,
17 which is I think a popular elk and Pronghorn hunting game
18 unit.

19 So we touch -- there's a portion of our project
20 that is within game unit 1. How much of the line is
21 being constructed and worked on at any given time?

22 So we have the distance of the interconnection
23 project within the game unit, but how -- what is the
24 scope or the extent of the construction activities within
25 a given week or a given month?

1 A. (Mr. Patton) We sequence that out based off the
2 delivery of materials, the availability of craft
3 personnel on any given day. We also have to account for
4 weather and logistics, and also mandatory time off for
5 some personnel. So typically I can confirm this, but
6 generally we see about three poles being worked on on any
7 given day.

8 Q. Okay. And in that area where you're working on
9 three structures in a given day, that's where you're
10 using your signage and your notification process?

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

12 MR. DERSTINE: Okay. Does the committee
13 have any questions concerning Applicants' Exhibit 25
14 before I move on to another topic?

15 CHMN STAFFORD: Member Comstock looks
16 like --

17 MEMBER COMSTOCK: Thank you, Mr. Chairman.
18 I appreciate it.

19 I just wanted to lay out a time frame. So
20 in the state of Arizona you have to apply for a tag in
21 the first quarter of year. Let's speculate that it's
22 March.

23 Hunting season doesn't occur till September
24 through December. So will notification be made to
25 Arizona Game and Fish ahead of that schedule to allow the

1 hunters to decide whether to apply for a tag or not in
2 that area?

3 Because there is a monetary process that
4 they have to go through in order to be eligible for a
5 tag. I don't know if the construction schedule is far
6 enough in advance that you'd be able to do that.

7 But I think -- I mean, if I was going to go
8 up and set up camp and hunt in an area, I'd like to know
9 if I was going to have to deal with construction projects
10 before I paid that fee to get that tag.

11 CHMN STAFFORD: Yeah, it seems like it
12 would be helpful so if someone shows up at Game and Fish
13 to get their -- to put in for a tag for the season,
14 they'd -- the Game and Fish would flag these specific
15 areas and say, "Hey, look, you know, in the foreseeable
16 future there's going to be, you know, may or may not be
17 during the hunting season depending how it shakes out" --

18 MEMBER COMSTOCK: Yes, sir.

19 CHMN STAFFORD: -- but those areas could be
20 subject to construction issues during the season.

21 MEMBER COMSTOCK: Mr. Chairman, I think
22 that would be a good neighbor policy with the applicant
23 and hunters of the area to be able to provide that
24 information.

25 BY MR. DERSTINE:

1 Q. Mr. Patton, timing-wise will we know enough --
2 I'm not sure that you're going to know if they have you
3 apply for a tag in unit 1 in March, will we know before
4 March whether they're going to start construction
5 anywhere near the time of the hunting season opening in
6 September to December? How does that timing work?

7 A. (Mr. Patton) It's a nuanced question depending
8 on obviously the construction schedule that has to be
9 defined. That is clearly defined as part of our
10 negotiations with our contractors.

11 And so it's not that we'd select our contractors
12 and construction commences whenever they say. We -- part
13 of the negotiation process is defining the lead time and
14 understanding that coordination.

15 And so we could certainly -- certainly know
16 ahead of each hunting season or when tags are being
17 applied for and coordinate with Game and Fish. That's a
18 perfectly reasonable accommodation.

19 CHMN STAFFORD: And with the Apache
20 National Resource Conservation District, they're going to
21 kind of act as a liaison between the applicant and
22 Game and Fish and different --

23 MR. PATTON: Exactly. We'll also be
24 working -- grazing lessees are also cognizant of hunters
25 who are out in their areas.

1 You know, for intents and purpose the
2 grazing lessees feel like they are the stewards of the
3 land on a day-to-day basis. They're typically aware of
4 the hunters and the guides that are coming through their
5 particular lots.

6 And so having just the implicit or implied
7 coordination with the grazing lessees will help also
8 inform coordination with hunters.

9 CHMN STAFFORD: I mean, so how many -- how
10 many -- every season, how many hunters typically will hit
11 those three areas looking for elk? Do we have any idea
12 what the total universe of people we need to --

13 MR. DERSTINE: I don't know how many tags
14 are issued for each unit within a given hunting season.
15 I simply don't know that. I would -- I guess the only
16 thing I want to make sure is clear on the record is that
17 for -- if you're putting in for an elk tag or a Pronghorn
18 tag for unit 1 in March, unit 1 covers, as Mr. Casteel
19 noted, 540,000 acres, of which our project touches
20 55 acres.

21 And as Mr. Patton has noted, the
22 construction activities are going to take place within a
23 localized area, installing three structures at a time.

24 So if I put in for unit 1 in March and
25 hunting season comes around and there is construction

1 activities taking place, I'm not prevented from hunting
2 in unit 1.

3 Just, I need to be notified what areas are
4 open to hunt, and of the 540,000 acres where I can go and
5 hunt for elk or Pronghorn away from the construction
6 activities. And so I'm not foreclosed and I'm not
7 prevented from hunting in the game unit where I've
8 applied.

9 CHMN STAFFORD: Yeah, I think it just seems
10 that like when they go in in March to apply, everybody
11 saw this map. Oh, okay, I know what I'm working with
12 potentially in the fall when I actually go out in the
13 field to try to shoot one of these things.

14 MR. DERSTINE: Yeah, we could certainly
15 share that map with Game and Fish.

16 CHMN STAFFORD: Well, they're going to get
17 the notice I think in the certificate we typically
18 would -- you know, and then I think you can give them
19 90 days before construction commences.

20 So they certainly, I mean it seems like
21 something you could work with them and with the NRCD to
22 say, "Hey, here's -- we're giving you your notice.
23 Construction is going to commence in 90 days. Here's" --
24 you know, let you know, they know who the universe of
25 people is that put in for each of these areas. It seems

1 like they -- it would behoove the Game and Fish and the
2 NRCD to say, "Hey, reach out to these people and say
3 look, here's what's going on, you get all this space,
4 just keep an eye out for this small portion of the area
5 that you've been authorized to hunt in."

6 MR. DERSTINE: Right. So we are committed
7 under the minimization obligations to notify Game and
8 Fish and give them as much advance notice as we can. And
9 if we can, ahead of the application for tags for a
10 specific game unit, we will do that.

11 And then beyond that, it's then notifying
12 Game and Fish so that they can notify the hunters who
13 have received tags within a specific game unit that
14 within this localized area there may be construction
15 activities and you can get more information or we task
16 Apache County --

17 CHMN STAFFORD: Here's a number to call.

18 MR. DERSTINE: Right. Give the number
19 potentially of NRCD to coordinate that and gain more
20 information.

21 CHMN STAFFORD: I don't know if you know,
22 how many different points of entry are there into each of
23 these game units? Half a dozen each?

24 MEMBER COMSTOCK: Thousands. Depends on
25 your type of vehicle and where you're set up at.

1 CHMN STAFFORD: A lot of it's fenced off
2 for grazing. So it's going to be, it's not just like
3 wild and wilderness, it's also grazing land. So there's
4 got to be fewer ways in and out. Because I'm sure
5 there's a grazing that's not -- all the grazing land is
6 not allocated into the game areas, they're two separate
7 overlays of how the property's divided up. I'm just
8 curious, I mean --

9 MEMBER COMSTOCK: Well, Mr. Chairman, if I
10 may, depending on whether you're using a horse or an ATV
11 of some sort, you can enter these locations just about
12 anywhere you want to go.

13 CHMN STAFFORD: Right, but then you'll
14 still have the barbed wire and the cattle guards.

15 MEMBER COMSTOCK: I understand. Just you
16 asked for points of entrance.

17 CHMN STAFFORD: Right.

18 MR. DERSTINE: And I guess it's been
19 testified to, but it's as a reminder that it's really a
20 two-step process that they'll have to obtain the hunting
21 license for a particular game unit, and then to the
22 extent that they're looking to hunt and carry those
23 activities on state land, which is where our project is
24 located, they then -- need to then obtain a permit from
25 ASLD.

1 CHMN STAFFORD: Right. So, and both those
2 government agencies will have full knowledge of what's
3 going on with this project. So it seems that there
4 should be -- shouldn't be impossible to coordinate and
5 get those people aware of a portion of where they're
6 going to be is going to be under construction.

7 Member Hill, you had a question or comment?

8 MEMBER HILL: Yeah, I actually had a
9 question for Mr. Comstock, because I don't -- I don't
10 know much about how these hunting permits are issued. I
11 don't know if Game and Fish looks at a unit and says, oh,
12 construction's going on, we're going to reduce the number
13 of permits for that particular unit, just because we feel
14 like -- I just -- I don't -- there's so much I don't
15 know.

16 But I do feel like in the very least, the
17 applicant should, prior to the sale of the permits,
18 you're required to give Game and Fish an update if they
19 have any update on construction time lines and plans.
20 Right?

21 So the 90 days may not be ideal. But if I
22 don't know when these permits go on sale, but say March 1
23 of every year they need to, until it's operational they
24 need to be giving notice to Game and Fish on any
25 construction time lines that they've mapped out in the

1 forthcoming year.

2 Something along that line so that Game and
3 Fish can make the decisions and hunters can make the
4 decisions before putting money into that process.
5 Something along that line.

6 Mr. Comstock, you were looking for a time
7 line and some more advanced notice, it sounds like, and
8 I'm wondering if that would meet your needs.

9 MEMBER COMSTOCK: Member Hill, thank you.
10 It does. But just as a bit of information I probably
11 should have started with this. In the state of Arizona
12 the application draw system's deadline is the first
13 Tuesday of February.

14 MEMBER HILL: Then it needs to be before
15 that.

16 MEMBER COMSTOCK: Yes, ma'am. And then a
17 hunting license in the state of Arizona for nonresidents
18 is \$160. And there's nonrefundable fee for nonresidents
19 of \$15 plus a submission fee of 175.

20 So in February you're putting up, you know,
21 3, \$400 in order to go hunting in October. So I agree
22 with Member Hill there needs to be a notification process
23 in place. If you're notifying by January of the calendar
24 year that you'll be constructing in, I know that's a lot
25 to ask because that's -- there's a lot of nuances, as

1 Mr. Patton said.

2 But, again, there's a material outlay by
3 people to make a decision on where they want to be for
4 that particular year.

5 CHMN STAFFORD: And I think we're looking
6 for Commission action by December of this year. I think
7 it's like, I think you know, standard conditions, ASLD
8 and Game and Fish will get a copy of the certificate as
9 soon as issued by the Commission.

10 So it seems that a couple that are going
11 with that would go a long way, assuming that the state
12 agency needs it, I guess.

13 MEMBER HILL: Mr. Chair.

14 CHMN STAFFORD: That's the issue is that
15 we, it's like we -- I'm just trying to think this
16 through. Because we can't order Game and Fish or State
17 Land Department to do anything. We can just tell the
18 applicant, or the applicant to tell them, hey, this is
19 what's going on and it's going to be up to those agencies
20 to pass that along to the citizens that use their
21 services.

22 So I'm just trying to think this through, I
23 mean.

24 MEMBER HILL: Mr. Chair.

25 CHMN STAFFORD: One second. We want them

1 to pass this on to the people who would be affected, but
2 it's really in the hands of the state agency to make
3 that -- to take that last step.

4 I guess, unless -- the website, I assume,
5 will still be active for the duration of the project
6 until it's in service. Maybe there's a way to tie that
7 in. I'm not sure. We'll have to think through.

8 Member Hill, you had some question.

9 MEMBER HILL: I really just suggest that we
10 ask the applicant or require the applicant by some date
11 to provide their current thinking on construction
12 timelines. And they may not have a lot to offer at that
13 point, but I do think it's possible that they know a
14 little bit more six or nine months out than they know
15 today.

16 And they may not have a whole lot of
17 details, but they could at least say there's a 50 percent
18 chance that we're going to be doing construction during
19 that time line, just an update of some type by date
20 certain I think they could do.

21 I just don't think the 60 days is enough to
22 inform any hunting group. The conservation district, to
23 Mr. Comstock's point, there's a lot of out-of-state
24 people coming, the conservation district isn't going to
25 reach them, but I don't know what that date is. But they

1 should be responsible for reporting at that date to
2 inform any permit processes that might be coming forward.

3 MR. PATTON: May I offer a solution?

4 MEMBER HILL: Yes, please.

5 CHMN STAFFORD: Yes, please.

6 MR. PATTON: We could happily commit to
7 doing an annual January coordination meeting with
8 Game and Fish. Simple as that, I think. Just outline
9 where we are and these projects are, you know.

10 MEMBER COMSTOCK: Mr. Patton, that seems
11 reasonable and prudent. Thank you.

12 MR. PATTON: Thank you.

13 CHMN STAFFORD: All right. So then any
14 other questions specifically about Exhibits CG-25?

15 MEMBER HILL: I would offer that language
16 to be added to CG-27.

17 CHMN STAFFORD: We're not -- so I'm going
18 to admit CG-25.

19 (Exhibit CG-25 was admitted.)

20 MEMBER HILL: Okay.

21 CHMN STAFFORD: We have a couple more
22 exhibits to mention. I think you're still working on
23 hearing Exhibit 26, the new revised Exhibit A that
24 accounts for the changes that we recommended yesterday.

25 And then 27 is the Exhibit B for the CEC

1 which would be the minimization measures.

2 MR. DERSTINE: So you should --

3 CHMN STAFFORD: Amend it now, this is the
4 starting point. This will be attached to the CEC and
5 then we can make changes to the CEC itself. We can make
6 a change to Exhibit B. But --

7 MEMBER HILL: That process sounds great.

8 MR. DERSTINE: Okay. And I'll just with
9 your permission, Mr. Chairman, Ms. Casteel prepared
10 Exhibit B, which is now marked as Applicants' Exhibit 27.

11 BY MR. DERSTINE:

12 Q. Ms. Casteel, do you want to tell us, just lay
13 some foundation for Exhibit 27 and what's there on the
14 page and what you used as the source material for that.

15 A. (Ms. Casteel) Yes. So we gathered all of the
16 minimization measures that were in Exhibit C and D of the
17 application.

18 The way that this CG-27 is laid out is we list
19 all the measures from Exhibit C, and then there was one
20 additional measure that was in D that was not in C, so
21 that's also laid out on the next page.

22 And in addition to that, the Game and Fish
23 measures that Member Hill had requested and I believe
24 Member Comstock had also asked about the Game and Fish
25 coordination, those are in there as well. And we marked

1 those up.

2 The original language from the Game and Fish
3 letter was written and then it was rephrased to be more
4 of a measure. And so that's what the strike-out is. The
5 bullet underneath the strike-out is the rephrased, so
6 it's more of like a measure. But those are accounted for
7 there.

8 And the numbers that they associate with on that
9 Game and Fish letter are also noted so that you can pair
10 those up.

11 And then the no disturbance within Little
12 Colorado River and Coyote Creek was not a bulleted
13 measure, and so we did add that as well.

14 Q. And we just had a discussion about the
15 coordination with Arizona Game and Fish. So do we need
16 to modify what you currently have on Exhibit B regarding
17 notification of Game and Fish to track Mr. Patton's
18 suggestion and commitment to have that coordination
19 meeting?

20 A. (Ms. Casteel) Yes, we'll need to add another --
21 either add on to the Game and Fish notification measure
22 or add an additional measure related to an annual meeting
23 with Game and Fish.

24 A. (Mr. Patton) If I may, I also want to just
25 offer, I'm thinking out loud, coordinating with my

1 team --

2 Q. Don't do that. I'm sorry. I'm kidding.

3 A. (Mr. Patton) I'm thinking we should be able to
4 quantify based off now knowing where the hunting units
5 are, quantifying the amount of infrastructure within each
6 respective unit and from there knowing that those annual
7 meetings with Game and Fish being able to say, okay,
8 we've rotated off of hunting unit 1, because all that
9 infrastructure is complete, or we anticipate that'll be
10 done before hunting season starts, so really for Game and
11 Fish you really have to be focusing on hunting unit 2,
12 et cetera. Just kind of as an example.

13 So being able to quantify that infrastructure
14 and knowing how that relates to each specific hunting
15 unit, I think that will help to inform the discussion
16 with Game and Fish.

17 CHMN STAFFORD: Yeah, it seems like we
18 could modify the last bullet on 27 to say, you know, like
19 January 15th every year the applicant will meet with
20 and/or inform Game and Fish about construction activities
21 for the upcoming year and list the relevant game areas.

22 MR. PATTON: Exactly.

23 CHMN STAFFORD: That seems like when we get
24 to the voting part, that seems like that would be the
25 acceptable way to address that. I'm looking around the

1 members and seeing nods.

2 So, okay. So we've got -- we've covered
3 Exhibits 25 and 27.

4 26 is going to be the new proposed
5 Exhibit A to the CEC, the changes that the committee
6 discussed yesterday.

7 MR. DERSTINE: We're not quite ready to
8 share that with you. We're still getting those callouts
9 on the transmission lines included on the map. But we'll
10 have that here momentarily.

11 BY MR. DERSTINE:

12 Q. While I have Mr. Casteel, Member Comstock had a
13 question about these pipelines that were shown within the
14 cultural survey, or the cultural section of the
15 application. And he was concerned and curious, being our
16 natural gas expert on the committee, about what those
17 lines are, are they natural gas or are they something
18 else.

19 Can you educate us, Mr. Casteel?

20 A. (Mr. Casteel) Yes, certainly. I reviewed the
21 mapping from the Class I we prepared to inform SHPO. The
22 surveys that are listed in that document, most of them
23 except for two are outside of our corridor.

24 Because our Class I was a one-mile buffer around
25 the corridor. So most of those are well outside the

1 corridor.

2 There was two, and those two were associated
3 with small water line improvements for connecting to
4 existing wells or new wells to feed stock tank or to
5 provide for stock.

6 CHMN STAFFORD: So none of those pipelines
7 contain natural gas or any kind of hazardous liquid,
8 then.

9 MR. CASTEEL: No.

10 CHMN STAFFORD: So I guess that the
11 cathodic concerns would not be an issue without the
12 natural gas.

13 MEMBER COMSTOCK: I'm going to sleep much
14 better tonight because of that. Thank you, Mr. Chairman.

15 But if I may, I just want to make sure that
16 the applicant knows, and I'm sure you're aware that in
17 the state of Arizona there is a requirement of
18 notification to 811 for utility operators to be able to
19 mark their utilities when they're underground. So
20 considering that two of those lines are inside of the
21 corridors, 811 is going to need to be notified throughout
22 the project for construction activities where excavation
23 is required. Thank you.

24 MR. DERSTINE: Thank you for that, Member
25 Comstock.

1 I think we have Mr. Rieman appearing
2 virtually. He had another commitment, but is here
3 through --

4 CHMN STAFFORD: The wonders of technology.

5 MR. DERSTINE: The wonders of technology.

6 BY MR. DERSTINE:

7 Q. And Mr. Rieman, the one question that I asked
8 you to tee up and address was a question about just the
9 pricing difference between natural gas and wind
10 generation, and I think you looked into that and pulled
11 some levelized cost energy data to at least speak to that
12 issue?

13 And we can pull -- we're pulling up here in the
14 hearing room, so that if you don't have it, Mr. Rieman,
15 it's -- I'll let you speak to it, but it shows it's
16 Lazard's Levelized Cost of Energy Analysis Version 18, it
17 says, "Selective renewable energy technologies remain
18 cost competitive with conventional generation
19 technologies under certain circumstances," and again this
20 is prepared by Lazard.

21 So do you want to give a little more background
22 or speak to the Lazard cost of energy data?

23 A. (Mr. Rieman) Yes, I can. Can the room hear me
24 all right?

25 Q. Yes.

1 A. (Mr. Rieman) Okay. Very good. Thank you.
2 Just by background, Lazard is an investment banking and
3 financial advisory firm that is heavily involved in the
4 energy sector across all forms of generation, a very
5 well-respected institution, has been carrying out this
6 report, as Matt mentioned this is version 18. This
7 version was published in June of 2025, so just a few
8 months ago.

9 And what is captured on this particular slide
10 are bands of the levelized cost of energy in today's
11 terms. And so Lazard will cull publicly available
12 information and then also have private sources of
13 information, they have an internal model which will help
14 create these bands of prices that you can see on the
15 screen before you.

16 So the rationale for the bands is as you would
17 imagine in different areas and regions and markets of the
18 country, there's different costs to produce electricity,
19 just either based on the resource itself as it relates to
20 renewables, the cost of labor, equipment, et cetera. And
21 so that's why you see the pricing differential there.

22 And so just to call out the relevant
23 technologies for the Lava Run projects, the solar PV on
24 the utility scale has a band of \$38 to \$78. Solar plus
25 energy storage or BESS has a range of \$50 to \$131.

1 And then going to offshore wind, a band of \$37
2 to \$86. And then going down to the last line under
3 conventional generation, you have gas combined cycle of a
4 band of \$48 up to \$109.

5 And I will caveat that the renewable energy
6 prices displayed here do not reflect any ITC or PTC
7 benefits that the renewable energy sources could claim as
8 part of the tax policy under the OBBB.

9 Q. And I just wanted to note that in looking at the
10 Lazard energy cost comparisons schedule, I think you
11 mentioned 100, the band for gas combined cycle was 109.
12 I think the band I'm looking at shows 48 to \$107. Do I
13 have that right?

14 A. (Mr. Rieman) Yeah, 48 to 107. There's, you
15 know, a callout just to the right of the band of \$109.

16 And maybe -- I would note just also caveating
17 the natural gas value here, there is also an
18 acknowledgment that due to turbine shortages, rising
19 costs and lead times of CCGT units, there is an
20 anticipated increase, a steep increase, that is, to the
21 leveled cost of energy for natural gas on the go-forward
22 basis. This is reflecting current market conditions.

23 CHMN STAFFORD: And then it has a separate
24 one for gas peaking, which is the simple cycle. Those
25 look like it's from 149 to 251.

1 MR. RIEMAN: That is correct.

2 CHMN STAFFORD: So that translates to about
3 \$0.15 to \$0.25 a kilowatt hour?

4 MR. RIEMAN: That's correct. That would be
5 the numerical translation for that, yes.

6 MEMBER HILL: Mr. Chair.

7 CHMN STAFFORD: Yes, Member Hill.

8 MEMBER HILL: This assumes all capital
9 costs, too, this is all new construction; right?

10 MR. RIEMAN: That is correct.

11 MEMBER HILL: Thanks.

12 CHMN STAFFORD: Member Fontes, do you have
13 a question?

14 MEMBER FONTES: Mr. Chair --

15 CHMN STAFFORD: Member DiCiccio.

16 MEMBER FONTES: I do, Mr. Chair -- proceed.

17 CHMN STAFFORD: It was Member DiCiccio that
18 we heard. Member DiCiccio, did you have a question?

19 MEMBER DICICCIO: -- my car, so I can't see
20 the screen. Does that also include all the tax benefits,
21 tax credit that the renewables would get?

22 MR. RIEMAN: The information reflected on
23 the page does not reflect tax credit from the investment
24 tax credit or the production tax credit. So --

25 MEMBER DICICCIO: I'm sorry. Go ahead.

1 MR. RIEMAN: No, please continue. My
2 apologies.

3 MEMBER DICICCIO: Well, now that those are
4 going away, what would those costs be?

5 MR. RIEMAN: And so as previously testified
6 we have secured physical off-site construction pursuant
7 to Internal Revenue Service guidelines to secure the tax
8 credit opportunity for these projects for the next four
9 years.

10 The information or value that could be
11 ascribed from a production tax credit on offshore wind
12 would be approximately \$22, so the price that's reflected
13 on the screen would be reduced by \$22, and then from the
14 utility-scale solar under an ITC scenario, the price
15 would drop approximately \$14 if the utility-scale solar
16 project were to claim the production tax credits, that
17 would be an approximately \$18 reduction.

18 And then for the utility-scale PV plus
19 energy storage taken under an ITC scenario would be a
20 price reduction of approximately \$17.

21 But as noted, the pricing on this page does
22 not reflect those cost reductions.

23 BY MR. DERSTINE:

24 Q. So the bottom line, I guess, to Member
25 DiCiccio's question is the numbers, the price bands that

1 you just testified to and that are reflected on the
2 Lazard levelized cost comparison does not take into
3 account tax credits, and if you were to include those the
4 prices would be lower for solar or wind; correct?

5 A. (Mr. Rieman) That is correct.

6 CHMN STAFFORD: Thank you. All right.

7 Member Fontes, you had a question.

8 MEMBER FONTES: I didn't have a question.
9 I have some comments on the validity of this resource.
10 Lazard has always received criticism, and what I'd like
11 to do is tell you that the LCOE, the levelized cost of
12 energy, is always known as the low case, best-case number
13 and it's not even used for financing as a comparative
14 benchmarking that I know of.

15 It's markedly different, I think also than
16 the question that I understood Member DiCiccio and others
17 asked. And that is what is the contracted price for a
18 PPA that Tucson Electric Power would be paying on a
19 counterparty with yourself if you -- because you stated
20 you were going to pursue them as an offtaker.

21 I cautioned you yesterday that you should
22 use Arizona references. And I think this doesn't meet
23 the mark. But I think for the time benefit of this
24 proceedings I think my comments will suffice a slight
25 correction in here.

1 When you get into a PPA you're not going to
2 use the LCOE, you're going to use the cost that includes
3 the developer return on equity, all your risk premiums,
4 construction performance, contractual, you're going to
5 have inflation and interest rate adjusters.

6 And so that PPA price in all cases will be
7 greater than the costs associated with just the
8 production of energy.

9 Renewables in particular are historically
10 known as requiring firming or integrated costs, both when
11 they are under any scenario of interconnection, so that
12 additional firming is going to be a cost metric that's
13 going to bump up your renewables over any natural gas
14 scenario.

15 Likewise, the term of a contract on PPA,
16 whether those costs are spread across 20, 15, 25 years.
17 And the unknown factors on your PCs and your IPCs.

18 So while I understand what you're saying
19 about supply chain and those other things, I also
20 understand that the LCOE is theoretical, and is not what
21 we asked for. We asked for what are realistic conditions
22 beyond that with respect to comparing the renewable
23 resources to that of gas, as it would be viewed as a
24 potential offtaker.

25 I think this is fine for this discussion,

1 Mr. Chairman, but I would like to note that for the
2 record that this is insufficient.

3 CHMN STAFFORD: Well we're not approving
4 any resources as a part of this proceeding, so it's just
5 kind of a background information.

6 MEMBER FONTES: Yes, sir, but to the
7 original question with respect to my fellow members.

8 MR. DERSTINE: And I would simply note,
9 Member Fontes, that in general, TEP has indicated that it
10 will be issuing an RFP, and it does not have any sort of
11 indicative pricing. Those are executive pricing process,
12 and that pricing information for PPAs is not something
13 that TEP is going to disclose ahead of their RFP process,
14 because it wouldn't be to their advantage.

15 And so it's a competitive process. The PPA
16 pricing is not publicly available, and given that TEP has
17 not issued its RFP yet, we just don't have that data. So
18 I appreciate your comment and your desire for current PPA
19 data, but the simple fact is that we were looking to be
20 responsive and give you some sort of a cost comparison.
21 This does that.

22 But I understand, you know, your
23 qualifications concerning this information. So, thank
24 you.

25 CHMN STAFFORD: Thank you, Member Fontes.

1 MEMBER COMSTOCK: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Comstock.

3 MEMBER COMSTOCK: If I could parallel
4 Mr. Fontes' comments, and I certainly can't speak as
5 eloquently as he did in regards to that, but I've sat in
6 these chairs for 30 years and I've seen energy
7 comparisons that, depending on what side of the debate
8 you're on, conventional versus renewable can be shown
9 exactly the opposite.

10 And so I think what's beneficial to the
11 public to know is that there's a cost of doing business
12 to create energy. Depending on where you are and the
13 energy that you provide, you're going to pay so much for
14 a kilowatt hour.

15 I think it's up to you to choose how that
16 service is provided to you and what best suits you as a
17 user of energy for the long term.

18 So I appreciate Mr. Fontes' position. I
19 understand it. And I think that he has a legitimate
20 concern in what we're being shown here.

21 CHMN STAFFORD: Thank you. Now, do we
22 have --

23 MR. DERSTINE: I think we have Exhibit 26
24 ready.

25 CHMN STAFFORD: Excellent.

1 MR. DERSTINE: I guess we would need one
2 second to get that over to the AV team.

3 BY MR. DERSTINE:

4 Q. I guess while we're waiting for that,
5 Mr. Patton, you are here and we have Mr. Rieman here in
6 the hearing room also virtually. There was, you know,
7 comments from members urging the applicant to continue to
8 have dialogue and discussion and outreach with the
9 community concerning the wind project specifically.

10 I'm happy to consult and have those discussions
11 relating to the final engineering and design on the
12 interconnection project.

13 But I think the comments and the urging from
14 Member Fant and Comstock and others was more directed to
15 the wind project, the separate nonjurisdictional wind
16 project, but that also is gathering significant attention
17 from the community.

18 And I wanted to just give you, Mr. Patton or
19 Mr. Rieman, the opportunity to maybe speak to that and
20 how the company views the obligation to continue to
21 coordinate and communicate and have dialogue with the
22 community concerning the nonjurisdictional wind project.

23 A. (Mr. Patton) Certainly. So it remains our
24 position these assets are projects that we develop,
25 construct and operate long term. So we view ourselves as

1 partners within the community and we remain committed to
2 engaging in an open, transparent dialogue with the
3 leaders of the community, with stakeholders on the
4 ground, and offer up any number of considerations and
5 compromises that could be entertained and satisfy the
6 concerns of both parties -- of all parties, rather.

7 And so we do not view this as once we get the
8 CEC, engagement stops for the project. No, we will
9 remain committed throughout the cycle of development, the
10 construction and operation of the project, remain engaged
11 and have a dialogue within the community at the township
12 level, at the municipal level, the county level and down
13 to the landowner level. That is our commitment and our
14 development ethos.

15 CHMN STAFFORD: Thank you. Member Fant.

16 MEMBER FANT: Thank you, sir, that's good
17 to hear.

18 Just as an observation, Arizona is a
19 relationshipal state in terms of conducting business.
20 Texas of course is more of a transactional state. So in
21 Arizona you need to build the relationships to conduct
22 business.

23 So that's -- I'm not being mean or snappy,
24 I'm just helping point out there's a difference in
25 conducting business, particularly on the eastern side of

1 the state.

2 So those are my suggestions.

3 And then they have other issues. They can
4 raise, they can be useful, just as an example I give
5 Professor Kerr, who pointed out that the Big Lake
6 antelope herd winters somewhere in this area, I don't
7 know where it winters, but this is the sort of
8 information you can pick up that can be useful -- useful
9 for constructing and maintaining a project.

10 And that's important because, for example,
11 antelope, unlike elk or deer, don't jump fences. Fences
12 actively block antelope. They try to run under fences,
13 and if they can't, the fence blocks the antelope. Deer
14 and elk jump right over the fence.

15 So these are little things which they can
16 bring to the table. Conservation district I think
17 relationship is a fantastic relationship to help you.

18 MR. PATTON: Certainly. I'm appreciative
19 of that. I can give any number of anecdotal experience
20 I've had just in my time working on the project and
21 working with the NRCD in understanding the water
22 sensitivities in the area, how that would inform our
23 construction thesis and our construction approach to
24 understanding what commitments we can make or findings
25 the contributions, we can help with youth in the area for

1 job placement and workforce training, understanding some
2 folks are keen to see their youth come back to the area,
3 not just go off to school and take their skills out of
4 state or down to the valley.

5 And so understanding what kind of skill
6 sets and trainings that we can offer into the technical
7 colleges, the junior colleges, community colleges, to
8 keep the youth employed here. So I'm very mindful of
9 that and my personal approach to this line of business is
10 very much a relationship business.

11 CHMN STAFFORD: Thank you, Mr. Patton.

12 All right. Well, so it seems -- are there
13 any more questions from members?

14 MR. DERSTINE: I have Exhibit --

15 CHMN STAFFORD: 26 we need.

16 MR. DERSTINE: 26, the map is now ready, I
17 believe.

18 So what you're seeing here on the screen in
19 the hearing room and hopefully the members who are
20 appearing virtually can see it as well.

21 This is what will be marked as Applicants'
22 Exhibit 26, this is the revised map that will accompany
23 the CEC that identifies the interconnection project, its
24 corridor, and as requested by this committee, it
25 identifies the transmission lines at transmission level

1 and their ownership that are coming out of Springerville.

2 The other lines that are in the vicinity
3 are at 69kV or at a lower voltage such that they don't
4 meet the transmission definition.

5 So this is what we have prepared. If you
6 have any concerns, or if you'd like us to give you more
7 information about it, this is what we would propose to
8 use as Exhibit A to any CEC issued by the committee.

9 CHMN STAFFORD: All right. So that is
10 Exhibit 26.

11 So we've had Exhibits CG-25, 26 and 27.
12 Those are admitted.

13 (Exhibits CG-26 and CG-27 were admitted.)

14 CHMN STAFFORD: If we want to make any
15 additional changes to it we'll do it during the course of
16 voting on the certificate.

17 So that concludes all the exhibits that are
18 expected.

19 Any additional questions from members? Are
20 you prepared to give your closing argument, Mr. Derstine?

21 MR. DERSTINE: I'm prepared whenever you
22 are.

23 Let me look to the members of our witness
24 panel, including you, Mr. Rieman. Are there any other
25 issues, topics that I missed or things that we need to

1 get on the record or questions that members of the
2 committee had that we took away as action items that we
3 need to respond to?

4 (No audible response.)

5 MR. DERSTINE: I'm not hearing any, no one
6 is raising their hand, so I think that is it. I would
7 move the admission of our --

8 CHMN STAFFORD: I've already admitted them.

9 MR. DERSTINE: You did them. I didn't even
10 have to ask.

11 CHMN STAFFORD: All set.

12 MR. DERSTINE: Okay. All right.

13 I'll pull up my closing slides. All right.

14 I left on Sunday and so did my wife. She
15 was leaving on a business trip, and I jumped in the car
16 to come here on Sunday. So I hadn't spoken with her
17 until last evening. She got back to Phoenix. And that
18 was our first opportunity to talk since we had -- since I
19 had come up here and she had left on her trip.

20 And so she asked me, like, how was the case
21 going, "How are things happening in your case?"

22 And I said, "Well, it's a different kind of
23 case. It's one that's drawn a lot of attention. We've
24 had a lot of written comment. We had a long public
25 comment session. We even had folks who followed us on

1 the route tour wearing shirts and holding signs." And I
2 said, "It's a bit of a different kind of case than what
3 I'm used to."

4 And she said, "Well, are you getting that
5 much opposition to your transmission line?"

6 And I said, "Well, the opposition isn't
7 really directed to the transmission line." Although this
8 is providing a forum for those community members to raise
9 their objections to the wind project and include the
10 transmission line that'll serve the project.

11 But this is really the focus of the
12 community opposition is really to the wind project. The
13 generator that sits at the end of the line.

14 And she asked me, "Have you ever had a case
15 like that?"

16 And I said, "Well, I need to think about
17 that. But I'm not sure."

18 And then we talked about dogs and other
19 things and then after I hung up, it occurred to me that I
20 have had a case like this before. Back in 2011, 2012, I
21 was representing Tucson Electric Power in siting a
22 transmission line to serve the Rosemont mine.

23 And in that case there was a lot of
24 opposition to the mine, and we had individuals, two
25 individuals who intervened as a party in that case and

1 another group that was formed that was opposition to the
2 mine and that mine drew a lot of attention in opposition
3 from various groups.

4 And during the course of our siting
5 hearing, the focus of the application was for a 138kV
6 transmission line. But those intervenors sought to
7 introduce evidence of the impacts of the mine and extend
8 the Committee's analysis to what was happening at the
9 mine site, and the various environmental impacts that
10 resulted from the mine, the project at the end of the
11 line.

12 The chairman of the siting committee at
13 that time was John Foreman, who was the former superior
14 court judge. Judge Foreman excluded and did not allow
15 any evidence concerning mine impacts, environmental sort
16 of conditions and impacts of the Rosemont mine.

17 The focus of the committee hearing as he
18 ruled and the committee members supported was to limit
19 the testimony, the relevant evidence to the transmission
20 line. And the committee issued a CEC for that project
21 for the transmission line, the 138kV line.

22 But when it got to the Commission, the
23 political nature of the Rosemont mine, given that the
24 Commission had a different political makeup at that time,
25 that several of the Commissioners thought that it would

1 be a good thing to include and hear evidence on the
2 environmental impact of the mine as part of the
3 consideration of the CEC application for the transmission
4 line.

5 And they approved the CEC, but subject to,
6 they stated and essentially reopened it before the
7 Commission to take evidence on the Rosemont mine impacts.

8 TEP and Rosemont filed applications for
9 review. And within a short amount of time the Commission
10 changed its mind, decided that that was not the right
11 course of action, and rescinded their prior decision,
12 which was approving the CEC but reopening it to allow for
13 mine impact evidence, and then issued a clean decision
14 essentially backing away from their decision or desire
15 from some of those Commissioners to hear evidence on the
16 mine itself.

17 In that case, in my request for review, I
18 wrote this case is about siting a transmission line to
19 serve a customer. It's not about the impacts of a
20 proposed mine and providing another forum for mine
21 opponents to argue over the impacts of the mine. Those
22 issues and arguments are the subject of separate
23 proceedings.

24 And at the time the chairman of the
25 Commission who had initially voted to reopen and then

1 decided that that was not legally the appropriate
2 approach, submitted a letter to the docket, and this is
3 from Chairman Pierce, "I am personally of the view that
4 Chairman Foreman and the line siting committee were
5 correct when they ruled that our line siting statutes are
6 specific to the environmental impacts of electric
7 transmission and generation facilities and do not provide
8 statutory authority to the committee or the Commission to
9 consider the environmental impacts of the use to which
10 the electrical energy that goes through the transmission
11 line is to be made."

12 And the chairman of the committee also
13 appeared before the Commission and made a similar
14 approach and statement indicating that his decision on
15 hearing evidence and taking into consideration the
16 project that was at the end of the line was not relevant
17 to the consideration of the committee.

18 And I think there's some parallels between
19 that case and this in that in that case we had a lot of
20 interested public, public comment, folks who showed up
21 with signs, only in that case it was "stop the mine." It
22 wasn't "stop the wind project."

23 It had a political element to it in that
24 various politicians and county supervisors weighed in and
25 wanted to express their opinion because they saw that

1 opposing the mine benefited them politically.

2 In this case I'm aware that we have a
3 comment letter from two state representatives who are not
4 from this district who happen to be running for and
5 challenging the current chairman and the vice chairman of
6 the Commission who have submitted a letter here. And I
7 would just simply say this is a case about a transmission
8 line project.

9 The scope of this committee's jurisdiction
10 is to the transmission line project. And it's not about
11 politics. It's not about the next election cycle. It's
12 about the transmission line, and in this case the
13 interconnection project.

14 So what is the evidence and what does the
15 record show concerning the interconnection project?

16 You have before you an application for a
17 new 345kV generation tie line that extends 27 miles. The
18 line will connect the Lava Run Wind project and Lava Run
19 Solar project to the regional grid at the Springerville
20 Substation.

21 The line will be single circuit for
22 approximately 26 miles until it reaches the Lava Run
23 Solar project where it will add that second circuit to
24 carry the energy from the solar project into
25 Springerville.

1 The line will be constructed on state trust
2 land except for a short segment that will be on TEP-owned
3 land right at the end of the solar project prior to
4 interconnection at the Springerville Substation.

5 The project is being sited on rural vacant
6 land that's used for grazing. Within the project area,
7 eight grazing lessees hold nine grazing leases with ASLD.
8 As Mr. Patton has testified, applicants are coordinating
9 with those grazing lessees and are negotiating
10 construction impact agreements.

11 The closest residence to the
12 interconnection project is 1.8 miles away. In fact, we
13 heard public comment from folks in the Greens Peak
14 Hideaway and there was public comment that said this
15 transmission line project is going to go through a
16 residential development. It does not.

17 The siting statute says that, "The
18 committee may approve or deny an application and may
19 impose reasonable conditions on the issuance of a
20 certificate, and in so doing shall consider the following
21 factors as a basis for its action with respect to the
22 suitability of the plant or the transmission line siting
23 plans." And it outlines a number of factors.

24 So right here, the first factor under 06 is
25 the existing plans of state, local government, and

1 private entities.

2 Mr. Casteel has testified that the
3 interconnection project complies with the Apache County
4 Comprehensive Plan and does not -- is not in disagreement
5 with the various other local or other zoning plans that
6 may otherwise apply to ASLD and the interconnection
7 project.

8 And as I think Member Mercer has correctly
9 pointed out, that there was some comment about we were
10 incorrect in stating that this, the project is under the
11 jurisdiction of ASLD instead of Apache County.

12 The reality is that, yes, some of the
13 zoning regulations apply to state land, but that you're
14 not going to be able to do or build anything on state
15 land without State Land's permission.

16 And what we have and what you've heard
17 testimony to is that within the agreements that this
18 applicant must sign in order to secure the lease and the
19 right-of-way, there are a variety of conditions that
20 ensure the integrity of the soil, ensure that once the
21 construction activities are completed, that there's
22 restoration of the disturbance, the ground disturbance as
23 well as plant life.

24 So there's the variety of those conditions
25 that are imposed by State Land, and then you have before

1 you the agreement with the Apache County natural resource
2 entity, and that they will oversee and monitor and
3 essentially work, ensure that the applicant performs its
4 obligations under its agreements with State Land.

5 So the project does comply with existing
6 plans of state, local government, and private entities.

7 Impact on fish, wildlife, plant life and
8 associated forms of life. We've just noted that
9 Exhibit 27, which are the minimization -- the schedule of
10 minimization conditions, will be applicable to this
11 project.

12 Those minimization conditions ensure that
13 the impacts of this project are not significant, and that
14 while there is important forms of plant and animal life
15 within the study area for the project, that the impacts
16 will not be significant, and that, in fact, the project
17 can be constructed and is environmentally compatible with
18 plant and animal life within the study area.

19 Transmission lines emit a little bit of
20 noise. There is noise during the construction phase, but
21 it's no different than any other project that this
22 committee has considered and approved.

23 The proposed -- the impact of the project
24 on the availability of the site for recreational
25 purposes, we just -- one of the major concerns from the

1 community and what you heard from also members of the
2 committee is the concern over the impact of the project
3 on hunting.

4 The testimony has been and is for the
5 record that once the project is constructed, it will not
6 have any impact on hunting activities.

7 During the construction phase of the
8 project, it requires us to coordinate and ensure that
9 hunters are aware of our activities, and we've just
10 discussed and included a condition for coordination with
11 Arizona Game and Fish.

12 And then notification of hunters through
13 Arizona Game and Fish and the Apache County Natural
14 Resource Group to ensure that hunting activities are not
15 impaired, and that even though these game units cover
16 500,000-some units and that our project touches on a
17 small area, that if you pull an elk tag for unit 1, that
18 you know where we are and that you're staying away from
19 the 50 acres that our project touches, and you can go
20 hunt in the other 500-some-thousand acres. And the same
21 is true for the other game units that are touched by this
22 project.

23 The committee has seen the simulations.
24 There's portions of the project you see on the right
25 screen that was our KOP map. There's areas which are

1 visible that the interconnection project will be visible
2 from 60 and 180.

3 But as you move to the east you have to be
4 on either a two track road or hike into an area to see
5 our interconnection project. So on the east side as we
6 see on our route tour, it's visible from the road, but as
7 we move to the east, the project largely is not visible
8 unless you're getting into two track areas, getting
9 within the grazing lessees, et cetera.

10 Total environment of the area. Ms. Casteel
11 testified about how the project -- the impacts of the
12 project on wildlife, the biology of the area.

13 And, again, those impacts are minimized and
14 we have ensured that the project is environmentally
15 compatible based on our efforts to minimize impacts at
16 the outset and then to deal with any sort of restoration
17 or other measures that we can use to ensure that we're
18 not adversely impacting wildlife or plant life on a
19 long-term basis.

20 Factor 7 is the technical practicability.
21 This applicant and its affiliates have built any number
22 of projects, interconnection projects, transmission line
23 projects like this. This is not new to them and they are
24 skilled and capable in terms of the building of this
25 project.

1 We talked a little bit on costs just
2 related to the different pole finishes. You have that
3 information in the record. That's really the only
4 relevant cost data. If we were to decide that galvanized
5 is a better finish and the committee wants to order that
6 the applicant utilize a galvanized pole finish because
7 they view that somehow better addresses the visual
8 impacts of the interconnection project, you have the cost
9 data before you.

10 And then any additional factors that
11 require consideration, that's sort of a catch-all. I
12 would just say based on the testimony, the evidence, and
13 the record you have before you, that this project is
14 environmentally compatible. It meets the factors that
15 this committee has historically applied to projects like
16 this. And that we are here to request the CEC with the
17 appropriate conditions that we've offered and that you
18 may decide need to be included in the CEC.

19 But this project is environmentally
20 compatible when judged as the interconnection project.
21 This is not a project about the wind project that's at
22 the end of the line, just as the Rosemont case was not a
23 project about the mine which was at the end of the line.

24 So with that I'll end in the same way that
25 I started, by simply saying thank you. I know this was a

1 long drive for the members of the committee and the time
2 commitment even for the members who are appearing
3 virtually.

4 We appreciate your time, your attention,
5 your good questions. And we're, yeah, very -- we think
6 this process works. It's an important process. It's an
7 important part of ensuring that projects like this do not
8 adversely impact the environment and the communities, and
9 the interconnection project meets those factors. And so
10 we'd ask that you issue a CEC for the interconnection
11 project. So thank you.

12 CHMN STAFFORD: Thank you, Mr. Derstine.

13 All right. I think the next step is to get
14 my exhibits for the CEC to be loaded and put on the
15 screen so we can begin to discuss and deliberate and vote
16 on the certificate. I think it's appropriate we take
17 probably about a 15-minute recess here. So get that
18 queued up and then come back and begin deliberations.
19 With that we stand in recess.

20 (Recess from 10:43 a.m. to 11:31 a.m.)

21 CHMN STAFFORD: All right. Let's go back
22 on the record.

23 Members, you should have Chairman's 1 which
24 is the PDF version of the certificate.

25 We'll refer to that to make amendments.

1 Chairman's 2 is the Word version that will end up being
2 the final version of the document.

3 Let's confirm with the remote members, you
4 should have received the Chairman's 1 as well as Hearing
5 Exhibits 25, 26 and 27. Member Fontes?

6 MEMBER FONTES: I've received it.

7 MEMBER HILL: He said thumbs-up.

8 CHMN STAFFORD: Okay. Good.

9 Member Drago, Member French? I'm seeing
10 thumbs-up?

11 MEMBER DRAGO: Yeah. Good.

12 CHMN STAFFORD: Excellent. Member
13 DiCiccio. If you're on the phone I guess you're not
14 going to see them if you're driving.

15 MEMBER DICICCIO: Oh, I'm here. No, no,
16 no, no. I've got it. I pulled over and I'm home now.
17 That extra time helped me out a lot, Mr. Chair. No, I've
18 got them in front of me now.

19 CHMN STAFFORD: Excellent.

20 MEMBER DICICCIO: Thank you. I've got
21 your -- yeah.

22 CHMN STAFFORD: Yes, because Hearing
23 Exhibits 26 and 27 will be the starting point for
24 Exhibits A and B to the certificate.

25 Members, if you could review --

1 MEMBER DICICCIO: Mr. Chair. Oh.

2 CHMN STAFFORD: Yes, Member DiCiccio.

3 MEMBER DICICCIO: Just a quick question.

4 When do you give the conditions?

5 CHMN STAFFORD: Well, we'll start --

6 MEMBER DICICCIO: When do we make motions
7 on that?

8 CHMN STAFFORD: Okay. Well, first we'll
9 adopt or amend the introduction, the project description,
10 then we'll move on to the conditions. And we'll go
11 through each of those and vote each one individually. If
12 we were going to make any amendments to that that will be
13 the time to do it.

14 And after that we'll vote on the -- no,
15 it's the findings of fact and conclusions of law, and
16 then we will vote on Exhibit A, and in this case I think
17 we intend to attach an Exhibit B to the certificate as
18 well.

19 So we'll go just through that in order, and
20 then once we vote on all those items, then we'll vote on
21 the certificate as a whole.

22 MEMBER DICICCIO: Okay. And so Mr. Chair,
23 on that, so again, I'm always pretty direct about stuff,
24 I'm going to be opposing the project, so do I say that
25 now or just give kind of a short statement as to why or

1 do I wait for the very end or how do I do that?

2 CHMN STAFFORD: Wait till the end.

3 MEMBER DICICCIO: I'm not sure. Wait till
4 the end?

5 CHMN STAFFORD: Yes.

6 MEMBER DICICCIO: Okay.

7 CHMN STAFFORD: So now will the members
8 please review the introduction.

9 MEMBER KRYDER: Mr. Chairman.

10 CHMN STAFFORD: Member Kryder.

11 MEMBER KRYDER: I move approval of the
12 introduction.

13 MEMBER HILL: Second.

14 CHMN STAFFORD: Further discussion?

15 All right. We removed Member Little from
16 the list of members in attendance. I've added all the
17 party -- the persons who have made limited appearances.
18 The only thing that will remain to be added to this
19 section will be the vote count and the decision of the
20 committee, which I will do upon conclusion of the vote.

21 All in favor say "aye."

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed.

24 MEMBER DICICCIO: No.

25 CHMN STAFFORD: The "ayes" have it. The

1 introduction is adopted.

2 MEMBER KRYDER: Mr. Chairman.

3 CHMN STAFFORD: One second. Jennifer, I
4 can't hear you.

5 THE COURT REPORTER: Who was the no vote?

6 CHMN STAFFORD: DiCiccio. Member DiCiccio.

7 MEMBER DICICCIO: Yes. I voted no.

8 CHMN STAFFORD: All right. Now, on to the
9 project description.

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Member Kryder.

12 MEMBER KRYDER: I move approval of the
13 project description.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: Further discussion?

16 MEMBER KRYDER: Yes. We'll need to clarify
17 Exhibits A and A-1, I guess. Is that correct?

18 CHMN STAFFORD: Yes. There will be --
19 those were attached to Hearing CG-8.

20 MEMBER KRYDER: Okay.

21 CHMN STAFFORD: So we're not going to use
22 the Exhibit A attached to that. We're going to start
23 with Hearing Exhibit 26 for Exhibit A, which is the
24 revised map that had the changes made that we suggested
25 yesterday.

1 But we'll use the same A-1 for the written
2 description, the physical, the verbal description of what
3 the corridor is.

4 MEMBER KRYDER: So there's no need to amend
5 the description as it stands; is that correct?

6 CHMN STAFFORD: Not from my perspective,
7 no. But each member can review it and determine if they
8 want to make any changes to it.

9 MEMBER KRYDER: Okay.

10 CHMN STAFFORD: We have -- I have revised
11 it from what the applicant originally submitted, so if
12 the applicant would review it and let me know if they
13 have any suggestions they would like the committee to
14 offer.

15 I did change the tower height. It was
16 listed as 199. I believe throughout the proceeding it's
17 been consistently 180, so I made that change. I left
18 that as visible so we could see that.

19 MEMBER KRYDER: Okay.

20 CHMN STAFFORD: The rest of the changes
21 that I made were merely stylistic and formatting.

22 MEMBER FANT: I move the project
23 description.

24 CHMN STAFFORD: It has been. It's been
25 moved and seconded.

1 MEMBER FANT: Okay.

2 MEMBER HILL: Chair.

3 CHMN STAFFORD: Yes, Member Hill.

4 MEMBER HILL: I just want to ask your
5 opinion on this. Substations we don't have jurisdiction
6 over. But substations are used to describe the project.
7 Is it worth noting that there are four substations?

8 Because we -- I mean the project originates
9 at Substation 1, then we talk about 1 to 3. I just think
10 the project is more -- I don't know. I was -- is -- the
11 description of the project is more complete if we
12 identify the substations that are on -- the number of
13 substations on the map or something along that line.

14 I don't have a preference here. I was just
15 reading through it and realizing that it never says
16 there's four substations or --

17 CHMN STAFFORD: Right. I think the
18 substations are just merely for -- they're -- all four
19 are listed on the map, the Exhibit A. They're
20 nonjurisdictional so they're just on there for
21 descriptive purposes.

22 MEMBER HILL: Okay.

23 CHMN STAFFORD: Mr. Derstine.

24 MR. DERSTINE: Yeah, my only -- maybe
25 listening to Member Hill, I'm wondering if starting, I

1 guess it's 8 where it says, "The wind facility, solar
2 facility, and BESS are nonjurisdictional."

3 Should we -- could we modify that to say,
4 "The wind facility, solar facility, BESS, and the four
5 project substations are nonjurisdictional" --

6 MEMBER HILL: I think that's a good
7 suggestion.

8 MR. DERSTINE: -- "project elements"?

9 CHMN STAFFORD: We could. I mean, we
10 sometimes. We add that -- let me scroll forward.

11 MR. DERSTINE: I have seen other CECs
12 with -- are careful to call out the nonjurisdictional
13 elements. We have that sentence there. We could just
14 include the project substations so that they're
15 referenced. But up to you. I don't know that I'm
16 worried about it so much, but I think it is a reasonable
17 point of clarification.

18 CHMN STAFFORD: Yeah, sometimes we add a
19 seventh finding of fact and conclusion of law that
20 substations are nonjurisdictional. Sometimes we don't.
21 I mean, I think it's pretty clear they're not. The
22 statute doesn't say it is.

23 MR. DERSTINE: Right.

24 CHMN STAFFORD: When we -- the certificate
25 doesn't define where the substation has to be located,

1 it's merely informative about where they are.

2 MR. DERSTINE: And they're referenced in
3 the map, which is Exhibit A, in terms of the path of the
4 transmission line.

5 CHMN STAFFORD: Right. So my thought is if
6 we wanted to, instead of listing it in the project
7 description we could add that seventh finding of fact and
8 conclusion of law that substations are nonjurisdictional
9 if that's the preference of the committee and the
10 applicant.

11 MR. DERSTINE: We're fine either way.

12 MEMBER HILL: Either way. The project
13 will, so in line 16, "The project will be constructed as
14 a single-circuit 345kV transmission line for
15 approximately 24 miles from Substation 1 to Substation 3.
16 If the substation locations change" -- I don't know.

17 CHMN STAFFORD: Well, it is, it's going to
18 be based on what's in Exhibit A. So, I mean --

19 MEMBER HILL: Okay.

20 CHMN STAFFORD: -- wherever Substation 3
21 ends up being, it's going to -- well, it's going to have
22 to be in that corridor because the corridor is where the
23 line is going to go. They can't reroute the corridor to
24 move the substation to the opposite end of where the
25 solar array would be, because the line has to go in the

1 corridor that we designate.

2 MEMBER HILL: Okay.

3 CHMN STAFFORD: So the substations would by
4 default have to fall somewhere along there.

5 MEMBER HILL: I think we're ready to vote.

6 CHMN STAFFORD: Okay.

7 MEMBER KRYDER: Mr. Chairman.

8 CHMN STAFFORD: Member Kryder.

9 MEMBER KRYDER: I think as it's written, it
10 covers the several points that we're discussing. I think
11 we could vote on it as is.

12 CHMN STAFFORD: Okay. It has been moved
13 and seconded.

14 All in favor say "aye."

15 (A chorus of "ayes.")

16 MEMBER DICICCIO: No.

17 CHMN STAFFORD: Member DiCiccio votes no.

18 The project description is adopted.

19 Moving on to conditions.

20 MEMBER FANT: I move Condition 1,

21 Mr. Chair.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No audible response.)

25 CHMN STAFFORD: All in favor say "aye."

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 MEMBER DICICCIO: Aye.

4 CHMN STAFFORD: Hearing none, the
5 Condition 1 is adopted. Number 2.

6 MEMBER HILL: I move Condition number 2.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 MEMBER HILL: I like the addition of the
10 limited appearance folks and some of the other cities and
11 towns, so thank you for that.

12 MEMBER KRYDER: I'm sorry, I can't
13 understand you.

14 MEMBER HILL: I like the addition of some
15 of the other cities and towns that are nearby and the
16 limited appearance. So thank you.

17 CHMN STAFFORD: Right. Because I think the
18 applicant really initially had the Town of Eagar listed,
19 but they're a person who made a limited appearance. That
20 would be redundant that he had Springerville on there.

21 MEMBER DICICCIO: Mr. Chair?

22 CHMN STAFFORD: Yes. Member DiCiccio.

23 MEMBER DICICCIO: Quick question, so I have
24 an additional condition that I mentioned yesterday, and
25 how could I add that?

1 CHMN STAFFORD: I think the easiest way to
2 add a new condition would be to first vote on all the
3 existing conditions we have, and then come back and
4 decide where in the list of them to add a new condition,
5 and that way, because if we insert a new condition here,
6 then we have to go -- well, it would change the numbering
7 going forward and it would seem kind of --

8 MEMBER DICICCIO: Got it.

9 CHMN STAFFORD: It's just cleaner if we
10 just go through the exhibit -- the Chairman's Exhibit 1
11 first, and then we can insert a new condition or
12 conditions anyplace we like. And then I can make
13 conforming changes and renumber it appropriately when the
14 CEC is finalized before I submit it to the Commission.

15 MEMBER DICICCIO: Very good. Thank you,
16 Mr. Chair.

17 CHMN STAFFORD: All right. Condition 2 has
18 been moved and seconded.

19 Further discussion?

20 (No audible response.)

21 CHMN STAFFORD: All in favor say "aye."

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed? Hearing none,
24 Condition 2 is adopted.

25 Number 3.

1 MEMBER KRYDER: Mr. Chairman, I move
2 approval of Condition 3.

3 MEMBER HILL: Second.

4 CHMN STAFFORD: Further discussion?

5 I removed the specific reference to ADOT
6 and ASLD because those are subdivisions of the State. So
7 to make it -- we don't need more words if it's to remove
8 the redundancy. I think Mr. Akin did that on one a while
9 back and I thought that was a good change.

10 MEMBER COMSTOCK: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Comstock.

12 MEMBER COMSTOCK: Would this be the
13 location to add the meeting with Arizona Game and Fish?

14 CHMN STAFFORD: No, I think the way to do
15 that would be to add that to the Exhibit B. I think we
16 had discussed that adding that to the last bullet or
17 creating a new bullet at the end of that.

18 Because that was where we talked about the
19 applicant consulting with Game and Fish, and I think we
20 can -- they had mentioned conducting a January meeting or
21 briefing with them to let them know what the schedule
22 would be for the coming years, so they would have the
23 information to provide to the applicants for hunting
24 licenses in February.

25 MEMBER COMSTOCK: Thank you, Mr. Chair.

1 CHMN STAFFORD: Condition 3 has been moved
2 and seconded. All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No audible response.)

6 CHMN STAFFORD: Hearing none, Condition 3
7 is adopted.

8 Number 4.

9 MEMBER KRYDER: Mr. Chairman, I move
10 approval of Condition 4.

11 MEMBER HILL: Second.

12 CHMN STAFFORD: Further discussion?

13 (No audible response.)

14 CHMN STAFFORD: Opposed?

15 (No audible response.)

16 CHMN STAFFORD: Hearing none, Condition 4
17 is adopted. Number 5.

18 MEMBER MERCER: Mr. Chairman, I move
19 Condition 5.

20 MEMBER KRYDER: Second.

21 CHMN STAFFORD: Further discussion?

22 MEMBER HILL: Mr. Chair, is this where we
23 add Exhibit B in?

24 CHMN STAFFORD: I think it would make sense
25 to do so.

1 MEMBER HILL: Do you have suggested
2 language or is that on me?

3 CHMN STAFFORD: Well, first, do we want
4 to -- do we need to keep the existing where it refers to
5 the letter from Arizona Game and Fish, and the exhibits,
6 pages C and D from the application? Is that -- do we
7 want to keep that and then add Exhibit B or does
8 Exhibit B eliminate the need to refer to any of these
9 other portions of the application?

10 MEMBER HILL: I think Exhibit B is
11 comprehensive, so I would suggest that we -- because
12 there's three letters from Game and Fish. I think
13 they're a little bit -- some's about the wind farm,
14 some's about the transmission line. I do think we have a
15 comprehensive Exhibit B. And that would be my
16 preference.

17 CHMN STAFFORD: Thank you.

18 Mr. Derstine?

19 MR. DERSTINE: I -- so in lieu of what you
20 have there, I have --

21 CHMN STAFFORD: I guess first I'm going to
22 ask you, does your proposed Exhibit B that was
23 applicants' hearing Exhibit 27, does that encompass all
24 these mitigation or minimization measures that are
25 described in the application, are those captured by

1 Exhibit B?

2 MR. DERSTINE: Ms. Casteel.

3 MS. CASTEEL: Yes, and actually there was
4 some language changed to make the conditions more like
5 conditions as opposed to just statements.

6 So the Exhibit B is more accurate, and we
7 can review that language as well. But even some of the
8 language in C and D has been tweaked a little bit to
9 reflect things that have been discussed, and to make them
10 more condition focused.

11 MR. DERSTINE: So in lieu of maybe the last
12 sentence there, I have, I'll make a suggestion.

13 "Applicants commit to follow the biological resource
14 minimization measures relevant to the certificate as
15 shown in Exhibit B."

16 CHMN STAFFORD: And that would replace the
17 last sentence?

18 MR. DERSTINE: Yes.

19 CHMN STAFFORD: The last two sentences?

20 MEMBER HILL: That's correct.

21 MR. DERSTINE: Yes.

22 CHMN STAFFORD: All right. So let's let
23 the scrivener make that change, and then I'll read it
24 into the record and that will be someone's motion to
25 amend Condition 5.

1 MEMBER HILL: Mr. Chair, point of
2 clarification, will we revisit Exhibit B to make sure
3 that we have the annual meeting with Game and Fish listed
4 in that here? Or would we do that when we go through
5 exhibits?

6 CHMN STAFFORD: I think we'll do that when
7 we get to Exhibit B.

8 MEMBER HILL: Okay. Thank you.

9 MEMBER MERCER: Chairman.

10 CHMN STAFFORD: Yes.

11 MEMBER MERCER: I move approval of
12 Condition 5 as amended.

13 CHMN STAFFORD: We need to amend it first.

14 MEMBER MERCER: Oh, I'm sorry.

15 CHMN STAFFORD: We haven't actually --

16 MEMBER MERCER: I thought we had already.

17 CHMN STAFFORD: We were just talking about
18 it.

19 MEMBER MERCER: I thought we'd changed it.

20 CHMN STAFFORD: I think she's cutting and
21 pasting.

22 MS. CASTEEL: Sorry. Bear with me.

23 CHMN STAFFORD: My understanding what we
24 would like to amend is from settlement looking at
25 Chairman's 1, page 5, line 23, after the word "wildlife,"

1 strike the remainder of the paragraph and replace with
2 "The applicant shall follow the minimization procedures,"
3 or what's the term we're using --

4 MEMBER HILL: Biological minimization
5 measures.

6 CHMN STAFFORD: "Relevant to the
7 certificate as shown in Exhibit B."

8 MR. DERSTINE: Instead of where it says
9 "shall commit" it just says "shall follow."

10 CHMN STAFFORD: Yes.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Member Kryder.

13 MEMBER KRYDER: Could you ask that the
14 screen version in front of me be expanded a bit? My eyes
15 don't follow that well. That's much better. Thank you.
16 Much better.

17 MEMBER HILL: Gabby, do you want to move
18 approval as amended?

19 CHMN STAFFORD: We have to adopt the
20 amendment. We haven't voted the amendment yet.

21 So I will read it again to make sure we
22 have the language correct. So the amendment -- and who
23 made the amendment? Who moved the amendment?

24 MEMBER HILL: I did.

25 CHMN STAFFORD: You moved it. And who

1 seconded it?

2 MEMBER HILL: Me.

3 CHMN STAFFORD: Who seconded it?

4 MEMBER HILL: Gabby.

5 CHMN STAFFORD: Gabby. Okay. So your
6 amendment, to clarify, is that for Chairman's 1, page 5,
7 beginning on line 23 after the word "wildlife," strike
8 the remainder of the section, and then replace with, "The
9 applicants shall follow the biological resource
10 minimization measures relevant to the certificate as
11 shown in Exhibit B."

12 Further discussion?

13 MEMBER MERCER: Is there more than one
14 applicant?

15 CHMN STAFFORD: Yes. And then what we'll
16 do is at the end when we vote to have me correct
17 scrivener's errors, I'll make that correction throughout
18 the document because there are actually two applicants,
19 so.

20 The amendment has been moved and seconded.

21 All in favor say "aye."

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No audible response.)

25 CHMN STAFFORD: Hearing none, amendment is

1 adopted.

2 Can I get a motion to adopt the condition
3 as amended?

4 MEMBER MERCER: So move.

5 MEMBER HILL: Second.

6 CHMN STAFFORD: Further discussion?

7 (No audible response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No audible response.)

12 CHMN STAFFORD: Hearing none, Condition 5
13 as amended is adopted.

14 Number 6.

15 MEMBER KRYDER: Mr. Chairman, I move
16 approval of Condition 6.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 Mr. Derstine, I believe the applicant has
20 committed to deploying the bird diverters when it crosses
21 both the Little Colorado and Coyote Creek.

22 MR. DERSTINE: I'm looking to the
23 environmental team. Is that correct?

24 MS. CASTEEL: That is correct.

25 CHMN STAFFORD: All right. The condition

1 has been moved and seconded. Further discussion?

2 (No audible response.)

3 CHMN STAFFORD: All in favor say "aye."

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No audible response.)

7 CHMN STAFFORD: Hearing none, Condition 6

8 is adopted.

9 Number 7.

10 MEMBER HILL: I move Condition 7.

11 MEMBER KRYDER: Second.

12 CHMN STAFFORD: Further discussion?

13 I understand State Land Department will

14 require a survey of the entire corridor, not just the

15 right-of-way. That is correct, Mr. Derstine?

16 MR. DERSTINE: Mr. Patton, is that correct?

17 MR. PATTON: Yes, sir.

18 MR. DERSTINE: Yes.

19 CHMN STAFFORD: Condition 7 has been moved

20 and seconded. Further discussion?

21 (No audible response.)

22 CHMN STAFFORD: All in favor say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No audible response.)

1 CHMN STAFFORD: Hearing none, Condition 7

2 is adopted.

3 Number 8.

4 MEMBER HILL: I move Condition 8.

5 MEMBER KRYDER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No audible response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No audible response.)

12 CHMN STAFFORD: Hearing none, Condition 8

13 is adopted.

14 Number 9.

15 MEMBER MERCER: Mr. Chairman, I move

16 Condition 9.

17 MEMBER HILL: Second.

18 CHMN STAFFORD: Further discussion?

19 (No audible response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No audible response.)

24 CHMN STAFFORD: Hearing none, Condition 9

25 is adopted.

1 Number 10.
2 MEMBER HILL: I move Condition 10.
3 MEMBER MERCER: Second.
4 CHMN STAFFORD: Further discussion?
5 (No audible response.)
6 CHMN STAFFORD: All in favor say "aye."
7 (A chorus of "ayes.")
8 CHMN STAFFORD: Opposed?
9 (No audible response.)
10 CHMN STAFFORD: Moved and seconded.
11 Hearing none, Condition 10 is adopted.
12 Number 11.
13 MEMBER HILL: I move Condition 11.
14 MEMBER MERCER: Second.
15 CHMN STAFFORD: Further discussion?
16 (No audible response.)
17 CHMN STAFFORD: All in favor say "aye."
18 (A chorus of "ayes.")
19 CHMN STAFFORD: Opposed?
20 (No audible response.)
21 CHMN STAFFORD: Hearing none, Condition 11
22 is adopted.
23 Number 12.
24 MEMBER MERCER: Mr. Chairman, I move
25 Condition 12.

1 MEMBER KRYDER: Second.

2 CHMN STAFFORD: Further discussion?

3 (No audible response.)

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No audible response.)

8 CHMN STAFFORD: Hearing none, Condition 12

9 is adopted.

10 Number 13.

11 MEMBER KRYDER: Mr. Chairman, I move

12 approval of Condition 13.

13 MEMBER MERCER: Second.

14 CHMN STAFFORD: Further discussion?

15 (No audible response.)

16 CHMN STAFFORD: All in favor say "aye."

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No audible response.)

20 CHMN STAFFORD: Hearing none, Condition 13

21 is adopted.

22 Number 14.

23 MEMBER HILL: I move Condition 14.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further discussion?

1 I think this would be the place to require
2 the finish for the poles if the Committee was inclined to
3 do so. I think we had discussion whether it would be --
4 whether the weathered finish or the galvanized finish
5 would be -- have less of an impact but the galvanized
6 finish does come with an increase in cost.

7 MEMBER HILL: Mr. Chair, since I was the
8 one who wanted to explore that, I just want to be on the
9 record that I feel like the community needs to make that
10 choice. You know, it's all in the eye of the beholder,
11 and so I would just encourage the applicant to work with
12 the community on that.

13 CHMN STAFFORD: But no amendment for this
14 condition, though.

15 MEMBER HILL: I don't propose anything.

16 CHMN STAFFORD: Okay.

17 MEMBER COMSTOCK: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Comstock.

19 MEMBER COMSTOCK: Is this location to add
20 proper training for the applicants' personnel to inform
21 hunters as they enter or exit the area regarding the
22 construction practices?

23 CHMN STAFFORD: I think that was going to
24 be addressed in Exhibit B. The Condition 14 has to do
25 with --

1 MEMBER COMSTOCK: Are you on 14?

2 CHMN STAFFORD: Yeah, we're on 14.

3 MEMBER COMSTOCK: I'm sorry, I thought you
4 were on 15. My apologies. I'll withdraw.

5 CHMN STAFFORD: We're almost there.

6 MEMBER COMSTOCK: Getting there.

7 CHMN STAFFORD: 14 has been moved and
8 seconded. Further discussion?

9 (No audible response.)

10 CHMN STAFFORD: All in favor say "aye."

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No audible response.)

14 CHMN STAFFORD: Hearing none, Condition 14
15 is adopted.

16 Number 15.

17 MEMBER HILL: I move Condition 15.

18 MEMBER KRYDER: Second.

19 MEMBER COMSTOCK: Mr. Chairman, same
20 comment about hunters.

21 CHMN STAFFORD: I'm looking to the
22 applicant. Mr. Derstine, I think we had intended for
23 this to be the interactions with the Game and Fish and
24 hunters was going to be addressed in Exhibit B in the
25 last bullet point under that.

1 I think we can do it there. We don't need
2 to put it in this condition. Is that -- what is the
3 opinion of the applicant on that?

4 MR. DERSTINE: I'm fine with the pleasure
5 of the committee. If you'd rather have it somewhere
6 other than B, then this would be an appropriate place to
7 put it.

8 But we could amend B where we're already
9 talking about notification of Game and Fish. And then,
10 but, yeah, this might -- in terms of training of our
11 construction personnel, this would be, I think maybe a
12 logical and appropriate place to put it to Member
13 Comstock's comment.

14 CHMN STAFFORD: So we could say --

15 MEMBER KRYDER: Question, Mr. Chairman.

16 CHMN STAFFORD: Yes, Member Kryder.

17 MEMBER KRYDER: Mr. Derstine, is
18 Condition B -- does Condition B as it is tentatively
19 drafted contain this language?

20 MR. DERSTINE: No, it does not.

21 MEMBER KRYDER: It does not, okay. I just
22 didn't want to have it in two places.

23 MR. DERSTINE: Right. Understood.

24 CHMN STAFFORD: Right. So I think the be
25 trained with --

1 MEMBER COMSTOCK: Mr. Chairman, just a
2 point of discussion, do you believe that the word
3 "activities" in 15 would include hunting?

4 CHMN STAFFORD: I was looking at that. I
5 think we could potentially, it says, "On site working
6 protocols for environmentally sensitive area and
7 activities." You could say, comma, "including
8 interactions with hunters on the state land," or
9 something to that effect.

10 So in addition to the proper -- this is
11 merely about how to make sure that you have the protocol
12 someplace to avoid spreading noxious weeds and that type
13 of thing, so I think we could add something here to this
14 that would say in addition, they need to be -- the field
15 personnel need to be trained in how to -- what to do if
16 they encounter hunters while they're on the site.

17 I think we heard from Mr. Patton saying,
18 well, hey, if we're out there and we're hearing shots
19 going off, then we're going to stand down and figure out
20 what's going on. So I think they're going to have a
21 process in place to handle that.

22 I think the place to put it would be
23 because it's training as to ingress, egress, working
24 protocols, and then it's not just for environmentally
25 sensitive areas, it's going to be also protocols for how

1 they will handle hunters and interacting with hunters in
2 the field.

3 MEMBER COMSTOCK: Thank you, Mr. Chairman.

4 CHMN STAFFORD: So does any member have a
5 suggestion to what to wordsmith that?

6 MR. DERSTINE: Can I make a suggestion?

7 CHMN STAFFORD: By all means, Mr. Derstine.

8 MR. DERSTINE: From the word "activities"
9 on line 15, Ms. Casteel, can you try inserting this
10 as-proposed language for consideration by the committee:

11 "In addition, applicant shall train field
12 personnel concerning safe interactions with hunters and
13 hunting activities during construction."

14 MS. CASTEEL: Sorry. Can you read through
15 that one more time?

16 MR. DERSTINE: Yeah. "In addition,
17 applicant shall train field personnel concerning safe
18 interactions with hunters and hunting activities during
19 construction."

20 CHMN STAFFORD: And we don't need to
21 reference ASLD-managed land because it all is
22 ASLD-managed land.

23 MR. DERSTINE: Mr. Patton, is that language
24 acceptable? Would you want to modify it? What are your
25 thoughts?

1 MR. PATTON: The only modification I would
2 have would be also prior to construction.

3 MR. DERSTINE: That's a good suggestion.
4 Prior to and during construction.

5 MR. PATTON: Yes, sir.

6 MEMBER KRYDER: Mr. Chairman.

7 CHMN STAFFORD: Member Kryder.

8 MEMBER KRYDER: I move approval of the
9 language as just stated.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: All right. So I'll read it
12 into the record.

13 The motion before the committee is to amend
14 Condition 15 to read, "The applicant shall be responsible
15 for arranging that all field personnel involved in the
16 project receive training as to proper ingress, egress,
17 and on-site working protocols for environmentally
18 sensitive areas and activities.

19 "In addition, applicants shall train field
20 personnel concerning safe interactions with hunters and
21 hunting activities prior to and during construction."

22 And the rest of the sentence, the last
23 sentence would remain the same.

24 MEMBER KRYDER: That is my proposal.

25 CHMN STAFFORD: It has been moved and

1 seconded. Further discussion?
2 (No audible response.)
3 CHMN STAFFORD: All in favor say "aye."
4 (A chorus of "ayes.")
5 CHMN STAFFORD: Opposed?
6 (No audible response.)
7 CHMN STAFFORD: Hearing none, the amendment
8 is adopted.
9 MEMBER MERCER: Chairman, I move
10 Condition 16.
11 CHMN STAFFORD: Can we get 15 as amended
12 first?
13 MEMBER MERCER: I'm sorry.
14 MEMBER KRYDER: Second.
15 MEMBER MERCER: I move Condition 15 as
16 amended.
17 MEMBER KRYDER: Second.
18 CHMN STAFFORD: Further discussion?
19 (No audible response.)
20 CHMN STAFFORD: All in favor say "aye."
21 (A chorus of "ayes.")
22 CHMN STAFFORD: Opposed?
23 (No audible response.)
24 CHMN STAFFORD: Hearing none, Condition 15
25 as adopted is amended.

1 Number 16.

2 MEMBER MERCER: Chairman, I move

3 Condition 16.

4 MEMBER HILL: Second.

5 CHMN STAFFORD: Further discussion?

6 (No audible response.)

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No audible response.)

11 CHMN STAFFORD: Hearing none, Condition 16
12 is adopted.

13 Number 17.

14 MR. DERSTINE: Mr. Chairman, on 17, we had
15 discussions on the record about --

16 CHMN STAFFORD: Let's get it moved and then
17 we'll discuss it.

18 MEMBER HILL: Mr. Chairman, I move

19 Condition 17.

20 MEMBER MERCER: Second.

21 CHMN STAFFORD: Further discussion?

22 Mr. Derstine.

23 MR. DERSTINE: We have some proposed
24 revised language that reflects and is consistent with the
25 testimony that was on the record concerning what system

1 impact studies remain to be completed.

2 That's the system impact study for Wind II
3 and then supplying that impact study to Staff as soon as
4 applicants receive it, and then to also providing Staff
5 with the executed interconnection agreements for the four
6 different phases of the project. So do we have that on
7 the screen, Ms. Casteel?

8 MS. CASTEEL: Yes. The proposed language
9 that you had is in green there on the right-hand side.
10 The red was the previous text.

11 MR. DERSTINE: So the new proposed language
12 is in green on the right screen in the hearing room. The
13 original language is in red that follows.

14 CHMN STAFFORD: All right. The only thing
15 is that we haven't defined Lava Run Wind I, II, any of
16 that's in the documents so far.

17 MR. DERSTINE: So we might just remove the
18 reference to Lava Run Wind II just so that it reads "Copy
19 of the remaining system impact studies -- study for
20 interconnection at the Springerville Substation."

21 And the interconnection -- that language
22 would remain, and the interconnection agreements for all
23 phases when they are executed and approved by applicant
24 and Tucson Electric Power Company.

25 CHMN STAFFORD: And TEP would be -- it

1 would be TEP, not Tucson Electric Power.

2 MR. DERSTINE: Yeah, if we've already
3 referred to it. Yes.

4 MEMBER HILL: Mr. Chair.

5 CHMN STAFFORD: Member Hill.

6 MEMBER HILL: The major difference I see --
7 the major difference I see here is that you contemplate
8 updated or amended studies. Have I missed something
9 or --

10 MR. DERSTINE: No, I think that was in line
11 with -- well, I'm not sure what the genesis of that,
12 amended or updated studies. We're not contemplating any
13 amended or updated studies, I guess it's a catch-all in
14 case there is an amendment, or there were -- additional
15 study work is required.

16 But to my understanding and Mr. Patton or
17 Mr. Rieman, if you're still on the line, my understanding
18 is there's not any updated or amended studies that are
19 contemplated, we have one outstanding study that we are
20 waiting to be completed, and then the interconnection
21 agreements, and so our, what we had talked about was
22 providing all of those to Staff when we have them.

23 MEMBER HILL: I guess the last piece might
24 be we've included -- or the chair included language about
25 complying with all requirements contained therein.

1 I have no doubt about that because you
2 won't be able to interconnect without complying with
3 them. But, Mr. Chair, do you have any opinions on that?

4 CHMN STAFFORD: Well, that was the phrase
5 that Member Little found to be very comforting as in the
6 condition in the last case. And since she's not here for
7 this one, I thought we should include it in this one as
8 well.

9 MEMBER HILL: Is the applicant okay if we
10 include that last section about complying with all
11 requirements?

12 MR. DERSTINE: Sure.

13 MEMBER HILL: Thank you.

14 So any other discussion? If not, I'll go
15 ahead and move the amendment to Condition 17.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 All right. So we're still crafting the
19 amendment. I would suggest that we capitalize
20 "Interconnection Agreements," and then after "Phases"
21 reference the -- I referred to it before -- of the wind
22 facility. That's how it's referred to in the project
23 description.

24 MR. DERSTINE: Yes.

25 CHMN STAFFORD: And there won't be any more

1 for the solar or BESS; correct? Correct.

2 MEMBER KRYDER: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Kryder.

4 MEMBER KRYDER: In the first line, we need
5 the word "with" so that the first line of 17 would read:
6 "The applicants will provide Commission Staff with a
7 copy." It's a small thing. Maybe it's not necessary.

8 CHMN STAFFORD: I don't think we need the
9 "with." It's they will provide -- they provide
10 Commission Staff with a copy. You could do that or
11 provide to Commission Staff a copy.

12 MEMBER KRYDER: Right.

13 CHMN STAFFORD: I think it's half a dozen,
14 one, six of the other.

15 MEMBER KRYDER: Okay.

16 CHMN STAFFORD: Is there --

17 MEMBER KRYDER: Scrap it.

18 CHMN STAFFORD: You can add the "with"
19 there. I think -- will provide with a copy.

20 And then I think after where it says,
21 "Protect [sic] agreement with Commission Staff, and
22 applicants shall comply with all requirements contained"
23 and then strike "therein" and say "contained in the
24 interconnection agreements."

25 And then where it says, "Approved by

1 applicants and TEP, which will be protected" -- shouldn't
2 it be "provided"? "Under the existing protect agreement
3 with Commission Staff." I mean, strike "protected."

4 And then strike the red portion.

5 MR. DERSTINE: Can we add to Member
6 Little's comfort language, just add the word -- the two
7 words, "if any," so that it would read with the copy, the
8 results of any updates, well, it says "any updates,"
9 "results or amendments to these studies." I think it's
10 fine as is.

11 CHMN STAFFORD: We struck all that stuff.

12 MR. DERSTINE: All right.

13 Oh, I thought we were holding on to Member
14 Little's comfort language.

15 CHMN STAFFORD: It's "shall comply with the
16 requirements contained in the interconnection
17 agreements."

18 MR. DERSTINE: Okay.

19 CHMN STAFFORD: Because hers was just
20 "contained therein." We've got --

21 All right. So the amendment is to replace
22 condition -- the Condition 17 from Chairman 1 with a new
23 Condition 17 that reads: "The applicants will provide
24 Commission Staff with a copy of the remaining system
25 impact study for interconnection at Springerville

1 Substation, and the interconnection agreements for all
2 phases of the wind facility when they are executed and
3 approved by applicants and TEP, which will be provided
4 under the existing protective agreement with Commission
5 Staff, and applicants shall comply with all requirements
6 contained in the interconnection agreements."

7 MR. DERSTINE: I think the only suggestion
8 I would have is I think we want to obligate ourselves to
9 provide the interconnection agreements for not only the
10 wind facility but also the solar facility. So it would
11 just be the wind facility and the solar facility
12 interconnection agreements for -- for both.

13 CHMN STAFFORD: You want to say wind
14 facility, solar facility, and BESS?

15 MR. DERSTINE: I think the BESS is covered
16 under and studied under the solar facility studies.

17 CHMN STAFFORD: That's just one.

18 MR. DERSTINE: Yeah.

19 CHMN STAFFORD: Okay. All right.

20 MEMBER KRYDER: Thank you. That's a good
21 addition.

22 CHMN STAFFORD: All right. So whose --
23 whose -- this is your motion, wasn't it, Member Hill?

24 MEMBER HILL: Yes. Do I need to move --

25 CHMN STAFFORD: Well, it's -- it's been

1 moved. Just clarify that this, that the language, that
2 language on the screen that I'm about to read is indeed
3 what your motion is.

4 MEMBER HILL: It is indeed.

5 CHMN STAFFORD: And it was seconded by
6 Member Kryder.

7 So I will read the condition in its
8 entirety to make sure it's clear on the record.
9 Replacing the Condition 17 from Chairman's 1 with new
10 Condition 17 that reads: "The applicants will provide
11 Commission Staff with a copy of the remaining system
12 impact study for interconnection at Springerville
13 Substation, and the interconnection agreements for all
14 phases of the wind facility and the solar facility when
15 they are executed and approved by applicants and TEP,
16 which will be provided under the existing protective
17 agreement with Commission Staff, and applicants shall
18 comply with all requirements contained in the
19 interconnection agreements."

20 That is your motion, it has been moved and
21 seconded. Further discussion?

22 (No audible response.)

23 CHMN STAFFORD: All in favor say "aye."

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No audible response.)

2 CHMN STAFFORD: Hearing none, the amendment
3 is adopted.

4 Can I get I guess it's a motion to adopt
5 the --

6 MEMBER FANT: So moved.

7 MEMBER HILL: Second.

8 CHMN STAFFORD: Further discussion?

9 (No audible response.)

10 CHMN STAFFORD: All in favor say "aye."

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No audible response.)

14 CHMN STAFFORD: Condition 17 as amended has
15 been adopted.

16 Number 18.

17 MEMBER HILL: I move approval of
18 Condition 18.

19 MEMBER MERCER: Second.

20 CHMN STAFFORD: Further discussion?

21 (No audible response.)

22 CHMN STAFFORD: All in favor say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No audible response.)

1 CHMN STAFFORD: Hearing none, Condition 18
2 is adopted.
3 Number 19.
4 MEMBER MERCER: Chairman, I move
5 Condition 19.
6 MEMBER KRYDER: Second.
7 CHMN STAFFORD: Further discussion?
8 (No audible response.)
9 CHMN STAFFORD: All in favor say "aye."
10 (A chorus of "ayes.")
11 CHMN STAFFORD: Opposed?
12 (No audible response.)
13 CHMN STAFFORD: Hearing none --
14 MEMBER COMSTOCK: No, no, no. No, no, no.
15 Sorry.
16 CHMN STAFFORD: Condition 19 is adopted.
17 MEMBER COMSTOCK: I oppose the condition.
18 CHMN STAFFORD: Oh, did you oppose? You
19 voted nay?
20 MEMBER COMSTOCK: I vote nay.
21 CHMN STAFFORD: Okay.
22 MEMBER COMSTOCK: Sorry. I was reading.
23 CHMN STAFFORD: Condition by a vote of all
24 ayes and one nay from Member Comstock, Condition 19 is
25 adopted.

1 Number 20.

2 MEMBER HILL: I move Condition 20.

3 MEMBER MERCER: Second.

4 CHMN STAFFORD: Further discussion.

5 Again, confirming 180 feet is the maximum
6 height of the tower, of the pole structures. Correct.

7 MEMBER KRYDER: Mr. Chairman.

8 CHMN STAFFORD: Yes, Member Kryder.

9 MEMBER KRYDER: Was there not a wider
10 right-of-way than 200 feet at the far east end?

11 CHMN STAFFORD: The corridor is
12 significantly wider, but the right-of-way for the
13 transmission line will be --

14 MEMBER KRYDER: It remains at 200?

15 CHMN STAFFORD: Correct.

16 MEMBER KRYDER: Okay. Just a question.

17 CHMN STAFFORD: Condition 20 has been moved
18 and seconded. Further discussion?

19 (No audible response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No audible response.)

24 CHMN STAFFORD: Hearing none, Condition 20
25 is adopted.

1 Number 21.

2 MEMBER KRYDER: Mr. Chairman, I move
3 approval of Condition 21.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 (No audible response.)

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No audible response.)

11 CHMN STAFFORD: Hearing none, Condition 21
12 is adopted.

13 Number 22.

14 MEMBER HILL: I move Condition 22.

15 MEMBER MERCER: Second.

16 CHMN STAFFORD: Further discussion.

17 MEMBER FANT: Mr. Chair, just a minor
18 point, is Eagar a town, a municipality, or a city?

19 MEMBER DICICCIO: Springerville is a town.

20 MEMBER FANT: It's a town?

21 CHMN STAFFORD: Yeah, I can confirm here.
22 In their own document they refer to themselves as the
23 Town of Eagar.

24 MEMBER FANT: Thank you, sir.

25 CHMN STAFFORD: Condition 22 has been moved

1 and seconded. Further discussion?

2 (No audible response.)

3 CHMN STAFFORD: All in favor say "aye."

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No audible response.)

7 CHMN STAFFORD: Hearing none, Condition 22

8 is adopted.

9 Number 23.

10 MEMBER MERCER: Mr. Chairman, I move

11 Condition 23.

12 MEMBER KRYDER: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER DICICCIO: Yes. Mr. Chair.

15 CHMN STAFFORD: Member DiCiccio.

16 MEMBER DICICCIO: So 23 is a pretty
17 significant amendment. Basically it allows them to
18 transfer the certificate to -- it doesn't say any
19 requirement at all, so, for example, and I'm just using
20 what we did at the City of Phoenix whenever we had
21 approvals like this.

22 They had to come back to us for, let's say
23 they transferred it to LLC number 3. They had to come
24 back to us, and then we would have to verify whether or
25 not they were financially capable of finishing the

1 project, whether or not they had experience in the
2 project, we had a whole list of things, too many things
3 to add on to here at this time.

4 But, and let me give you my cautionary tale
5 here. Without any type of requirement that has been done
6 with people with X amount of experience or X amount of
7 financial capability, the LLC would be just an empty
8 shell to where a project that just sits there, collects
9 rust and nobody's responsible for it at that point.

10 When we do -- when I do commercial
11 projects, I always require -- and I mean always, even on
12 the small ones -- that they have to come back to me for
13 some type of approval so that I can vet the new entity,
14 and that it's not just an empty shell and they're just
15 trying to get out of the lease.

16 Likewise here, and I don't know what the
17 law is, Mr. Chairman, because you would know it better
18 than I, but can we put language in there that says that
19 any transfer has to be approved by the Corporation
20 Commission?

21 And we've done that at the city as well.
22 Whenever we do a development agreement, we have language
23 in there that if there's going to be a transfer they have
24 to come back to us and they have to vet the new entity.

25 My brother, I have to give the guy credit,

1 because he's taught me a lot, but he used to be the head
2 for risk management in the state of Arizona, and we
3 actually had a conversation something like this a few
4 years back, that you can never put in such loose language
5 where it doesn't allow the vetting of a new entity. So
6 can we put something in there that it is required to go
7 back to approval.

8 CHMN STAFFORD: Well, that's not how the
9 Commission rules are structured.

10 MEMBER DICICCIO: Okay. I don't know. I
11 don't know.

12 CHMN STAFFORD: The statute, well, I'll
13 tell you. So --

14 MEMBER DICICCIO: Okay. I'm sure you will.

15 CHMN STAFFORD: It says subject to
16 limitation conditions as otherwise prescribed by law, a
17 certificate may be transferred to any electric company or
18 electric utility agreeing to comply with the terms,
19 limitations, and conditions imposed by the certificate.

20 And then Commission Rule 14-3-213,
21 subsection E -- no, subsection F, it says, "Upon notice
22 filed with the committee and accompanied by an agreement
23 on a form supplied by the committee in which the
24 transferee agrees to comply with the terms, limitations
25 and conditions contained within certificate of

1 environmental compatibility, such certificate may be
2 transferred to any utility."

3 So the Commission has it set up to where
4 the transfer is just done upon notice to the Commission,
5 and the transferee assumes all the obligations of the
6 transferor.

7 However, if you look at Condition 25 of the
8 certificate --

9 MEMBER DICICCIO: Let me get to it. Okay.

10 CHMN STAFFORD: It says, "The applicants'
11 responsibilities with respect to compliance of the
12 conditions shall not be ceased or abated by reason of the
13 fact that the applicant is not in control of or
14 responsible of the operation and maintenance of the
15 project facilities."

16 The Commission doesn't have a process set
17 up to transfer the certificate --

18 MEMBER DICICCIO: Got it.

19 CHMN STAFFORD: -- that requires them to
20 approve it.

21 MEMBER DICICCIO: Yeah. I see.

22 CHMN STAFFORD: But the conditions say,
23 look, they have to comply with -- the original CEC holder
24 can still be --

25 MEMBER DICICCIO: Got it.

1 CHMN STAFFORD: -- held responsible --

2 MEMBER DICICCIO: I got it.

3 CHMN STAFFORD: -- if the successor messes
4 up.

5 MEMBER DICICCIO: Right. No, I got it. I
6 don't agree with it, but I got it.

7 MEMBER HILL: Mr. Chair.

8 CHMN STAFFORD: Member Hill.

9 MEMBER HILL: I do just want to say on
10 behalf of Member DiCiccio, there's going to be a lot of
11 consolidation in this industry in the next decade
12 potentially, and I think when a lot of this stuff -- when
13 the state statute was written in 1971, the rules haven't
14 changed in a long time in any significant way for
15 decades, I think he raises a point that the body should
16 be thinking about.

17 Because I do understand we're concerned
18 about the financial wherewithal. I am good with the
19 language we have, but I want to put a pin in this
20 conversation because I do think the industry is moving
21 and changing so quickly that we really need to understand
22 what it means to transfer these certificates.

23 CHMN STAFFORD: Well, the Commission has a
24 notice out to amend the line siting rules. I think all
25 the members should have received a copy of the proposed

1 amendment.

2 So I think the comment period, the official
3 comment period ended on Monday, but they will be holding
4 some kind of open meeting to discuss potential changes,
5 so that process is ongoing. They're going to modernize
6 the rules.

7 Because they are pretty -- pretty old and
8 out of date. I think one of the things that I think
9 everyone's going to be happy to see gone is the certified
10 mail notices for members. I think the 25 paper copies of
11 filings. And the newspaper publications that are
12 anachronistic at best, I think of all the hearings that
13 I've attended, I don't think anyone has ever showed up
14 and said I heard about this proceeding in the paper.

15 They've seen the signs, they saw it on
16 social media, they heard about it from somebody, but no
17 one, I've never heard anybody actually receiving notice
18 from the publications in the newspaper. Not saying it's
19 never happened, but I'm saying it's not really effective.
20 I think that's one of the big changes they're going to
21 make to the line siting rules going forward.

22 All right. So we have --

23 MEMBER DICICCIO: Thank you both for your
24 comments. Thank you both.

25 CHMN STAFFORD: Thank you. So we have

1 Condition 23 has been moved and seconded. Further
2 discussion?

3 (No audible response.)

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 MEMBER DICICCIO: No.

8 CHMN STAFFORD: Hearing none -- oh, Member
9 DiCiccio is opposed.

10 MEMBER DICICCIO: No. I -- yeah. Yes.

11 CHMN STAFFORD: Condition 23 is adopted.
12 Number 24.

13 MEMBER KRYDER: Mr. Chairman, I move
14 approval of Condition 24.

15 MEMBER HILL: Second.

16 CHMN STAFFORD: Further discussion?

17 MEMBER KRYDER: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Kryder.

19 MEMBER KRYDER: What's the number 10
20 standing for? Up there on line 28.

21 MR. DERSTINE: That's the page number.

22 CHMN STAFFORD: Oh, that's the page number.

23 MEMBER KRYDER: Oh, it surprises me. Okay.

24 CHMN STAFFORD: Yeah, that's the page
25 number.

1 MEMBER KRYDER: Thank you. I guess it
2 comes right after 9, doesn't it?

3 CHMN STAFFORD: Yes.

4 MEMBER KRYDER: Thank you.

5 CHMN STAFFORD: Almost every time.

6 MEMBER COMSTOCK: Mr. Chairman.

7 CHMN STAFFORD: Yes. Member Comstock.

8 MEMBER COMSTOCK: Why is the Town of Eagar
9 struck from this particular notification?

10 CHMN STAFFORD: Because they are a person
11 who made limited appearance in the docket. And so that's
12 one clarification that would be made because it shouldn't
13 say "parties." It should be persons who made limited
14 appearance in the docket. But that would be -- we can
15 either formally amend it now.

16 That -- I would consider that to be a
17 conforming change or a scrivener's error to be corrected,
18 because throughout the rest of the document it's persons
19 who made limited appearances, because they're not
20 parties. Parties are the applicant and intervenors. But
21 we only have one party to this matter and that's the
22 applicant.

23 MEMBER COMSTOCK: Thank you, Mr. Chair.

24 CHMN STAFFORD: 24 has been moved and
25 seconded.

1 Further discussion?

2 (No audible response.)

3 CHMN STAFFORD: All in favor say "aye."

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No audible response.)

7 CHMN STAFFORD: Hearing none, Condition 24

8 is adopted.

9 Number 25.

10 MEMBER MERCER: Chairman, I move

11 Condition 25.

12 MEMBER KRYDER: Second.

13 CHMN STAFFORD: Further discussion?

14 We should amend it to strike the CEC 248 at

15 the end. I missed that one. It didn't take.

16 MEMBER HILL: So moved.

17 MEMBER MERCER: Second.

18 MEMBER DICICCIO: To strike?

19 CHMN STAFFORD: Is that a question, Member

20 DiCiccio?

21 MEMBER DICICCIO: Yeah, is that to strike

22 the CEC -- I'm good with 25, but I just want to know --

23 CHMN STAFFORD: Yeah, it's simply --

24 MEMBER DICICCIO? -- what the motion was

25 for.

1 CHMN STAFFORD: It's to remove the red
2 bracketed CEC 248. And usually I strike all those so we
3 don't have to do that for each one. But I missed this
4 one or didn't -- I didn't save after I did it or
5 something. So that was --

6 MEMBER DICICCIO: Got it.

7 CHMN STAFFORD: Has there been a second?

8 MEMBER MERCER: Yes.

9 CHMN STAFFORD: Okay. Mercer the second.
10 Further discussion?

11 (No audible response.)

12 CHMN STAFFORD: All in favor say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No audible response.)

16 CHMN STAFFORD: Hearing none, the
17 amendment's adopted.

18 MEMBER DICICCIO: Mr. Chair.

19 MEMBER HILL: Move for approval of
20 Condition 25.

21 MEMBER DICICCIO: Mr. Chair.

22 CHMN STAFFORD: As amended?

23 MEMBER HILL: As amended, yes.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No audible response.)

2 CHMN STAFFORD: All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No audible response.)

6 CHMN STAFFORD: Hearing none, Condition 25
7 is amended as adopted.

8 Now, Member DiCiccio, you had wanted to
9 discuss adding a condition.

10 MEMBER DICICCIO: Correct. Or adding to.
11 The only two that I saw that it could add to was either
12 number 1 or number 2, but let me read you the condition
13 at least.

14 And I'll go slow with it but it follows the
15 line of questioning that I had at the very beginning of
16 the meeting, and the one at the end where I asked them,
17 you know, are you going to build the wind -- I mean, if
18 you build the wind -- if you don't build the wind farm,
19 you didn't get approved for the wind farm, does the
20 transmission line get built? And they said no.

21 So I want to make sure that that gets
22 memorialized in this -- and I think this would go a long
23 ways with the communities out there to know that if the
24 wind farm doesn't get built nothing else does except for
25 the solar side. It separates the two.

1 So the language I was looking at is in the
2 event the applicant does not receive the approval for the
3 wind farm, the applicant agrees to not construct the line
4 meant for the wind farm.

5 CHMN STAFFORD: I'm looking at
6 Mr. Derstine. I seem to recall it was, I think at the
7 stop and all the times in this room, because I think the
8 portion of the line that was described for the wind
9 facility would be from Substation 3 to Substation 1, and
10 without the -- and without the wind facility it would
11 still construct the line from 3 to the Springerville
12 Substation.

13 Is that an accurate recollection of the
14 testimony?

15 MR. DERSTINE: Is that right, Mr. Patton?

16 MR. PATTON: Yes, sir.

17 CHMN STAFFORD: Okay.

18 MEMBER DICICCIO: I do think that that
19 language would help, you know, to some level with the
20 community out there.

21 CHMN STAFFORD: They're trying to get it up
22 on the screen here, what you've proposed. Can you see
23 the screen, Member DiCiccio?

24 MEMBER DICICCIO: No. That's okay. If
25 it's read to me, I'm a quick learner.

1 CHMN STAFFORD: The funny thing is, though,
2 when you're talking we can't see the screen either.

3 MEMBER DICICCIO: Yeah.

4 MEMBER KRYDER: Mr. Chairman.

5 CHMN STAFFORD: Member Kryder.

6 MEMBER KRYDER: I'll pass. Nothing.

7 CHMN STAFFORD: Okay. So where would you
8 propose to add this condition?

9 MEMBER DICICCIO: I would think that it
10 would be in item number 1 or number 2, more than likely
11 in 1 if you don't want to create a new number.

12 CHMN STAFFORD: Right.

13 MEMBER DICICCIO: Which I understand.

14 CHMN STAFFORD: Okay. So do I have a
15 motion to reopen Condition 1 for Mr. DiCiccio?

16 MEMBER DICICCIO: Motion to reopen.

17 CHMN STAFFORD: Do I hear a second?

18 MEMBER FANT: Second.

19 CHMN STAFFORD: All right. So you're
20 suggesting that we add to Condition 1 after the -- at the
21 end of the paragraph a new sentence that would read: "In
22 the event that the applicants do not receive approval for
23 the wind facility, the applicants will not construct the
24 project for the wind facility, (i.e., the transmission
25 line from Substation 1 to Substation 3.)"

1 MEMBER DICICCIO: Correct, because that's
2 what we can deal with is only the transmission site,
3 which the applicant agrees to as well. I just want to
4 memorialize it in the document.

5 CHMN STAFFORD: Okay. I'm looking at the
6 screen. There should not be a "that" after "wind
7 facility."

8 "Would" should be "will."

9 No, no, no. After "applicants" the word
10 "would" should be "will."

11 It should be "the portion of the project
12 for the wind facility."

13 All right. So add the sentence, "In the
14 event the applicants do not receive approval for the wind
15 facility, the applicants will not construct the portion
16 of the project for the wind facility, (i.e., the
17 transmission line from Substation 1 to Substation 3)."
18 And the i.e. is in parentheses.

19 Is that your motion, Member DiCiccio?

20 MEMBER DICICCIO: That works. Yes, sir.

21 CHMN STAFFORD: Member Fant, you were the
22 second?

23 MEMBER FANT: I was the second.

24 CHMN STAFFORD: All right. Further
25 discussion?

1 I'm looking at you, Mr. Derstine.

2 MR. DERSTINE: I'm looking at the language.
3 I think the suggestion that applicants would make, we're
4 generally with the condition whether you're tacking it on
5 to 1 or it's a standalone, to simply modify Member
6 DiCiccio's condition to read "In the event the applicants
7 do not construct the wind facility, the applicants will
8 not construct the portion of the project for the wind
9 facility, i.e., transmission line. Yeah, the remainder
10 of that is fine.

11 CHMN STAFFORD: All right. Member
12 DiCiccio.

13 MEMBER DICICCIO: Yes. That should be
14 fine. I would -- I like the word "approval" better. But
15 what if it's not the applicant that constructs -- well,
16 that would make sense, then. If this ends up getting
17 approved. I'm good with that.

18 CHMN STAFFORD: All right. Member
19 DiCiccio.

20 MEMBER DICICCIO: I understand the logic.

21 CHMN STAFFORD: Just, again, to be clear on
22 the record, the last, Member DiCiccio's amendment is to
23 add a sentence to Condition 1 that reads, "In the event
24 that the applicants will not construct the portion of the
25 project for the wind facility, (i.e., the transmission

1 line from Substation 1 to Substation 3.)"

2 That has been moved and seconded.

3 MEMBER DICICCIO: May I ask another
4 question, or just a quick question.

5 CHMN STAFFORD: Further discussion?

6 Member DiCiccio.

7 MEMBER DICICCIO: I'm upgrading you every
8 single time. I have a question to Mr. Derstine. So when
9 you mention the applicant, that's -- when you say the
10 word "applicant," I get it, and I get what you're trying
11 to get at, too.

12 That would assume that this project has
13 been approved and gone forward; correct? Because if no
14 one builds it, I mean if it gets built, it has to be
15 approved; correct?

16 CHMN STAFFORD: Well, it can't be built
17 until it's approved. This transmission line cannot be
18 constructed without a certificate.

19 MEMBER DICICCIO: Right. Right. No, no,
20 no. I'm just -- and I'm agreeing. I just needed work --
21 I'm just working it through my head with an extra word,
22 Matt, and yeah, that should work.

23 CHMN STAFFORD: All right. The amendment
24 has been moved and seconded. Further discussion?

25 Member Comstock?

1 MEMBER COMSTOCK: No, sir. I was just
2 getting ready to vote.

3 CHMN STAFFORD: Okay. All right. All in
4 favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed.

7 MEMBER KRYDER: Nay.

8 MEMBER MERCER: No.

9 CHMN STAFFORD: Wait. I heard ayes and
10 nays when I said "opposed." I heard Member Kryder voted
11 no?

12 MEMBER FONTES: No.

13 MEMBER MERCER: I voted no.

14 MEMBER KRYDER: That is correct.

15 CHMN STAFFORD: And Member Mercer voted no.

16 Were there any other no votes?

17 MEMBER FONTES: Member Fontes.

18 CHMN STAFFORD: Well, let's do a roll call
19 vote, then, because I'm not -- the voice vote only works
20 if it's unanimous, typically, or there's one dissenting
21 vote. There's enough here I think we need to do it on a
22 roll call basis.

23 So we're voting on the amendment to
24 Condition 1. Member Kryder.

25 MEMBER KRYDER: Nay.

1 CHMN STAFFORD: Member Mercer.
2 MEMBER MERCER: Nay.
3 CHMN STAFFORD: Member Comstock.
4 MEMBER COMSTOCK: Aye.
5 CHMN STAFFORD: Member Fant.
6 MEMBER FANT: Aye.
7 CHMN STAFFORD: Member Hill.
8 MEMBER HILL: Nay.
9 CHMN STAFFORD: Member French.
10 MEMBER FRENCH: Aye.
11 CHMN STAFFORD: Member Fontes.
12 MEMBER FONTES: Nay.
13 CHMN STAFFORD: Member Drago.
14 MEMBER DRAGO: Aye.
15 CHMN STAFFORD: Member DiCiccio.
16 MEMBER DICICCIO: Aye.
17 CHMN STAFFORD: It comes down to me. This
18 is the first time that I've had to break a tie. Or
19 actually it wouldn't break a tie. It would be --
20 MEMBER KRYDER: Make a tie.
21 CHMN STAFFORD: I'll vote aye and then it
22 will be approved.
23 So the amendment passes 6 to 4.
24 MEMBER KRYDER: Okay.
25 CHMN STAFFORD: I don't think it really

1 imposes much a condition. It just more states a fact.

2 MEMBER DICICCIO: Yeah.

3 CHMN STAFFORD: All right. So can I get a
4 motion to adopt Condition 1 as amended?

5 MEMBER FANT: So moved.

6 MEMBER DICICCIO: Motion to approve. Oh,
7 sorry. Go ahead.

8 CHMN STAFFORD: So motion was from Member
9 Fant, seconded by Member DiCiccio.

10 Further discussion?

11 MEMBER DICICCIO: Yes.

12 MEMBER KRYDER: Yes, Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Kryder.

14 MEMBER KRYDER: This is a technical
15 question I guess directed to you, Mr. Chairman. Is it
16 within the purview of this committee to give this sort of
17 direction to the applicant?

18 CHMN STAFFORD: Yes, because it only
19 concerns the transmission line. And it's not really
20 direction. It kind of states a fact. It's not because
21 there's no way they're going to build 24 miles of
22 transmission line to nowhere. It's just not going to
23 happen.

24 MEMBER KRYDER: Okay. It seems like -- and
25 I haven't, you know, like all of us, we kind of got this

1 and have to take a decision. I really feel for the
2 applicant who had to take a quick decision here in three
3 or four minutes as to whether they would approve this or
4 modify it or whatever.

5 But it seems that we're stepping really,
6 really close to the line and in my case, I believe we've
7 stepped at least a foot on the line or across in moving
8 away from the central purpose of this committee.

9 And moving forward giving direction to the
10 committee, that's my concern and that's the reason I
11 voted no on the amendment. And I believe I will vote
12 accordingly on the approval of the modified Condition 1.

13 CHMN STAFFORD: Mr. Derstine.

14 MR. DERSTINE: I mean, I appreciate Member
15 Kryder's comments, and I am -- I think my position would
16 be in line with his. I think my view is that the
17 applicant doesn't necessarily support or welcome the
18 condition, but we can live with it. And if the committee
19 has voted in favor of it, then we'll abide by the
20 condition.

21 MEMBER HILL: Mr. Chair.

22 CHMN STAFFORD: Member Hill.

23 MEMBER HILL: I want to explain my vote as
24 well.

25 I think that Member DiCiccio yesterday made

1 a really good point about the importance of both the
2 community and the applicant experiencing some pressure to
3 work together and to coordinate and identify how best to
4 move a project forward. And I feel like we are upsetting
5 the balance of that process around the wind facility
6 which isn't our jurisdiction by injecting this language,
7 frankly.

8 And so that -- to Member Kryder's point, I
9 realize that, you know, it makes no financial sense to
10 extend this line if the wind facility isn't built. But I
11 do feel like in fairness to the applicant and the
12 community and creating pressure to develop something that
13 works for everybody, we've undermined that conversation
14 in the wind facility. And so that's why I voted no and
15 I'll be voting no to the amendment to the document.

16 MEMBER DICICCIO: Mr. Chair.

17 CHMN STAFFORD: Yes, Member DiCiccio.

18 MEMBER DICICCIO: It's a logical change or
19 amendment. It just basically memorializes what they said
20 in the committee, I mean, if there's no wind farm. And
21 this is just about the transmission line anyway, so they
22 just won't build the transmission line. I think it's
23 pretty simple. I don't think it's very complicated.
24 It's 100 percent within our purview because we deal with
25 the transmission line. So I'm just putting into the

1 amendment what they've already agreed to. And I made
2 some change at the end as well. So I'll be voting yes.

3 MEMBER MERCER: Mr. Chairman.

4 CHMN STAFFORD: Member Mercer.

5 MEMBER MERCER: In the same line of Member
6 Hill, to me it's like as a matter of fact, is that old
7 saying, what comes first, the chicken or the egg? It's
8 obvious that they will not build this line unless they
9 have approval for the wind farm.

10 So I don't think the applicant needs this
11 language as a condition for them to do it. I mean,
12 they're going to do it or not. I mean, based on their
13 being approved for the project, either project.

14 And like Member Hill said, this is beyond
15 our control or our purview of what this Commission is
16 supposed to do. We cannot ask the applicants to have
17 this condition because it's obvious that they will not
18 build it if they're not approved. And I am voting no on
19 the amendment.

20 CHMN STAFFORD: The amendment's already
21 passed. I guess the next step is to adopt --

22 MEMBER MERCER: Adopt --

23 CHMN STAFFORD: -- Condition 1 as amended.

24 Has that been moved? Has condition as
25 amended been moved?

1 MEMBER DICICCIO: Motion to move.

2 CHMN STAFFORD: I think Member DiCiccio
3 did. And who was the second? Was it Member Fant? You
4 didn't second one that's amended? He's shaking his head.

5 MEMBER COMSTOCK: I'll second it.
6 Mr. Chairman, I'll second it.

7 CHMN STAFFORD: All right. Thank you,
8 Member Comstock.

9 Further discussion?

10 I think this amendment doesn't materially
11 change anything. It just states a fact that the
12 applicant has admitted. I think for Member DiCiccio
13 to -- for him to vote, I guess, yes on the certificate
14 he'd require this condition.

15 MEMBER KRYDER: Mr. Chairman.

16 CHMN STAFFORD: Right. Hang on a second.
17 Yes, Member DiCiccio?

18 MEMBER DICICCIO: What's up? I'm sorry.

19 CHMN STAFFORD: The point of this amendment
20 to Condition 1 is to give you -- to make you comfortable
21 with voting for the certificate as a whole, is it not? I
22 mean, if --

23 MEMBER DICICCIO: No, it's not. No, I
24 won't be supporting it. I support the condition.
25 Likewise for the same reason I supported all the other

1 conditions, with the exception of Number 23.

2 CHMN STAFFORD: Okay. So even with this
3 adoption of this amended condition, you're not still not
4 going to support the certificate?

5 MEMBER DICICCIO: No, sir. And the reason
6 why is I have other reasons why I'm not supporting the
7 certificate which I'll outline before the vote. But I
8 want to make sure that if it does pass, which I believe
9 it would, that it's got enough things in it that makes it
10 more viable for the Commission.

11 MEMBER KRYDER: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: There's a basic principle
14 that I learned in writing contracts that the fewer the
15 words, well constructed, the better they are interpreted
16 in the future.

17 And if this is, in fact, this amendment as
18 it's stated is as you said a statement of fact and as
19 Member Mercer said, it is illogical for the applicant to
20 build 28 of the 30 miles or back of the envelope, if the
21 wind facility is not approved, and I would certainly
22 agree to that, then my question is are we, as I stated
23 before, stepping across the line of our jurisdiction?

24 Close to it, but maybe not across. But I
25 believe we're adding language that is unnecessary and

1 potentially confusing in the future. And therefore I am
2 opposed to it.

3 CHMN STAFFORD: Thank you, Member Kryder.

4 Now, all right. So we had six yeses and
5 four noes for the amendment.

6 I guess at this point we can either vote
7 the condition as amended or if a person who was in the
8 successful vote for the amendment can request a
9 reconsideration of the amendment.

10 MEMBER KRYDER: Please restate that again
11 so I'm understanding.

12 CHMN STAFFORD: The amendment has passed.
13 So the next step is either someone who voted yes on the
14 amendment can move to reconsider the amendment. Or we'll
15 move forward and vote on the condition as amended.

16 MEMBER KRYDER: Mr. Chairman.

17 CHMN STAFFORD: Yes, Member Kryder.

18 MEMBER KRYDER: I move reconsideration.

19 CHMN STAFFORD: You voted no on the
20 amendment. Someone who voted yes on the amendment has to
21 move that.

22 MEMBER DICICCIO: He can't.

23 CHMN STAFFORD: I'm not seeing or hearing
24 any motion to reconsider from someone on the successful
25 side.

1 Condition 1 as amended has been moved and
2 seconded. We'll do the another roll vote.

3 Member Kryder.

4 MEMBER KRYDER: No.

5 CHMN STAFFORD: Member Mercer.

6 MEMBER MERCER: No.

7 CHMN STAFFORD: Member Comstock.

8 MEMBER COMSTOCK: Aye.

9 CHMN STAFFORD: Member Fant.

10 MEMBER FANT: No.

11 CHMN STAFFORD: Member Hill.

12 MEMBER HILL: No.

13 CHMN STAFFORD: Member French.

14 MEMBER FRENCH: Aye.

15 CHMN STAFFORD: Member Fontes.

16 MEMBER FONTES: No.

17 CHMN STAFFORD: Member Drago.

18 MEMBER DRAGO: Aye.

19 CHMN STAFFORD: Member DiCiccio.

20 MEMBER DICICCIO: Aye.

21 CHMN STAFFORD: That's five to four, nay.

22 Regardless of how -- and I'll vote no, so the condition
23 as amended is not adopted.

24 So I guess now that we have --

25 MEMBER KRYDER: Mr. Chairman.

1 CHMN STAFFORD: I guess we need to have --
2 we amended it but we didn't adopt it, so now we have no
3 Condition 1.

4 MEMBER KRYDER: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: I move to approve
7 Condition 1 in the language that is shown absent the
8 amendment shown in green.

9 CHMN STAFFORD: You mean as it appears on
10 Chairman's Exhibit 1?

11 MEMBER KRYDER: Yes.

12 CHMN STAFFORD: Yes.

13 MEMBER FANT: Second.

14 CHMN STAFFORD: All right. The motion
15 before the committee is to adopt Condition 1 as it
16 appears on Chairman Exhibit 1.

17 Let's do another roll call vote.

18 MEMBER DICICCIO: Mr. Chair.

19 CHMN STAFFORD: Yes, Member DiCiccio.

20 MEMBER DICICCIO: I'm going to support the
21 motion because it's logical and I will do that and, you
22 know, just keep the harmony going as well. And I do
23 appreciate giving me the opportunity to add that in
24 there.

25 But at the same time I think my amendment

1 was very logical, fit in line with the transmission line
2 side of it and the applicant had already agreed to do it.
3 I thought it was fine and it completely was within the
4 purview of our committee to deal with the transmission
5 side of it. But I'm going to be supporting this one just
6 to make sure that this gets in there.

7 CHMN STAFFORD: All right. So with that
8 being said, it is -- the motion has been made by Member
9 Kryder to adopt the original Condition 1 as it appears on
10 Chairman's Hearing Exhibit 1. It was seconded by Member
11 Fant.

12 Further discussion?

13 (No audible response.)

14 CHMN STAFFORD: All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No audible response.)

18 CHMN STAFFORD: Hearing none, Condition 1
19 is -- the original Condition 1 is readopted.

20 All right. Now, before we go on to the
21 Findings of Fact and Conclusions of Law, I think we need
22 to take a brief five- to ten-minute recess. We stand in
23 recess.

24 (Recess from 12:54 p.m. to 1:10 p.m.)

25 CHMN STAFFORD: Let's go back on the

1 record.

2 Unless any members propose to add any
3 additional conditions, we're ready to move on to the
4 Findings of Fact and Conclusions of Law. Hearing none,
5 can I get a motion to adopt Finding of Fact and
6 Conclusion of Law number 1?

7 MEMBER HILL: So moved.

8 MEMBER MERCER: Second.

9 CHMN STAFFORD: Further discussion? Yes.
10 Further discussion?

11 (No audible response.)

12 CHMN STAFFORD: All in favor say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No audible response.)

16 CHMN STAFFORD: Hearing none, Finding of
17 Fact and Conclusion of Law number 1 is adopted.

18 Number 2.

19 MEMBER HILL: I move Finding of Fact and
20 Conclusion of Law number 2.

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: Further discussion?

23 (No audible response.)

24 CHMN STAFFORD: All in favor say "aye."

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 MEMBER FANT: Nay.

3 (No audible response.)

4 CHMN STAFFORD: Did I hear a nay?

5 MEMBER FANT: One.

6 CHMN STAFFORD: Member Fant voted nay.

7 Finding of Fact and Conclusion of Law

8 number 2 is adopted.

9 Number 3.

10 MEMBER KRYDER: Mr. Chairman, I move

11 approval of Finding of Fact and Conclusion of Law

12 number 3.

13 MEMBER HILL: Second.

14 CHMN STAFFORD: Further discussion?

15 (No audible response.)

16 CHMN STAFFORD: All in favor say aye.

17 (A chorus of "ayes.")

18 MEMBER FANT: Nay.

19 CHMN STAFFORD: Member Fant was the lone no

20 vote.

21 Finding of Fact and Conclusion of Law

22 number 3 is adopted.

23 Number 4.

24 MEMBER MERCER: Mr. Chairman, I move

25 Finding of Fact and Conclusion of Law number 4.

1 MEMBER KRYDER: Second.

2 CHMN STAFFORD: Further discussion?

3 (No audible response.)

4 CHMN STAFFORD: All in favor say aye.

5 (A chorus of "ayes.")

6 MEMBER FANT: Nay.

7 CHMN STAFFORD: Opposed?

8 MEMBER FANT: Nay.

9 CHMN STAFFORD: Member Fant is the lone no
10 vote. Finding of Fact and Conclusion of Law number 4 is
11 adopted. Number 5.

12 MEMBER DICICCIO: Mr. Chair.

13 CHMN STAFFORD: Yes, Member DiCiccio, you
14 had a --

15 MEMBER DICICCIO: Oh, just a quick question
16 for Mr. Fant. I totally respect his opinion on things.
17 He's brilliant, actually. Is there a reason I need to be
18 opposed to it too or not? I don't know. If you want to,
19 you don't have to necessarily tell me if it's none of my
20 business. I'm just kind of curious on those.

21 CHMN STAFFORD: Member Fant, would you care
22 to explain your vote?

23 MEMBER FANT: I'm just trying to be
24 consistent.

25 MEMBER DICICCIO: Okay. Like I said, it's

1 none of my business. I just wanted to know.

2 MEMBER FANT: I'm happy to talk. I just
3 try to be consistent. That's all.

4 MEMBER DICICCIO: Okay.

5 CHMN STAFFORD: All right. On to Finding
6 of Fact and Conclusion of Law number 5.

7 MEMBER HILL: I move Finding of Fact and
8 Conclusion of Law Number 5.

9 MEMBER MERCER: Second.

10 CHMN STAFFORD: Further discussion?

11 (No audible response.)

12 CHMN STAFFORD: All in favor say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 MEMBER FANT: Nay.

16 CHMN STAFFORD: Member Fant votes nay.

17 Finding of Fact and Conclusion of Law

18 Number 5 is adopted.

19 Number 6.

20 MEMBER MERCER: Chairman, I move Finding of
21 Fact and Conclusion of Law number 6.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No audible response.)

25 CHMN STAFFORD: All in favor say "aye."

1 (A chorus of "ayes.")

2 MEMBER FANT: I pass.

3 CHMN STAFFORD: Opposed?

4 MEMBER DICICCIO: No.

5 MEMBER FANT: Nay, just make it easy.

6 MEMBER DICICCIO: I'm nay.

7 CHMN STAFFORD: Members DiCiccio and Fant
8 vote no.

9 Finding of Fact and Conclusion of Law
10 number 6 is adopted.

11 Members, was there -- I think we had
12 discussion prior about adding Finding of Fact and
13 Conclusion of Law number 7 stating that the substations
14 are nonjurisdictional. Do we -- I mean it's this stating
15 a fact, it's -- sometimes we include that, sometimes we
16 don't. I think it's pretty clear that they're
17 nonjurisdictional.

18 MEMBER MERCER: It would be redundant.

19 CHMN STAFFORD: Is there a motion? I'm not
20 hearing -- all right. Moving on to Exhibit A. And the
21 proposed Exhibit A for the certificate is hearing
22 Exhibit CG-26. Can I get a motion to adopt that as
23 Exhibit A?

24 MEMBER KRYDER: Mr. Chairman, I move
25 adoption of Exhibit A, Item 26.

1 CHMN STAFFORD: Yes, hearing Exhibit 26.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 MEMBER FRENCH: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member French.

6 MEMBER FRENCH: The version that I have
7 that's labeled as CG-26, I'm assuming the orange squares
8 that are numbered 1 through 4 are depicting the
9 substations.

10 CHMN STAFFORD: Yes.

11 MEMBER FRENCH: But there is nothing on the
12 map that indicates what those are. So if he could add
13 that into the legend I think that would be descriptive.

14 CHMN STAFFORD: Yes, I think there's a few
15 changes that need to be made. So the first one could be
16 to add the substations to the legend.

17 The second would be in the legend it says,
18 it has the blue squiggle as the Little Colorado River.
19 But it's also Coyote Creek.

20 MEMBER KRYDER: No. Coyote Creek is off to
21 the right.

22 CHMN STAFFORD: Right. So that would be --
23 the legend should be changed so it doesn't say -- it
24 should say river or something. Because it's going to --
25 it represents the river and the creek so it wouldn't just

1 be Little Colorado River.

2 MEMBER KRYDER: Do these changes need to be
3 memorialized?

4 CHMN STAFFORD: Yeah, we're just kind of
5 talking through what we need to do, and then we'll make
6 the motion to make the changes to the exhibit.

7 So I'm looking to the applicant. What
8 would be the most accurate way to caption the legend
9 instead of Little Colorado River? Would it be river --
10 because the actual Little Colorado River and Coyote Creek
11 are labeled on the map themselves. So I'm just curious
12 what term should be used. Should it be river, creek,
13 water feature?

14 MEMBER HILL: River or creek.

15 MEMBER FANT: Little Colorado is called
16 river. I think it's recognized.

17 CHMN STAFFORD: We can't hear you, Member
18 Fant. You've got to speak into the microphone.

19 MEMBER FANT: I think the Little Colorado
20 is recognized as a river. Titled river.

21 CHMN STAFFORD: So should the caption just
22 say river or -- and/or river or creek?

23 MEMBER FANT: Yes.

24 CHMN STAFFORD: Then we have -- so the only
25 other transmission lines that are on the map are the ones

1 coming out of the Springerville Substation. They're all
2 345kV; correct? Looking at the applicant to confirm
3 that.

4 MR. DERSTINE: Yes, based on the
5 transmission study maps we saw that they are -- the
6 facilities shown are all 345kV.

7 CHMN STAFFORD: And then they are all
8 labeled, you have one labeled as TEP and SRP. 4 is just
9 TEP and then one is El Paso.

10 MR. DERSTINE: That's our best information.
11 That's correct.

12 CHMN STAFFORD: All right. So we need
13 changes to that.

14 So any other changes we think we need to
15 make to Exhibit A? Looking to Member Fontes. Member
16 Fontes?

17 MEMBER FONTES: I am good, Mr. Chairman. I
18 usually have some fine tuning points but in this version,
19 I think I'm good.

20 CHMN STAFFORD: Excellent. So the corridor
21 is the same width until you get to the inset where it
22 shows the wider corridor around the Springerville
23 Substation.

24 MR. DERSTINE: You also have the callout of
25 the inset box for the wider corridor around project

1 Substation Number 2.

2 CHMN STAFFORD: Okay. Well, that's in the
3 lower inset. Okay. So that captures all the different
4 widths of the corridor? Yes.

5 CHMN STAFFORD: Okay. All right. So we
6 have moved to adopt Hearing Exhibit CG-26 as Exhibit AK.
7 Can I get a motion to amend it to make the changes we
8 have just discussed?

9 MEMBER HILL: So moved.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: So to clarify, the motion
12 is to amend Exhibit A to add the substations for the
13 project to the legend and to change the legend where it
14 says Little Colorado River to say instead river or creek.
15 That is the amendment.

16 Further discussion?

17 (No audible response.)

18 CHMN STAFFORD: All in favor say "aye."

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No audible response.)

22 CHMN STAFFORD: Hearing none, the amendment
23 to Exhibit A is adopted.

24 Can I get a motion to adopt Exhibit A as
25 amended?

1 MEMBER HILL: So moved.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Who was the second? Member
4 Mercer. All right.

5 Further discussion?

6 (No audible response.)

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 MEMBER FANT: Aye. Sorry.

10 CHMN STAFFORD: Opposed?

11 MEMBER DICICCIO: No.

12 CHMN STAFFORD: Hearing none. Wait. Is
13 that DiCiccio?

14 MEMBER DICICCIO: Yes, sir.

15 CHMN STAFFORD: All right. One -- Member
16 DiCiccio is the lone no vote.

17 Exhibit A as amended is adopted.

18 Can I get a motion to consider hearing
19 Exhibit CG-27 as -- to adopt as Exhibit B to the
20 certificate.

21 MEMBER HILL: So moved.

22 MEMBER FANT: Second.

23 CHMN STAFFORD: Further discussion?

24 MEMBER HILL: Mr. Chair, I believe that we
25 need to add something and unfortunately the bullets

1 aren't numbered, but it is the last bullet at least.
2 Regarding the Game and Fish notice on construction
3 schedule. And I'd like to hear from Member Comstock on
4 what that date should be or what would meet the needs of
5 those -- of that interest group.

6 CHMN STAFFORD: Member Comstock.

7 MEMBER COMSTOCK: If the intent is to
8 memorialize the date of the meeting with Arizona Game and
9 Fish, I thought we agreed to January of each calendar
10 year; is that correct?

11 MR. PATTON: Yes, sir.

12 MEMBER COMSTOCK: Ms. Hill, does that help?

13 MEMBER HILL: Yeah, that's great. I just
14 don't know all the time lines. And any time in January
15 is good for you?

16 CHMN STAFFORD: And so just for
17 clarification, Exhibit B, the parts that are stricken
18 through, they will not appear on the Exhibit B as it is
19 attached to the certificate. Those will be removed.

20 And then, Member Comstock, were you going
21 to make a motion to amend the last bullet?

22 MEMBER COMSTOCK: Yes, Mr. Chairman. I
23 make that motion. And I would encourage us to add the
24 words "Notify AGFD at or on January of each calendar year
25 of the anticipated construction schedule."

1 CHMN STAFFORD: I believe the applicant's
2 got some suggested language up on the screen.

3 MEMBER COMSTOCK: Even better.

4 CHMN STAFFORD: So is your amendment to add
5 to the last bullet on page 3 of CG-27, Exhibit B, a
6 sentence to read: "By January 15th of each year of
7 construction, the applicant will meet with AGFD to
8 provide information on construction schedule as known and
9 as it relates to applicable hunting seasons."

10 MEMBER COMSTOCK: If I may have just a
11 moment, Chairman.

12 CHMN STAFFORD: All right.

13 MEMBER COMSTOCK: I believe that provides
14 adequate time. Thank you.

15 CHMN STAFFORD: All right.

16 MEMBER HILL: With that motion I'll second
17 that.

18 CHMN STAFFORD: Further discussion?

19 (No audible response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No audible response.)

24 CHMN STAFFORD: Hearing none, the amendment
25 is adopted.

1 One other thing for clarification. It has
2 the numbers on the last section, it says from AGFD. Do
3 we want to --

4 MEMBER HILL: Mr. Chair.

5 CHMN STAFFORD: Yes, Member Hill.

6 MEMBER HILL: Can I propose an amendment to
7 strike the headings "Additional Measures" from Exhibit D,
8 "Other," and from AGFD request to add "By Committee" just
9 because I think it should just be a list of measures.

10 CHMN STAFFORD: Right, with no numbers and
11 no headings.

12 MEMBER HILL: With no numbers and no
13 headings. That's right.

14 CHMN STAFFORD: All right.

15 MEMBER HILL: I'll make that motion.

16 MEMBER KRYDER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No audible response.)

19 CHMN STAFFORD: All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No audible response.)

23 CHMN STAFFORD: Hearing none, the amendment
24 is adopted.

25 Can I get a motion to adopt Exhibit B?

1 MEMBER HILL: So moved as amended.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No audible response.)

5 CHMN STAFFORD: All in favor say "aye."

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No audible response.)

9 CHMN STAFFORD: Hearing none, Exhibit B as
10 adopted is amended.

11 All right. We are now ready to vote on the
12 certificate as a whole.

13 MR. DERSTINE: Mr. Chairman, there was an
14 A-1 which was the route description.

15 CHMN STAFFORD: Oh, yes. And that is --
16 that one is the A-1 that's attached to hearing
17 Exhibit CG-8; correct?

18 MR. DERSTINE: That's correct.

19 MEMBER KRYDER: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Kryder.

21 MEMBER KRYDER: I move that we accept
22 Exhibit A-1 as shown as a part of -- help me with the
23 language here.

24 CHMN STAFFORD: Hearing Exhibit CG-8.

25 MEMBER KRYDER: Thank you. That's exactly

1 what I had.

2 CHMN STAFFORD: That's what they've pulled
3 up on the screen in front of us.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 MEMBER HILL: I'd like just a second to
7 review this. I haven't reviewed it. So just give me a
8 moment.

9 CHMN STAFFORD: Certainly.

10 MEMBER DICICCIO: For clarification what
11 are we reviewing right now, if I could ask?

12 CHMN STAFFORD: The Exhibit A, which is a
13 narrative of what appears -- it's Exhibit A-1, it's a
14 narrative of what the route is as the route appears on
15 Exhibit A, which is the map.

16 MEMBER DICICCIO: Great. I got it. Thank
17 you.

18 CHMN STAFFORD: And it is found in Hearing
19 Exhibit CG-8.

20 MEMBER HILL: Great.

21 CHMN STAFFORD: I believe Exhibit A-1 has
22 been moved and seconded.

23 Further discussion?

24 (No audible response.)

25 CHMN STAFFORD: All in favor say "aye."

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 MEMBER DICICCIO: Nay.

4 CHMN STAFFORD: Opposed? Hearing none --

5 Oh, one nay, Member DiCiccio. Exhibit A-1
6 is adopted.

7 All right. Now we're ready to vote on the
8 CEC as a whole.

9 Can I get a motion to adopt the certificate
10 as amended?

11 MEMBER HILL: So moved.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER DICICCIO: Mr. Chair.

15 CHMN STAFFORD: Yes, Member DiCiccio.

16 MEMBER DICICCIO: I keep giving you this
17 upgrade. Good for you. I'd like to explain my vote and
18 where I'm going with this.

19 CHMN STAFFORD: Well, wait. I'm not
20 calling -- I'm not calling the vote yet. This is further
21 discussion on the certificate as amended with the
22 exhibits A, A-1 and B. I will take a roll call vote.

23 MEMBER DICICCIO: Oh, I thought you were
24 voting on the certificate.

25 CHMN STAFFORD: Right. Well, Member Fant,

1 you had a comment or question?

2 MEMBER FANT: Thanks for your hard work,
3 Mr. Stafford and Mr. Derstine.

4 MR. DERSTINE: Thank you.

5 CHMN STAFFORD: All right. The certificate
6 has been moved and seconded.

7 Mr. DiCiccio, how do you vote?

8 MEMBER DICICCIO: Thank you. So do I get
9 an opportunity to explain the vote here on the
10 certificate or --

11 CHMN STAFFORD: Please, you may explain
12 your vote.

13 MEMBER DICICCIO: Okay. Well, thank you
14 for that. So this is a very controversial and
15 complicated project. When you have something that's as
16 controversial and complicated as this is, I believe at
17 least on my end, I have to make sure that it's been
18 properly vetted, not just checks off certain boxes, but
19 make sure that the applicant has done all the right
20 things.

21 I have in all the years that I've done,
22 I've never seen two communities come together opposing a
23 project. That makes it extremely controversial. And I
24 believe, not only do I have an obligation to, you know,
25 protect the city and at the same time work with the

1 applicant, because that's my role on the committee, but I
2 also have an obligation to the people that appointed me
3 here.

4 My obligation also goes to them to make
5 sure that I don't send them something that's not
6 completely done. For example, there's a couple things.
7 I don't think and I don't believe that this project is
8 completely -- it's not done, and it's -- it hasn't been
9 put together correctly.

10 For example, the two things together, when
11 we heard yesterday on the Staff letter of October 14th,
12 the Staff letter that went out, we heard things like I
13 believe, this is what I think Staff wants us to do.

14 I didn't hear anyone say I picked up the
15 phone and called Corporation Commission and know exactly
16 what it is that they want me to do. I didn't hear that.

17 What I heard was another guess. This is a
18 project that's built on a hope and prayer that it's
19 getting done. And I don't want to send anything forward
20 to the individuals that are appointing me here unless
21 there's more that are properly vetted on this.

22 The county. The county came out and said
23 you need to present a comprehensive package. That's all
24 they told them. When you go, and any city that I've ever
25 worked with, you always give an indication of whether or

1 not they're going to be supportive of you.

2 That is not a support. That's usually
3 saying we really don't like your project, but whatever
4 you got to do, make sure it's completely comprehensive.
5 Okay?

6 The Staff letter, again, as I mentioned,
7 they could have picked up the phone and found out, but
8 instead, everything was a guess.

9 The TEP, not to tie in, that they
10 weren't -- you know, that they were told that they were
11 clearly not going to be allowed to tie in. Another hope
12 and a prayer. There's nothing that was substantive that
13 was delivered to us that we should be able to move
14 forward.

15 So I'm going to be opposing this for many
16 reasons, but just that it's just not complete. They may
17 have checked off some boxes, but look at the engagement
18 part of it. They came out yesterday, they said they went
19 out and had these meetings. They were talking to people,
20 not with people. There's a huge difference there.

21 And they had plenty of time to start
22 engaging individuals and talking to those individuals and
23 meeting with them and seeing what they needed to do to
24 appease them. All they felt like, all I have to do is go
25 out there and hold a hearing.

1 No. When you have something this
2 controversial that's going to move forward to the
3 Corporation Commission, the people that appointed me
4 here, you've got to be a lot more thorough if it's going
5 to be that controversial. So I'm going to be voting no
6 on this, Mr. Chair.

7 CHMN STAFFORD: Thank you, Member DiCiccio.
8 Member Drago.

9 MEMBER DRAGO: Aye.

10 CHMN STAFFORD: Member Fontes.

11 MEMBER FONTES: Mr. Chairman, I believe
12 this project, the proposed 345kV, meets minimum statute
13 criteria. I am applauding the applicant for their
14 acceptance of continued engagement. I will underscore
15 what Member DiCiccio said and state that it could have
16 been done better.

17 I do appreciate the final design review
18 preconstruction engagement. And then, finally, I want to
19 comment that I recognize that we do not have jurisdiction
20 over the generation. I do represent the counties. I
21 look to the county to make that determination, and with
22 that I vote aye.

23 CHMN STAFFORD: Member French.

24 MEMBER FRENCH: I vote aye.

25 CHMN STAFFORD: Member Kryder.

1 MEMBER KRYDER: Yes.

2 CHMN STAFFORD: Member Mercer.

3 MEMBER MERCER: Thank you, Chairman. I
4 want to take a moment to acknowledge everyone who took
5 the time to come forward and share their comments during
6 the public calling.

7 I understand how deeply many of the people
8 who spoke care about their community, their land, and the
9 natural beauty of this area. I heard the concerns about
10 the visual impact of the wind turbines, about birds and
11 bats getting killed and all the other things that we
12 heard. I share many of those same personal concerns.

13 However, as a member of the Arizona Power
14 Plant and Transmission Line Siting Committee, my
15 responsibility is not to decide based on personal opinion
16 or aesthetics. But to determine whether the applicant
17 has met the requirements set forth under the Arizona law
18 specifically under ARS 40-360 and related provisions.

19 The committee's role is limited to
20 reviewing evidence and testimony to ensure that the
21 applicant has done its due diligence regarding
22 environmental, cultural, biological, historical, and
23 recreational impacts and that all the statutory
24 requirements had been properly addressed.

25 Based on the records presented in this

1 proceeding, including agency reports, expert testimony,
2 and cross-examinations, it appears that the applicant has
3 met those procedural and evidentiary obligations.

4 For that reason and consistent with my oath
5 to follow the law and the evidence presented, I will be
6 voting yes to recommend granting the certificate of
7 environmental compatibility.

8 This does not mean I dismiss or ignore the
9 concerns raised by the public. In fact, I encourage
10 continued engagement as the Arizona Corporation
11 Commission, which has the final authority on this matter,
12 considers whether to approve or modify this project.
13 Public participation is vital in shaping how Arizona
14 approaches renewable energy development, responsibly and
15 sustainably.

16 I thank you everyone for their involvement,
17 their civility and their passion for their communities.
18 And I also want to thank the applicant for their due
19 diligence in preparing for this hearing and making extra
20 accommodations for the several items that came up and
21 their commitment to do the right thing. And with that I
22 vote yes.

23 CHMN STAFFORD: Well said, Member Mercer.
24 Thank you.

25 MEMBER MERCER: Thank you.

1 Member Comstock.

2 MEMBER COMSTOCK: Mr. Chairman, if I may I
3 would encourage the members and people of Eagar and
4 Springerville and those interested in this to continue
5 your efforts as this goes before the Corporation
6 Commission.

7 To the applicant, I think you've met the
8 standards that are put in front of us to judge whether
9 you've done your due diligence to build the project. I
10 think you've done that.

11 But I have to say openly I think you've got
12 a lot of hurdles to get over in terms of validating the
13 entire project.

14 So with that I'll vote yes, Mr. Chairman.

15 CHMN STAFFORD: Thank you.

16 Member Fant.

17 MEMBER FANT: I got too much food in front
18 of me.

19 First, thanks everyone who took the time to
20 be involved in this process. I'll explain my vote first.

21 CHMN STAFFORD: You may.

22 MEMBER FANT: Thank you, sir, I guess I
23 should ask that.

24 As you get older, Adam, you start seeing
25 patterns and you start seeing patterns repeating. Back

1 in 1999, 2000, I was the EHS attorney for Mobil Oil and
2 we had problems with the Navaho Nation at their oil
3 fields, for those of you who don't know it, in the far
4 northeastern corner of Arizona, in southeastern Utah up
5 by the Aneth -- up by Aneth, Utah. Arizona. Both.

6 But anyway, they appointed me EHS manager
7 and said, you know, go do what you can. And I went up
8 there and spent time with the Aneth chapter and the White
9 Hills chapter and the Red Mesa chapters up there up there
10 in the farther northeastern corner of the Navaho Nation,
11 and what I discovered was two things.

12 I discovered that the Navaho Nation as it
13 functions tends to spend more time and effort on the
14 tribal chapters that are around Window Rock, and the
15 tribal chapters out on the fringe of the nation wouldn't
16 get the attention or time. And that's the pattern I saw
17 when I walked in here.

18 I appreciate encouraging the folks who
19 commented to participate in this process, but it's hard
20 to find how to inject yourself effectively. But I see
21 the same issue here for the folks who are here and who
22 are here currently from Round Valley area, Eagar, Vernon,
23 Springerville, and actually South Fork and Grier.

24 As I say, I was shocked by the people that
25 turned out on Monday night. That was the who's who of

1 the White Mountains. They brought a lot of people which
2 tells me they care. And also tells me they have the same
3 issues that the Aneth, White Hills and Red Mesa chapters
4 had. And their views are not being heard.

5 So I would suggest those views be heard.
6 And look more at the impacts on the Springerville
7 volcanic field and on the soils of the field.

8 I think they should take a look at what
9 Professor Kerr said about the antelope migrations. The
10 Big Lake herd of antelope, do they come down this way, do
11 they go east, do they go north, do they go south, do they
12 go west? The project may have no impact on the antelope
13 at all, but they might be sitting right in their fawning
14 ground, too. I don't know. We don't know.

15 And I think there should be some input from
16 folks like Greens Peak Hideaway who feel similar to the
17 Aneth chapter back 25 years ago, that they're not being
18 heard.

19 So I think that's -- that those issues,
20 around those issues we should take the time to hear what
21 the folks have to say who live here. And value this very
22 beautiful area. So I vote no.

23 CHMN STAFFORD: Member Hill.

24 MEMBER HILL: Thanks, Mr. Chair.

25 I think there are many factors that we use

1 in evaluating these transmission projects. Most of them
2 are statutory.

3 I think the fish and wildlife impacts have
4 been limited with our mitigation measures.

5 I think the transmission project has been
6 well sited and the applicant has made efforts to adjust
7 the corridor to reduce visual impacts and support cattle
8 operations.

9 I think the transmission line is
10 technically sound subject to the completion of the
11 cluster study and the upgrades the applicant has made
12 commitments to do for the interconnection.

13 I also want to acknowledge that the state
14 has some real challenges in the process by which we
15 permit this stuff. Our jurisdiction is transmission.
16 Generation is often a local government. The timing of
17 those don't always sync up.

18 We don't always have the same amount of
19 information depending on permitting time lines. And I
20 think it unfortunate that there isn't one place where we
21 can have all of these conversations and provide for
22 mitigation of the totality of the generation and
23 transmission projects.

24 I also think it's an interesting time in
25 this country. Our president and our government have both

1 issued executive orders saying we need more energy. And
2 that's probably the only thing that they agree on.

3 I think this project can be responsibly
4 built. The transmission is appropriately sited. And for
5 that reason I'm voting yes to support the CEC.

6 But I want to urge the stakeholders, the
7 applicants, and the county to design this project in a
8 way that works locally and regionally.

9 CHMN STAFFORD: Thank you.

10 And I vote aye.

11 This is -- the matter before this committee
12 is just the transmission line. We don't have
13 jurisdiction over the solar, storage, or wind facilities.
14 I appreciate the community's opposition to the solar --
15 to the wind facility primarily. I thank them for coming
16 out and participating in the process.

17 This I think has been probably the most
18 well-attended hearing that I've seen as chair, and the
19 amount of public comment, the amount of limited
20 appearances, I don't think I've ever seen this many
21 limited appearances in any docket. And I thank them for
22 their participation in this matter.

23 But the matter before this committee is
24 narrow in scope, and that is the transmission line. And
25 the applicant has met their burden under the statute to

1 show that the transmission line is compatible.

2 With that I vote aye. By a vote of eight
3 ayes and two nays, the certificate is approved.

4 Can I get a motion to allow the chair to
5 make scrivener -- correct scrivener's errors and
6 grammatical errors, correct those in the final
7 certificate before signing it and filing it with the
8 Commission.

9 MEMBER FANT: So moved.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: All in favor say "aye."

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No audible response.)

15 CHMN STAFFORD: Hearing none, the motion
16 carries.

17 Thank you, Members. Thank you to the
18 applicant. This has been one of the longer hearings
19 we've had. I got to say I think this is the longest, not
20 the longest, but the second longest tour that we've been
21 on.

22 But I think in this case, we couldn't have
23 done this case without a tour. I think we had -- I think
24 that's a very important part of this process to be able
25 to go out there and to really see what's there on the

1 ground. If a picture's worth a thousand words, seeing
2 with your own eyes is probably worth 10,000 words.

3 And I appreciate the passion of the public.
4 I don't think I've seen so many T-shirts and signs united
5 against a project. But, again, the main focus of the
6 opposition was the wind facility. And, again, we do not
7 have jurisdiction over that.

8 So thank everyone, thank the AV team as
9 always for making this possible.

10 Anything further for the good of the order?

11 MEMBER DICICCIO: Thank you, Mr. Chair.

12 CHMN STAFFORD: Thank you. We are
13 adjourned.

14 (Proceedings concluded at 1:46 p.m.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the foregoing pages are a full,
5 true, and accurate record of the proceedings, all done to
6 the best of my skill and ability; that the proceedings
7 were taken down by me in shorthand and thereafter reduced
8 to print under my direction.

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

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

15 Dated at Phoenix, Arizona, October 28, 2025.

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17
18 

19 _____
20 JENNIFER HONN, RPR
21 Arizona Certified Reporter
22 No. 50885

23 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
24 complied with the ethical obligations set forth in
25 ACJA 7-206(J)(1)(

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