

1 BEFORE THE ARIZONA POWER PLANT LS-489  
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 ) L-21365A-25-0198-00250  
THE REQUIREMENTS OF ARIZONA )  
6 REVISED STATUTES §§ 40-360, ET ) LS CASE NO. 250  
SEQ., FOR A CERTIFICATE OF )  
7 ENVIRONMENTAL COMPATIBILITY )  
AUTHORIZING THE CONSTRUCTION OF )  
8 THE LAVA RUN INTERCONNECTION )  
PROJECT, A 345-KILOVOLT (KV) )  
9 ALTERNATING CURRENT GENERATION ) EVIDENTIARY HEARING ON  
TIE TRANSMISSION LINE, WITH ) REMAND  
10 ASSOCIATED INTERCONNECTION )  
FACILITIES, WITHIN APACHE )  
11 COUNTY, ARIZONA. )

12  
13 At: Phoenix, Arizona  
14 Date: February 9, 2026  
15 Filed: February 13, 2026

16 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
17 VOLUME V  
18 (Pages 767 through 972)

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1 VOLUME V February 9, 2026 Pages 767 to 972  
 2 VOLUME VI February 10, 2026 Pages 973 to 1127

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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 Phoenix, Arizona, commencing at 10:00 a.m.  
5 on February 9, 2026.

6

7 BEFORE: ADAM STAFFORD, Chairman

8

9 CLINT CHANDLER, Arizona Department of Water  
Resources  
10 MICHAEL COMSTOCK, Arizona Corporation Commission  
LEONARD C. DRAGO, Department of Environmental  
Quality  
11 SAL DiCICCIO, Incorporated Cities and Towns  
DOUGLAS FANT, General Public  
12 ROMAN FONTES, Counties  
(Videoconference appearance.)  
13 NICOLE HILL, Governor's Office of Energy Policy  
R. DAVID KRYDER, Agriculture Interests  
14 MARGARET "TOBY" LITTLE, General Public  
GABRIELA SAUCEDO MERCER, General Public  
15

16 APPEARANCES:

17 For the Applicant:

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21 For the Intervenor Apache County:

22 Christopher Resare  
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St. Johns, Arizona 85936  
24

25 //

1 APPEARANCES (Continued):

2 For the Intervenor Michael Anable:

3 Michael Anable  
4 10201 North 39th Street  
5 Phoenix, Arizona 85028

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1 CHMN STAFFORD: Let's go on the record.  
2 Now is the time set for the remand hearing on the  
3 application of CG Apache County Wind, LLC, and CG Apache  
4 County Solar, LLC, for a Certificate of Environmental  
5 Compatibility, Docket Numbers L-21364A-25-0198-00250 and  
6 L-21365A-25-0198-00250, or Line Siting Case 250.

7 Pursuant to notice given, as provided by  
8 law, the committee held public hearings on the  
9 application from October 20th through October 23rd, 2025,  
10 in Pinetop, Arizona, in conformance with the requirements  
11 of Arizona Revised Statutes 40-360, et sequitur.

12 The committee considered the application,  
13 the testimony, and exhibits presented by the applicants,  
14 the five limited appearance statements, and the comments  
15 of the public. The committee weighed the evidence in the  
16 record in light of the factors in ARS 40-360.06 and voted  
17 8 to 2 to grant the CEC for the project.

18 In Decision Number 81582, the Commission  
19 remanded this matter back to the committee for additional  
20 public, county, and municipal input into the record.

21 The remand to the committee is not de novo,  
22 meaning the applicants do not have to re-present their  
23 evidence. The scope of today's hearing is limited to the  
24 taking and consideration of additional evidence on county  
25 and municipal land use plans, concerns, and impacts in

1 Apache County related to the project. To be clear, the  
2 project that is the subject of today's hearing is the  
3 transmission line only.

4 The committee and the Commission do not  
5 have jurisdiction over the wind, solar, and storage  
6 facilities. Let's take roll call of the members.

7 Member Drago?

8 MEMBER DRAGO: Present.

9 CHMN STAFFORD: Member Hill?

10 MEMBER HILL: Present.

11 CHMN STAFFORD: Member Comstock?

12 MEMBER COMSTOCK: Present.

13 CHMN STAFFORD: Member Little?

14 MEMBER LITTLE: Present.

15 CHMN STAFFORD: Member DiCiccio?

16 MEMBER DiCICCIO: Here.

17 CHMN STAFFORD: Member Mercer?

18 MEMBER MERCER: Present.

19 CHMN STAFFORD: Member Kryder?

20 MEMBER KRYDER: Here.

21 CHMN STAFFORD: And I would like to welcome  
22 our newest member, Member Chandler.

23 MEMBER CHANDLER: Present. Thank you,  
24 Mr. Chairman.

25 CHMN STAFFORD: Let's take appearances of

1 the parties and potential parties, starting with the  
2 applicant.

3 Mr. Derstine.

4 MR. DERSTINE: Good morning, Mr. Chairman,  
5 Members of the Committee, Matt Derstine appearing on  
6 behalf of the Applicant, CG Apache County Wind and  
7 CG Apache County Solar, LLC.

8 CHMN STAFFORD: And Mr. Anable?

9 MR. ANABLE: Yes, sir.

10 CHMN STAFFORD: Do you have a microphone?

11 MR. ANABLE: I don't, but I do now.

12 Hello?

13 Hello?

14 CHMN STAFFORD: There you go.

15 And you are representing yourself?

16 MR. ANABLE: Yes, sir.

17 CHMN STAFFORD: And you've requested  
18 intervention in this matter?

19 MR. ANABLE: Yes, sir.

20 CHMN STAFFORD: And from Apache County?

21 MR. RESARE: Thank you, Mr. Chairman. I'm  
22 Chris Resare for Apache County.

23 MEMBER KRYDER: I'm sorry, I'm not catching  
24 you. Can you put that on again, please.

25 MR. RESARE: Chris Resare with Apache

1 County.

2 MEMBER KRYDER: Thank you, sir.

3 CHMN STAFFORD: And the County also wishes  
4 to become a party to this matter?

5 MR. RESARE: Yes, Mr. Chairman.

6 CHMN STAFFORD: All right. Now, Members,  
7 we will vote on whether to allow Mr. Anable and Apache  
8 County to participate as parties.

9 Do I need to do a roll call vote or can I  
10 get the motion?

11 MEMBER LITTLE: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Little.

13 You need to get close to the microphone, I  
14 don't think the court reporter can hear you.

15 MEMBER LITTLE: As you and others know, I  
16 was not able to attend the original hearing for this  
17 matter.

18 MEMBER KRYDER: Toby, I can't hear you.

19 MEMBER LITTLE: Is that better?

20 MEMBER KRYDER: No.

21 MEMBER LITTLE: It says it's on. Says it's  
22 off. It's on.

23 THE REPORTER: That was better. That was  
24 better.

25 MEMBER LITTLE: However, I read the entire

1 transcript, which was no mean feat, believe me, and I  
2 reviewed all the filings in the docket.

3           Though it would appear that the applicant  
4 has met the letter of the law for the gen-tie, there have  
5 been a number of questions raised by the public and  
6 others that I would like to give the applicant the  
7 opportunity to respond to.

8           And, in addition, the FAA approval has  
9 expired, it's my understanding. I think we owe it to the  
10 citizens of Arizona to investigate the issues fully, and  
11 that includes allowing the public to participate fully.

12           I move that we allow Mr. Anable to be a  
13 participant --

14           MEMBER DiCICCIO: Second.

15           MEMBER LITTLE: -- and party to.

16           CHMN STAFFORD: Further discussion?

17           (No response.)

18           CHMN STAFFORD: All in favor say aye.

19           (A chorus of "ayes.")

20           CHMN STAFFORD: Opposed?

21           (No response.)

22           CHMN STAFFORD: Hearing none, Mr. Anable is  
23 made a party.

24           Can I get a motion to make Apache County a  
25 party to the case?

1 MEMBER HILL: So moved.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Apache County  
10 is also made a party to the case.

11 MEMBER MERCER: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Mercer.

13 MEMBER MERCER: Member Fant just joined us.

14 CHMN STAFFORD: Oh, yes. Welcome, Member  
15 Fant.

16 Welcome, Member Fant.

17 MEMBER FANT: Present.

18 CHMN STAFFORD: All right. Now, we also  
19 have five additional limited appearance statements.  
20 We'll mark those as, the one from Linda Weiland will be  
21 marked as Exhibit LW-2. The appearance from Monica  
22 Boehning will be marked as Exhibit MB-2. The limited  
23 appearance from the Town of Springerville will be marked  
24 as Exhibit TS-1. The Town of Eagar's limited appearance  
25 statement will be marked as Exhibit TE-2. And then the

1 statement from Apache Natural Resource Conservation  
2 District will be marked as Exhibit ANRC-1.

3 Now, the committee will now take additional  
4 public comment on the application. Each commenter will  
5 have three minutes. This matter was remanded to the  
6 committee for additional public, county, and municipal  
7 input.

8 Accordingly, we will take only comment from  
9 persons who have not previously made public comment on  
10 this matter before the committee. This is not an  
11 opportunity for the public to ask questions of the  
12 committee or the applicant. It is the time for the  
13 public to voice their concerns and have them become part  
14 of the record.

15 I remind everyone that the ex parte rules  
16 are in effect. The members cannot discuss the merits of  
17 the case with the public or parties off the record.  
18 However, the public may ask and the applicant may answer  
19 questions from the public off the record.

20 We'll begin taking public comment from the  
21 people in the room. Up first we have Mark Cardenas.

22 MR. CARDENAS: Chairman Stafford, Honorable  
23 Members of the Line Siting Committee, thank you for the  
24 opportunity to speak today. Mark Cardenas here  
25 representing the Western States Carpenters.

1           This project represents exactly the kind of  
2 responsible energy development Arizona needs. It  
3 delivers reliable, affordable power, while creating  
4 good-paying construction jobs and long-term maintenance  
5 positions in Apache County, in an area that needs  
6 economic opportunity, not barriers to investment. And  
7 for our tribal communities in the county, which continue  
8 to face unacceptably high unemployment, projects like  
9 this create real pathways to work, skilled construction  
10 jobs, operations careers, contracting opportunities that  
11 allow tribal members to stay, work, and build futures in  
12 their own community.

13           In addition to that, we also represent --  
14 we're now speaking on behalf of one of those tribes. We  
15 do represent one of the tribes that's in the county, and  
16 we have some experience in that area with their needs and  
17 trying to solve some of those problems in that tribe.

18           Just as important, this project is smart  
19 for Arizona's water future. Wind and solar use almost no  
20 water, protecting scarce resources for ranchers, farmers,  
21 and residents, particularly critical in northeastern  
22 Arizona. It's proven this project strengthens energy  
23 reliability, diversifies our grid, and keeps electricity  
24 affordable for families and businesses across the state.

25           It also ensures that Apache County remains

1 competitive rather than watching jobs and investment and  
2 people move elsewhere. This is a chance to support local  
3 workers, tribal communities, and Arizona's long-term  
4 energy security, and I respectfully urge your approval.

5 Thank you.

6 CHMN STAFFORD: Thank you.

7 Up next we have Cesar Corral.

8 MR. CORRAL: Good morning, Chairman  
9 Stafford, Members of the Committee. Thank you for the  
10 opportunity to speak today.

11 My name is Cesar Corral, and I'm here  
12 representing thousands of skilled construction workers to  
13 speak in support of the Lava Interconnection Project and  
14 the important role it can play for Apache County and  
15 Arizona's energy future.

16 This project represents real economic  
17 opportunity. It will support good-paying jobs and  
18 long-term maintenance work, while also generating  
19 significant local tax revenue to help fund schools,  
20 roads, and emergency services, without raising taxes on  
21 local families. It also supports landowners in rural  
22 communities by creating long-term investment and  
23 stability.

24 Just as important, this project supports  
25 responsible energy development in a region where water is

1 scarce. Wind and solar generation connected through  
2 projects like Lava require minimal water, especially  
3 compared to traditional power plants that consume  
4 millions of gallons each year.

5 That means more water stays available for  
6 ranchers, farmers, and residents of the area. The Lava  
7 Interconnection Project also strengthens energy  
8 reliability and independence by improving access to  
9 home-grown Arizona energy and helping diversify our power  
10 supply, reducing exposure to fuel price spikes and supply  
11 disruptions.

12 If Apache County adopts restrictive  
13 policies that block renewable development, we risk losing  
14 projects like this, and the jobs and the revenue and the  
15 long-term benefits that come with them. I respectfully  
16 urge the Commission to support the Lava Interconnection  
17 Project and policies that keep Apache County open for  
18 responsible investment.

19 Thank you.

20 CHMN STAFFORD: Thank you.

21 Up next we have Richard Sigler.

22 MR. SIGLER: Hello, Commissioner, Staff  
23 and --

24 CHMN STAFFORD: Closer to the microphone,  
25 please.

1 MR. SIGLER: Hello, Chairman Stafford and  
2 fellow commissioners. Thank you for allowing me to talk  
3 for a minute.

4 I just wanted to talk about -- I wanted to  
5 talk about I am in support of the project. I wanted to  
6 talk about the history of -- of the company, the parent  
7 company, Repsol. And something that was put in the  
8 docket, a -- a complaint that was put, that complaint  
9 about them having to pay \$150 million or \$130 million in  
10 fines. And I wanted to address that in 2013 Repsol paid  
11 \$65 million and YPF also paid \$65 million in fines for an  
12 oil spill.

13 Now, this was done by the New Jersey  
14 Department of Environmental Protection, and the -- what  
15 the case was was there was a -- a chemical plant leak  
16 over from the period of 1940s through the '60s, they  
17 leaked over dioxins into the river, into the Passaic  
18 River in New Jersey.

19 Okay. What I want to say is Repsol  
20 inherited this liability when it purchased YPF in 1995,  
21 after it happened, which had previously purchased Mass's  
22 Energy Corporation, which was responsible for the  
23 liability.

24 So I just wanted to address that and make  
25 that clear. Now, they do have a history, a recent

1 history, they had an oil spill in -- at La Pampilla  
2 refinery in Peru, and it was the Peruvian government said  
3 that they were negligent. They claim that a massive  
4 earthquake that happened at that time was responsible.  
5 The government said they were negligent.

6 I just wanted to say, I wanted to -- that  
7 was a 12,000 gallon -- 12,000 barrel spill. That was a  
8 large spill, but I wanted to compare it to some, this is  
9 their main -- this is the only black spot on their  
10 record, this was recent, this was in 2022, I wanted to  
11 compare that to the DP -- Deep Water Horizon 2002 Gulf of  
12 Mexico spill, 3.19 million barrels, Shell, the Niger  
13 Delta, over 7,000 multiple slow motion spills totaling  
14 millions of barrels, and Chevron, many spills, including  
15 an 800,000-gallon spill in 2019.

16 So I just wanted to say also that Repsol --  
17 Repsol is transitioning to be a multi-energy company.  
18 They were the first in the industry to commit to net zero  
19 by 2050, and they are converting their refineries to  
20 hydrogen and bio fuels, not simply building -- just  
21 simply building wind and solar projects, they're  
22 converting their refineries. So --

23 CHMN STAFFORD: Thank you, Mr. Sigler.

24 MR. SIGLER: That's all? That's all I have  
25 time for?

1 CHMN STAFFORD: That's your three minutes,  
2 thank you.

3 MR. SIGLER: Okay. Thank you.

4 CHMN STAFFORD: All right. Up next we have  
5 Elizabeth Walsh.

6 MS. WALSH: Good morning. Can you hear me  
7 okay?

8 CHMN STAFFORD: Yes. Thank you.

9 MS. WALSH: Good morning, Chairman and  
10 Members of the Committee. My name is Elizabeth Walsh and  
11 I'm here as -- today as the trustee of the Zacchaeus  
12 Family Trust, and as a landowner in the Concho area of  
13 Apache County, in the same undeveloped  
14 groundwater-dependent region affected by the Lava Run  
15 Interconnection Project, and the wind development it is  
16 meant to support.

17 I want to be clear that I'm not opposed to  
18 renewable energy. I'm here because where and how these  
19 projects are built matters. Especially in places like  
20 Concho, where the land and water systems are limited and  
21 easily disrupted.

22 The Lava Run transmission line does not run  
23 directly through the center of Concho, but it lies to the  
24 east of us and on its way toward the Springerville  
25 Substation, and crosses the same volcanic landscape and

1 groundwater system that serve Concho and surrounding  
2 rural properties.

3 Groundwater and drainage systems do not  
4 follow property lines, so construction impacts along that  
5 corridor are relevant to those of us who depend on shared  
6 water resources. The project area sits within and next  
7 to the Springerville volcanic field, that means the land  
8 is made up of fractured volcanic rock, volcanic deposits,  
9 and small uneven pockets of loose subsurface material  
10 formed by water -- excuse me -- formed by water flow and  
11 gravity known as alluvial and colluvial deposits that  
12 strongly influence drainage and groundwater recharge.

13 These materials play an important role in  
14 how water moves across the land and soaks into the  
15 ground. When they are disturbed by large-scale  
16 construction, they can increase erosion, flooding, and  
17 impacts to groundwater, unless they are carefully studied  
18 and managed. I live very close to Ortega sink, which is  
19 a natural depression and drainage feature in this  
20 landscape.

21 The volcanic terrain like ours features  
22 such -- or features, such as sinks, are often closely  
23 tied to how surface water enters the subsurface and  
24 recharges the groundwater system. Many families in  
25 Concho depend on that shared groundwater, and changes to

1 how water moves across and into the land can affect more  
2 than one property.

3 Concho does not have a municipal water  
4 system. People depend on private wells and rainwater  
5 harvesting. In volcanic terrain, groundwater does not  
6 behave in a uniform or predictable way. Recharge and  
7 flow paths that can change over very short distances,  
8 which means surface disturbances can have lasting effects  
9 on wells and water quality.

10 These concerns are amplified by our monsoon  
11 season, heavy, fast-moving storms are a normal part of  
12 life here. The roads, foundations and work pads are cut  
13 into thin soils and fractured rock, runoff increases,  
14 erosion accelerates, and water that once soaked into the  
15 ground can be diverted elsewhere. Once those changes  
16 occur, they are difficult, if not impossible, to undo.

17 This is not a new concern. Decades ago  
18 Salt River Project recognized the sensitivity of this  
19 area and carried out detailed site-specific studies in  
20 the Concho well field, including groundwater monitoring  
21 near my property, before building major infrastructure.  
22 That history shows that careful planning and mitigation  
23 have long been considered necessary here.

24 The Lava Run Interconnection Project is  
25 being considered largely on its own, even though it

1 exists to support multiple large wind projects, including  
2 the Black Ridge Wind Project, whose power will be used  
3 outside the local area.

4 While exporting energy is not unusual, it  
5 does mean that local communities, like Concho, bear  
6 long-term land and water risks, while the benefits flow  
7 elsewhere. That really does --

8 CHMN STAFFORD: Thank you, Ms. Walsh.

9 MS. WALSH: Thank you.

10 CHMN STAFFORD: All right. That was all  
11 the public commenters in the room. We will now move to  
12 the remote location of Springerville.

13 THE REPORTER: Chairman.

14 CHMN STAFFORD: Yes. Oh, Mr. Cepand spoke  
15 previously at the last hearing. This is for people who  
16 haven't already spoken to the committee.

17 MR. DERSTINE: Mr. Chairman?

18 CHMN STAFFORD: Yes, Mr. Derstine.

19 MR. DERSTINE: I received a note from the  
20 remote hearing room that's being staffed by folks from  
21 Peaks Audio, as well as representatives of SWCA, I did --  
22 in the note being passed along to me indicated that the  
23 hearing room at the airport which was recommended by the  
24 Town of Springerville, apparently is not large enough for  
25 the number of -- the number of folks who have showed up

1 to provide public comment, and folks are frustrated that  
2 some of them are having to wait out in the hall.

3 And so there's no solution to that, I  
4 simply noted that we selected this remote hearing  
5 location or public comment location based on input from  
6 the town of Springerville, it is what it is. And we're  
7 doing our best to accommodate everyone there, but I just  
8 wanted to note for the record that folks are -- there's a  
9 number of folks who have shown up to provide comment and  
10 the room apparently isn't large enough to accommodate  
11 everyone at the same time.

12 CHMN STAFFORD: Thank you for that  
13 information, Mr. Derstine. There's not much we can do  
14 about it from here. With that, we will begin by taking  
15 comment from the location in Springerville.

16 Up first we have Susan Maxwell.

17 MS. MAXWELL: Hi, my name is Susan Maxwell.  
18 I'm from the Vernon area. We just found out a week ago  
19 about the Black Ridge project.

20 I object to your approval of this  
21 interconnect line to the Lava Run wind turbine project to  
22 a foreign country coming into Arizona, Repsol, that has a  
23 documented history of environmental violations,  
24 disregarding penalties as a cost of doing business rather  
25 than a deterrent.

1                   They also have a number of pending  
2 lawsuits, earning them a suspect reputation for  
3 reliability. You're setting a dangerous precedent by  
4 allowing known violators to disregard our laws.

5                   You're starting the beginning of many, many  
6 interconnection lines that will decimate this entire  
7 area. Once one is allowed to put such a huge  
8 infrastructure of interconnection, you'll be forced to  
9 allow the rest of them.

10                  These are communities that the lines are  
11 running near -- excuse me -- these are the communities  
12 that the lines are running near with horrific impacts.  
13 We're being forced to see this eyesore with all of its  
14 negative impacts and dangers, just so another state can  
15 benefit.

16                  The projects are expensive and have a  
17 short-term lifespan when compared to other energy  
18 production possibilities. Leaving the interconnect  
19 desolate and a junkyard along the highways.

20                  There are only negative and inappropriate  
21 consequences from an interconnect line like this, and no  
22 benefits for our area.

23                  CHMN STAFFORD: Thank you.

24                  Up next we have Donald Maxwell.

25                  MR. MAXWELL: My name is Donald Maxwell. I

1 also live in the Vernon area, and I was a registered  
2 professional engineer for 41 years.

3 I object to your approval of this  
4 interconnection line for the Lava Run wind turbines  
5 project. Should you approve this line, it would open the  
6 door for several other projects coming into Apache  
7 County. Apache County would end up being nothing but  
8 solar and wind turbine farms in the southern section of  
9 Apache County with interconnection lines for each  
10 project. That would make it completely detrimental to  
11 the residents that live here.

12 The addition of this interconnection line  
13 and other project interconnection lines would completely  
14 overwhelm our outdated and antiquated electrical grid  
15 system as it stands now.

16 Again, I oppose any approval of this  
17 interconnection line.

18 CHMN STAFFORD: Thank you.

19 Up next we have Jerry Stewart.

20 AV TECHNICIAN: Jerry Stewart wishes not to  
21 speak.

22 CHMN STAFFORD: Okay. How about Kathleen  
23 Stewart?

24 AV TECHNICIAN: Kathleen Stewart wishes not  
25 to speak.

1 CHMN STAFFORD: All right. Do we have  
2 Kristy Aubuchon?

3 MS. AUBUCHON: Hi. My name is Kristy  
4 Aubuchon, and I would like to object to this turbine  
5 project because of the fact that we live on the third  
6 largest volcanic area. And it covers over 300,000 square  
7 feet between Springerville and Show Low.

8 And I know for a fact that they did ban  
9 blasting at my uncle's house because they were afraid of  
10 the tectonic plates shifting and a volcano erupting.

11 If they erupt, all of the area up here is  
12 going to be under lava and under water. Not just our  
13 area, but Alpine, Concho, Vernon, Show Low, Lakeside,  
14 Linden, Holbrook, all of it. And then what is the use of  
15 putting them up if there's no people around because you  
16 caused this volcano eruption.

17 CHMN STAFFORD: Miss, could you please  
18 spell your last name for the record?

19 MS. AUBUCHON: A-u-b-u-c-h-o-n, Aubuchon.

20 CHMN STAFFORD: Thank you.

21 MR. ANABLE: Mr. Chairman, before we  
22 proceed, can I ask a question about --

23 CHMN STAFFORD: No, no. This is the time  
24 for public comment. We'll get to your opening  
25 statements.

1 MR. ANABLE: But it's about the public  
2 comment.

3 CHMN STAFFORD: No, you're a party. You'll  
4 get your chance. Now is the time for public comment.

5 Up next we have Llana Kelley, and I  
6 apologize if I'm mispronouncing your names. When you get  
7 to the podium, please correct me. And spell your name  
8 for the court reporter.

9 MS. KELLEY: It's Llana, L-l-a-n-a,  
10 K-e-l-l-e-y.

11 And I do oppose this interconnection line,  
12 because I found an article, even though it's in a  
13 different state, it says, an Ontario community  
14 self-reporting health survey, WindVOiCe, identified the  
15 most commonly reported IWT-induced symptoms, an altered  
16 quality of life, sleep disturbances, excessive tiredness,  
17 headaches, stress, and distress. Other reported effects  
18 include migraines, hearing problems, tinnitus, heart  
19 palpitations, anxiety, and depression. In addition to  
20 degraded living conditions, adverse socioeconomic effects  
21 have been reported. In some cases the effects were  
22 severe enough that individuals in Ontario abandoned their  
23 homes or reached financial agreements with their  
24 development.

25 And I oppose this because that's not going

1 to be good for our area, and all the health effects that  
2 it can cause.

3 Thank you.

4 CHMN STAFFORD: Thank you. Up next we have  
5 Jann Mike Mooki. Please pronounce your name and spell it  
6 for the record.

7 AV TECHNICIAN: Mr. Chairman, that person  
8 is not checked that they wish to speak.

9 CHMN STAFFORD: All right. Thank you.  
10 Up next we have Kathy Peelman.

11 AV TECHNICIAN: Mr. Chairman, the next  
12 person we have who indicated that they wish to speak is,  
13 I believe, is pronounced Andy Huyck.

14 CHMN STAFFORD: All right. If you could  
15 state your name and spell it for the court reporter,  
16 please.

17 MR. HUYCK: My name is Andy Huyck, A-n-d-y,  
18 H-u-y-c-k. Thank you for letting me have this time to  
19 speak to you today. I live in Vernon, California --  
20 Vernon, California -- Vernon, Arizona. Funny.

21 If the ACC approves the interconnection  
22 line, this is what we will have to live with, a  
23 27-mile-long high-voltage interconnection line from two  
24 substations to connect to the grid at TEP's Springerville  
25 Generating Station, two new large fenced, very visible

1 electric substations, the first one located on Highway 60  
2 at the turnoff to Greens Peak on the southwest corner,  
3 approximately 200 power poles, each 180 feet tall to  
4 support the 27-mile interconnection.

5           These -- these poles are going to be three  
6 times higher than the existing poles. The existing poles  
7 at this time are 60 feet tall, these are 180. The  
8 incomplete environmental studies related to  
9 archaeological resources and migratory birds, despite the  
10 direct instructions from the Line Siting Committee to  
11 engage with affected towns, Repsol has failed to  
12 meaningfully communicate with local communities.

13           I've been to a few of these meetings and  
14 I've listened to the people talk, and when somebody talks  
15 to me, I want them to tell me the truth. I don't want  
16 me -- them to tell me what they -- you know, what they've  
17 been told to say.

18           And it boils down to is just to follow the  
19 money. Repsol has documented history of environmental  
20 violations, treating penalties as a cost of doing  
21 business rather than a deterrent, plus a number of  
22 pending lawsuits.

23           You know, they have a lot of money. The  
24 Springerville Generating Station is not closing, and it  
25 is transitioning to natural gas, meaning the project is

1 not necessary for local energy reliability or job  
2 preservation.

3 Thank you very much for your time.

4 CHMN STAFFORD: Thank you.

5 All right. Up next we have Tara Davis.

6 MS. DAVIS: Hi, Commission, Linda Weiland  
7 is going to read my statement, because I have a visual  
8 impairment. Thank you.

9 MS. WEILAND: You've heard from hundreds of  
10 folks in opposition to this project. Not entitled  
11 NIMBYs, hard-working people trying to explain the facts  
12 of the unique environment at this project's proposed  
13 location, because the applicant provided an inadequate,  
14 misleading analysis in their CEC application.

15 Arizona Revised Statutes identifies factors  
16 for the committee to consider. I'll highlight only new  
17 information since the last hearing.

18 Factor 1, wildlife. Over 100 special  
19 status species were identified as present or likely to  
20 occur in the one-mile study area. But there was no  
21 mention of species or impacts related to the additional  
22 27 miles or more of access roads required to reach,  
23 build, and maintain the interconnection line.

24 Factor 5, archaeological reports did not  
25 cover the entire study area or address access roads.

1 There was no mention of historic U.S. 60 or U.S. 180, as  
2 identified by SHPO. And the visual report was flawed and  
3 did not include substations, especially 1 and 2.

4 Factor 6, study area intersects five  
5 wildlife movement areas, and three Arizona Game & Fish  
6 conservation opportunity areas, which provide  
7 connectivity with wildlife corridors all up and down the  
8 perennial Little Colorado River.

9 The application dismisses impacts as only  
10 temporary during construction, but Arizona Game & Fish  
11 wildlife conservation strategy states interconnection  
12 lines and their access roads cause permanent habitat  
13 loss, fragmentation, wildlife mortality, and spread  
14 invasive plants and weeds. The environment will never  
15 fully recover.

16 Factor 9, impact on Springerville volcanic  
17 field potential International Geoheritage Site was not  
18 fully addressed. ARS states, "The committee shall give  
19 special consideration to the protection of areas unique  
20 because of biological wealth. The application identified  
21 seven areas of biological wealth in the study area, and  
22 did not address areas of biological wealth in the  
23 vicinity of the project," which is what is required by  
24 Arizona Administrative Code Rule 14-3 for Exhibit C.

25 Based on these factors and others, detailed

1 in the limited appearances we request the committee find  
2 this project's siting is not environmentally compatible  
3 and deny the CEC.

4 Thank you.

5 CHMN STAFFORD: Thank you.

6 Up next we have Fred Harper.

7 AV TECHNICIAN: Sir, could you repeat that  
8 name?

9 CHMN STAFFORD: Fred Harper.

10 UNIDENTIFIED SPEAKER: He had to leave.

11 AV TECHNICIAN: Fred Harper is not here.

12 CHMN STAFFORD: All right. Then, let's  
13 see, Lonnie Randall.

14 MR. RANDALL: Thank you. I'm here to do  
15 whatever I can to stop the wind and solar projects  
16 proposed for this area. The public and we, the people of  
17 Concho and Vernon, didn't know about this until a little  
18 over a week ago.

19 The public disclosure meetings they held in  
20 Vernon and Concho were kept secret from us and I wonder  
21 how this is public disclosure? We only heard about it by  
22 word of mouth a day or two before. It's as if they  
23 didn't want anyone to know about it and were hoping few  
24 people would show up.

25 From the two disclosure meetings that I

1 attended in Concho and Vernon, I got the distinct  
2 impression that nobody who would be living next door to  
3 it wants this unsustainable, inefficient, ugly  
4 boondoggle.

5           If it happens, my wife and I won't stay.  
6 We chose to live where we live because of its nearly  
7 unmolested beauty. If this project happens, we will be  
8 surrounded on three sides between both of the proposed  
9 areas of the Black Ridge project. The nearest one being  
10 about a mile and a half from my house. We can't live  
11 like that.

12           There aren't many places like this left.  
13 If we continue to rape it all away, it will soon be gone.  
14 Is money really more important than that? It's not about  
15 oil, coal, natural gas, hydro, wind, solar or nuclear,  
16 it's about money.

17           Money is the number one source of power in  
18 this world, so green energy isn't -- so-called green  
19 energy isn't eco friendly. You can't save the planet by  
20 destroying the earth. I have an idea -- thank you --  
21 let's forget about these thousands of insane wind  
22 generators that are five times taller than the tallest  
23 transmission towers and two-thirds as high the height of  
24 the Empire State building; I love solar power, I believe  
25 everyone should have their own and get off the grid. Not

1 miles and miles of glass and cable covering the earth.

2 The model of trying to power everything on  
3 earth from a central source so that you can keep everyone  
4 on the monthly pay plan was never and will never be  
5 sustainable. That will only lead to the status quo of  
6 never-ending expansion until there's no place left worth  
7 living in.

8 Let's disassemble the solar farms and  
9 reinstall them on everyone's homes and businesses. Then  
10 we won't need to continually grow the grid. We won't  
11 have to worry about blackouts, and use the grid  
12 elsewhere.

13 Thank you.

14 CHMN STAFFORD: Thank you.

15 Up next we have Connie Rogers.

16 MS. ROGERS: Hi, I'm Connie Rogers. I live  
17 in Eagar, Arizona, which is part of Round Valley, which  
18 is right next to Springerville.

19 I want to say that the windmill system, if  
20 it was built here, it is for Tucson. Springerville does  
21 not get power from the Springerville Power Station. It  
22 is transmitted to Tucson, and Tucson is 236 miles away  
23 from here.

24 There are plans to convert this plant from  
25 coal to natural gas. A 24-inch gas line is proposed to

1 bring us gas from Gallup, New Mexico. If Tucson wants  
2 these eyesore windmills built, build them near Tucson.  
3 I've seen -- I've seen the pathetic windmill farms along  
4 the I-10 in Palm Springs, California area. We don't want  
5 these here.

6 CHMN STAFFORD: Thank you.

7 Up next we have Sara Kizzar.

8 MS. KIZZAR: Hi, I'm Sarah Kizzar  
9 S-a-r-a-h, K-i-z-z-a-r. And I'm here to speak against  
10 the interconnection line. The developer may say  
11 mitigation will reduce impacts, but mitigation cannot  
12 undo permanent damage.

13 This line will fragment open land, disrupt  
14 pronghorn migration, and threaten rare birds, like  
15 Mexican spotted owls and bald eagles. Wildlife avoids  
16 industrial infrastructure for up to five miles, and no  
17 offsets or screening can restore these natural corridors.

18 It also cannot restore the rural character,  
19 dark skies, quiet nights, or property values. The  
20 cleanup is left over -- or left to our county even before  
21 turbines are built. Approving this line -- approving is  
22 approving irreversible harm, and no mitigation can  
23 prevent the ecosystem disruption and community loss that  
24 will follow.

25 For the sake of Springerville and its

1 wildlife, this line should not be approved.

2 Thank you.

3 CHMN STAFFORD: Thank you.

4 Up next we have Joshua Kizzar.

5 MR. KIZZAR: Thank you, Mr. Chairman. My  
6 name's Joshua Kizzar, J-o-s-h-u-a, K-i-z-z-a-r.

7 I've grown up, raised and grown up here in  
8 the White Mountains, and I disapprove of the  
9 interconnection line, because approving it would be  
10 approving the permanent destruction of our way of life.

11 Our open spaces will vanish, and the  
12 pronghorn herds that use these migration corridors will  
13 be trapped, displaced, and threatened. The quiet nights  
14 we cherish will be replaced with industrial noise, and  
15 the line is the gateway to the full Lava Run Wind  
16 Project. And once it passes, nothing will stop what  
17 comes next. Silence will be taken as agreement. And we  
18 refuse to stay silent in our community.

19 Thank you.

20 CHMN STAFFORD: Thank you.

21 Up next we have Ginger Harding.

22 MS. HARDING: Good morning, Commission  
23 Members. My name is Ginger Harding, G-i-n-g-e-r,  
24 H-a-r-d-i-n-g. I am a resident of Eagar, Arizona. I  
25 also own several businesses in the Round Valley

1 community, including in Springerville. I am speaking on  
2 behalf of myself, my family, my businesses.

3 This area relies heavily on tourism. My  
4 businesses are suffering because of slow winters, and we  
5 rely very heavily on tourist attractions during the  
6 summer. And this will greatly impact summer tourism and  
7 hunting tourism that are vital to all of these  
8 communities in Apache County.

9 I am a native Arizonan. As a business  
10 owner, I vehemently oppose this transmission line, which  
11 is an open gate to the horrors that may come afterward,  
12 that will come afterward if this transmission line is  
13 approved.

14 We have other ideas. My family and I have  
15 other business ideas to implement in this community.  
16 They will not be implemented if this impact is realized.  
17 There is no way that businesses can continue to grow and  
18 thrive here and support the community with tax revenue  
19 that comes from outside of the community if this happens  
20 along our routes into town.

21 Approval of this line is a great detriment  
22 to our community. Others along the line, not just the  
23 Round Valley community, approval would target our skies  
24 and environment to collect and run energy to other  
25 places. There is absolutely no benefit to anyone in

1 Apache County for this line to be placed and disrupt our  
2 lifestyles, the beauty, and our businesses.

3 Arizona Game & Fish have detailed that  
4 there are dangers from this transmission line. You've  
5 heard others speak this morning that there are great  
6 dangers to the wildlife in the area. The water table in  
7 this area, the land in this area will be forever  
8 disrupted and changed, and it will never be retrieved.

9 I want you to know also that I support the  
10 towns of Eagar and Springerville in their appearances and  
11 their statements to your committee.

12 Please vote no on this transmission line.  
13 Do not approve of this transmission line. Please save  
14 open spaces.

15 CHMN STAFFORD: Thank you. Up next we have  
16 Betsy Lagos.

17 MS. LAGOS: Good morning. My legal name is  
18 Lizabeth, L-i-z-a-b-e-t-h, last name Lagos, L-a-g-o-s. I  
19 have a bachelor's degree in biology, and I have read a  
20 lot of studies about these transmission lines.

21 I also have personal experience as a  
22 wildlife rehabilitator and have personally had to  
23 euthanize birds that have hit transmission lines and  
24 ripped their wings off. And it makes me sick to my  
25 stomach that money goes over wildlife in all of the areas

1 in the United States that have these things.

2 I agree with everyone who has come before  
3 me in this room. Everyone has valid points. I believe  
4 that you as a committee should be listening to the people  
5 who have to live in this area, and deal with the  
6 aftermath of what money can do to our environment.

7 I have a son who is a hunter, he's opposed  
8 to this. I personally lived in Pinal County before I  
9 came here and have seen what transmission lines have done  
10 down there, and all of the solar projects that have come  
11 from all of this. It's a mess, and I hate it there now.

12 I ride horses for pleasure, and horses  
13 don't like transmission lines. Wildlife doesn't like  
14 transmission lines, they make noise, they vibrate. It  
15 gets worse when it's wet outside, and it -- the  
16 construction drives the wildlife away. And it's just a  
17 horrible thing to look at.

18 I can't even ride my horses in the area I  
19 am in where we have transmission lines. I have to stay  
20 away from them, because it freaks them out. We have  
21 moved up here, a lot of us, and some of us are natives, I  
22 am not a native, but I've lived in Arizona for 35 years,  
23 I moved up here for the peace, quiet, serene, beautiful  
24 landscape, the wildlife. This is going to destroy all of  
25 that.

1           The first speaker today said that the  
2 Native Americans are for this project, and if they're for  
3 this project, then I suggest that they put this project  
4 on the reservation.

5           Thank you.

6           CHMN STAFFORD: Thank you.

7           Up next we have Michael Brady.

8           MR. BRADY: Good morning, Commissioners,  
9 thank you for giving me this opportunity to speak. My  
10 name is Michael Brady, B-r-a-d-y.

11           I have lived here, I like to tell  
12 everybody, for more than 150 years because my  
13 grandparents homesteaded here back in 1884, so our family  
14 roots run so deep, all of this mountain and you -- you  
15 can't even imagine the love that we have for every inch  
16 of this mountain.

17           I raised my children and my grandchildren  
18 are here, and I have been a teacher here in the community  
19 for over 40 years. And I commute this Highway 60 that  
20 goes from Show Low to Springerville regularly, many times  
21 each week, as I did when I taught for 40 years.

22           I've heard so many comments about -- about  
23 things such as the volcanos, that -- that once we're  
24 here -- our local paper about two years ago did a huge  
25 documentary and I wanted to get it, but it is available

1 through the White Mountain Independent newspaper, and  
2 they disclosed all of this area and the hundreds of  
3 extinct volcanos. This area's unique to many places in  
4 the world.

5 There's so much that is at stake here in  
6 this area. This interconnection line would just --  
7 you've heard it would be the beginning, the tip of an  
8 iceberg of so many sad projects that would come and  
9 follow.

10 As I mentioned, there's so much beauty here  
11 and I can't help but think, as I look at you and I see  
12 you across the long counter bench here, some of you have  
13 been here, I know you have, and you've seen the beauty of  
14 this area, just -- just in the last few hours as we  
15 traveled, large herds of antelope, 40, 50 antelope,  
16 running along the fence line, just -- it's just  
17 breathtaking.

18 So many people just pull over just for a  
19 moment just to take a look at it. So there would be a  
20 negative impact to the tourism and the hunting and all of  
21 the surrounding area here if this interconnection line  
22 does go in. And the businesses would suffer and would be  
23 undermined by this project, and along with so many lives  
24 being negatively affected.

25 I don't know how to really conclude this

1 other than I've lived here so long and so have my  
2 grandparents and my parents. And so many aunts and  
3 uncles that I wish I could have them all here, we would  
4 fill this entire building with them.

5 As I look out the door here and see people  
6 stretched out towards our beautiful mountains, I thank  
7 them for being here, and I want them to know that we love  
8 them all and we appreciate them and their support. And  
9 we ask you to please oppose this interconnection line  
10 with all of our hearts.

11 Thank you.

12 CHMN STAFFORD: Thank you.

13 Up next we have Karen Smith.

14 AV TECHNICIAN: Karen Smith.

15 MS. SMITH: Hi, my name is Karen Smith,  
16 K-a-r-e-n, S-m-i-t-h. My husband and I retired up here  
17 five years ago, and we came here because of the beauty  
18 and the peace and the quiet.

19 And to be closer to the hunting grounds  
20 because both my husband and I are hunters. This  
21 transmission line is not what we came up here to retire  
22 with.

23 We don't want this line up here. We don't  
24 want the health hazards. We don't want our wildlife  
25 disrupted. And we don't want our peace and quiet to go

1 away. So I'm asking you please to not approve this line.

2 Thank you.

3 CHMN STAFFORD: Thank you.

4 Up next we have Kaye Dyson.

5 MS. DYSON: Mr. Chairman and Members of the  
6 Committee -- Line Siting Committee, thank you for this  
7 opportunity. And we thank you for your service to  
8 Arizona. I'm sure it's hard work. I'm Kaye Dyson.

9 I've lived here for 46 years. I've lived  
10 in the White Mountains for 50 years. I came from Alpine.  
11 My husband was a forester there. For 10 years I served  
12 on the Springerville Town Council, six of it as mayor.  
13 And I have just been recently appointed to fill a vacant  
14 seat until the next election, so came out of retirement  
15 and back on the council.

16 I urge you to consider the consequences of  
17 your decision. This is going to affect the health, the  
18 safety, and the welfare of not just me and my family and  
19 those of Springerville and Eagar, but of all the people  
20 in the White Mountains who live here and also those who  
21 visit.

22 We've talked about health, you've heard the  
23 people. It affects people, it affects animals. It's a  
24 negative biological impact to our landscape. I live  
25 right near Becker Lake, that's only like four miles from

1 where a potential wind farm will go in.

2 And I kid you not, let's talk about  
3 wildlife, in my yard: Bear, elk, deer, bighorn sheep,  
4 bats, eagles, and an occasional skunk. That's a reality.

5 Safety, let's talk safety. Springerville  
6 Airport is the highest elevation airport in this part of  
7 Arizona. It's critical. We service New Mexico, Western  
8 New Mexico, and all of Northeastern Arizona. Our airport  
9 is critical. The existence of transmission lines of that  
10 height is unacceptable. It's dangerous.

11 We also have complications because we're at  
12 8,000 feet. Remember Texas? Remember how all the  
13 transmission lines and all the wind turbines froze? That  
14 could happen here. We don't want it.

15 Fire and drought. We nearly lost part of  
16 Greer and the towns of Springerville and Eagar last year  
17 because of wind and the little spark that came off of  
18 some transmission line. Many of us were evacuated and  
19 had to wait until the fire was put out. This is the  
20 potential of more infrastructure for power.

21 CHMN STAFFORD: Thank you. Thank you,  
22 Ms. Dyson.

23 Up next we have Sandra Clasen. Please  
24 correct me if I mispronounce your name.

25 MS. CLASEN: Good morning, Sandra Clasen.

1 Clasen, C-l-a-s-e-n.

2 Water heater tanks. All right. Introduced  
3 in the 1920s. By the 1950s, water heater tanks were  
4 commonplace in homes, 40 years later the tankless water  
5 heater was introduced, small and efficient. Imagine, if  
6 you will, trying to fit a telegraph machine, a sundial, a  
7 desk phone, a traditional camera, and a desktop computer  
8 into your pocket. Someone did and called it a cell  
9 phone.

10 The natural progression of technology  
11 advancement is more efficient and more compact. Turbine  
12 wind farm energy has been around since the 1970s.  
13 Unarguably, they produce considerably more energy today  
14 than ever before. Although, in order to do so, they've  
15 gotten taller and taller and taller, and the larger they  
16 are, the more negative impact on the environment.

17 Wind turbines started at roughly 50 feet  
18 tall, they're now about 650 feet. While wind turbines  
19 are becoming more efficient, they are not becoming  
20 smaller. That's a huge red flag, signaling that  
21 technologically they are heading in the wrong direction.

22 Technology advancement is about creating  
23 wind, wind situations. Technology advancement is making  
24 things more efficient and more compact, like the water  
25 heater, like the cell phone.

1 Walmart, Target, Home Depot, Intel, and  
2 many other corporations are already using Bloom Energy,  
3 Incorporated, Bloom Box field cell energy. The Bloom Box  
4 is an on-site distributed power generator operating 24/7,  
5 roughly 30 feet by 5 feet by 9 feet, with an output of  
6 324 kilowatts per skip. I'm not here to sell you on  
7 Bloom Energy, but from a documentary I watched, a  
8 residential unit will only be about the size of a  
9 shoebox.

10 Are any of you familiar with Bloom Energy?  
11 Leading edge energy technology is at our fingertips and  
12 it is gaining momentum. Fuel cell energy, thorium  
13 reactors, nuclear fusion, energy, the wind band, not to  
14 be confused with the wind turbines. Electromagnetic  
15 energy harnessing energy from the atmospheres either --

16 CHMN STAFFORD: Thank you, Ms. Clasen.

17 MS. CLASEN: Oh, damn. Okay. Thank you.  
18 Thank you very much.

19 CHMN STAFFORD: Up next we have Bee Quog.

20 MS. QUOG: Hi, my name is Bee Quog,  
21 Q-u-o-g, I'm from Show Low. First thing I want to  
22 address is the Native Americans. Tribal members don't  
23 want any of these projects within 10 miles of their  
24 borders, so let me just make that perfectly clear.

25 I respectfully oppose this interconnection

1 transmission line. There has been insufficient,  
2 independent, unresolved research of public welfare risks,  
3 devastating financial exposures, poverty-driven impacts,  
4 ridiculous and false claims on the environment, deceptive  
5 claims on the amount of local jobs, both short-term and  
6 long-term by this renewable company.

7 I pray that your eyes are open to the  
8 extreme harm and hardships this project will force upon  
9 the majority of the people living in this community.

10 Representatives of Repsol and their many  
11 other U.S. entities has repeatedly stated in their public  
12 meetings that they will use and apply whatever  
13 terminology necessary for them to get their certificates  
14 and their permits approved. This is called unethical and  
15 is not acceptable.

16 So has the State or County done its due  
17 diligence on researching unbiased, long-term future  
18 economic impacts of this specific area?

19 Nuclear and natural gas are on the  
20 immediate horizon, and what is going to become of this  
21 area when it is left with hundreds of square miles of  
22 industrial waste? Soon these interconnection lines will  
23 not have any purpose.

24 Has the State or County done any unbiased  
25 research on future studies on the community's values and

1 how an industrialized environment affects the economy and  
2 tax revenues, especially in rural Arizona? Or thoroughly  
3 investigated the poverty it creates when the area has  
4 lost all desirability to be lived in or visited?

5 And what can the State and County possibly  
6 provide that -- or provide to ensure us that there will  
7 be adequate funding and restoration of the area after the  
8 life of these structures? You simply can't. Because you  
9 cannot promise that these shadow companies won't dissolve  
10 and their surety bond providers won't dissolve or file  
11 bankruptcy.

12 88 percent of these projects have simply  
13 been abandoned, leaving rural communities in extreme  
14 poverty worldwide. Has the State or County done any due  
15 diligence and require any independent bias thorough  
16 investigation of Repsol?

17 Repsol is operating with thousands of  
18 shadow companies in the U.S. alone, currently has 13  
19 billion, that's with a B, dollars in litigation matters  
20 on issues of misrepresentation, environmental damages to  
21 tax litigations, making it extremely questionable that  
22 they will ever cover any costs for repairs or  
23 remediation, especially with the huge current shift  
24 towards better, more efficient power sources, like  
25 natural gas or nuclear.

1           This interconnection line is entirely poor  
2 planning and in no way a wise decision for the future of  
3 Apache County or its citizens.

4           The decision you make on this project will  
5 either preserve this community and its cherished way of  
6 life for generations to come or permanently destroy it.  
7 Again, I pray your eyes are open to the reality of the  
8 decision that lies before you and the majority of the  
9 community lives that it will permanently affect. So  
10 choose wisely --

11           CHMN STAFFORD: Thank you.

12           MS. QUOG: -- and deny this project.

13           CHMN STAFFORD: Up next we have Tyler  
14 Watkins.

15           MR. WATKINS: My name is Tyler Watkins,  
16 W-a-t-k-i-n-s. We were told these windmills are being  
17 built for the good of our town, but the truth is they  
18 benefit only a small group, while pushing the rest of us  
19 out of the place we all call home.

20           These turbines will permanently damage our  
21 mountains and disrupt migration patterns of wildlife that  
22 have lived here long before any of us, elk, deer, bighorn  
23 sheep, and pronghorn.

24           Once the damage is done, it cannot be  
25 undone. You cannot put a mountain back together. You

1 cannot restore an ecosystem after it's been destroyed.

2 We're repeatedly told to attend the  
3 meetings and speak up and that our voices will be heard  
4 and they matter, but let's be honest, they don't.

5 Decisions are already made. This isn't about community  
6 input, it's about money. It's about politicians lining  
7 their pockets while ignoring the people who elect them.

8 Who's going to pay for the 50 to 80 percent  
9 drop in property values for me, and not just me, but  
10 not -- the developers, not the politicians, we will -- we  
11 will.

12 Every homeowner in this town will pay the  
13 price while being told it's for our benefit. We're  
14 promised jobs and economic growth, but the promises don't  
15 hold up to the reality.

16 These turbines are not built in America.  
17 They do not create long-term local jobs, instead of  
18 employing local workers and supporting families in this  
19 town, we're told -- we're sold to cheap labor. Even  
20 inmate labor will be used. This is not investment, this  
21 is exploitation.

22 We're also told this is clean energy, but  
23 the pollution created during manufacturing,  
24 transportation, installation, and eventual disposal is  
25 far greater than anyone wants to admit.

1           And when these turbines fail, as we've  
2 already seen across the United States, they will not be  
3 removed. Everyone knows the cost is too high. And the  
4 burden will once again fall on the community of Arizona,  
5 Springerville, Show Low, everyone here.

6           This power isn't even ours, it's being  
7 generated for outside interests, while we're left with  
8 the consequences, destroyed land, lost property value,  
9 and a fractured community.

10           It's time to stop lying to us, stop  
11 pretending this is about helping our town, stop telling  
12 us to trust the process that ignores us at every step.  
13 Start telling the truth and look at it in a big bold  
14 perspective, the lies will eventually end.

15           Thank you.

16           CHMN STAFFORD: Thank you.

17           Up next we have Renee Watkins.

18           AV TECHNICIAN: She does not wish to speak.

19           CHMN STAFFORD: Let's hear from Brenda  
20 Ciminski.

21           MS. CIMINSKI: My name is Brenda Ciminski,  
22 C-i-m-i-n-s-k-i. I live in Eagar and I own a business in  
23 Springerville. I am an owner and broker of White  
24 Mountain Ponderosa Realty. I have lived in this area for  
25 23 years.

1           As a realtor, I am already seeing the  
2 impact of possibility of wind farms coming to the White  
3 Mountains. Buyers and sellers are talking about how  
4 turbines will change the views and alter the very reason  
5 they came and are -- or considering to come to live here.  
6 Every uncertainty is beginning to affect their decisions.

7           Our landscapes are not just beautiful, they  
8 are essential to property value. If you drive east on  
9 Highway 60 through Springerville, you'll experience wide  
10 open rolling hills and views that stretch for miles,  
11 wildlife is visible. You can see the skies -- the ski  
12 slopes to the southwest. This is a sense of peace and  
13 openness that defines this area. The same feeling occurs  
14 when you drive north on Highway 180 and 191 from Alpine  
15 to Eagar and Springerville. The open fields to the north  
16 and northeast create a calm that is --

17           CHMN STAFFORD: Ms. Ciminski, please, can  
18 you please -- can you please slow down a little bit? The  
19 court reporter is having trouble keeping up with you.

20           MS. CIMINSKI: I'll send you my notes.  
21 I've got to fit it in.

22           But this is why -- this openness is why  
23 people move here. Every day I work with people who want  
24 to leave the hustle and bustle of the city life. They  
25 come for open skies during the day and dark skies at

1 night, and uninterrupted views. The experience is found  
2 here and is at risk.

3 We also see -- we also see what change  
4 looks like. When traveling on Highway 260 from Sunrise  
5 down into the town, you can see the red flashing lights  
6 from the wind farms in New Mexico that dominate the  
7 horizon. They disrupt the natural night sky. Our local  
8 airport is barely noticeable at night. But these lights  
9 cannot be ignored.

10 From a professional standpoint, it is well  
11 established that location, views, and surroundings drive  
12 property values. Studies across the country show that  
13 properties near wind turbines experience reduced buyer  
14 interest, longer times on the market, and decreased  
15 values, especially in scenic rural areas.

16 In real estate we live by location,  
17 location, location, and the White Mountains have this.  
18 If wind farms are approved, people who moved here to  
19 escape industrial development will leave. Buyers will  
20 look elsewhere. Local businesses will suffer.

21 And once these landscapes are altered, they  
22 cannot be restored. As one of our national hymns says,  
23 "Oh, beautiful, for spacious skies." This is where you  
24 find it. Those who have not spent time here may not  
25 fully understand what it is at stake, but those of us who

1 live and work here do. This is our home. It is unique,  
2 irreplaceable, and found nowhere else in Arizona. We  
3 call it God's country.

4 Please hear our voices and protect our  
5 special place. Please stop the project from moving  
6 forward. And do not approve the line.

7 Thank you.

8 CHMN STAFFORD: Thank you.

9 Up next we have Chris Lewis.

10 MR. LEWIS: My name is Chris Lewis. I  
11 guess you could say I'm one of those good ol' boys. My  
12 family came here in the early 1800s. I'm a fourth  
13 generation carpenter. I heard a guy talking about  
14 carpentry and work. I know what being a carpenter's son  
15 is, I know what it was to grow up to hunt these woods to  
16 feed our family, to fish these waters so that we could  
17 put meat in the freezer. I grew up there.

18 Now, if you go a little bit towards  
19 Holbrook, you've got Holbrook there and you have Bechtel,  
20 the Cholla Power Plant. In the early '70s, it took off.  
21 Bechtel came in, Holbrook just flourished. In fact, we  
22 moved to Holbrook so we could chase the work that was  
23 there.

24 I'm asking you, I'm going to pull at some  
25 heart strings right now, because I appreciate every one

1 of you that's up there, because now I'm a pastor, and I  
2 appreciate your time, but something that we haven't  
3 talked about is the next generations.

4 And I invite you to go and drive by Cholla  
5 Park, that's just sitting there now. I ask you to go  
6 through Holbrook that's just sitting there and just about  
7 to die. There's just not anything going on because of  
8 all that. We don't want that here.

9 We grew up in this country. We learned to  
10 live off this country. And one of the greatest things is  
11 at night when you look up and you look at those stars,  
12 you can almost touch them. And I know in the Valley you  
13 don't see the stars like that anymore.

14 But I'm asking you for your kids, for your  
15 grandkids, for the next generations, just to come up to  
16 witness it for yourself, to make a decision for the next  
17 generation, because you're asking us to put something in  
18 our country that doesn't benefit us, it benefits others.  
19 And it hurts everything around us.

20 And I'm just here to pull at your heart  
21 strings. I'm just here because I know each and every one  
22 of you have a heart, just like we do. And I know that  
23 there's things that are bigger and greater than money.  
24 And I give the Lord all the glory and all the praise and  
25 I thank you for your time. Amen.

1 CHMN STAFFORD: Thank you.

2 Up next we have Stacy Fadenrecht.

3 MR. FADENRECHT: My name is Stacy  
4 Fadenrecht. S-t-a-c-y, F-a-d-e-n-r-e-c-h-t, and the  
5 young gentleman didn't butcher my name as bad as some, so  
6 it's okay.

7 I don't have a prepared statement, so I'm  
8 going to tell it like it is from the heart. As I was  
9 coming into town this morning, I got a good look at  
10 Greens Peak, and I thought just how beautiful this area  
11 really is. And then I got to thinking about the blight  
12 that I see when I travel into New Mexico. I see those  
13 towers sitting on the horizon, and they're ugly. And  
14 usually there's only about a third of them that are even  
15 moving.

16 And my thought was what's the point? So  
17 this is our home. And if you guys pass this, you all get  
18 to go back to your home, you don't have to look at this.  
19 But we will. My children live in this town. I'm hoping  
20 my grandchildren will live here, and one day maybe my  
21 great-grandchildren.

22 But in 30 years when these wind turbines  
23 and this power line is no longer necessary because  
24 they've expired and nobody can get rid of them, where are  
25 y'all going to be?

1                   You guys won't be looking at it, but we  
2 will. Every last one of us are going to have to see that  
3 abomination. So what I suggest is y'all take this  
4 proposal, you roll it up, and you drop it in the circular  
5 file and forget about dealing with Repsol. And that's  
6 all I got.

7                   CHMN STAFFORD: Thank you.

8                   Up next is Janet LeBlanc.

9                   MS. LeBLANC: My name is Janet LeBlanc,  
10 J-a-n-e-t, L-e-B-l-a-n-c, from Linden. I will not repeat  
11 all that has been said. Instead, I will state I am in  
12 full agreement with all who have spoken opposing the  
13 interconnection line.

14                   Please leave our mountain alone and uphold  
15 the oath you took to support the voice of the people by  
16 opposing this interconnection line. Let the record  
17 reflect we the people have spoken and oppose this line.  
18 Do the right thing and stomp this line right out of here.

19                   Thank you.

20                   CHMN STAFFORD: Thank you.

21                   Up next we have Steve Heap.

22                   AV TECHNICIAN: Mr. Chairman, he appears to  
23 have left.

24                   CHMN STAFFORD: All right. Let's hear from  
25 Val McCord.

1 MS. McCORD: Hi, I'm Val McCord, and I  
2 think you should void all the contracts you have to date  
3 dealing with wind farm, in light of the developments of  
4 which you're probably aware: \$24.6 million fine against  
5 Repsol by its host country, Spain. That happened less  
6 than a week ago, that happened on February 3rd, Tuesday,  
7 plus 2010, 2011. There's a history of investigations,  
8 again by Spain, into Repsol and other energy companies  
9 for industrial espionage, for bribery.

10 Now, does a company shift its modus  
11 operandi midstream when it's doing very, very well, you  
12 think? No.

13 All right. So maybe people involved in  
14 this decision-making process should execute, let's see,  
15 affidavits, sworn affidavits that they have not had  
16 contact with Repsol representatives where they were  
17 promised financial rewards, any kind of material gain,  
18 because this is a new development and you should consider  
19 it.

20 And you should not, not continue with the  
21 wind farm and the extension line, whatever, because  
22 you're dealing with an unethical company. In fact, the  
23 level of trust in government, this is going to bleed over  
24 to you.

25 All of you are who are going to be

1 incumbents and running again, you will be affected by  
2 this. So would you vote them back into office, as they  
3 shove this down your throat, people? Heck no. I don't  
4 think so, guys. Think about it. And maybe your  
5 neighbors are going to be watching you saying, damn,  
6 they've got a brand-new Mercedes SUV, I wonder where that  
7 came from.

8 So -- oh, and the woman who was a  
9 biologist, the master's in biology, they just killed a  
10 bald eagle on film up in Minnesota where they had an  
11 Obama-era project with the University of Minnesota and  
12 they decapitated a bald eagle, so Trump is fining them  
13 \$14,000.

14 One other thing to consider is these small  
15 nuclear power plants, this is on Facebook for, like,  
16 Pinetop-Lakeside, that's the next thing on the agenda.  
17 This isn't the last. This isn't the last, people, rural  
18 counties are, like, targeted, so. When those projects  
19 come in and look for approval, you are going to be  
20 scrutinized.

21 Thank you.

22 CHMN STAFFORD: Thank you.

23 Up next we have Simon Cox.

24 MR. COX: Good morning, Commission and  
25 Commission Members. Thank you for coming to our

1 beautiful corner of Arizona. I hope you appreciate it as  
2 much as we do. I know this is about the interconnection  
3 line, but you cannot talk about the interconnection line  
4 without talking about the wind farm because you can't  
5 have one without the other.

6 Up here we have a large number of Ponderosa  
7 and Juniper that are dying due to the drought. The  
8 Borderlands Wind Farm Project was about 32 turbines, and  
9 took between 80- and 160,000 gallons of water per day  
10 over a year. These two projects here are easily five  
11 times the size of that. You can do the math of the water  
12 and what it is going to take.

13 Now, that water for Borderlands came out of  
14 Springerville, probably this one can come out of here. I  
15 don't think this town can support this kind of water  
16 usage.

17 Oh, I forgot my name for you guys for the  
18 record. Simon Cox, S-i-m-o-n, C-o-x, and I live here in  
19 Round Valley.

20 So we love our open spaces up here and if  
21 you, when you come up here and admire our open spaces,  
22 even for a second, please help us save them and do not  
23 turn this into the eyesore that is West Texas.

24 Lastly, we've got -- some of us got some  
25 flyers in the mail about this being an open public

1 meeting. There were pieces in the paper about this being  
2 an open public meeting. And there is nothing in here  
3 that says that some people will be restricted from  
4 speaking at this meeting. I've heard from a few friends  
5 who have been involved in this that they're being  
6 restricted from speaking here because they spoke earlier.

7 I'm not familiar with your rules, but just  
8 wanted to mention that, that there was nothing in here  
9 about people being restricted from speaking if they spoke  
10 earlier.

11 So just like to close, we love our little  
12 part of Arizona here. If you like it as well, please  
13 help us save it, and do not approve these projects.

14 Thank you.

15 CHMN STAFFORD: Thank you.

16 Up next we have Carol Whitney.

17 MS. WHITNEY: Hello, my name is Carol  
18 Whitney, and thank you for the opportunity for all of us  
19 in the community here to speak. And I'm a -- I was born  
20 in Arizona and I'm a long-time resident of Apache County.

21 I want to say that I am strictly opposed to  
22 the transmission line and the wind farm development up  
23 here in the White Mountains -- in the beautiful White  
24 Mountain area.

25 This is one reason why I moved here was

1 because of the beauty. And I won't repeat everything  
2 everybody has said, but I'm in agreement that if the wind  
3 farm and the transmission line -- if the wind farms and  
4 transmission lines are approved and proceed, we will  
5 suffer the consequences environmentally, economically,  
6 socially, and in many other ways it will affect our land,  
7 our water, our skies.

8 And it will affect the -- it will affect  
9 the migration routes for many animals. I've traveled  
10 back and forth between California and Arizona for most of  
11 my life, and I've seen the first wind farms put in around  
12 the Mojave Desert, from the first windmill onward until  
13 now.

14 And when I go through there now, most of  
15 them are not running and they've just gotten bigger and  
16 bigger. And most of them just sit dormant. I don't want  
17 that to happen out here. I also don't want our land  
18 value to be reduced and business owners to have to leave.  
19 Landowners to have to leave just because of a few  
20 benefiting from this, most of them from outside of the  
21 area.

22 Thank you.

23 CHMN STAFFORD: Thank you. Those are all  
24 the speakers I have from the location in Springerville;  
25 is that correct? I'm looking to Peaks Audio to confirm.

1 UNIDENTIFIED SPEAKER: A lady just signed  
2 up --

3 UNIDENTIFIED SPEAKER: I signed up, they  
4 didn't let me speak.

5 AV TECHNICIAN: Mr. Chairman, I think we  
6 may have a couple more. Give us one minute.

7 CHMN STAFFORD: All right. We've been  
8 going for about 90 minutes. I think the court reporter  
9 is due for a break. Let's take an approximately  
10 10-minute recess and we'll come back and continue public  
11 comment. We stand in recess.

12 (Recessed from 11:26 a.m. until 11:45 a.m.)

13 CHMN STAFFORD: Let's go back on the  
14 record. I believe we have some more people signed up for  
15 public comment in Springerville. So up next let's hear  
16 from Irene Sanchez. And then after her will be Peggy  
17 Miner.

18 I'm not getting any audio. Still no audio  
19 from Springerville.

20 AV TECHNICIAN: Can you hear me now?

21 CHMN STAFFORD: There we go.

22 MS. SANCHEZ: Hello. Thank you for this  
23 opportunity. My name is Irene Sanchez, I-r-e-n-e,  
24 Sanchez, S-a-n-c-h-e-z. I really wasn't going to come up  
25 here to share a comment, however, this is something that

1 has not been addressed.

2 We had some highway construction on our way  
3 to Show Low, and the traffic that was stopped and was  
4 horrible, and I can't imagine what this interconnection  
5 line would do as far as traffic in and out of town,  
6 either through 60, 260, or even to Show Low.

7 I travel to Texas and I see the wind farms.  
8 I go hiking and I can see them when we go up into the  
9 mountains. And I can't imagine how it's going to affect  
10 our landscape, which has been something that has been  
11 commented on several, several times.

12 I can't imagine what it's going to do to  
13 our grandchildren and the rest of the people that will  
14 continue to live here after we are gone. So please,  
15 please, please, stop this project.

16 Thank you.

17 CHMN STAFFORD: Thank you.

18 Up next is Peggy Miner.

19 MS. MINER: Thank you, Mr. Chairman and the  
20 Commissioners, but especially thank you to all my fellow  
21 neighbors who have shown up here today to express their  
22 feelings and information about this project.

23 There was something that was only mentioned  
24 briefly that I want to expand upon, and that's the fire  
25 danger. I tried to go out on the National Weather

1 Service site to get, like, the number of red flag days  
2 and they haven't updated their information for this area  
3 yet, but they say that our fire season can be from late  
4 February all the way through November, most usually from  
5 April to October.

6 And any of us that have lived here know  
7 that we walk on eggshells worrying that a fire's going to  
8 start. So I really want you to consider what kind of  
9 studies would be necessary to make sure we're safe.

10 Red flag warnings are issued when there are  
11 sustained winds over 20 miles an hour. I honestly don't  
12 know many days in the year that it's not over 20 miles an  
13 hour, when afternoon humidity is less than 25 percent.  
14 We're a desert, okay? And it's always less than  
15 25 percent. And when fuel moisture is less than 8  
16 percent.

17 So we all know that we live in a tinderbox,  
18 and we know that sparks off of this transmission line and  
19 actual fires on the turbines themselves can cause serious  
20 damage. And one of these projects is right next to our  
21 national forest. Okay?

22 So my questions to you, how do you fight a  
23 fire that's 180 feet in the air or 600 feet in the air?  
24 How do you fight a fire when -- in a wind farm when the  
25 winds are 45 miles per hour?

1           What equipment is needed to properly fight  
2 these and where would it be located? Because none of our  
3 fire stations are near where they're planning on building  
4 these farms.

5           What liability will the County and the  
6 State incur if there's a fire and loss of life, homes.  
7 Okay? This technology -- I'm going to skip from the fire  
8 because I've pretty much covered it -- but someone  
9 pointed out this technology is a dinosaur, okay? It's a  
10 dinosaur. We can do better than this for our state and  
11 our county and I expect you guys to do that.

12           Thank you.

13           CHMN STAFFORD: Thank you.

14           Up next is Steve Treadway.

15           MR. TREADWAY: Good morning. How are you?

16 My name is Steve Treadway, T-r-e-a-d-w-a-y.

17           I've heard a lot of good things my  
18 Round Valley brothers and sisters have spoke of. I do  
19 have some concerns. I want to rebuttal the contractors  
20 I've heard that first spoke. All the jobs that they seem  
21 to think they're going to create. Most of these jobs are  
22 going to be, in military terms, TDY. They're not going  
23 to be here permanently.

24           We may have a few jobs here and there for  
25 support, maintenance, but they're not going to create a

1 lot of jobs. The windmills in New Mexico that were put  
2 in, all those guys left. I haven't met anybody that  
3 works out there.

4 When something breaks, they have to come  
5 from Albuquerque. I think we should think twice about  
6 this. If they really want to create jobs, they'd be  
7 putting schools up to train some of our young people to  
8 work. Most of the people here that are technologically  
9 inclined to do these kind of jobs, they're all retired  
10 here.

11 Thank you very much.

12 CHMN STAFFORD: Thank you.

13 Up next is Bill Jordan.

14 MR. JORDAN: Can you hear me?

15 CHMN STAFFORD: Yes.

16 MR. JORDAN: Good. That's what I wanted to  
17 know. My name's Bill Jordan, native Arizonan. I moved  
18 up here, got out of the Valley, couldn't stand it down  
19 there anymore. Sunk everything I got into my place over  
20 in Vernon.

21 And I've been up close and personal with  
22 these windmills, okay? Over by Tuzion [phonetic], okay,  
23 the animals are gone from there. They run the animals  
24 out of there. They blocked off access to a lot of places  
25 that used to be able to go to.

1 I talked to guys that were working on them.  
2 Stood right there and talked to one, and he sort of  
3 slipped up, because he said most of them weren't even  
4 hooked up, none of them were working. And I asked him  
5 where the trench lines were for the cables, he said there  
6 wasn't any.

7 So, apparently, you guys have figured out a  
8 way to make electricity jump from a windmill miles away  
9 into a line. And this is a fact. Because I was there  
10 next to them. They made me dizzy, gave me a headache,  
11 not just me, but the guys that were with me. And I've  
12 worked construction for years, and there's no way that  
13 you can't cover up or you can cover up a trench line for  
14 cables.

15 You might think you can, but you can't.  
16 And this is all a farce anyway. They're nothing but a  
17 bunch of butt ugly equipment. And you know it. You all  
18 know it. You guys are mouthpieces for whatever  
19 organization it is.

20 So I'm just telling you that all these  
21 people, they're not just going to stand back and let you  
22 run over them. I know I'm not. And if there's any way,  
23 any way possible, I'm hoping Trump can walk around you  
24 people and stop it. Because he knows it's all nothing  
25 but money, profit. They don't care about the people up

1 here. But we do.

2 So you do -- you do what you got to do, and  
3 we're going to do what we got to do. So I don't have any  
4 specs or none of that other jargon, I'm just telling you  
5 what I've seen and who I've talked to. And when you got  
6 guys working on them and say, they're just sitting out  
7 there for looks, okay, that tells you right there. So  
8 you do what you're going to do, and we're going to do  
9 what we're going to do.

10 CHMN STAFFORD: Thank you.

11 Up next is Linda Philbrook Bates.

12 MS. PHILBROOK BATES: Good morning. Thank  
13 you for your time. I'll do the best I can. I'm a bit  
14 nervous. I didn't plan on speaking, but I feel it's very  
15 important for us to get the word out here.

16 I'm going to speak about water today. The  
17 water tables here are a grave concern. We have no  
18 specific information on just where Lava Run has managed  
19 to arrange enough millions of gallons of water required  
20 for the construction.

21 We have been told vaguely -- I'm sorry --  
22 for the construction and maintenance of not just the  
23 interconnection line, but also for the whole wind farm.  
24 And I know that you guys want to contain our information  
25 to the transmission line, so I'll try to do that today.

1           We have been told vaguely that it is all  
2 arranged, and I'll air quote those words, and not to  
3 worry, none of our local wells will be affected. There  
4 is plenty of water. We sit on top of the Coconino  
5 aquifer, largest in the country.

6           Do you realize that when SRP was  
7 constructed, many area wells were drawn down and quite a  
8 few had to be deepened to reach the water table or  
9 abandoned? I believe SRP suffered a successful lawsuit  
10 in Arizona. In the midst of a severe, many-year drought,  
11 most lakes are at near or all-time-low levels.

12           There are better ways to meet our power  
13 needs with much less water. If we fail to convince you  
14 on the committee that this project will be a disaster,  
15 both environmentally for the people and animals who make  
16 this their home, please do one thing for us all.

17           If you do, and I pray you do not, approve  
18 the interconnection line, please make it contingent upon  
19 Lava Run or any other lined-up company to be thoroughly  
20 vetted with all the required permits and remediation.  
21 Remediation is the most important thing, of the scale of  
22 landscape damage, holes along the sides of our volcanos  
23 and spacious grasslands is also -- almost impossible and  
24 extremely expensive.

25           The landscape will never be the same. Wind

1 farms are falling out of favor in our country and around  
2 the world due to their inefficiency and many of the  
3 problems we're talking about today. Coal, natural gas,  
4 and nuclear are gaining respectability and with AI  
5 scientific advances, unpopular wind farms may be soon  
6 outdated.

7 Many counties, some states, and even other  
8 countries are fighting and even shutting them down around  
9 the globe. Please do your part to save our environment.  
10 And, please, I've come home several times to no water  
11 because I am a California transplant -- sorry to say --  
12 and I would like to say I didn't know my pipes were going  
13 to freeze. So I've lived with no water for a time, and  
14 please do not California my Arizona.

15 Thank you.

16 CHMN STAFFORD: Thank you.

17 Up next we have David Tiedens. And if the  
18 speakers could spell their last name for the court  
19 reporter, please.

20 MR. TIEDENS: Hi, my name is David,  
21 Tiedens, T-i-e-d-e-n-s. So I oppose the interconnection  
22 line and, by extension, the windmill farms that are  
23 planned for the area, this one and Black Ridge. So I'm  
24 an Arizona native, along with my wife, and we moved up  
25 here in the last few years to get away from the city, and

1 kind of been a goal of mine to move up here, because of  
2 the scenery.

3 And would have I have known that these  
4 things were being planned, I probably wouldn't have moved  
5 here. So I am concerned since because of that it's going  
6 to destroy my property value, probably won't be able to  
7 resell it, you know. I share all the same concerns that  
8 have been expressed by everybody else.

9 But I guess, to sum it up, that's my  
10 concern. You're going to put something up that's going  
11 to destroy God's creation, and I think that's why most  
12 people are up here and moved here is to look at the  
13 natural beauty. And that's going to be gone.

14 Because if you start one project, you're  
15 just going to fill that whole valley with them. And it's  
16 going to look like California and every other place.

17 So there's other -- there's other  
18 industries you guys can get into that will provide tax  
19 revenues. You should look at energy that has a smaller  
20 footprint, so we can preserve as much of the natural  
21 beauty as possible, so that's the end of my comments.

22 Thank you for your time.

23 CHMN STAFFORD: Thank you.

24 Up next is Lisa Ronsick.

25 MS. RONSICK: Hi, there. My name is Lisa

1 Ronsick, R-on-s-i-c-k. I completely oppose the  
2 interconnection line and I would beg you all to vote  
3 against it. We -- I'm probably going to get emotional,  
4 I apologize.

5 We moved up from the Valley almost five  
6 years ago now, wanting to raise our children here, and we  
7 homeschool and we go out and hunt, and we go look for  
8 mushrooms. And just on the way here there was an  
9 antelope and there was an eagle right where the whole  
10 project would go.

11 And so for the sake of my children and all  
12 the other children up here on the mountain, I would beg  
13 that you all vote against this line and everything that  
14 it means for our mountain.

15 CHMN STAFFORD: Thank you.

16 MS. RONSICK (CHILD): We really want --

17 MS. RONSICK: Whatever you want to say.

18 MS. RONSICK (CHILD): We're here because we  
19 moved from the Valley. We really want to raise our  
20 children here. We really want to raise our children  
21 here. We moved here because we don't want to be in the  
22 Valley. We want to raise our children here. We came  
23 here because we needed to. We really don't want these  
24 wind turbines. Please vote against it.

25 MS. RONSICK: Good job, baby.

1 CHMN STAFFORD: Thank you.

2 Up next we have Marshall Bell.

3 MR. BELL: Thank you, ladies and gentlemen  
4 of the council. I'm a third-generation --

5 CHMN STAFFORD: Can you state your name and  
6 spell your last name, please.

7 MR. BELL: Marshall Bell, B-e-l-l, last  
8 name. I'm a third-generation electrician. My expertise  
9 were in high voltage, large facilities, transfer  
10 stations, substations, cogeneration substations.

11 I'm here today because I want to talk about  
12 the health effects that I have seen in my work and in the  
13 others that I've worked around. Family members of mine  
14 have leukemia, they've had cancers.

15 I've worked in substations to where you are  
16 limited to your time in those stations because of the  
17 frequencies and the effects of the hearing and of the  
18 body. I have physically been in electrical rooms that  
19 have 12kVa to 4160 coming into those, and you're limited.  
20 So I would consider the health risk and I would look at  
21 these children that were just up here and consider their  
22 health risks.

23 Thank you for your time.

24 CHMN STAFFORD: Thank you.

25 Up next is Lori Goins.

1 MS. GOINS: Hello, I am Lori Goins,  
2 L-o-r-i, G-o-i-n-s. I moved up here when I was a  
3 teenager and it was -- this is a beautiful country that  
4 we lived in, and -- and I want everybody to -- to live  
5 here and be safe that -- and the animals and the people  
6 and -- and I just want everybody to be safe. I -- I  
7 don't want them here either. And -- and I want all the  
8 animals and the birds to be safe too, all the animals and  
9 the birds and all the people that wants to live here.  
10 Thank you.

11 CHMN STAFFORD: Thank you. Up next we have  
12 Morgan Millett.

13 MS. MILLETT: This is where I stand?

14 Hi, I'm Morgan Millett, M-i-l-l-e-t-t.

15 I'm just a four-year resident of the White  
16 Mountains, and my family moved here for the wildlife and  
17 the wide open spaces. And I have three short points to  
18 make.

19 At the last hearing Repsol was requested to  
20 engage with the community. We have had no engagement.

21 Second, Repsol was asked if they would  
22 still -- still put power lines up if the wind farms  
23 weren't approved. They said no. If they could get that  
24 in writing, that would be good. They have said that  
25 they -- they have too many lawsuits going on right now to

1 believe them.

2 And, third, public officials, please secure  
3 the public that you are elected to serve first. You're  
4 not elected to serve the greedy foreign corporations.

5 In conclusion, if these power lines go up,  
6 I hope you all and Repsol can sleep at night, knowing  
7 what you've done to our mountains and open spaces in our  
8 community.

9 Thank you.

10 CHMN STAFFORD: Thank you.

11 Up next we have Pat Maldonado.

12 MS. MALDONADO: Pat Maldonado,  
13 M-a-l-d-o-n-a-d-o. So I'm a California transplant,  
14 number one. I watched my whole entire life California  
15 bleed dry to feed L.A. County. Why are we doing that for  
16 the Valley? This is a beautiful place, and I don't  
17 understand why the people in our community and our  
18 representatives aren't representing the community.

19 Our problem is not the Valley's power  
20 problem, that's their problem. California has been  
21 abandoned, cities have been left behind, windmills have  
22 been shut down, power plants have been canceling  
23 communities. Bottom line is continuously politicians  
24 care more about politicians and not about the people  
25 they're serving.

1                   Secondly, the roads. I live here and I  
2 work at the end of the town and all day I watch emergency  
3 vehicles come in and out of this town on their way to  
4 Show Low on both roads, and if there's any more impact on  
5 our roads, it's going to be terrible. If your family has  
6 an emergency, the last thing you want to worry about is  
7 being stuck in traffic for hours. I say don't do this.  
8 Don't allow it. That's not why we came here. Thank you.

9                   CHMN STAFFORD: Thank you.

10                  And up next we have David Ronsick.

11                  MR. RONSICK: Howdy. My name's David  
12 Ronsick, that's R-o-n-s-i-c-k. So we've heard a lot  
13 today from the people in the community, but I'm actually  
14 here to speak about a much larger community that most of  
15 these people they're familiar with, but aren't here to  
16 represent themselves, and that's the hunters of the  
17 western states.

18                  The area that you guys are proposing  
19 putting this transmission line through is right on the  
20 edge of not only one of the best elk hunting areas in the  
21 state, but in the U.S.

22                  The -- I personally know people who have  
23 put in to attempt to get to hunt, just to attempt to get  
24 to hunt the area that you guys are talking about here for  
25 over 20 years.

1 People travel all across the United States,  
2 as well as worldwide, to come here just to have a chance  
3 to be in these mountains, to be in these areas and in  
4 these communities. This is one of the untouched gems of  
5 the west when it comes to back country hunting, when it  
6 comes to archery hunting, that people can only dream  
7 about getting the chance to come here.

8 So I'm here to say on behalf of all of the  
9 other hunters that have absolutely no idea that this is  
10 going on, that on behalf of all of them, none of us want  
11 this to come through here. This is one of the most  
12 desirable hunting grounds in the west.

13 And if you do this and put this  
14 transmission line through, it is going to destroy the  
15 dreams of thousands -- hundreds of thousands of hunters  
16 who wish a chance at something like these untouched  
17 mountains. So on behalf of all of us, vote against this.

18 CHMN STAFFORD: Thank you.

19 Now let's go to the WebEx. I see  
20 Ms. Barbara Schultz, do you wish to make public comment?

21 (No response.)

22 CHMN STAFFORD: Can you please unmute? We  
23 can't hear you.

24 MS. SCHULTZ: Oh, okay. Thank you. My  
25 name is Barbara. I didn't know I was up to share.

1 But I have been so -- so touched by  
2 everybody's opinions. And I do agree, and I've seen,  
3 driven all through California and seen what the wind  
4 farms have done to, I mean, places that used to be wide  
5 open.

6 I'm 72 years old, and I just -- and this  
7 area is truly one of the most pristine areas in the  
8 United States. You can't do this to them. And the  
9 gentleman who just talked about hunting, true, absolutely  
10 true, the fire danger is terrifying up here.

11 We are in a terrible drought. There is  
12 just -- there's no way that you can protect the  
13 Apache-Sitgreaves Forest with something like this.  
14 You've seen the fires that go on in the dryness like all  
15 through New Mexico. We don't want that here. This  
16 forest is not that big anymore. And somebody else  
17 mentioned Greer almost burned down less than a year ago,  
18 less than a year ago, from a tiny little spark.

19 We had a 10-day forest fire that was  
20 incredible and had people from all over fighting it. We  
21 cannot have that here. There's no way -- you can't  
22 protect us from that. And as everybody else said, there  
23 are so many better ways coming up to generate power.

24 And what about our water table? It's the  
25 same thing, I agree, we don't have any control over this

1 water table that keeps going down. We are trying to  
2 legislate it, but we haven't done it, and it's -- there's  
3 no water, okay? There's no water to fight the fires.  
4 There's no water to run these things.

5 Thank you.

6 CHMN STAFFORD: Thank you. Are there any  
7 other public commenters on the phone? I see a call-in  
8 user 2.

9 (No response.)

10 AV TECHNICIAN: Mr. Chairman, we have one  
11 more in Springerville who wishes to make comment.

12 CHMN STAFFORD: Please.

13 MR. ROGERS: -- (inaudible) generation  
14 native, mostly to the White Mountains.

15 CHMN STAFFORD: Can you please state your  
16 name and spell your last name for the court reporter.

17 MR. ROGERS: Fred Rogers, R-o-g-e-r-s.

18 I'd like to talk a little bit common sense,  
19 a little bit about this. I've studied this a little bit.  
20 I've had a little bit of information that's been given to  
21 me, and all I know is normally when power is used, it  
22 doesn't -- it doesn't come out, it's -- the grid is like  
23 this, it's up and down. And when the power isn't  
24 supplied, you get a brownout or a blackout.

25 Now, if you have a -- if you have a dam,

1 would you need more power? You send more water over the  
2 dam through the turbines, and that way you get more  
3 power; you don't have a brownout or a blackout.

4 When you need more power to -- from a power  
5 plant, you throw in more coal and the power goes up, the  
6 demand for the power is met; you don't have a blackout or  
7 a brownout.

8 When you have a nuclear plant, you pull the  
9 rods, and it ups the power. And then you have -- you  
10 don't have a blackout or a brownout.

11 Now, I'd like to know how these windmills  
12 work when you need more power? You just throw a switch  
13 and you get more wind? Is that how it works? No, it  
14 doesn't work. Sometimes the wind doesn't blow. Right  
15 now it's not blowing.

16 Other times of the year, in the spring, we  
17 get a lot of wind, probably too much. Because right now  
18 we have a problem with the -- with the bark beetle  
19 killing all of our oak trees, and we're going to have a  
20 problem with fire danger when the spring comes. That's  
21 the problem we have.

22 I'd like to know who the guy was who  
23 invented these windmills? Because I don't think he was  
24 very intelligent. He doesn't have any way to up the  
25 power when the wind's not blowing, when it's in demand.

1 Now, due to all respect, I'd like you guys to build these  
2 butt ugly windmills someplace else.

3 CHMN STAFFORD: Thank you.

4 All right. It is now 12:15. This will  
5 conclude the public comment session. We will break for  
6 lunch and come back here at 1:30, and we'll begin with  
7 opening statements from the parties. I understand that  
8 the Commission has to switch out, there's a different  
9 link for the hearing portion, as opposed to the public  
10 comment. With that, we are in recess until 1:30.

11 (Recessed from 12:16 p.m. until 1:43 p.m.)

12 CHMN STAFFORD: Let's go back on the  
13 record. We have concluded our public comment session and  
14 now it is time for opening statements. We'll begin with  
15 the applicant.

16 MR. DERSTINE: Thank you, Mr. Chairman,  
17 Members of the Committee. I'm -- if I was of normal size  
18 I might be able to see over this monitor, but I'll have  
19 to just assume that you're back there. And there, I see  
20 a hand wave from Member Kryder.

21 So, again, good afternoon, Matt Derstine,  
22 appearing on behalf of the applicants. Joining me at the  
23 table is Mr. Derek Rieman, on behalf of the applicant and  
24 Repsol. Mariana Ambrose is here, and then our Mr. -- how  
25 could I forget your name, I've been talking to you for

1 days -- Jeremy Casteel, who will be our -- was our  
2 witness during the siting hearing back in October and  
3 will provide testimony on the land use issues that are  
4 back before the committee here today.

5 I wanted to just start and take a moment  
6 again, my -- my view is obstructed by the pole here in  
7 the hearing room, but I wanted to acknowledge and  
8 appreciate the attendance of Supervisor Shepherd,  
9 Chairman of the Apache County Board of Supervisors;  
10 Supervisor Shirley, Vice Chairman of the Apache County  
11 Board of Supervisors; and Supervisor Davis.

12 All three are here today, and we greatly  
13 appreciate their attendance. I know that they take these  
14 matters seriously, and we appreciate them taking the time  
15 to drive down to Phoenix and be a part of this  
16 proceeding.

17 Also in attendance is Mr. Ryan Patterson,  
18 who is the county manager for Apache County. And we also  
19 have Mr. Matthew Fish, who is the community development  
20 director, who is here as well. And then we have  
21 Mr. Anable, and we appreciate Mr. Anable seeking to be a  
22 party and have his perspective and whatever his testimony  
23 is heard by this committee and taken into account.

24 Let's see if I can use the technology that  
25 they've given me with this clicker. I do have -- if they

1 can tee up the slide deck. Yeah, thank you so much.

2 My label here is "The remand hearing, how  
3 did we get here?" I think you all are well aware, but I  
4 think I'd take a minute just to remind you of kind of the  
5 procedural history, the back story of what brought us  
6 here today.

7 The applicants, CG Apache County Solar,  
8 LLC, and CG Apache County Wind, filed a joint application  
9 with the Commission for the Lava Run Interconnection  
10 Project back in September.

11 We had a hearing over several days before  
12 the -- before this committee, that was held on  
13 October 20th up in -- at the Hon-Dah Casino, and we had  
14 at that time a lot of folks in attendance and gave public  
15 comment just as they did here today.

16 And I think the applicants recognize, just  
17 as this committee does, that public comment is important,  
18 it's important to this process. We want to hear from  
19 them, and I think that this committee has done a fine job  
20 in terms of ensuring that folks are heard.

21 At the conclusion of the hearing back in  
22 October, this committee voted 8 to 2 to approve the CEC  
23 for the interconnection project. And I think it's  
24 important to, I guess, maybe put a pin in the fact that  
25 the interconnection project is a transmission line, it's

1 not the wind project, it's not the solar project. It's a  
2 345-kV transmission line that will deliver the energy  
3 from those projects, if they are approved through the  
4 separate zoning approval process in Apache County, and  
5 deliver that energy to the Springerville Generating  
6 Station.

7           The CEC was considered by the Corporation  
8 Commission on December the 3rd at its open meeting, at  
9 which time the commissioners voted to remand the case  
10 back to this committee for this hearing here today.

11           In looking at the -- well, obviously, I was  
12 at the open meeting, I heard the comments from the  
13 commissioners and reviewed their decision.

14           I'm left to assume and conclude that  
15 largely what drove the decision to send this case back to  
16 this committee by the Commission was the letter that  
17 Mr. Fish, the director of the development office, sent in  
18 on the day of the open meeting asking that the Commission  
19 deny the CEC until applicants had applied for and  
20 obtained a CUP for the project. Whatever "the project"  
21 means.

22           And I think we'll have an opportunity to  
23 delve into that a little bit with Mr. Fish when he's  
24 called to testify. But I think what's clear from the  
25 Commission's decision and what this committee well knows

1 is that the Commission and this committee only have  
2 jurisdiction over the gen-tie line, not the wind project,  
3 not the solar project.

4 What's here on slide 5 in my opening  
5 simply, you know, restates the language that's contained  
6 in the Commission's decision that the matter is remanded  
7 for consideration of additional evidence on county and  
8 municipal land use concerns and land use impacts in  
9 Apache County.

10 And additional evidence about land use  
11 plans in the affected area of jurisdiction, that is  
12 Apache County, it's necessary for balancing need versus  
13 adequate and economic reliable supply of electrical  
14 power.

15 On that point, I would simply make the  
16 point that I think the Commission well understands and  
17 this committee well understands that what we are  
18 balancing are the impacts of the gen-tie line, as  
19 established in the record before this committee on the  
20 application for a CEC for the gen-tie line and not  
21 balancing or taking into account impacts from the  
22 separate wind and solar project.

23 Separate things. One, this committee and  
24 the Commission have jurisdiction over the gen-tie, the  
25 transmission line. You don't have jurisdiction over the

1 wind and the solar project, and consideration of those  
2 factors is beyond the authority and the jurisdiction of  
3 this committee.

4 And, finally, as noted in the Commission's  
5 decision, this remand does not require applicant to  
6 submit an application, nor does it require the committee  
7 to revisit the matter de novo. I know Member Little was  
8 not in attendance at the original hearing, she's  
9 indicated that there are some questions or issues raised  
10 by members of the public that she'd like to hear about.

11 We're happy to address those, but the fact  
12 is that we're not presenting and going over all the  
13 testimony and the evidence that this committee heard and  
14 that was the basis for its decision on the CEC  
15 application.

16 This case is, I think in a similar posture  
17 to another recent case that you heard, which is the  
18 Bacarra Power Plant. I was not in attendance for that  
19 hearing and I wasn't there for public comment, but I was  
20 at the open meeting and I did hear from the members of  
21 the public who were in attendance at the open meeting,  
22 who, like today, raised a number of concerns, anger,  
23 frustration, over the siting of that project near their  
24 homes, and in proximity to where they live and where they  
25 travel and where they recreate. And folks expressed, as

1 they did here today, their frustration and concern about  
2 that project.

3 At the same time, this committee did what  
4 it does in every case, and that is to look at the project  
5 that's before you, look at the project over which you  
6 have jurisdiction, apply the factors from the statute 06  
7 to the project, to the jurisdictional project, and then  
8 vote accordingly. And I know that's what was done in  
9 October. And I know that's what will occur here today.

10 These cases are important. And, as this  
11 committee well knows, the siting of transmission lines  
12 and other infrastructure are critical to the state. At  
13 the same time, it's important to take into account the  
14 impacts that these projects have, and to do what the CEC  
15 does and what the various conditions do.

16 And that is to mitigate or minimize the  
17 impacts of those projects, that is the jurisdictional  
18 project, and leave the nonjurisdictional project, the  
19 wind project, the solar project or whatever project the  
20 transmission line serves to the local process, to the  
21 zoning process at the County level. To the permitting  
22 process to the extent there is a separate permitting  
23 process that applies.

24 And just as in Bacarra, I think here, the  
25 approval of the CEC for this gen-tie line in no way

1 undermines the authority of the Apache County Board of  
2 Supervisors to apply its zoning regulations, its  
3 renewable ordinance to take into consideration all the  
4 factors that are relevant to that zoning determination,  
5 and for this Board of Supervisors to vote on whether to  
6 approve the wind project or the solar project that's at  
7 the end of the line.

8           But what's before you today is a CEC for a  
9 transmission line that again does not undermine the  
10 authority of the Board of Supervisors. It doesn't  
11 restrict its authority, doesn't prevent the Board of  
12 Supervisors from doing what they do in every case, and  
13 that is taking a careful consideration of whatever  
14 project is before them, whether it's a CU -- Conditional  
15 Use Permit or other sort of zoning application, and  
16 making a decision on the separate merits of that case.

17           So we're here, you know, pursuant to the  
18 Commission's decision, we're here to put on the record of  
19 the land use impacts, much of it is testimony in evidence  
20 that is already in the record that was heard by this  
21 committee back in October, but we're happy to present it  
22 again to address whether there's any new considerations  
23 or issues.

24           And at the conclusion of this hearing, of  
25 this process, we will again ask that you confirm your

1 decision to approve the CEC, and then allow Apache County  
2 to do what it does in enforcing and applying its zoning  
3 regulations to the separate issues of whether or not  
4 zoning approval should be applied and granted to the wind  
5 and the solar project. So I thank you for your time and  
6 we look forward to presenting our case to you.

7 CHMN STAFFORD: Thank you, Mr. Derstine.

8 Next let's hear from Apache County.

9 Mr. Resare.

10 MR. RESARE: Thank you, Mr. Chairman,  
11 Members of the Committee. I appreciate you letting us be  
12 a party to this -- this gathering today.

13 Obviously, one of the things that Apache  
14 County wants to have, and I think that, you know, is  
15 something that can't be taken away is that ability for  
16 those elected officials that have been voted in to have  
17 input into what's going on in that County.

18 And that's a big deal, I think, to anyone  
19 as Americans, especially in our county as well. We have  
20 lots of citizens, and you saw a lot of those folks today,  
21 that at least have the perception that this approval of a  
22 gen-tie line takes away, or I guess would automatically  
23 approve everything else.

24 And they may have at least a point in that  
25 that, you know, if this just gets approved, why wouldn't

1 everything else just get approved as well? And so, you  
2 know, I think we -- you can understand where some of  
3 those folks are coming from with that degree.

4 And I think maybe one of the biggest issues  
5 this board has, and maybe no government organization has  
6 ever been accused of having, is how efficient you are.  
7 Because we're still at the very beginning of our process.  
8 I think we're still in the preliminary phases of this  
9 wind and solar, where -- where these lines could lead to.

10 And you're already to this point where  
11 you're, like, hey, we're going to be approving these  
12 lines, potentially, and that's the very first thing the  
13 public is seeing, is just approval to lines that are  
14 going to wind or solar, potentially, and we have not had  
15 the processes out there. We've not been through any of  
16 the traditional get folks out, talk about what's going  
17 on, what's going in.

18 And that's obviously a concerning thing to  
19 a politician, to a community, when you don't get to have  
20 a say and it looks like, and there is a perception out  
21 there that these are already being approved without any  
22 community input.

23 And, obviously, Apache County, since we  
24 haven't gotten to a point where we've been talking about  
25 these, because they're still in the preliminary phases on

1 the actual projects, we don't know what the Board of  
2 Supervisors will be approving or not approving or what  
3 their opinions necessarily are on those issues, or even  
4 our planning and zoning board, because they haven't  
5 gotten that far yet.

6 And so our position in regards to this is  
7 we do want to have that seat at the table in making some  
8 of these decisions, and we understand that you do have  
9 authority over the gen-tie lines and those type of lines,  
10 and that those are not necessarily County issues.

11 And we do appreciate you wanting to have  
12 our input and accepting that here today. But essentially  
13 that's the County's position is take into account when  
14 reviewing this, again, what the perception looks like  
15 from our citizens and from perhaps even the County. And  
16 that, you know, the main purpose is that we do want that  
17 seat at the table. And, obviously, I think you folks  
18 understand and agree with that by giving us some time  
19 here to chat and to let you know about that today.

20 CHMN STAFFORD: Thank you.

21 Mr. Anable.

22 MR. ANABLE: Yes, sir.

23 Thank you, Members of the Committee. Thank  
24 you for letting me intervene. Why I'm here is kind of a  
25 strange, roundabout process, but in July of 2024, I sent

1 Repsol, when I first found out about this project, I sent  
2 Repsol a note and said, "Hey, I'm a former state land  
3 commissioner, I know a bit about this, let's talk. I  
4 think maybe we can work out some of my concerns." I  
5 didn't hear back from them. They didn't take me up on my  
6 offer.

7           So about a year ago I approached their  
8 lobbyist and said, "Hey, you know, Repsol should really  
9 talk to me," and the lobbyist said, "Well, I already told  
10 them to talk to you," and they haven't talked to me.

11           So here I am intervening in their rate  
12 case -- or not rate case -- in their line siting case, so  
13 that they can finally hear me. And what they're going to  
14 hear is what I didn't know back in 2024, but I now know  
15 is that this application is very premature.

16           I know the committee can't tell them when  
17 to apply, but they have applied prematurely. They have  
18 not submitted for you the studies, the evidence. The  
19 things they reference in their application are not of  
20 record. And so somebody, who's like me, who has been a  
21 land man his whole life, doesn't have the ability to  
22 adequately comment on their application, because the  
23 information is not there.

24           As an example, and you heard this at the  
25 last hearing, 40 percent of the CEC area has not been

1 surveyed for cultural resources. It may have been by  
2 now, but where's that information? It's not here. I  
3 don't have it. I should have it, right?

4 This is an ex parte thing. If they have  
5 it, I should have it, and I don't have it. So my plan  
6 here, if I get through interviewing these people over  
7 here, I will get them to explain to you all the various  
8 studies that haven't been done or haven't been shown to  
9 the public.

10 The public is the other party in this, so  
11 they also don't have the ability to adequately comment.  
12 And that to me is important. I'm not opposed to wind or  
13 solar. As a matter of fact, in my limited appearance I  
14 offered no complaints about the solar project and I  
15 suggested some remedies for the wind project.

16 Repsol doesn't know it, but I spent half my  
17 career with state and federal government land management,  
18 the other half of my career as a private consultant. I  
19 was the first consultant -- I was a consultant on the  
20 first wind tower project here in Arizona, PPL Energy was  
21 my client.

22 So, you know, I understand how these things  
23 work, I could probably be helpful, but I have to be at  
24 odds with them in order to be able to talk to them, which  
25 is kind of silly, but that's why I'm here.

1 Thank you for the time.

2 CHMN STAFFORD: Thank you.

3 All right. Mr. Derstine, you have three  
4 witnesses to call?

5 MR. DERSTINE: That's correct.

6 CHMN STAFFORD: And you'll be presenting  
7 them as a panel?

8 MR. DERSTINE: Yes.

9 CHMN STAFFORD: Okay. Mr. Resare, do you  
10 intend to call any witnesses.

11 MR. RESARE: (No audible response.)

12 CHMN STAFFORD: No?

13 MR. RESARE: No, we do not.

14 CHMN STAFFORD: And you, Mr. Anable?

15 MR. ANABLE: I had asked the State Historic  
16 Preservation Officer to make available someone to me, I  
17 reached out to them twice, and they have not responded.  
18 So I do not have a witness, but I was hoping to ask  
19 Mr. Derstine to produce the SWCA archeologist if that's  
20 at all possible.

21 CHMN STAFFORD: Their testimony may already  
22 be in the record -- there was 27 exhibits from the first  
23 hearing, and it appears that the applicant has quite a  
24 number of new ones, up to 53 for the total exhibits for  
25 the hearing.

1                   You'll be able to ask about those questions  
2 from the applicant's witnesses when it's your turn to  
3 cross-examine them.

4                   All right. Mr. Derstine, would you like to  
5 call your witnesses, and we'll swear them in?

6                   MR. DERSTINE: Yes. Mr. Chairman, our  
7 witness panel will consist of Mr. Jeremy Casteel,  
8 Mr. Derek Rieman, to my right, and Ms. Mariana Ambrose at  
9 the end of the table here. And they're available to be  
10 sworn.

11                   CHMN STAFFORD: All right. Ms. Ambrose.

12                   (Mariana Ambrose was duly affirmed  
13 by the Chairman.)

14                   CHMN STAFFORD: Mr. Casteel.

15                   (Jeremy Casteel was duly affirmed  
16 by the Chairman.)

17                   CHMN STAFFORD: Mr. Rieman.

18                   (Derek Rieman was duly affirmed  
19 by the Chairman.)

20                   CHMN STAFFORD: Thank you.

21                   Please proceed, Mr. Derstine.

22                   MR. DERSTINE: Let's see, can we have you  
23 pull up our slide deck?

24                   CHMN STAFFORD: And the slides are Exhibit  
25 CG-31?

1 MR. DERSTINE: That's correct. That's what  
2 I was fishing for so I could identify them for the  
3 record. So the hearing slides that we'll be projecting  
4 here are marked as CG-31. And then there are a number of  
5 exhibits that will be referenced through the testimony  
6 and we'll call those out as we proceed.

7 CHMN STAFFORD: Thank you.

8  
9 MARIAN AMBROSE, JEREMY CASTEEL and DEREK RIEMAN,  
10 called as witnesses as a panel on behalf of Applicant,  
11 having been previously affirmed or sworn by the Chairman  
12 to speak the truth and nothing but the truth, were  
13 examined and testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. DERSTINE:

17 Q. Mr. Casteel, you're going to start us off with  
18 covering the various forms of notice that were provided  
19 in connection with the remand hearing. You covered  
20 the -- all the notice requirements for the original  
21 siting committee hearing, but we have now new notice  
22 requirements that were issued by the Chairman for this  
23 remand hearing.

24 So let's go through those and let me have you  
25 simply start at a high level identifying the different

1 forms of notice that were provided, and then I'll have  
2 you provide more detail on each of those methods of  
3 notification.

4 A. (MR. CASTEEL) Sure.

5 Good afternoon. Yeah, of the notice of -- the  
6 methods of noticing were similar to what you would see at  
7 any other hearing.

8 We sent an informational postcard, provided an  
9 informational email, updated our project website, social  
10 media, two newspaper advertisements, the CEC materials  
11 were maintained at the two local libraries in Apache  
12 County, and then public notice signage and notice of  
13 filing list of affected jurisdictions.

14 Q. And I neglected and -- to give you an  
15 opportunity to give the committee a little bit of  
16 background. They heard you testify back in October, but  
17 I think it's worth noting for the record again, just a  
18 little bit about who you are, your background, your  
19 education, and then your current role with this project.

20 A. (MR. CASTEEL) Yes. I'm the CEC project manager.  
21 I'm a lead environmental planner with SWCA Environmental  
22 Consultants with over 20 years of experience, and I have  
23 a B.A. from Bowling Green State University in  
24 environmental policy and analysis.

25 Q. And I guess while we're doing the introductions,

1 Mr. Rieman, do you want to do the same, tell the  
2 committee a little bit about yourself and your role with  
3 the project?

4 A. (MR. RIEMAN) Yes. My name is Derek Rieman,  
5 chief development officer at Repsol Renewables North  
6 America. I oversee the development of the utility-scale  
7 wind, solar, solar plus storage, and stand-alone storage  
8 for Repsol Renewables.

9 I have over 16 years of experience developing,  
10 siting, and constructing renewable energy projects across  
11 the United States. I have a juris doctorate from the  
12 University of Oregon with a specialization of natural  
13 resource and environmental law. And I have an  
14 undergraduate degree from Indiana University with a B.A.  
15 in political science and minors in business and Spanish.

16 Q. Ms. Ambrose, why don't you take a minute and  
17 introduce yourself to the committee, please.

18 A. (MS. AMBROSE) Chairman Stafford and Honorable  
19 Members of the Committee, my name is Mariana Ambrose, and  
20 I'm the lead project manager on the Lava Run  
21 Interconnection line, as well as the associated Lava Run  
22 Wind and Solar Projects.

23 My background, I got a bachelor's in  
24 administration and environmental studies from Baylor  
25 University. And I have more than three years' experience

1 in renewable energy development. And at Repsol I focus  
2 in the Desert Southwest.

3 Q. Okay. Thank you. Back to you, Mr. Casteel, we  
4 went through the various notification methods kind of in  
5 a laundry list fashion.

6 You're in control of the slides, why don't you  
7 start us out with the postcard that was sent to notify  
8 residents, landowners within Apache County about this  
9 remand hearing, and maybe start us off with explaining  
10 the notification, area where that postcard was sent and  
11 how many addresses and how many folks received it?

12 A. (MR. CASTEEL) Certainly. The notification area  
13 for the interconnection project was a five-mile buffer  
14 centered on the proposed route.

15 That is the same notification area that we used  
16 for the original hearing, and we supplemented that  
17 notification list not with just residents and landowners,  
18 but also HOAs, and anybody who had attended the  
19 applicants' Conditional Use Permit hearings and open  
20 houses within Apache County.

21 So it's quite a comprehensive list and then we  
22 added individuals who attended the hearing in October.

23 Q. And that postcard is found or has been  
24 identified as applicant's Exhibit CG-39; is that right?

25 A. (MR. CASTEEL) Correct. So during the week of

1 January 5th, we did mail the postcard using the  
2 notification list.

3           Again, that notification list was comprehensive,  
4 not only did it include the individuals that I mentioned  
5 but also tribal representatives, agencies, and  
6 stakeholders that have either commented or have been  
7 involved in the project.

8           And then, as we just heard, that postcard  
9 included the opportunity for public comment at the  
10 municipal -- Springerville Municipal Airport.

11         Q.    And the notification area that you referred to,  
12 that is -- the map of that is shown at CG-47?

13         A.    (MR. CASTEEL) Correct.

14         Q.    Okay.  And, again, I think as you identified,  
15 it's a five-mile area that surrounds the project, so in  
16 many cases we're providing notice out a mile or so from a  
17 proposed transmission line project, in this case the  
18 notification area went well beyond that out five miles,  
19 right?

20         A.    (MR. CASTEEL) Yes.  Much larger than typical CEC  
21 cases.

22         Q.    Okay.  And you used that larger notification  
23 area because maybe the -- well, you can explain it, but  
24 my understanding is because of the dispersed nature of  
25 residents and landowners, that is, we wanted to make sure

1 that as many folks as possible could receive this, but  
2 within a mile we weren't catching that many addresses; is  
3 that a fair statement?

4 A. (MR. CASTEEL) Yes, it is. And that was on the  
5 advice of the applicant.

6 Moving on, we have provided an informational  
7 email to 27 individuals, those 27 were individuals who  
8 attended the hearing but we did not have a mailing  
9 address for, so I personally sent them an email with the  
10 same information provided, that there was the Notice of  
11 Hearing, and within the postcard mailer. And again, that  
12 email also provided the opportunity -- the information  
13 necessary about the public session at the Springerville  
14 Municipal Airport.

15 Q. And, again, just so I understand, there were  
16 folks who may or may not reside within your five-mile  
17 notification area, but we didn't have an address for  
18 them, and we only had an email address. So you  
19 separately sent an email to those folks just to ensure  
20 that they received notice?

21 A. (MR. CASTEEL) Yes, I wanted to make sure.

22 Q. Okay. Did we also use social media and our  
23 project website to publicize this remand hearing?

24 A. (MR. CASTEEL) Yes, we did. The applicant  
25 maintained their project website with the relevant

1 information for the remand hearing, as well as the public  
2 comment session.

3 The graphic on the right appeared on the project  
4 website, but the graphic on the right also provided --  
5 was also provided via Facebook ad, a targeted Facebook ad  
6 that ran from January 13th to February 9th, and again  
7 announced the remand hearing, key events, details, and  
8 directed people to the applicant's project website where  
9 they could obtain transcripts and notices from the --  
10 from the committee.

11 Q. And what you're speaking to is slide number 10  
12 of applicant's Exhibit CG-31, correct?

13 A. Correct. I just want to note that the Facebook  
14 ad reached 7,100 accounts and had over 36,000 views.

15 Q. And we also, as we do in normal siting cases,  
16 published the Notice of Hearing. Give some details on  
17 that.

18 MEMBER KRYDER: Mr. Chairman?

19 CHMN STAFFORD: Yes, Member Kryder.

20 MEMBER KRYDER: Quick question,  
21 Mr. Casteel. You gave us the number of Facebook  
22 interactions, what period of time are we talking, a  
23 couple of days or how much time was this on a paid ad?

24 MR. CASTEEL: The ad ran from January 13th  
25 to February 9th, today.

1 MEMBER KRYDER: Which without a calendar in  
2 front of me that's, what, 21 days or -- I mean, back of  
3 the envelope, is three weeks or four?

4 MR. CASTEEL: We tried to get that ad up as  
5 soon as, I think we had -- we had a deadline -- or we had  
6 a rough deadline of mid-January, but we tried to get it  
7 up as soon as possible, once we knew this hearing was  
8 going to take place.

9 MEMBER KRYDER: Okay. Thank you very much.

10 MR. CASTEEL: So yes, we provided two -- we  
11 published two notices in the White Mountain Independent,  
12 the local newspaper that serves the area. That occurred  
13 on December 30th, 2025, and then January 2nd, 2026.

14 Again, the location, date, and time for the  
15 remand hearing and the public comment session was  
16 provided.

17 Q. And the notice of publication or the affidavit  
18 of publication is found --

19 MEMBER KRYDER: Matt, we can't hear you.

20 MR. DERSTINE: Oh, sorry.

21 Q. The affidavit of publication is found at CG-34;  
22 is that right?

23 A. (MR. CASTEEL) Yes.

24 Q. And that was a full-page ad, it wasn't half or a  
25 quarter page?

1 A. (MR. CASTEEL) That was a full-page  
2 advertisement.

3 Q. And then we're -- the Chairman's Procedural  
4 Order for normal siting cases requires that we place the  
5 hearing materials, application, and transcripts at one or  
6 more library locations.

7 Did we do that here as well?

8 A. (MR. CASTEEL) Yes, we did. We've worked with  
9 the Apache County library director to maintain hearing  
10 materials, CEC application, all the -- yeah, the exhibits  
11 at the two County libraries, the St. Johns Public Library  
12 and the Round Valley Public Library. All the materials  
13 have been maintained on the docket.

14 MR. DERSTINE: Could I have you pause  
15 there? Mr. Chairman, I received a note so our -- this  
16 hearing is being live streamed through the Commission's  
17 IT department, who has done a great job getting us set up  
18 here and making sure that we have everything that we need  
19 for this hearing, but I just received a note that their  
20 feed has gone down and I don't know whether it's  
21 appropriate that we pause while they're reconnecting?  
22 Let me ask.

23 CHMN STAFFORD: I think we can proceed.  
24 There's a court reporter here that is taking down the  
25 testimony, so --

1 MR. DERSTINE: All right. Thank you. Just  
2 wanted to bring it to your attention.

3 CHMN STAFFORD: Please proceed.

4 BY MR. DERSTINE:

5 Q. And you have emails confirming what was there at  
6 the libraries or their receipts and maintenance of those  
7 materials and that's found in Exhibit CG-37, correct?

8 A. (MR. CASTEEL) Yes.

9 Q. Okay. And we also posted signs. There were  
10 signs that were posted providing notice of the original  
11 siting hearing back in October, and I think we refreshed  
12 those signs and maintained them in the same locations,  
13 but it had -- those signs carried new information on this  
14 remand hearing; is that correct?

15 A. (MR. CASTEEL) That is correct.

16 Q. Can you tell us about that?

17 A. (MR. CASTEEL) Yeah, the same five locations that  
18 we provided during the initial hearing, we just  
19 repurposed those, and installed new signage where  
20 appropriate or -- we repurposed the materials, put a new  
21 sign with current information and was posted at the same  
22 locations.

23 Q. And evidence of those sign postings is found at  
24 CG-36, correct?

25 A. (MR. CASTEEL) Correct.

1 Q. And then the applicant is required to provide a  
2 notice of the list of affected jurisdictions. My office  
3 did that and submitted that to the Corporation  
4 Commission, and then the Corporation Commission docket  
5 control mailed out that information to the affected  
6 jurisdictions. And then we also copied various parties  
7 on our -- on our notice list, and that is found at CG-35.

8 A. (MR. CASTEEL) Yes. Correct.

9 Q. Any other notice issues that we should address  
10 before we move on?

11 A. (MR. CASTEEL) No, that was all.

12 Q. Okay.

13 MEMBER COMSTOCK: Mr. Chairman?

14 CHMN STAFFORD: Yes, Member Comstock.

15 MEMBER COMSTOCK: If I may, Mr. Casteel,  
16 there were a number of speakers this morning representing  
17 the community of Vernon. In your expanded outreach,  
18 during this phase of your expanded outreach, how many of  
19 those addresses in Vernon were contacted?

20 MR. CASTEEL: I'd have to look at the list  
21 and see who was on there.

22 MEMBER COMSTOCK: Maybe I could ask it a  
23 different way. Was Vernon included in the expanded  
24 outreach?

25 MR. CASTEEL: They were not purposely

1 included in the outreach. Vernon is approximately 10  
2 miles to the west of the study area.

3 MEMBER COMSTOCK: Thank you.

4 BY MR. DERSTINE:

5 Q. So our expanded five-mile notification area did  
6 not include Vernon, because Vernon is -- the community of  
7 Vernon is over 10 miles away from the corridor of our  
8 project?

9 A. (MR. CASTEEL) Yes. And I guess I would say that  
10 the community is aware of the project, as I think you  
11 have seen, but --

12 Q. Well, would they -- had they appeared, any  
13 resident of Vernon, had they appeared and put down their  
14 address and/or an email address for any of the public  
15 comment sessions, I assume they would have received  
16 notice?

17 A. (MR. CASTEEL) Yes, they would have. Yes.

18 Q. And is the geo area that was covered by our  
19 social media ads, would that have also included Vernon?

20 A. (MR. CASTEEL) It would -- I'd have to check the  
21 zip codes -- I'd have to check the zip codes that were  
22 used, but the zip codes that were used are in the same  
23 area, certainly, Springerville, St. Johns, Concho. It's  
24 all in the same areas. So they would have to check, but  
25 I would think that they would get notified as well, via

1 the social media.

2 CHMN STAFFORD: Mr. Casteel, could you get  
3 a little closer to your microphone, please?

4 MR. CASTEEL: Yes. Sorry about that.

5 MEMBER COMSTOCK: Thank you, Mr. Derstine.

6 MR. DERSTINE: Yes.

7 Q. We wanted to -- I think the next chapter we have  
8 here is I thought it was appropriate to go back and maybe  
9 remind the committee of the -- what the interconnection  
10 project is and what it consists of and where it's  
11 located. Is that what's next?

12 A. (MR. CASTEEL) Yes. An overview is next. You  
13 all should have a placemat in front of you. If not, let  
14 me know. One of those sides of that placemat is a CEC  
15 corridor that we provided in the initial hearing, and  
16 we'll talk through it now. I'll be talking for the next  
17 several minutes, so --

18 CHMN STAFFORD: Now, the photo, the picture  
19 on the placemat was previously an exhibit, was it  
20 attached to the application?

21 MR. CASTEEL: Yes, I can get the exact  
22 number for you. It's either A-1 or A-2, but I'll -- I'll  
23 double-check. It was in the application.

24 CHMN STAFFORD: Okay.

25 MR. CASTEEL: So the interconnection

1 project is an approximately 27-mile long, 345-kV,  
2 alternating current generation tie line that will run  
3 between the applicant's wind and solar projects and then  
4 to the TEP Springerville Substation. There will be four  
5 nonjurisdictional project substations, the  
6 interconnection project will be a single circuit as it  
7 leaves the wind facility on the western end of the study  
8 area.

9           And it will run to the applicant's solar  
10 facility, where then it will turn into a double circuit  
11 and then carry output from the solar facility and the  
12 battery energy solar system project to the project, to  
13 the Springerville Substation and, as we testified to, the  
14 route is designed to minimize impacts and plans to cross  
15 existing roadways, transmission lines, and it will span  
16 the Little Colorado River.

17           Just a quick note about the structures.  
18 They are proposed to be tangent monopoles, angled  
19 monopoles, and dead-end monopoles. They will be either  
20 galvanized or weathered steel, a maximum height of 180  
21 feet, and anticipated structure number is 200.

22 BY MR. DERSTINE:

23           Q. Let me pause you there for a minute, because I  
24 recall that Member Little had noted in her opening  
25 comments that the FAA clearance for the project had

1 expired.

2 I want to make sure and make it clear for the  
3 record, because the structures, as noted on slide 17 of  
4 CG-31, are 180 feet, that the transmission structures do  
5 not require FAA clearance because they're under 200 feet;  
6 is that correct?

7 A. (MR. CASTEEL) That is correct.

8 Q. Now, though the FAA clearance for the wind  
9 structures for the turbines, that has expired, and that  
10 expires on a regular cadence, as I understand it, of  
11 every 18 months, and so it's typical to have to -- for an  
12 applicant to have to reapply for FAA clearance for  
13 turbines on a regular basis. And I think the applicant  
14 and Mr. Rieman can speak to it, or Ms. Ambrose, but for  
15 the same reasons, the formal -- the FAA cleared the  
16 original turbine that they -- the new -- it will receive  
17 the clearance again once we reapply for it.

18 MEMBER LITTLE: Thank you for that  
19 clarification. I appreciate it. Check one of the  
20 questions off my list.

21 MR. DERSTINE: All right.

22 MR. CASTEEL: On the screen now is the CEC  
23 corridor map. It's the same one that's on your placemat.  
24 I'll just take a minute here to walk through the route of  
25 the interconnection project.

1 BY MR. DERSTINE:

2 Q. Let me just note for the record that requested  
3 CEC corridor map is Figure 2. It's contained in the  
4 application and the application was Exhibit 1 to the  
5 original CEC proceedings before the committee.

6 A. (MR. CASTEEL) So starting on the western end of  
7 the study area, you'll see an orange square. Those  
8 orange squares are the proposed substations. There's  
9 four of them, so starting at Substation 1, the project  
10 travels approximately a mile where it crosses  
11 the -- crosses U.S. Highway 60, then it will travel  
12 approximately 3.6 miles southeast, turn slightly  
13 northeast for less than a mile, and then we'll go  
14 13.6 miles east where it will cross U.S. 180, and will  
15 span the Little Colorado River. It will head north 3  
16 miles and then East 1.7 miles to Substation 3.

17 Substation 3 is picking up power generated power  
18 from the solar -- the applicant's solar facility, and  
19 then it will head north 1.5 miles to proposed Substation  
20 4, where then a short segment will go into the TEP  
21 Springerville Substation.

22 Q. And I think you're going to get into it in your  
23 testimony on land use, in jurisdiction and ownership, but  
24 I think it's probably worth noting that in looking at the  
25 map that's on slide 18 of CG-31, that all of the

1 interconnection project, all of the transmission line  
2 route except for that small segment just outside or at  
3 the apron of the Springerville generating station is on  
4 State Land administered by the Arizona State Land  
5 Department; is that true?

6 A. (MR. CASTEEL) That's correct.

7 Q. All right. The Chairman noted at the outset of  
8 this hearing, and I covered it in summarizing the  
9 Commission's decision sending this matter back before the  
10 siting committee, that we are to address and provide  
11 additional testimony on land use impacts.

12 You provided testimony on land use impacts in  
13 jurisdiction and ownership, existing land use, as well as  
14 planned land use in the original siting hearing back in  
15 October, but we're going to re-cover that here and then  
16 we'll get into whether there's anything new or different  
17 in the way of land use regulations that the committee  
18 should be aware of; is that right?

19 A. (MR. CASTEEL) That is right.

20 Q. Okay. Let's see, I think you'll start us off  
21 with jurisdiction and ownership. And sometimes we throw  
22 these terms around and this committee has a lot of  
23 experience with the terminology and the issues, but what  
24 we are covering here is you had the map of the  
25 transmission line corridor, you're now going to explain

1 who owns or controls the property that will be crossed by  
2 the transmission line, right?

3 A. (MR. CASTEEL) Yes. We'll get into that now. So  
4 the project is entirely located within unincorporated  
5 Apache County. The land ownership associated with the  
6 interconnection project is primarily State Trust Land  
7 managed by the Arizona State Land Department, that's  
8 approximately 90 percent of the interconnection project  
9 CEC corridor.

10 The other 10 percent is Tucson Electric Power,  
11 TEP private land. In reality, there's only a very small  
12 portion of the interconnection project that is on TEP's  
13 property. It's a very small segment that will go from  
14 Substation Number 4 into the Springerville Substation.

15 But, as you see on your CEC corridor map, we  
16 drew a large envelope around the Springerville Substation  
17 in order to provide flexibility for the applicant to get  
18 an interconnection into the substation.

19 So -- so that 10 percent is 10 percent, but  
20 it's -- in reality, it's a very small, very small  
21 portion. The map on the screen now is a land ownership  
22 map showing the interconnection corridor -- project  
23 corridor, as well as the study area that we used.

24 The -- I just want to mention that access on  
25 State Land would be granted through right-of-way

1 agreements. Access on private land, TEP property, would  
2 be through easements that the applicant will execute with  
3 TEP.

4 Q. The -- looking at slide 21 of CG-31, so I see  
5 the transmission line route in the center of a dotted  
6 line border, and that -- if I look at the legend, the  
7 dotted line border around the transmission line route is  
8 the study area; is that right?

9 A. (MR. CASTEEL) Yes, that's the study area.

10 Q. And explain what that means. What -- what is  
11 the study area and how is it used?

12 A. (MR. CASTEEL) So the study area was a one-mile  
13 buffer around the interconnection project, center line.  
14 That study area was used to develop the studies that were  
15 provided in the application.

16 Q. Okay. And by the studies that were included in  
17 the application, that would be biological studies of  
18 plants and animals, as well as cultural surveys, visual  
19 simulations and analysis, impact on recreation, all the  
20 things that are testified to and were covered in the  
21 record at the original siting hearing?

22 A. (MR. CASTEEL) Yes. The exhibits that were  
23 provided in the application.

24 Q. Okay. And as well as your testimony at the time  
25 of the hearing?

1 A. (MR. CASTEEL) Correct. The study area has not  
2 changed.

3 Q. All right. So you covered jurisdiction and  
4 ownership, that is who owns the land or who controls the  
5 land through zoning or in the case of State Land, the  
6 actual ownership of and administration of those lands for  
7 the benefit of the residents of the state and for the  
8 state of Arizona.

9 I think what you're going to transition to and  
10 discuss now is, aside from who owns it or controls the  
11 land, what's the use that's being placed to the land  
12 within our transmission line path and within your study  
13 area; is that right?

14 A. (MR. CASTEEL) Yes. We'll cover existing land  
15 use. This will be similar to what we discussed at the  
16 previous hearing.

17 So existing land use in the study area is rural  
18 in character, and it's primarily undeveloped. We showed  
19 the existing land use as primarily vacant, however, we  
20 covered extensively. We want to note again that the  
21 study is used for cattle ranching and grazing.

22 And there are other land uses in the study area:  
23 Industrial, there's utilities, transportation, and then  
24 while not a land use, the Little Colorado River passes  
25 through near the midpoint of the study area.

1 Q. And by transportation you mean roads?

2 A. (MR. CASTEEL) Yes, U.S. Highway 60 and  
3 U.S. Highway 180.

4 Q. And by utilities, you mean by that there are  
5 other transmission lines that cross or pass through our  
6 study area and are in proximity to the proposed route for  
7 the interconnection project?

8 A. (MR. CASTEEL) Yeah, correct. Let me jump  
9 forward to the next map, the existing land use map. So  
10 there's a 345-kV utility line within the study area, as  
11 well as a -- a transmission line, 345-kV transmission  
12 line. And there's a 69-kV transmission distribution line  
13 that passes through the study area. And then the  
14 Springerville Generating Station and Substation occur on  
15 the northeast portion of the study area.

16 Q. I'm looking at slide 23 of CG-31, that's the  
17 purple shaded area at the top right of the image?

18 A. (MR. CASTEEL) That is correct.

19 Q. Okay. And what is -- the pink is you're  
20 indicating the land use, the existing land use, which is  
21 industrial surrounding the Springerville Generating  
22 Station?

23 A. (MR. CASTEEL) Yes. The pink is industrial, the  
24 white that we have shown, we have identified as vacant.  
25 However, the study area is used for cow grazing and

1 ranching for agricultural use.

2 Q. Okay.

3 A. (MR. CASTEEL) I'd like to speak to --

4 Q. Can you go back to slide 22? I think we moved  
5 forward in response to my question, but maybe cover the  
6 rest of the content on slide 22 of CG-31.

7 A. (MR. CASTEEL) Yeah, wanted to cover Apache  
8 County zoning. The study area is entirely zoned  
9 agricultural general, and no rezoning approval is  
10 required for the interconnection project. The  
11 transmission lines would be a permitted use within the  
12 agricultural general zoning.

13 That's according to the Apache County zoning  
14 ordinance, that specifically says agricultural general  
15 zoning permits public and quasi-public uses, including  
16 utilities.

17 So I wanted to touch on one of the primary uses  
18 of grazing, and we covered this at the line siting  
19 hearing, I think it's important to cover again. There  
20 are eight lessees with nine grazing leases with the  
21 Arizona State Land Department in the study area.

22 The applicants are currently coordinating with  
23 these lessees, are in the process of executing  
24 construction impact agreements. Those construction  
25 impact agreements will be used to ensure the impacts to

1 access and grazing activities are avoided or minimized  
2 during construction.

3 MEMBER KRYDER: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member Kryder.

5 MEMBER KRYDER: Quick question,  
6 Mr. Casteel. Thank you, Mr. Chairman. With regard to  
7 the grazing, you said there were 10 leases and nine with  
8 different property owners?

9 MR. CASTEEL: There's eight lessees holding  
10 nine separate leases.

11 MEMBER KRYDER: Oh, eight and nine, sorry,  
12 I had it wrong.

13 During the construction, what kind of  
14 limitations will there be placed on the construction area  
15 where the cattle will be grazing? Just give me a back of  
16 the envelope on what your standard practice would be in  
17 the construction period? I think I understand after  
18 construction if this is all approved and such, but if you  
19 could add some of that too, that would be appreciated,  
20 okay?

21 MR. CASTEEL: Sure.

22 BY MR. DERSTINE:

23 Q. And if that's something that Ms. Ambrose or  
24 Mr. Rieman should speak to, please feel free to ask them  
25 to cover it.

1 MEMBER KRYDER: Would you rather wait,  
2 Mr. Derstine?

3 MR. DERSTINE: No, no, we're happy to  
4 address it now. I just want to make sure that you're  
5 hearing from the proper witness, Member Kryder.

6 MR. RIEMAN: Mr. Chairman, Members of the  
7 Committee, we will coordinate with the grazing lessees to  
8 ensure that the cattle that may be in the area during our  
9 construction will not be impacted by our activities, and  
10 so that coordination will entail, you know, shepherding  
11 the cattle into areas that will not be impacted with  
12 folks that are in the area with the construction  
13 equipment and the activities.

14 MEMBER KRYDER: Follow-up question, then.  
15 That area generally, as we saw it on our tour back in  
16 October, was not fenced and so would that mean that each  
17 of the sites where the structures would be placed would  
18 be fenced during, you know, drilling a hole, putting the  
19 pipe -- or the post down and the concrete curing and all  
20 of that, this will be fenced? Or, I don't know how you  
21 keep cattle away, because there's no fences for a long  
22 way out there, to my vision at least.

23 MR. RIEMAN: Yes, we'll coordinate with the  
24 lessee on what the most effective strategy for ensuring  
25 that the cattle are not in the area where the

1 construction activities are involved. And in the event  
2 that cattle guarding or fencing is helpful in limiting  
3 any potential impact, we will do that.

4 MEMBER KRYDER: Many, many thanks. That  
5 would solve the problem, it would seem.

6 MR. CASTEEL: Just to summarize the  
7 existing land use, the record before the committee from  
8 the siting hearing established that the interconnection  
9 project is environmentally compatible with existing land  
10 uses.

11 MEMBER COMSTOCK: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Comstock.

13 MEMBER COMSTOCK: If we could -- if you  
14 would help me remember, I'm sure we talked about it on  
15 slide 26, just to the west of what is depicted as  
16 Substation Number 3, there's an offset in the line there.  
17 Was that due to land use or was that cultural study, what  
18 prompted that?

19 MR. CASTEEL: That is an existing cultural  
20 site and the applicant's worked to avoid or minimize  
21 that -- that area.

22 MEMBER COMSTOCK: Thank you for the  
23 reminder.

24 BY MR. DERSTINE:

25 Q. So you've covered existing land use,

1 jurisdiction, ownership, how the land is currently being  
2 used and the current zoning that applies to that land.

3 I think the next topic in terms of your  
4 testimony today and that you presented to the committee  
5 back in October is planned land use, like what are their  
6 plans? Are there any existing plans for land use within  
7 our corridor that may be impacted by our project?

8 A. (MR. CASTEEL) Yes, I'll get into planned land  
9 use and what we used to identify that as part of the  
10 application.

11 Q. Yeah, and I guess for planned land use, can you  
12 take us through what you typically would look at and  
13 analyze to gauge whether there's any planned land uses  
14 that may or may not conflict with or be compatible with  
15 our project?

16 What's the sort of exercise that you engage in  
17 in order to evaluate planned land use?

18 A. (MR. CASTEEL) Yes. There's a few things that we  
19 do for these types of applications, is we evaluate  
20 planned land use, one of those is to review public  
21 records, recorded plans, developments within the study  
22 area.

23 Second thing we do is we contact planning and  
24 zoning departments of local jurisdictions to get a sense  
25 of their planned developments.

1 We also contact agencies, like the Arizona  
2 Department of Transportation and the Arizona State Land  
3 Department to determine if they have any plans in the  
4 study area or in the vicinity.

5 And then, finally, we look at comprehensive  
6 plans and town general plans that outline long-term  
7 development goals within the cities, towns, and the  
8 counties. It's -- I think it's important to note here  
9 that -- that the County comprehensive plans and the  
10 Town -- when I say "Town," I mean, Town of Eagar and Town  
11 of Springerville, which I'll get to in a moment, that  
12 they do contain goals and policy statements, but they're  
13 regulatory documents and they do not impose any direct  
14 land use restrictions.

15 Q. I'm sorry, did you say they are regulatory or  
16 they're not?

17 A. (MR. CASTEEL) They are not regulatory documents.  
18 As the Apache County Comprehensive Plan notes, it's  
19 strictly advisory in nature. It is not a regulatory  
20 document, but they are long-term -- long-term -- tools  
21 for long-term planning for these counties and  
22 municipalities.

23 CHMN STAFFORD: Member Fant, you had a  
24 question?

25 MEMBER FANT: Thank you, Mr. Chair.

1 CHMN STAFFORD: Can you get close to the  
2 microphone? The court reporter can't hear you.

3 MEMBER FANT: Hear me?

4 CHMN STAFFORD: There you go.

5 MEMBER FANT: Okay. Mr. Casteel, we heard  
6 some public comments this morning about this area being  
7 an elk hunting area. Springerville is a hub of high-end  
8 elk hunting. That's -- that's known for a long time. Is  
9 this area out where the line is planned, part of the area  
10 where the good elk hunting is, and have you -- have you  
11 made an effort to try and talk to any of the hunting  
12 organizations in the area about that?

13 MR. CASTEEL: So at the hearing we talked  
14 extensively about this. I believe we have an exhibit  
15 that we put in on the final day.

16 The -- the game units that are associated  
17 with this interconnection project, I believe we said  
18 were -- each of those game units were less than 1 percent  
19 in total area of those game units. I think the people  
20 talking today were being specific about the east -- or  
21 sorry -- west of the study area and being in the  
22 mountains. That's where elk hunting would occur.

23 But as we also discussed at the hearing,  
24 the applicant is going to work with Game & Fish  
25 Department to notify hunters, make sure that people are

1 aware, because as one of the individuals mentioned at  
2 public comment today, sometimes it takes a long time to  
3 get a tag. And we certainly don't want to ruin that  
4 experience for somebody. So there will be some  
5 coordination that happens to make sure that when the  
6 project does -- or the project is under construction, we  
7 do our best to not interfere with those -- that timing.

8 MEMBER FANT: Which is all good, but have  
9 you tried to reach out to any of the local hunting  
10 organizations in Eagar, Springerville, or Round Valley  
11 and talk with their members about these issues?

12 MR. CASTEEL: I don't -- I do not recall  
13 that that has occurred, no.

14 MEMBER FANT: Okay. And switch subjects  
15 slightly, still on wildlife. We had comments back in  
16 October that the Big Lake antelope herd comes down here  
17 and winters in this area. And I assume this must be a  
18 calving ground for the antelope if they stay into the  
19 spring.

20 Have you had any communication with folks,  
21 local biologists, et cetera, or Game & Fish about the  
22 antelope in this area?

23 MR. CASTEEL: Not that I'm aware. But we  
24 covered that extensively in the application and as part  
25 of the testimony where there are wildlife corridors that

1 occur, and how the project is constructed will minimize  
2 any impact that might have to be -- having the project be  
3 permeable during construction. So that that passing of  
4 antelope beyond U.S. 60 is not interfered with.

5 MEMBER FANT: I'm a firm believer in local  
6 government, local government should control about  
7 80 percent of what we do in our lives, local and County  
8 government.

9 Let me repeat that. Have you talked with  
10 any local biologists or organizations about the antelope  
11 in the area or their habits or what they do and what they  
12 don't do?

13 MS. AMBROSE: I'll speak to that question.  
14 We have not spoken with local organizations within the  
15 southern portion of Apache County regarding that specific  
16 issue, but we did coordinate with the U.S. Fish &  
17 Wildlife Service and Arizona Game & Fish regarding those  
18 particular issues.

19 MR. DERSTINE: And I guess on that point,  
20 Member Fant, you may recall that the CEC that was granted  
21 by this committee contains an exhibit, Exhibit B,  
22 Biological Minimization Measures for Lava Run CEC.

23 Included in those minimization measures is  
24 a provision which minimized impacts to pronghorn during  
25 fawning season, May to mid-June, that directly came from

1 guidance from Arizona Game & Fish, and talked about a  
2 construction schedule to be implemented to reduce the  
3 amount of area disturbed during fawning season.

4 There're also within the minimization  
5 measures provisions that say fencing associated with the  
6 interconnection project will be minimized to the maximum  
7 extent practicable, and will follow recommendations of  
8 Arizona Game & Fish wildlife compatible fencing  
9 guidelines, as applicable and feasible.

10 MEMBER KRYDER: Matt, pull your microphone  
11 down a little bit.

12 MR. DERSTINE: Okay. Let me get up close.  
13 Is that better?

14 MEMBER KRYDER: That's better.

15 CHMN STAFFORD: Yes.

16 MR. DERSTINE: Okay. Thank you. I  
17 apologize. And then at the end it says -- there's a  
18 provision that talks about no project disturbance will  
19 occur within the Little Colorado River and its canyon or  
20 Coyote Creek.

21 As a subpart of that, applicant will notify  
22 Arizona Game & Fish Department of the anticipated  
23 construction schedule for the purpose of lessee hunting  
24 notifications. Applicant will post signs during  
25 construction at the site entrance during -- directing

1 hunters on safety protocols. And by January 15 of each  
2 year of construction, the applicant will meet with  
3 Arizona Game & Fish Department to provide information on  
4 the construction schedule as known and as it relates to  
5 applicable hunting seasons.

6 And as Mr. Casteel testified, I believe it  
7 was on the last day of the hearing, based on concerns  
8 over hunting and impacting a resident or someone who has  
9 obtained an elk tag, we showed that the interconnection  
10 project, the transmission line covers just a very small  
11 area of the most important game units, and that these  
12 then protocols for sequencing and ensuring that we  
13 minimize the impacts during hunting season were included  
14 in the CEC Exhibit B.

15 CHMN STAFFORD: Member Little?

16 MEMBER LITTLE: Thank you, Mr. Chairman.  
17 I'm a little bit confused on -- I'm looking at slide 27.  
18 It talks about comprehensive and community plans. And I  
19 believe you said that the Apache County Comprehensive  
20 Plan is not a regulatory document. It says that right  
21 there in front of me. And that rezoning must be  
22 consistent with the County's Comprehensive Plan.

23 So the comprehensive plan is just, this is  
24 kind of the way we see things going; is that correct?

25 MR. CASTEEL: It is a great tool for

1 long-term planning, yes.

2 MEMBER LITTLE: Okay. What document  
3 determines what will actually be allowed there today,  
4 tomorrow? Is it the zoning?

5 MR. CASTEEL: Yes, I would say that the  
6 current zoning permits this use.

7 MEMBER LITTLE: Okay. But the next  
8 statement that says, "Rezoning must be consistent with  
9 the County's Comprehensive Plan," so it's not a law, but  
10 it must be consistent?

11 MR. CASTEEL: A rezoning, yes. We're not  
12 asking for -- the project is not asking for a rezone.  
13 The current zoning is consistent with --

14 MEMBER LITTLE: Okay. But I'm still a  
15 little -- it's not a regulatory document, but it has to  
16 be consistent with the plan.

17 MR. CASTEEL: I see what you're saying,  
18 yes, but I would just say that a rezone needs to be  
19 consistent with the County's Comprehensive Plan.

20 MEMBER LITTLE: And then with respect to  
21 the Vernon Area Community Plan, you have noted that it  
22 was adopted by the Apache County Comprehensive Plan in  
23 existence. Is the Apache County Comprehensive Plan what  
24 is being reworked right now?

25 MR. CASTEEL: I'm not aware of it being

1 reworked right now.

2 MEMBER LITTLE: Okay. Well, I'll ask that  
3 witness when they come on the stand. But it does -- and  
4 I notice on the map also it shows the interconnection  
5 project located within the boundary of a broader  
6 community plan. And --

7 MR. CASTEEL: I was going to cover that in  
8 a few moments.

9 MEMBER LITTLE: Okay.

10 MR. CASTEEL: I was going to give you where  
11 that Vernon community plan comes into the study area.

12 MEMBER LITTLE: Okay. Because that was my  
13 concern. Thank you.

14 MEMBER DiCICCIO: Mr. Chair?

15 CHMN STAFFORD: Yes, Member DiCiccio.

16 MEMBER DiCICCIO: Follow-up on that as  
17 well. One of the questions that we had -- or that I had  
18 was that the zoning was correct, but that you had to get  
19 a Conditional Use Permit, and you said yes, you  
20 definitely had to get that, correct?

21 MR. CASTEEL: For the interconnection  
22 project?

23 MEMBER DiCICCIO: For the interconnection.

24 MR. CASTEEL: No, it would likely  
25 applicable for the wind and solar.

1 MEMBER DiCICCIO: That's what I meant, I'm  
2 sorry. For the wind, let's say. And have you made  
3 application for that?

4 MR. CASTEEL: The application had not went  
5 into Apache County for the wind facility.

6 MEMBER DiCICCIO: So that has not been  
7 submitted?

8 MR. CASTEEL: No.

9 MEMBER DiCICCIO: And then the Board of  
10 Supervisors -- the --

11 MR. CASTEEL: County?

12 MEMBER DiCICCIO: No, us.

13 CHMN STAFFORD: The Commission?

14 MEMBER DiCICCIO: The Commission, of  
15 course, I keep getting all my elected parts mixed up.  
16 But the -- what was their request to you to go get from  
17 the County?

18 MR. CASTEEL: For the interconnection  
19 project?

20 MEMBER DiCICCIO: Yeah, so when it got  
21 remanded back to us, what did they instruct you to do?

22 MR. CASTEEL: Well, I'd have to go back to  
23 the letter that was filed. I'll let Matt --

24 MR. DERSTINE: Mr. Chairman, Member  
25 DiCiccio, are you asking about the Decision from the

1 Commission or are you asking about Mr. Fish's letter of  
2 December 3?

3 MEMBER DiCICCIO: The Commission. When you  
4 were in front of the Commission, they remanded you back  
5 to us, but they had requested that you do something with  
6 the County. What was that?

7 MR. DERSTINE: I don't think that the  
8 Commission's Decision directed us to do anything with the  
9 County. It requires and requests that we present  
10 additional evidence about land use.

11 MEMBER KRYDER: Use your microphone,  
12 Mike -- Matt.

13 MR. DERSTINE: It asked that we provide you  
14 with additional evidence about land use plans in the  
15 affected area of jurisdiction, and that's what we were  
16 doing.

17 MEMBER DiCICCIO: My understanding is they  
18 sent you back to the County to get their permission  
19 or -- can someone explain to me what exactly did the  
20 board do, or what is it that they wanted?

21 CHMN STAFFORD: Are you talking about the  
22 Commission?

23 MEMBER DiCICCIO: Commission. Correct.

24 CHMN STAFFORD: They just sent it back to  
25 the committee to get more evidence about the land use,

1 like I said, it didn't require them to do anything with  
2 the County, to my understanding, the Decision was  
3 referred back to us.

4 I think the Commission did send a letter to  
5 the County inviting them to participate as a party in the  
6 process because they had not done that at the prior  
7 hearing. And now, today, they are here today as a party.

8 So I think that was my understanding of the  
9 Commission was that they really wanted to have the County  
10 participate in this matter.

11 MEMBER DiCICCIO: So my understanding of it  
12 was that they also wanted them to figure out whether or  
13 not the County was going to be supportive of the project  
14 or not, that was my read of it. And if I'm wrong, tell  
15 me so, but that would also be applicable to the fact of  
16 whether or not they've submitted for the Conditional Use  
17 Permit.

18 And that was one of the things I had  
19 brought up as to whether or not they were going to submit  
20 the Conditional Use Permit to the County so we could get  
21 a read. I mean, you can't expect the County to make a  
22 decision on something if you've not submitted it to them.  
23 Do you see what I'm saying?

24 CHMN STAFFORD: Yes, but I think the  
25 distinction is that for the project that is before us and

1 the Commission, there is no Conditional Use Permit  
2 required. A transmission line is a permitted use right  
3 now. They do not need additional authorization from the  
4 County for the transmission line.

5 The Conditional Use Permit may be required  
6 for the solar and wind projects under which we do not  
7 have jurisdiction. And so the Commission -- I'm  
8 virtually certain that the Commission did not direct them  
9 to get the Conditional Use Permit for something that's  
10 beyond their jurisdiction as a part of this proceeding.

11 MEMBER DiCICCIO: So just, if I could add  
12 into this as -- well, so I was an elected official for  
13 almost 20 years at the City of Phoenix, and anything that  
14 was controversial, they came to me. So let's take deed  
15 restrictions, the cities, governments don't have anything  
16 to do with deed restrictions, those are private contracts  
17 between the individuals, correct? So they are.

18 But I never, ever allowed a project to come  
19 to me that had a deed restriction that was going to be  
20 controversial, that was going to fail later. You don't  
21 die on your sword for a project for anything, any elected  
22 official, unless they've checked off all the boxes.

23 The reason I'm asking about the Conditional  
24 Use Permit, you've had a long time to do that with the  
25 County is that -- you're asking elected officials from

1 the County, you're asking elected officials here with the  
2 Commission, to make decisions and help you move it along  
3 when you're -- you don't have it completed.

4 So, granted, I agree we don't have the  
5 right to look at it, but as logical human beings, we  
6 should be looking at, and we do look at things  
7 comprehensively. And if you haven't checked off all the  
8 boxes and not done all the things, and I brought this up  
9 at the last meeting, the last time you were in front of  
10 us, I said you've got to do it all. It's controversial.

11 Because it's controversial, just checking  
12 off the small boxes of what's required to move in front  
13 of us. And it bothers me when people say, well, that's  
14 all you can look at. No, we're human beings, we look at  
15 everything, we look at projects in their totality.  
16 Because that's just how we do things.

17 So to not even have made the application  
18 for the Conditional Use Permit, which is part of your  
19 requirement -- not your requirement in order to get  
20 built, that just tells me you're just, you're still not  
21 fulfilling everything you need to do on something that  
22 has controversy surrounding it, and you're asking those  
23 individuals, and you're asking the individuals above us  
24 to make decisions and fall on their sword on something  
25 that may never happen. So from my end of it, I think

1 that that's just a minimum requirement. You just  
2 go -- you should have done that.

3 MR. DERSTINE: Mr. Chairman?

4 CHMN STAFFORD: Member Fontes, you have a  
5 question?

6 MEMBER FONTES: Mr. Chairman, I'm going to  
7 disagree with Member DiCiccio. I've been on this  
8 committee for over two years and I've never seen a  
9 conditional permit at the County level or other presented  
10 as a precondition for a gen-tie line.

11 Given that it's nonjurisdictional, I think  
12 we're dealing with something that doesn't fall under the  
13 statute. Given I'm not a lawyer, I think we need some  
14 guidance on that from you, but following what we have  
15 done in the past, and all of the things that I had voted  
16 in favor or unfavor for, I don't think that that has  
17 relevance here whatsoever.

18 MEMBER HILL: Mr. Chair?

19 CHMN STAFFORD: Member Hill.

20 MEMBER HILL: Thanks. We see projects in  
21 different orders all of the time, and I think that's the  
22 struggle is, I mean, even -- like Pinal County has a lot  
23 of projects and their comprehensive plan amendments are  
24 often not even completed for another year before we've  
25 even approved the gen-tie lines or the transmission

1 lines. I think it's a struggle.

2 I'd like to see more alignment, but to  
3 Member DiCiccio's comments, I don't feel like -- the only  
4 people asking the County to be here is the Commission.  
5 They required, you know, they basically said the County  
6 needs to have input and we're asking them to participate.

7 I don't think we're asking them to  
8 participate -- although I think more counties should  
9 participate, I don't think the applicant is asking the  
10 County to participate in this proceeding. They have a  
11 separate process to go through with the County.

12 I think I was most surprised that the  
13 Corporation Commission pushed this back for our  
14 consideration and then said you need to take more  
15 evidence from the County.

16 And then we were like a quick, do you want  
17 to be here? Are you ready to have that conversation? I  
18 just -- I think this is unusual. I think -- I appreciate  
19 Mr. DiCiccio's passion around aligning them -- these  
20 decision-making processes. And I'm happy to talk to  
21 anyone about statutory changes. I would love to have a  
22 team of people who now have experienced all this and we  
23 could work together to create that alignment, but that's  
24 not where we are.

25 But the narrowness of the Corporation

1 Commission telling us to take more feedback from the  
2 County is where we're at. And I don't put that on us,  
3 and I don't put it on the applicant, frankly. I  
4 think -- I feel like we're here because the Corporation  
5 Commission told us we had to do this, and all of us  
6 needed to have this conversation. I don't know that  
7 everyone is ready to have this conversation. I don't  
8 know if the wind or solar stuff is ready for a  
9 conversation with the County. It's not our jurisdiction.

10 I'm not even sure that the County is always  
11 ready to have the conversation about the wind or the  
12 solar. I think, my understanding is they're working on  
13 their ordinances. So I just want to push back a little  
14 bit and say we're here because the commissioners told us  
15 that we're here, not -- not us -- not us wanting to be  
16 here and not the applicant, you know, saying I need more  
17 time with the County, so --

18 MEMBER DiCICCIO: Mr. Chair?

19 MEMBER HILL: -- thanks for indulging me.

20 CHMN STAFFORD: Thank you, Member Hill.

21 Member DiCiccio.

22 MEMBER DiCICCIO: My pushback here, so from  
23 my end of it, when the Commission tells you to take it  
24 back, I'm all good they did that, because what they're  
25 doing is they want to get more information.

1 One of the things that came out in our  
2 meeting was me asking whether or not they had a  
3 Conditional Use Permit requirement. They said yes, they  
4 did.

5 And if they did, they should have put in an  
6 application at least, at the very least with the County.  
7 I even asked the question, I said, "Did you meet with the  
8 County?" Did they give you a yes or no?" They said,  
9 "Well, they didn't tell us anything."

10 So when a County is not ready to make that  
11 type of decision, what the Commission is asking for is  
12 they want a complete package, they want everything done  
13 ahead of time, and whether we are required to ask of them  
14 or not, is just part of the deal. Okay?

15 Like I said earlier, there are many times  
16 where I've made people do things to finish off, bring me  
17 a completed package, bring everything in before you ask  
18 individuals like this to make a decision on your project  
19 and the Commission to make a decision.

20 And you've got to go past just the bare  
21 minimum, just checking off the boxes. And I don't even  
22 know if you've completed all those boxes because some of  
23 the things we brought up at the last meeting was the fact  
24 that what you did was you said, okay, we checked off  
25 those boxes, but that doesn't mean you're participating

1 and getting the individuals to participate in the  
2 decision-making process with you.

3 Like Mr. Anable over here, I mean, this is  
4 one of the top guys in the state of Arizona who had  
5 repeatedly reached out to you, and I don't know what's  
6 occurred, I'm going to hear your side of it, but reached  
7 out and said, "Hey, let me try to make your project  
8 better."

9 That didn't -- that communication did not  
10 happen. He has to come to this meeting here, according  
11 to his testimony. We will hear your end of it, what you  
12 have to say about it, but he has to come to this meeting  
13 just to get an audience. I think that is just crazy.

14 That just tells me you're checking off the  
15 boxes, you are not going through -- you're not taking the  
16 extra steps on something that's controversial and you're  
17 asking elected bodies to fall on their sword for you when  
18 you're only doing the bare minimum. That's problematic.

19 Thank you, Mr. Chairman.

20 MEMBER FONTES: Mr. Chairman, it's  
21 problematic that we're manufacturing requirements here.  
22 I'd like to go back to what the Commission required us to  
23 do, because I think we need to focus on that here.

24 CHMN STAFFORD: Thank you.

25 MEMBER MERCER: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Mercer.

2 MEMBER MERCER: I'm going back to, I took  
3 notes of, like, six -- six pages of notes from the public  
4 comments, and I have one, two, three, four, five, six  
5 questions.

6 One, one comment was that this project  
7 would only benefit Tucson. I'm from Tucson. I'd be  
8 grateful if it benefits Tucson, but I want the applicant  
9 to explain what that comment is or if it's way off.

10 MR. DERSTINE: Member Mercer, could you  
11 restate the comment that you wanted us to address? My  
12 apologies.

13 MEMBER MERCER: One comment was that this  
14 project will only benefit Tucson, because TEP is one of  
15 the gen-tie -- yeah, I'm sorry, can somebody elaborate on  
16 why was that comment made or is it off on left field?

17 MS. AMBROSE: Member Mercer, I'm happy to  
18 answer your question. So our -- our primary entity that  
19 we're engaging with to look for offtake is Tucson  
20 Electric Power, TEP, and that is the provider that we do  
21 have a LGIA with, which is the Large Generator  
22 Interconnection Agreement. The flow of electrons,  
23 ultimately, we do not get to dictate that, so that's  
24 where the demand goes, but that area that's served by TEP  
25 largely would be our target location.

1 MEMBER MERCER: Okay. The other comment  
2 was Apache County will not benefit from this project. Is  
3 that -- goes with the Tucson-only benefit?

4 MS. AMBROSE: The benefits of the project  
5 will ultimately stay local, like the tax revenues that  
6 come from the project, as well as our larger community  
7 investment program, so that stays local. That would not  
8 go to Tucson.

9 MEMBER MERCER: Another comment was the  
10 archaeological report did not cover the whole impacted  
11 area.

12 MR. CASTEEL: Yeah, the applicant is  
13 currently finishing the cultural resources survey, what  
14 we refer to as a Class III cultural resources inventory.  
15 It is approximately 60 percent surveyed, meaning the  
16 corridor is still approximately 60 percent surveyed.

17 The right-of-way that will likely be  
18 procured from State Land is surveyed, and the applicant  
19 is out there surveying areas around pole lines -- pole  
20 areas, substations, but they will end up surveying that  
21 remainder of area in the CEC corridor prior to  
22 construction.

23 And, I mean, I think it's important to note  
24 that -- I mean, I think you've seen lots of CEC  
25 applications come through here where no surveying was

1 completed, and so I do feel like we're above and beyond  
2 where you might normally see where we have a great  
3 understanding of what is out there, and those site  
4 locations. And the applicant's archeologist recently  
5 went back out and remapped the known sites just to make  
6 sure we had those boundaries correct, because they're in  
7 the planning stage of the tower locations or the  
8 structure locations.

9 So we do have a great understanding of what  
10 is, in terms of what archaeological and historical sites  
11 that are in the CEC corridor at this time, and they will  
12 finish that corridor 100 percent.

13 MEMBER MERCER: Thank you. Another comment  
14 was these technologies are archaic. Well, actually, the  
15 comment was that this technology is a dinosaur,  
16 what -- any comments or clarification about that?

17 MR. RIEMAN: Mr. Chairman, Members of the  
18 Committee, this technology is being utilized and deployed  
19 across the United States effectively to generate clean,  
20 renewable energy, and so with that I would suggest that  
21 is well-proven technology.

22 MEMBER MERCER: Thank you. Another  
23 comment, and we hear this one over and over on different  
24 hearings, health issues. People are concerned about  
25 health issues, and I'm not talking about the animals that

1 get killed or anything like that.

2 Some member of the public commented about  
3 cancers. Is that a valid concern? Something that has  
4 been proven? I'm -- I'm the kind of person that wants to  
5 see proof, show me the facts, show me the money.

6 MR. RIEMAN: Mr. Chairman, Members of the  
7 Committee, there have been studies that have been  
8 performed that detail no scientific link between wind  
9 turbine and health issues with the public.

10 MEMBER MERCER: Thank you. And my last  
11 one. Apache County says that they want to have a seat on  
12 the table. Obviously we -- this committee does not have  
13 jurisdiction over what the applicant has to do with the  
14 County.

15 We are here to see, as has already been  
16 discussed, so I guess I'm trying to find out what exactly  
17 does Apache County want or needs.

18 MS. AMBROSE: Member Mercer, is that a  
19 question for Apache County or a question for us?

20 MEMBER MERCER: Whoever can answer that  
21 question.

22 MS. AMBROSE: I believe Apache County would  
23 be the best to answer that question, but --

24 CHMN STAFFORD: Well, I think that is a  
25 nice segue, Member Mercer, we are coming up on

1 90 minutes, so it's time for our break to give the court  
2 reporter. I think when we return, we have Matthew Fish  
3 here.

4 MR. FISH: Yes, sir.

5 CHMN STAFFORD: Excellent. He's been  
6 subpoenaed to testify, so I think the most appropriate  
7 next step would be to call him to the stand, swear him  
8 in, and then the members and the parties can ask him the  
9 questions about what indeed is the intent of the County.

10 MEMBER MERCER: Thank you.

11 CHMN STAFFORD: Let's take a 10-minute  
12 recess, and we'll come back and swear in Mr. Fish.

13 (Recessed from 3:13 p.m. until 3:30 p.m.)

14 CHMN STAFFORD: Back on the record.

15 THE REPORTER: Is it on?

16 CHMN STAFFORD: All right. Is that better?  
17 There we go.

18 All right. The committee calls Matthew  
19 Fish to the stand.

20 //

21 //

22 //

23 //

24 //

25 //

1 MATTHEW FISH,  
2 called as a witness on behalf of the Intervenor Apache  
3 County, having been previously affirmed or sworn by the  
4 Chairman to speak the whole truth and nothing but the  
5 truth, was examined and testified as follows:

6

7

E X A M I N A T I O N

8

CHMN STAFFORD: Thank you.

9

Now, you filed a letter in the docket, I  
10 think it's been marked as Exhibit CG-48.

11

MR. FISH: Yes, I did.

12

CHMN STAFFORD: Do you have that document?

13

MR. FISH: I can pull it up. I do have the  
14 document.

15

CHMN STAFFORD: Is that a true and correct  
16 copy of the letter that you filed in this docket?

17

MR. FISH: It is.

18

CHMN STAFFORD: Okay. Now, you serve as  
19 the director of the Apache County Community Development?

20

MR. FISH: Yes.

21

CHMN STAFFORD: And what is their role in  
22 the process of permitting or zoning?

23

MR. FISH: The goal of the community  
24 development or the goal of the County as a whole?

25

CHMN STAFFORD: The community development

1 group.

2 MR. FISH: To Member Hill and Member  
3 DiCiccio's points, it's difficult, because by the  
4 applicant's own admission, there hasn't been a whole lot  
5 of communication between the applicant and my department  
6 and the County. So the goal is, as stated before, to  
7 have the County, my department, have some input as to the  
8 direction of the -- of the entirety of the project, not  
9 just the line -- or the transmission line.

10 CHMN STAFFORD: Member Hill.

11 MEMBER HILL: Thanks, Mr. Chair. Our  
12 jurisdiction is the line, so I guess what I was hoping to  
13 hear from you guys today is just, relative to the line,  
14 what do we need to know, because I don't think there's  
15 any permitting process for that, so this is like the only  
16 place that we do a permit around this line, because you  
17 guys allow this by right, like in any of your zones.

18 What do we need to know about this line  
19 that the County would like to see or would like for us to  
20 consider and the design, its routing, its mitigation, or  
21 are there things that would improve the Certificate that  
22 we've looked at that would be helpful to the County?  
23 Because that's all I can ask about, really.

24 MR. FISH: First of all, I would like to  
25 say the County does recognize the authority of this

1 committee. We're not -- we're not disputing that in any  
2 way, shape, or form.

3 Second of all, specifically with the line,  
4 the County does not have any specific input or any design  
5 changes or anything that we would like to request.

6 MEMBER LITTLE: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Little.

8 MEMBER LITTLE: Has the applicant  
9 approached the County with just information, we're  
10 planning on doing this.

11 MR. FISH: Yes, there has been -- I mean,  
12 the applicant, this is a long process. This has taken  
13 approximately three years to get to this point, so there  
14 has been communication between the applicant and my  
15 department, and then in turn, I relay that to my boss and  
16 his bosses.

17 MEMBER LITTLE: Can you tell me what the  
18 nature of that communication has been with regard to the  
19 line?

20 MR. FISH: With regard to the line,  
21 it's -- the information that you have before you today,  
22 this is the general location, this is how far, this is  
23 the nature of the line, that sort of thing.

24 MEMBER LITTLE: And they don't, from what I  
25 understand, they don't require anything else from you as

1 far as no zoning changes, no plans of action, nothing  
2 like that?

3 MR. FISH: For the line specifically,  
4 ultimately I would say no, our ordinances do say with a  
5 wind-specific project or a solar-specific project, they  
6 would need a Conditional Use Permit, section --  
7 utility-scale energy project 437 talks a little bit about  
8 the project as a whole, we feel like should be covered  
9 under the conditional use project [sic], and we would be  
10 considering the line to be part of the project as a  
11 whole.

12 MEMBER LITTLE: So when they bring to you,  
13 which I assume they will, the -- the request for a  
14 Conditional Use Permit, at that time you will consider  
15 the line as a part of the -- of the whole project?

16 MR. FISH: That would be correct. That's  
17 how it's been done in the past.

18 MEMBER LITTLE: Okay. Thank you.

19 CHMN STAFFORD: All right. Mr. Fish, the  
20 letter you submitted, did you submit that on behalf of  
21 the County as a whole or just as part -- on behalf of the  
22 Apache County Community Development?

23 MR. FISH: As the letter states, it's on  
24 behalf of Apache County Community Development.

25 CHMN STAFFORD: So, to your knowledge, does

1 the County agree with the position asserted by community  
2 development in the letter?

3 MR. FISH: There has been no discussion,  
4 nor would there be discussion, between myself and the  
5 three supervisors because to date they have nothing to  
6 evaluate.

7 CHMN STAFFORD: And for the purposes of the  
8 line, there's -- there's nothing for them to evaluate. I  
9 mean, it seems like they're going to need a Conditional  
10 Use Permit for the wind and solar facilities, but for the  
11 transmission line itself they need no other permissions  
12 from the County to construct the line?

13 MR. FISH: Again, yes.

14 CHMN STAFFORD: Okay. Thank you.

15 MEMBER HILL: Mr. Chair?

16 CHMN STAFFORD: Yes, Member Hill.

17 MEMBER HILL: The -- I'm treading carefully  
18 here, because I don't want to be nonjurisdictional, but  
19 the Conditional Use Permit process for an electrical  
20 generation in the county, is that currently under review,  
21 is it changing?

22 Because I -- I just want to understand  
23 where you guys are in the process of permitting this, and  
24 if it is we haven't received an application and we're  
25 reviewing the ordinances, then that would be helpful

1 context for us.

2 MR. FISH: We currently have an existing  
3 ordinance, as it stands we have an existing ordinance.  
4 We are in the process of possibly rewriting that  
5 ordinance. That has not been decided yet, that is still  
6 in the Planning and Zoning Commission process.

7 MEMBER HILL: So you've not had any  
8 hearings on rewriting that, it's just something you guys  
9 are contemplating doing at some point?

10 MR. FISH: Correct. It is in the process,  
11 there have been several drafts presented to the Planning  
12 and Zoning Commission to the public and Apache County.  
13 But nothing has been -- has been recommended to the Board  
14 of Supervisors as of yet.

15 MEMBER HILL: Okay.

16 CHMN STAFFORD: Member DiCiccio?

17 MEMBER HILL: Oh, I had --

18 CHMN STAFFORD: Oh, I thought you were  
19 done.

20 MEMBER HILL: I apologize.

21 CHMN STAFFORD: Member Hill.

22 MEMBER HILL: Just one follow-up to that.  
23 Is there a timeline -- you started it, is there a  
24 timeline for finishing any revisions to that?

25 MR. FISH: Our hope is to have that

1 possibly done and to the Board of Supervisors for  
2 recommendation probably by April or May.

3 MEMBER HILL: Okay. That's helpful. All  
4 right, thanks.

5 CHMN STAFFORD: Member DiCiccio?

6 MEMBER DiCICCIO: Just a couple questions.  
7 So, Mr. Fish, have any applications or any Conditional  
8 Use Permit, because that is a requirement, been requested  
9 of the County yet or from your department?

10 MR. FISH: Specifically for -- for CG Wind  
11 and Solar?

12 MEMBER DiCICCIO: Yes.

13 MR. FISH: They have not submitted a  
14 conditional use application yet.

15 MEMBER DiCICCIO: So in your Conditional  
16 Use Permit process they have to submit complete plans,  
17 you have to know everything about the project. Right now  
18 you're getting information the same way any citizen is  
19 getting information, they may be meeting with you, but  
20 you're getting information the same way as that, correct?

21 MR. FISH: Correct.

22 MEMBER DiCICCIO: So if they did submit  
23 their application, they would be under the rules today,  
24 and if they do change, if they're still in process, I  
25 would imagine they have to change over -- they would have

1 to come under the new regulations in April or May or  
2 whatever it is you've got going on, correct?

3 MR. FISH: In theory, yes.

4 MEMBER DiCICCIO: So my question would be  
5 to the applicant, why have you not submitted it? Am I  
6 allowed to ask him that?

7 CHMN STAFFORD: Well, not at this point,  
8 this is the witness that's on the stand right now.

9 MEMBER DiCICCIO: That's true. I've got to  
10 learn process. So -- all right. That's good enough.  
11 Thank you, Mr. Fish.

12 CHMN STAFFORD: All right. Do the  
13 parties --

14 MEMBER HILL: Can I --

15 CHMN STAFFORD: Oh, Member Hill.

16 MEMBER HILL: Sorry, I just want to ask a  
17 couple questions just because we got public comment about  
18 the Conditional Use Permit process. It did feel like a  
19 lot of the public comment was more about the wind farm  
20 than it was about the transmission, and the things that I  
21 heard I think most commonly -- I made notes and then my  
22 computer just shut me out -- but I think the things that  
23 I heard, the most common concern about is like  
24 decommissioning plans, surety bonds, you know, Game &  
25 Fish mitigation measures.

1                   How -- how -- how are those, like -- until  
2 I get my computer back on, I'm going to need a minute --  
3 but how are those three things treated in your  
4 Conditional Use Permit? Do you feel like those things  
5 will be addressed? The citizen comments would be  
6 addressed with your Conditional Use Permit process?

7                   MR. FISH: Yes.

8                   MEMBER HILL: Okay. That's great.

9                   CHMN STAFFORD: All right. Mr. Derstine,  
10 do you have any questions for this witness?

11                  MEMBER KRYDER: Mr. Chairman?

12                  CHMN STAFFORD: Member Kryder.

13                  MEMBER KRYDER: Just as a follow-up with  
14 Member Hill. Mr. Fish, although the land goes through  
15 Apache County jurisdiction, it is actually Arizona public  
16 land, is it not? I mean, for the line siting portion of  
17 it?

18                  MR. FISH: Yes, I believe the applicant's  
19 already testified to that, at least 90 percent.

20                  MEMBER KRYDER: Much more than that, yes.  
21 Close to 95 percent of it. And so how does that impact,  
22 as I've read the pro forma Arizona land contracts that  
23 other applicants have signed, I think they're similar,  
24 they're probably not exact, but that addresses  
25 indemnification, insurance, on and on, the whole laundry

1 list of the concerns that I heard from the public this  
2 morning about cleanup after decommissioning, and damage  
3 to the environment because of roads and so on. That's  
4 all covered as I've read at least in the Arizona land  
5 contract.

6 How, then, does Apache County play into  
7 that if it's under the contract with Arizona land, but it  
8 passes through, obviously, Apache County? How would that  
9 play out? Would you be writing additional conditions?

10 MR. FISH: Are we speaking specifically for  
11 the transmission line?

12 MEMBER KRYDER: Yes, absolutely.

13 MR. FISH: That is a hypothetical I've not  
14 thought of, but at this point in time, I would probably  
15 say no, we would not be adding additional regulations.  
16 Just simply because this board and the Arizona  
17 Corporation Commission have jurisdiction over that.

18 MEMBER KRYDER: I think that -- that helps  
19 me at least understand some pieces and parts of this,  
20 that is, if the applicant is going to lease land for the  
21 line siting commission from the Arizona land group, then  
22 I -- and if, as I heard you correctly say a moment ago,  
23 Apache County would not likely be adding additional terms  
24 to that contract, limitations on insurance, blah, blah,  
25 blah, whatever the concerns were, then in a sense, the

1 applicant's relationship with Apache County vis-a-vis the  
2 line that we're talking that is our jurisdiction is done  
3 as soon as the applicant -- excuse me -- as soon as the  
4 applicant deals with Arizona land -- what's the proper  
5 name, Mr. Chairman?

6 CHMN STAFFORD: The Arizona State Land  
7 Department.

8 MEMBER KRYDER: Yes, as soon as the  
9 applicant would deal with the Arizona Land Department,  
10 and if Apache County is not going to add conditions to  
11 that piece, voilà. Or am I wrong? Tell me.

12 MR. FISH: Member Kryder, I'm not an  
13 attorney, so I -- I wouldn't begin to answer the legal  
14 precedence, if we could or could not add conditions to  
15 whatever the State Land Department, what this -- what  
16 this board, what the Arizona Corporation Commission does.  
17 I do not think that that's legally something that we  
18 could do.

19 MEMBER KRYDER: And we certainly did not  
20 add anything as a condition to our CEC that we worked on  
21 in October. Because we, too, do not have the  
22 jurisdictional right to tell the Arizona Land Department  
23 what to do and what -- so that's strictly a contract  
24 between the applicant and the Arizona land management  
25 group, I'm sorry, I --

1 MR. FISH: Arizona Land Department.

2 MEMBER KRYDER: Land Department.

3 MR. FISH: Mr. Kryder, just one point, if I  
4 may, just back to --

5 MEMBER KRYDER: Please.

6 MR. FISH: -- Member DiCiccio's point, that  
7 is sort of the gray area, the heart, the chicken and the  
8 egg, the horse before the cart, Arizona Revised Statutes  
9 11-802(a) clearly says that the State and the local  
10 jurisdictions should work together. I believe that  
11 precedence has probably been set since 1914 when the  
12 State was -- came into existence.

13 MEMBER KRYDER: '12.

14 MR. FISH: 1912, I'm sorry. Thank you.

15 MEMBER KRYDER: I was there.

16 MR. FISH: I would say that the concern of  
17 the County is, is that just speaking specifically about  
18 building a line and putting it up is that making sure  
19 that that's done correctly. It's kind of like the  
20 chicken and the egg, if you're like -- to Member  
21 DiCiccio's point, why are you coming and asking for a  
22 transmission line before you've received permission to  
23 build a project.

24 The County just wants to make sure that  
25 things are done right, that holes aren't left open, that

1 transmission lines are completed, that sort of thing.  
2 That's the biggest concern for the County, for my  
3 department anyway.

4 MEMBER KRYDER: I used to raise chickens,  
5 and I'm not sure which did come first.

6 MR. FISH: That's a whole philosophical  
7 debate we could have.

8 MEMBER KRYDER: But, in fact, the easy way  
9 when you've got three pieces, as I understand, not before  
10 us, but in this morass in which we're playing, this  
11 sandbox, one piece is the gen-tie line, that's what we  
12 have jurisdiction over.

13 If you wanted to either have it go or have  
14 it stop, have all three pieces go or have all three  
15 pieces stopped, the simplest way would be to find one  
16 piece and simply say this dog don't hunt, this one ain't  
17 going to work.

18 And so sit on that and ask for stuff little  
19 by little by little. I'm not telling you anything, and I  
20 know you know the rules. But for our purposes, we are  
21 here this afternoon to talk about the gen-tie line.

22 And I have heard you establish that it is  
23 your intent at least to see Apache County would probably  
24 not be adding conditions to whatever the applicant has to  
25 sign as their contract to make the leases with the

1 Arizona land piece.

2 So if we could separate the cookie, break  
3 the egg, use the analogy alike, we could approve our  
4 piece and get out of your hair and the applicant's hair  
5 and let y'all fight it out.

6 And that would help me begin to understand  
7 the concerns that Member DiCiccio has, and that is, why  
8 are we here today? Why don't -- why aren't these pieces  
9 all applied for all at one time? I'll stop and listen  
10 unless you want to talk about cookies or eggs, I don't  
11 know.

12 MR. FISH: I have no further comment. Some  
13 of the concerns of the County would just be the basics,  
14 setbacks, building codes, road conditions, fencing,  
15 et cetera, those -- those are the things that the County,  
16 you know, the details of the project that the County gets  
17 involved in.

18 So yes, back to -- back to Member Hill's  
19 point, I mean, we could have that debate how this should  
20 be done later on down the road, and -- but specifically  
21 back to my point, we are not trying to override your  
22 authority, to override the Arizona Corporation Commission  
23 on this. But also, to my point, to date, we have not had  
24 anything at the County to evaluate from the applicant.

25 MEMBER KRYDER: One last comment and

1 question, then, from you, is I may have heard it earlier  
2 and didn't fully understand it, so I'm going to ask it  
3 for the record.

4 Is the County only going to consider all  
5 three pieces as a package? That is the solar portion,  
6 the wind portion and the gen-tie line, or is the  
7 applicant able to address you with three different  
8 applications?

9 MR. FISH: In my discussions that the  
10 department had with the applicant, it has been decided  
11 that the applicant would turn in a separate conditional  
12 use for the wind project, and a separate application for  
13 the solar project.

14 Hypothetically -- I mean, common sense says  
15 that in one of those applications we would also consider  
16 the gen-tie line in that process.

17 MEMBER KRYDER: But you didn't ask for a  
18 gen-tie line application per se.

19 MR. FISH: Our ordinance basically says the  
20 project, with all the infrastructure included with it, so  
21 from the County's standpoint we're looking at the project  
22 as a whole with the gen-tie line included.

23 MEMBER KRYDER: And the substations.

24 MR. FISH: And the substations, yes, sir.

25 MEMBER KRYDER: Thank you. That's

1 clarifying.

2 CHMN STAFFORD: Member Fant?

3 MEMBER FANT: Thank you, Mr. Chair.

4 CHMN STAFFORD: Is that thing on?

5 MEMBER FANT: Yes, it is now. Thank you,  
6 Mr. Chair.

7 First, I want to thank the Apache County  
8 leadership for being here today, making the effort to  
9 come all the way down to Phoenix. Appreciate it, because  
10 it helps to have you here.

11 When I listened to the public comments this  
12 morning from people, I heard anger and fear, and I think  
13 those are indications to me they're concerned that what  
14 they -- from what their perspectives are, and what they  
15 think they're not being heard. My question, and I'm not  
16 familiar with Apache County processes, are there -- are  
17 there places and ways that the folks in Springerville and  
18 Eagar and Vernon and Linden, the other places around the  
19 valley, can participate and get heard?

20 MR. FISH: Oh, absolutely. The applicant  
21 has been -- they have had many public meetings to let the  
22 public comment. As the director of planning and zoning,  
23 one of my jobs is to sit in on working sessions and  
24 planning and zoning meetings every month.

25 For the most part, we have had someone

1 there at least listening to see if there's anything  
2 discussed renewable energy, and if there is typically  
3 anything on the public agenda, we definitely have people  
4 commenting on that.

5 You know, social media, it's a small  
6 community of tight-knit families, so typically people  
7 have access to me directly, people have access to our  
8 commissioners directly or to our board members directly,  
9 so yes, there is opportunity for the public to comment.

10 MEMBER FANT: Okay. Thank you. Thank you,  
11 sir.

12 CHMN STAFFORD: Member Hill?

13 MEMBER HILL: Thanks, Mr. Chair. Do you  
14 have other Special Use Permits for electricity generation  
15 in process now that you're actually reviewing?

16 MR. FISH: We just completed one. The  
17 Board of Supervisors approved a large solar project in  
18 December. And then there is at least one, probably two  
19 more large wind and solar projects, wind project and  
20 solar project, and then possibly just a singular solar  
21 project from several other companies.

22 MEMBER HILL: But they're not at a  
23 permitting process yet with you guys yet, a Special Use  
24 Permit?

25 MR. FISH: They're about at the same

1 process as the applicant is.

2 MEMBER HILL: Okay. Do you know if we've  
3 seen any of them?

4 MR. FISH: Again, no, we have not had any  
5 completed Conditional Use Permits turned in from three of  
6 the four that I'm referring to.

7 MEMBER HILL: Okay. That's helpful. I  
8 just kind of wanted to know the volume you guys were  
9 dealing with and trying to change the process at the same  
10 time. So that's helpful. Thanks.

11 MR. FISH: We love to punish ourselves in  
12 Apache County.

13 MEMBER HILL: Pinal County is doing a lot  
14 too, so --

15 CHMN STAFFORD: All right. Any other  
16 questions from members?

17 (No response.)

18 CHMN STAFFORD: Mr. Derstine, do you have  
19 any questions for this witness?

20 MR. DERSTINE: I do. Thank you.

21

22 EX A M I N A T I O N

23 BY MR. DERSTINE:

24 Q. Mr. Fish, again, thank you for being here, and  
25 my apologies, we don't -- it's going to be tough to make

1 eye contact.

2 A. (MR. FISH) Let's see if we can get around the  
3 column.

4 Q. Yeah, around this -- around this -- so I'll look  
5 at the screen, and I don't know if you can see me on a  
6 monitor somewhere, but hopefully you can hear me. Can  
7 you hear me okay?

8 A. (MR. FISH) Yes, sir.

9 Q. Okay. I'm a little curious, if you can give me  
10 some background. You're the director of community  
11 development for Apache County. How long have you held  
12 that position?

13 A. (MR. FISH) March 15th will be five years.

14 Q. All right. I know by statute the Planning and  
15 Zoning Commission is created by 11, I think it's 802, the  
16 same statute that you cited in your -- in your letter.

17 MEMBER KRYDER: Matthew, you're in and out  
18 of your microphone.

19 MR. DERSTINE: Let me make sure this is  
20 right on me. Okay. Good. I appreciate the reminder.

21 Q. I see how the Planning and Zoning Commission is  
22 created. I don't see anything in the statute about this  
23 community development office. Can you explain  
24 what -- what creates the community development office and  
25 where does the authority come from?

1 A. (MR. FISH) Specifically to the Planning and  
2 Zoning Commission, Apache County is slightly different.  
3 We only have three commissioners, so they appoint three  
4 members of the Planning and Zoning Commission, with an  
5 alternate, so we have 10 total.

6 Specifically speaking to the Planning and Zoning  
7 Commission and how they relate to the conditional use --  
8 or to the community development department, my department  
9 will prepare conditional use and present it to the  
10 Planning and Zoning Commission.

11 Q. Okay. So you kind of act as the office that  
12 accepts the Conditional Use Permit application and then  
13 packages it and presents it to the Planning and Zoning  
14 Commission, and I assume then you play a similar role in  
15 presenting the Planning and Zoning Commission's decision  
16 to the Board of Supervisors; is that right?

17 A. (MR. FISH) Correct.

18 Q. And the Board of Supervisors is the statutory  
19 entity that has jurisdiction over planning and zoning  
20 decisions within Apache County and any county of the  
21 state, right?

22 A. (MR. FISH) Yes.

23 Q. Okay. Who do you report to as the director of  
24 community development? Who is your boss?

25 A. (MR. FISH) County manager.

1 Q. Okay. Apache County didn't intervene in our  
2 siting case, correct?

3 A. (MR. FISH) Correct.

4 Q. Originally. But you then waited until the day  
5 of the open meeting after this committee had held its  
6 hearings, issued a CEC, and that CEC was up for  
7 consideration by the Commission, you waited until that  
8 date, December 3rd, to send in your letter, right?

9 A. (MR. FISH) Yes.

10 Q. What prompted you to send in that letter?

11 A. (MR. FISH) Again, as we've discussed, the  
12 overall decision process, the County felt like they  
13 wanted to be involved in that decision.

14 Q. The County wanted to be involved in the decision  
15 as to whether or not the Commission granted a CEC for the  
16 gen-tie line, which you've indicated you really have no  
17 real issue with?

18 A. (MR. FISH) Was that a question or a statement?

19 Q. It's a question.

20 A. (MR. FISH) Please -- please repeat it.

21 Q. You're saying that the County wanted to be  
22 involved but you've testified here today that the County  
23 has no input or direction or additions to the CEC, so  
24 what is the input that you're looking to have into the  
25 CEC process?

1 A. (MR. FISH) The County wanted to be recognized to  
2 say, hey, from my point of view, as the director, we  
3 wanted to have the opportunity to say through the overall  
4 process, the conditional use process, you should come to  
5 the County first for a conditional use application and  
6 then apply for the gen-tie line.

7 Q. Is there anything in Apache County ordinances  
8 that require that an applicant for a Conditional Use  
9 Permit first apply for the Conditional Use Permit before  
10 obtaining a CEC for the gen-tie -- for its gen-tie line?

11 A. (MR. FISH) No.

12 Q. And, in fact, at least in this most recent case  
13 and I'm sure in other cases, applicants have obtained  
14 CECs for their gen-tie line before applying for a CUP for  
15 their project, correct?

16 A. (MR. FISH) I am not absolutely positive about  
17 that, I don't know.

18 Q. You're familiar with the -- well, you mentioned  
19 this case, that you just ruled on a CUP application in  
20 December, right?

21 A. (MR. FISH) That the Board of Supervisors ruled  
22 on in December?

23 Q. Correct.

24 A. (MR. FISH) Yes, I believe we're referring to the  
25 Juniper Spring Project.

1 Q. That's right, Juniper Springs filed its CEC  
2 application for its gen-tie line on January 24, 2025, are  
3 you aware of that?

4 A. (MR. FISH) I was not.

5 Q. The siting committee held hearings on the  
6 application on March 10 and 11, 2025, are you aware of  
7 that?

8 A. (MR. FISH) I'm not aware of that.

9 Q. But the County would have been notified of those  
10 proceedings as an affected jurisdiction, right?

11 A. (MR. FISH) I would assume so, yes.

12 Q. And Juniper Springs submitted its CUP  
13 application on April the 9th, 2025; does that sound  
14 right?

15 A. (MR. FISH) I know it was last spring.

16 Q. And the Commission approved the CEC for the  
17 Juniper Springs Solar and Storage Project on April 29,  
18 2025. Were you aware of that?

19 A. (MR. FISH) I was not.

20 Q. And your CUP for the Juniper Springs Solar and  
21 Storage Project was approved with conditions by the Board  
22 of Supervisors on December 2, 2025, eight months after  
23 the CEC was approved by the Commission. Are you aware of  
24 that?

25 A. (MR. FISH) Yes. Well, I was aware that they did

1 approve it on -- on December 2nd.

2 Q. And so in that particular case, and I'm sure  
3 there are others, that applicant obtained a CEC for its  
4 gen-tie line before filing its CUP application with the  
5 County, right?

6 A. (MR. FISH) It would appear so, yes.

7 Q. And yet in this case, you submitted a letter to  
8 the Commission requesting that the Commission deny the  
9 CEC application until this applicant had processed its  
10 CUP application, but you didn't require that of Juniper  
11 Springs?

12 A. (MR. FISH) As stated earlier, I was not aware  
13 that they applied earlier.

14 Q. Well, Juniper Spring, their CUP application  
15 references the gen-tie line, as well as the approved CEC  
16 that determines the location of the gen-tie line, does it  
17 not?

18 A. (MR. FISH) I don't know.

19 Q. Okay.

20 A. (MR. FISH) I couldn't speak specifically.

21 Q. So do you, as the director of the development  
22 office, get to decide what applicants are going to be  
23 required to come in for a CUP before they apply for their  
24 CEC? Is this something -- is this a personal decision on  
25 your part?

1 A. (MR. FISH) No.

2 Q. Who gets to decide -- who should decide that?

3 A. (MR. FISH) Again, we're getting into opinion  
4 here. My opinion is that the applicant should apply for  
5 a Conditional Use Permit before they apply for a line  
6 siting permit.

7 Q. But there's no requirement under the Apache  
8 County zoning ordinance to that effect, right?

9 A. (MR. FISH) There is not.

10 Q. And you haven't made that request, at least with  
11 regard to Juniper Springs or any other CUP application?

12 A. (MR. FISH) Correct.

13 Q. I'm looking at your letter, which is marked as  
14 CG-48. I'm looking at the second paragraph on the first  
15 page of your letter, it says, "It is the position of  
16 Apache County Community Development that these applicants  
17 should first seek and obtain a recommendation from the  
18 Apache County Planning and Zoning Commission and  
19 subsequent approval of a Conditional Use Permit by the  
20 Apache County Board of Supervisors prior to pursuing  
21 approval from the Arizona Corporation Commission for the  
22 construction of the proposed gen-tie line."

23 Did I read that right?

24 A. (MR. FISH) Yes, sir.

25 Q. Okay. And what I'm noting here is that you're

1 saying "applicants should," which means they're not  
2 required to, right?

3 A. (MR. FISH) Again, no, they're not required.

4 Q. Okay. And this is the position of Apache County  
5 community development, it's not the position of Apache  
6 County?

7 A. (MR. FISH) Correct. It's the position of the  
8 Apache County community development director.

9 Q. And it's not the position of the Board of  
10 Supervisors, correct?

11 A. (MR. FISH) I would not begin to speak for the  
12 Board of Supervisors.

13 Q. I'd like you to take a look at the second page  
14 of your December 3rd letter, that's CG-48. There's a  
15 paragraph there that starts, "Therefore, in the interest  
16 of proper land use oversight, intergovernmental  
17 coordination, and compliance with Arizona law, I request  
18 that the Arizona Corporation Commission deny the  
19 application submitted by CG Apache County Solar, LLC, and  
20 CG Apache County Wind, LLC, until such time as applicants  
21 have applied for and received Conditional Use Permit  
22 approval from the Apache County Board of Supervisors."

23 Did I read that correctly?

24 A. (MR. FISH) Yes, sir.

25 Q. Okay. So when this paragraph reads: "In the

1 interest of proper land use oversight," I mentioned you  
2 were here and I mentioned in my opening that no decision  
3 by this committee, and ultimately the Commission,  
4 concerning the CEC for the gen-tie line doesn't divest  
5 Apache County from its zoning authority.

6 You agree with that, correct?

7 A. (MR. FISH) Yes.

8 Q. And then your -- your next parenthetical is:  
9 "In the interest of intergovernmental coordination,"  
10 You're not necessarily coordinating with the Commission,  
11 you're telling them not to grant the CEC which was  
12 approved by this committee because you personally are  
13 asking them to wait, right?

14 A. (MR. FISH) Correct. I'm not telling them, I'm  
15 asking them.

16 Q. Right. But you're asking them on behalf of your  
17 office without authorization from the Board of  
18 Supervisors, right?

19 A. (MR. FISH) Correct.

20 Q. Your paragraph here goes on to state: "I,"  
21 that's Mr. Fish, "respectfully request that the  
22 Corporation Commission deny the application submitted by  
23 CG Apache County Solar and CG Apache County Wind."  
24 Again, are you in the practice of sending letters to the  
25 Corporation Commission, on behalf of your office and your

1 office alone, and asking that the Commission not grant a  
2 CEC? You've never done that before, right?

3 A. (MR. FISH) This is the first time I've ever done  
4 that, yes, sir.

5 Q. And is that because you oppose these projects?

6 A. (MR. FISH) No, it's because, again, back to  
7 Member DiCiccio's point, why ask for the line site if  
8 you're not going to get a Conditional Use Permit first?  
9 It just makes reason stare, come, ask for the Conditional  
10 Use Permit, and then get the line site.

11 Q. Well, I think, as other members of this  
12 committee have pointed out, that is not the practice of  
13 many other applicants, including the Juniper Springs  
14 entity that applied for a CUP after it obtained a CEC  
15 from this committee, right?

16 A. (MR. FISH) I am not disputing that, yes.

17 Q. So, Mr. Fish, no one directed you to send your  
18 letter of December 3?

19 A. (MR. FISH) No.

20 Q. You just took the initiative to do that on your  
21 own?

22 A. (MR. FISH) I did.

23 Q. And you did so without requesting approval from  
24 the Board of Supervisors?

25 A. (MR. FISH) Yes.

1 Q. And you've made clear that you don't speak on  
2 behalf of the County, you're speaking only on behalf of  
3 community development?

4 A. (MR. FISH) Yes.

5 Q. Did you obtain approval from your boss, the  
6 County manager, to send your letter of December 3?

7 A. (MR. FISH) I did not. And, in fact, he was  
8 quite mad at me for doing it.

9 Q. Why was he mad at you?

10 A. (MR. FISH) Because I didn't obtain permission  
11 first.

12 MR. DERSTINE: I have no further questions.

13 CHMN STAFFORD: Thank you.

14 Member DiCiccio, you have a question?

15 MEMBER DiCICCIO: I have a few.

16

17 FURTHER EXAMINATION

18 MEMBER DiCICCIO: So all zoning rules are  
19 basically the same. I mean, how people, when they come  
20 in, they know the rules, they see them, they see them in  
21 writing, they know what they are, they're zoning code.  
22 But not all zoning cases are exactly the same, are they.

23 MR. FISH: I would say no.

24 MEMBER DiCICCIO: No, and if they're  
25 controversial, don't they take a higher level of

1 scrutiny?

2 MR. FISH: Common sense would say that, say  
3 yes.

4 MEMBER DiCICCIO: They do. And I've dealt  
5 with this. So -- and going to the City manager, do you  
6 run every single decision by, let's say a permit for a  
7 hot water heater comes through. Do you ask the City  
8 manager for permission to allow that to happen?

9 MR. FISH: No.

10 MEMBER DiCICCIO: Exactly. So you do, when  
11 some cases take certain levels of interest on certain  
12 points -- so at the end of the day, the reason, I  
13 believe, and you can answer -- ask why, I can ask why,  
14 but I believe it's because, having worked in local  
15 government, things raise to a certain level, and then it  
16 creates more scrutiny. It creates more involvement. So  
17 making a request and asking for them to turn in a  
18 Conditional Use Permit would be very normal for a County  
19 to do, or any governmental entity, because you now want  
20 to see the entire project in its entirety, correct?

21 MR. FISH: Yes.

22 MEMBER DiCICCIO: So wanting to see it in  
23 its entirety is not an unreasonable request, I don't  
24 believe, do you?

25 MR. FISH: No.

1 MEMBER DiCICCIO: And then let's take  
2 Navajo County. You have a close relationship with Navajo  
3 County, you don't have any jurisdiction over Navajo  
4 County, do you?

5 MR. FISH: No.

6 MEMBER DiCICCIO: But when you call and ask  
7 them permission or ask them to get involved in some of  
8 the decisions, what do they do, they work with you,  
9 correct?

10 MR. FISH: Hypothetically, yes.

11 MEMBER DiCICCIO: Yes. And so when I was  
12 at the City of Phoenix, I was an elected official there,  
13 we had cases in the county, the County Board of  
14 Supervisors would call me and say, "Hey, Sal, we've got  
15 this case over here, can you get involved in it?" That's  
16 not unusual at all, that's a day-to-day practice,  
17 correct?

18 MR. FISH: Amongst elected officials, I  
19 would said yes.

20 MEMBER DiCICCIO: Very much so. On a very  
21 regular basis, actually.

22 So from my end of it, this just reached a  
23 certain level of scrutiny, a certain level of interest  
24 from the public, and the elected officials and others  
25 made a decision to raise the level of interest in this.

1 And I think that's very normal. And that doesn't happen  
2 on every case.

3 Like I said, in a hot water heater, you're  
4 not going to ask for that, you're not going to expect  
5 that level of controversy. But on cases like this, once  
6 they reach that level of scrutiny, then that's when they  
7 get involved. That's more of a kind of statement. Thank  
8 you.

9 CHMN STAFFORD: Thank you.

10 MR. DERSTINE: Can I have one redirect or  
11 recross?

12 CHMN STAFFORD: Please.

13

14 FURTHER EXAMINATION

15 BY MR. DERSTINE:

16 Q. Mr. Fish, prior to sending your letter of  
17 December 3, did you ever request that the applicant  
18 submit a CUP application before proceeding with their CEC  
19 application in process?

20 A. (MR. FISH) No.

21 MR. DERSTINE: Thank you.

22 CHMN STAFFORD: Mr. Resare, do you have any  
23 questions for this witness?

24 MR. RESARE: Yes, please. Just a few,  
25 Mr. Chairman.

## 1 EXAMINATION

2 BY MR. RESARE:

3 Q. When you get additional or new information in  
4 your line of work, does that change how you do things?

5 A. (MR. FISH) Yeah, it could.

6 Q. You don't do the exact same thing every single  
7 time, just because that's how you did it before  
8 regardless of the information you've received?

9 A. (MR. FISH) No.

10 Q. All right. So you stated already today that  
11 with Juniper Springs you didn't know about this committee  
12 or didn't know what was going on in regards to that; is  
13 that correct?

14 A. (MR. FISH) Correct.

15 Q. And information changed, you learned a little  
16 bit more since then, and that's one of the reasons why  
17 you sent this letter; is that correct?

18 A. (MR. FISH) Correct.

19 Q. So you're capable of changing and becoming a  
20 better person in regards to how you do your job?

21 A. (MR. FISH) I would hope so, yes.

22 Q. And I think some of the folks on this committee  
23 also mentioned how this process can be a little bit  
24 confusing on how and when things come in, is that  
25 something you've also noticed as well?

1 A. (MR. FISH) I think it's pretty clear from the  
2 testimony from the public that it is very confusing, yes.

3 MR. RESARE: Thank you, no further  
4 questions from us.

5 CHMN STAFFORD: Mr. Anable, do you have any  
6 questions for this witness?

7 MR. ANABLE: Yes, thank you, Mr. Chairman.

8

9

E X A M I N A T I O N

10 BY MR. ANABLE:

11 Q. I'm thinking back on past beatings I took in the  
12 public square. And is there a --

13 CHMN STAFFORD: Closer to the microphone,  
14 please. Some of the members are having trouble hearing  
15 you.

16 MR. ANABLE: I'm sorry. Is this on?

17 MEMBER KRYDER: Thank you, Chairman.

18 BY MR. ANABLE:

19 Q. Oftentimes in the past, I recall being irritated  
20 when, for example, I was in charge of an agency, and  
21 before an applicant had come to the agency they had gone  
22 over here to a politico or to the County and sold them on  
23 some great deal.

24 And then I'm the last one to hear about it. And  
25 so it's one of those things where you're surprised and

1 also the applicant or potential applicant now has a club,  
2 meaning if they get the CEC before you even have a chance  
3 to think about it, does that create a difficulty for you  
4 going forward in the process? Meaning they're going to  
5 hold that a hit up above and say we have this, you can't  
6 deny us now, essentially?

7 A. (MR. FISH) It could, absolutely.

8 (Cross-talk.)

9 BY MR. ANABLE:

10 Q. I'm just trying to put myself in your shoes and  
11 understand what might have motivated you to do this. It  
12 sounded like you were surprised that this was so far  
13 ahead of where you thought they might be, and is that a  
14 correct statement?

15 A. (MR. FISH) Given the nature of county  
16 memberships or county -- members of the county, given the  
17 animosity towards the applicant at that point in time, I  
18 just thought it would be prudent that they would come in  
19 and ask for a Conditional Use Permit or permission to ask  
20 for a Conditional Use Permit before they applied for the  
21 transmission line.

22 Q. I remember hearing you say that before.

23 A. (MR. FISH) That would give the opportunity of  
24 the public to weigh in on the application and all of  
25 that.

1 Q. Correct. And also would see, a little strange  
2 to permit a power line that doesn't have a project,  
3 right, so you'd rather merge the two together?

4 A. (MR. FISH) Correct.

5 MR. ANABLE: I get it. I have no other  
6 questions.

7 CHMN STAFFORD: Thank you. Any other  
8 questions from members?

9 MEMBER HILL: Yeah.

10 CHMN STAFFORD: Member Hill?

11

12 FURTHER EXAMINATION

13 MEMBER HILL: Given your new thinking on  
14 applying for the Conditional Use Permit before the CEC,  
15 is this something that you have contemplated in  
16 redeveloping your Conditional Use Permit processes, like  
17 have you guys already talked about changing -- we talked  
18 about -- your attorney talked about improving processes.  
19 Is this something that you guys have actively been  
20 talking about and might be part of a future Conditional  
21 Use Permit process?

22 MR. FISH: Absolutely.

23 MEMBER HILL: That would be helpful to  
24 know.

25 MR. FISH: It's something I have talked

1 about. We have talked about on the planning and zoning  
2 levels with our attorneys and also with other applicants.

3 MEMBER HILL: Okay. That's good to know.  
4 Thanks.

5 CHMN STAFFORD: Any further questions for  
6 this witness?

7 MR. DERSTINE: With your permission, I just  
8 have one that occurred to me from Member Hill's question.

9 CHMN STAFFORD: Please.

10

11 FURTHER EXAMINATION

12 BY MR. DERSTINE:

13 Q. I guess I'm confused by how waiting, forcing an  
14 applicant to wait to obtain their CEC for the  
15 transmission line helps your process, given that until an  
16 applicant has a CEC, which defines where their gen-tie  
17 line will be placed, the corridor, the route, if they  
18 submit a Conditional Use Permit application, and guess as  
19 to what might be approved for the location of the  
20 transmission line, you may approve whatever you approve  
21 and then ultimately that's changed by the siting  
22 committee.

23 And so the -- the order of operation that you're  
24 advocating for makes no sense to me, given that if we  
25 have to wait to go through the conditional use process

1 and then obtain a CEC, and your process establishes a  
2 different location for the project, that puts the  
3 applicant in a very difficult spot?

4 A. (MR. FISH) On the other side of that, it would  
5 be a lot easier for this committee or the Arizona  
6 Corporation Commission to make a decision if the  
7 applicant had already been approved for a Conditional Use  
8 Permit for the project and the gen-tie line.

9 Q. But if your Conditional Use Permit defines and  
10 describes where the gen-tie line is placed, that could be  
11 very different than what this committee ultimately  
12 decides as to the location of that project?

13 A. (MR. FISH) To date I would say that my Planning  
14 and Zoning Commission and my department has never  
15 dictated to an applicant as to specifically where they  
16 have to put things. It has always been a conversation of  
17 them coming to us and saying this is our study area, this  
18 is the area we've narrowed it down to, this is where we  
19 would like to do it.

20 Q. And then --

21 A. (MR. FISH) We've never disputed that.

22 Q. And that would indicate to me that then there is  
23 no problem with having this committee issue a CEC that  
24 defines where that transmission line will go, ahead of  
25 your CUP process because you never interfere with

1 whatever the applicant is asking for, right?

2 A. (MR. FISH) We do not tell them where it should  
3 go.

4 Q. Right.

5 A. (MR. FISH) We could put conditions on that, but  
6 we would never tell them specifically where it needs to  
7 be. I -- as a planning and zone -- or as a community  
8 development director I wouldn't begin to think that I  
9 know better than men and women that do this for a living.

10 Q. Well, that may be true for you, but the members  
11 of this committee oftentimes decide they do know better  
12 and decide where a line will be placed and the location  
13 and the route, and therefore, the idea that an applicant  
14 may have as to the routing of a particular line and they  
15 present that, they're forced to present that to you, may  
16 change when we get before this committee. And,  
17 therefore, I think it makes entire sense, and it's  
18 practical and what most applicants do is obtain a CEC for  
19 their line, and then submit their CUP application to  
20 obtain zoning approval, especially given that you don't  
21 interfere with that decision.

22 That's all I have?

23 CHMN STAFFORD: That's more of a comment  
24 than a question.

25 MR. DERSTINE: Yes, it was.

1 MEMBER LITTLE: Mr. Chairman?

2 CHMN STAFFORD: Yes, Member Little.

3 MEMBER LITTLE: I have a comment along the  
4 lines of that comment.

5 I would tend to agree with Mr. Derstine's  
6 thinking if all we're doing is considering a transmission  
7 line. However, when we are considering a gen-tie, we are  
8 put somewhat in the position that you have just described  
9 you not wanting to be in if the roles -- if the direction  
10 of authorization is reversed from what it has been.

11 What if we approve a transmission line and  
12 the Conditional Use Permit relocates the substation?  
13 There are times when I would very much like to have at  
14 least seen the Conditional Use Permit process  
15 in -- ongoing at the same time, so we have some sense of  
16 what we're actually dealing with. Thank you.

17 CHMN STAFFORD: Thank you, Member Little.

18 Any other questions from members for this  
19 witness?

20 (No response.)

21 CHMN STAFFORD: Any other questions from  
22 the parties?

23 MR. RESARE: No.

24 CHMN STAFFORD: Mr. Anable, any additional  
25 questions?

1 MR. ANABLE: The grilling of Mr. Fish can  
2 stop.

3 CHMN STAFFORD: All right. Mr. Derstine,  
4 you're done questioning this witness, are you not?

5 MR. DERSTINE: I am.

6 CHMN STAFFORD: All right. With that, this  
7 witness is excused. You do not need to return tomorrow.  
8 Mr. Resare, you will be here tomorrow because you're  
9 representing the County as a party in this matter,  
10 correct?

11 MR. RESARE: I will be, yes.

12 CHMN STAFFORD: And do you know if the  
13 supervisors plan to attend and observe tomorrow as well?

14 MR. RESARE: I can check with them real  
15 quick.

16 CHMN STAFFORD: The other thing is if they  
17 are not --

18 MR. RESARE: I have three head shakes, so I  
19 think three yeses.

20 CHMN STAFFORD: Okay. If the supervisors  
21 would like to make public comment, we can allow them to  
22 do that at this time.

23 MR. RESARE: Let me check with them, give  
24 me one minute.

25 We have one member of the board that wishes

1 to speak today, and if the option for tomorrow is  
2 available tomorrow for another, then perhaps one will do  
3 it tomorrow, if that's available then.

4 CHMN STAFFORD: Yes, it will be available.  
5 My concern was that they've driven here from Apache  
6 County, I didn't want them to have to linger here in  
7 Maricopa County longer than they wanted to.

8 MR. RESARE: And I'll just -- maybe we can  
9 put him right here, so everybody can see him.

10 MR. DAVIS: Good afternoon, my name is  
11 Nelson Davis. I sit on the Board of Supervisors for  
12 Apache County. I'm in my second term. I'm a  
13 sixth-generation resident of Apache County, farming and  
14 ranching was my family. I have a love for this county,  
15 don't plan on going anywhere, so I'm pretty active and  
16 sold on our county.

17 I'm not going to take a lot of time, but I  
18 do just want to say that the reason we are here and you  
19 might be wondering why we are to this point right now,  
20 but nobody had applied to the County for anything, no  
21 permits, so we're sitting up there eating enchiladas and  
22 tacos and we hear that, hey, they're down in front of the  
23 Line Siting Committee arguing for something they're going  
24 to put in your county.

25 And then we start hearing where is Apache

1 County on this? Why are they not here representing  
2 themselves? Well, nobody's applied to us, and we're not  
3 in the habit of interfering with your boards unless we're  
4 invited or there's been something applied to on our  
5 behalf. In this case there was not.

6 When we did learn that -- the statement was  
7 that Lava Run, Repsol, does not believe that they need to  
8 talk to Apache County for a permit to build this project,  
9 I'm, like, well, I understand the laws of the gen-tie  
10 line, but there's a lot of things that go in besides, you  
11 know, it's a physical -- it's not just the line, it's  
12 buildings, it's -- it crosses roads, there's animals,  
13 there's a lot of physical things involved.

14 And to say that we don't have jurisdiction,  
15 we have setbacks, we have a lot of things we control on  
16 that that we would again not mandate, but be at the  
17 hearing to give you our side of what's important, not to  
18 add onto the State Land Department, you know, that was  
19 interesting what was brought up today about the Land  
20 Department, assuming all liability on reclamation and  
21 stuff like that. And I'm going to dive into that when I  
22 get some time. Because that was interesting.

23 But that's all we ask for is that for two  
24 years we have been listening to the Lava Run Project, it  
25 is very, very -- I've been to meetings and I'm kind of,

1 again, mixing up the gen-tie line and this whole thing,  
2 but they're all kind of tied together. When we have  
3 meetings that were held in Springerville with 450 people  
4 in attendance, and nobody in favor of, and same with most  
5 of the other meetings I go to, it's very volatile and  
6 we're arguing about this and we just want to be at the  
7 table to protect the people in my county. As Board of  
8 Supervisors we were, by statute, given the authority to  
9 protect the people in my county.

10 And nowhere in it did it say that the State  
11 would remove that responsibility from me as a supervisor  
12 protecting the safety and well-being of the citizens of  
13 my county. So I'm going to stand up and fight for that,  
14 that when we make -- do something in our county, we need  
15 to have a voice as supervisors in that, and so I just  
16 want to say, I appreciate everything you do. This is one  
17 of those decisions that we're going to be making that  
18 usually it's 50/50 and you can make a decision, make it,  
19 this is one of these that's going to be tough on  
20 everybody going through this process. I just want to say  
21 thank you for all of what you guys do and giving me two  
22 minutes to talk to you. So thank you.

23 CHMN STAFFORD: Thank you. All right.  
24 Well, it is getting late in the day, Mr. Derstine, about  
25 how much longer do you anticipate your direct case to

1 last?

2 MR. DERSTINE: We have very little, I think  
3 through the testimony of Mr. Casteel as well as --

4 THE REPORTER: Microphone.

5 MR. DERSTINE: Turned it off. My  
6 apologies.

7 I think through the testimony of  
8 Mr. Casteel that you've already heard, as well as the  
9 testimony of Mr. Fish, I think it covers and confirms all  
10 of the issues that the Commission directed us to come  
11 back and consider. That is land use, existing land use,  
12 as well as planned land use. I think Mr. Fish has made  
13 pretty clear for the record in terms of what the County  
14 does or does not have jurisdiction over.

15 And so I don't know that we have much,  
16 maybe at the break we'll decide there's a little bit of  
17 cleanup, but I do know that I think members of the  
18 committee, like Member Little and others, may have  
19 specific questions that they heard from members of the  
20 public.

21 We'll be happy to address those whenever  
22 you want to raise them with us, but I don't know that we  
23 have much more to put on concerning the land use and,  
24 yeah, land use, information that the Commission told us  
25 to come back and address.

1           You've heard from the County, we appreciate  
2 them being here, we appreciate Mr. Fish being here to  
3 explain his letter, what authority he had for it or  
4 didn't have for it, and what the purpose of the letter  
5 was. And beyond that, I think that addresses the open  
6 issues, but again, we're happy to answer questions from  
7 committee members.

8           MEMBER LITTLE: Mr. Chairman?

9           CHMN STAFFORD: Yes, Member Little.

10          MEMBER LITTLE: I believe that, unless I  
11 fell asleep, we interrupted Mr. Casteel's discussion of  
12 the community plans and the general plans, and I  
13 certainly would like to have him finish that up. I don't  
14 know how long it will take, but I would like to have you  
15 continue that. Thank you.

16          MR. CASTEEL: It will only take a minute or  
17 so.

18          CHMN STAFFORD: You want to get a little  
19 close to the microphone, Mr. Casteel.

20

21           D I R E C T E X A M I N A T I O N (Cont.)

22 BY MR. DERSTINE:

23         Q. Pull up the slide deck.

24         A. (MR. CASTEEL) There we go. There's only a few  
25 slides here. We were going to cover planned land use and

1 this is consistent with what we covered at the siting  
2 hearing, that the planned land use in the study area was  
3 continued grazing and the provisions for lower and higher  
4 density, especially along highways and in the western end  
5 of the project.

6 The County identifies three character areas in  
7 the study area, those character areas, let me switch this  
8 slide, there's three character areas, one is -- just a  
9 minute, the range land, which is the majority of the  
10 study area, it's continued grazing and cattle ranching.  
11 There is the rural edge, which is located along U.S. 180  
12 that is proposed for lower residential density  
13 development.

14 And then there is the Community Village on the  
15 west end of the study area, Community Village is more of  
16 a mixed use with industrial, institutional, commercial,  
17 residential. But what is not shown on this plan is the  
18 Vernon Area Community Plan. And using the map, the  
19 Vernon Area Community Plan is large, but the boundary  
20 that encroaches upon the study area would be just past  
21 U.S. 60 on the very, very west end of the study area  
22 where the interconnection project crosses U.S. 60, so the  
23 Vernon Area Community Plan is 300 square miles or 192,000  
24 acres. It's centered on the town of Vernon about 10  
25 miles to the west.

1           The project itself would encroach into that less  
2 than 200 acres, so it's a very small impact, but the  
3 Vernon Area Community Plan has goals, objectives, and  
4 those are primarily main residential and open space  
5 characteristics.

6           MEMBER LITTLE: Mr. Chairman?

7           CHMN STAFFORD: Yes, Member Little.

8           MEMBER LITTLE: Is that -- it's kind of  
9 hard for me to tell the colors, but is that a rural edge  
10 section that kind of goes right down the middle of  
11 the --

12          MR. CASTEEL: Yes, it is on your placemat  
13 as well, sorry about that.

14          MEMBER LITTLE: Right.

15          MR. CASTEEL: Yeah, it goes right down U.S.  
16 180 and it's low-density residential planned along the  
17 highway.

18          MEMBER LITTLE: And whose plan is that, is  
19 that Vernon?

20          MR. CASTEEL: So this is the -- so  
21 everything you see here is Apache County Comprehensive  
22 Plan.

23          MEMBER LITTLE: Oh, okay.

24          MR. CASTEEL: They identify character areas  
25 in our area, Vernon -- the Vernon Area Community Plan,

1 like I said, is large, it doesn't define character areas.  
2 The Vernon Area Community Plan, as you noted, was adopted  
3 into the County's Comprehensive Plan, along with, there's  
4 several, there's a few other smaller community plans that  
5 are adopted into the County's Comprehensive Plan.

6 MEMBER LITTLE: Thank you.

7 MR. CASTEEL: And we've covered this. I  
8 was going to move to just the general plans that are near  
9 the study area. Specifically the Town of Eagar and the  
10 Town of Springerville, the map you see on the screen is  
11 another land use map, but it does identify the planning  
12 boundaries of the Town of Springerville in green and then  
13 the Town of Eagar in purple. Just for context, the  
14 interconnection project is shown along with the one-mile  
15 buffer around the transmission line route.

16 The boundary of the town of Springerville's  
17 General Plan is approximately three miles south of the  
18 interconnection project and the town of Eagar is  
19 approximately eight miles south of the interconnection  
20 project.

21 CHMN STAFFORD: And this map to which  
22 you're referring is found on slide 29 of hearing Exhibit  
23 CG-31, correct?

24 MR. CASTEEL: Correct.

25 Just briefly on planned land use and plans

1 in development, as part of the CEC application in Exhibit  
2 H of the CEC application, we sent letters to 24 different  
3 jurisdictions and stakeholders, but we did not receive  
4 any planned developments back. We requested that  
5 information on planned development studies but there were  
6 no developments identified. And this is -- slide 31 is  
7 an image of the letter and the map that was provided with  
8 that letter.

9 And this is, just in summary, this is the  
10 end of the presentation. The project does not conflict  
11 or preclude existing and future land uses, including  
12 ranching, transportation, industrial, utilities or use of  
13 the Colorado River.

14 It does not conflict with the Apache County  
15 Comprehensive Plan, and it does not conflict with the  
16 Town of Eagar or Springerville General Plans. And the  
17 current zoning is applicable and it allows for the  
18 interconnection project and the public and utility  
19 stakeholders outreach did not identify any developments  
20 in the study area.

21 Just, in summary, nothing has changed since  
22 the line siting hearing regarding existing and future  
23 land use, and the record before the siting committee  
24 establishes that the interconnection project is  
25 environmentally compatible with existing and planned land

1 uses.

2 BY MR. DERSTINE:

3 Q. Mr. Casteel, you mentioned that the Town of  
4 Eagar's General Plan and the Town of Springerville's  
5 General Plan do not apply. Can we go back to your map  
6 and maybe you can explain why they don't apply. Is it  
7 because they are well outside of the corridor for the  
8 transmission line project?

9 A. (MR. CASTEEL) Yes. They're well outside of  
10 those boundaries, several miles away in the Town of  
11 Eagar's case, yes.

12 Q. And those general plans, I guess, have  
13 the -- carry the same weight as the Apache County  
14 Comprehensive Plan, and that is that, as noted in the  
15 Apache County Comprehensive Plan, the plan is strictly  
16 advisory in nature, it is not a regulatory document,  
17 that's contained in the Apache County Comprehensive Plan  
18 on the first page at CG-42, and that same  
19 characterization applies to the Vernon Community Plan, as  
20 well as the General Plans for Springerville and Eagar.

21 They're not -- they're advisory, they're not  
22 regulatory documents, they don't regulate land use,  
23 correct?

24 A. (MR. CASTEEL) Correct.

25 So with that, that was the conclusion of the

1 presentation.

2 Q. Can I circle back with you on one issue? You  
3 spoke to, I think Member Mercer at -- was following up on  
4 questions or concerns that members of the public had  
5 raised on -- regarding the cultural surveys and the fact  
6 that they had not yet been completed.

7 The committee, I think, is well aware of the  
8 incorporation of State Historic Preservation Office's  
9 conditions into not only the CEC for this project, but  
10 all the other CECs that are being granted by this  
11 committee.

12 And can you read from that condition or -- yeah,  
13 is there a requirement that you complete the cultural  
14 surveys before obtaining a CEC or is the timing  
15 requirement different?

16 A. (MR. CASTEEL) The CEC, the proposed -- sorry,  
17 the approved CEC has language consistent with other CECs,  
18 it's just that the cultural survey of the project  
19 corridor should it be completed prior to construction.  
20 That's Condition Number 7.

21 Q. And that condition, then, also carries  
22 provisions and language on how you coordinate with the  
23 State Historic Preservation Office concerning the final  
24 Class III survey and requires input and I guess approval  
25 from SHPO on the final results of the Class III survey,

1 right?

2 A. (MR. CASTEEL) Correct. Yes.

3 Q. And the CEC conditions, then, also place  
4 obligations and requirements on this applicant and any  
5 applicant concerning how to handle the discovery of  
6 artifacts or human remains, and how those issues are  
7 handled again in line with the requirements of the State  
8 Historic Preservation Office?

9 A. (MR. CASTEEL) Yes. The conditions adopted in  
10 the approved CEC, are those that are provided to the ACC  
11 from SHPO.

12 Q. Was there any follow-up, I guess, on a couple of  
13 the questions that Member Mercer had raised? I think we  
14 talked about those at the break.

15 Mr. Rieman, did you have anything you wanted to  
16 address or expand on concerning any of those comments?

17 A. (MR. RIEMAN) Mr. Chairman, Members of the  
18 Committee, I believe there was a question regarding  
19 whether Tucson would benefit from the projects. And, in  
20 fact, the service territory of the Salt River Project  
21 also encapsulates the area where the proposed  
22 jurisdictional project is located, as well as other  
23 potential utilities that could purchase the power from  
24 the project that service Apache County.

25 MEMBER LITTLE: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Little.

2 MEMBER LITTLE: Who is the providing  
3 electric utility in that area, like for Springerville and  
4 Eagar? Is it Navopache or is it -- who is it? Does  
5 anybody know?

6 MR. DERSTINE: I think Navopache provides  
7 some -- has its service area that includes, say, Show Low  
8 and other parts of the White Mountains. I don't know  
9 specifically as to, say, Springerville and Eagar, but I  
10 do believe that SRP also has service and customers in  
11 that area, but specifically I don't know how -- I haven't  
12 seen the service territory map for these various customer  
13 serving utilities.

14 MEMBER LITTLE: Thank you.

15 CHMN STAFFORD: Seems like something you  
16 could research and follow up with us tomorrow.

17 MR. DERSTINE: Happy to do that.

18 MEMBER LITTLE: Thank you.

19 MR. DERSTINE: And I guess the point that  
20 was being made was that where we are in this process they  
21 have -- we have not entered into a Power Purchase  
22 Agreement with any particular offtaker. That has yet to  
23 be worked out, waiting for not only TEP to issue its RFP  
24 for new generation projects, but SRP is I think in the  
25 early stages or about to release its RFP, so those sorts

1 of oftaker commitments and deciding who will contract  
2 for the generation from the wind and/or the solar  
3 project, you know, has yet to be determined.

4 CHMN STAFFORD: I seem to recall testimony  
5 on that subject in October.

6 MR. DERSTINE: Correct.

7 CHMN STAFFORD: Member Hill, did you have a  
8 question?

9 MEMBER HILL: I just wanted to -- if  
10 Mr. Fish is going to leave, I wanted to be able to say  
11 thank you for coming and talking with us. And helping us  
12 understand what your preferences are, what your policies  
13 are.

14 I think every county does it differently,  
15 and so it's always helpful for us to know what different  
16 counties are thinking. I also want to extend -- it would  
17 be nice to find some leadership in county planning  
18 organizations to maybe work through this with someone.

19 So that's all that I wanted to suggest, is  
20 that I think we need some fixes and some things that make  
21 things more predictable for both the applicant and the  
22 counties. And so to the extent that if you leave after  
23 this is done, after ex parte is complete, it would be  
24 great to have a conversation, so that's all I wanted to  
25 say.

1 MR. FISH: Thank you, ma'am. Honestly, it  
2 was a pleasure. I appreciate this very much.

3 MEMBER LITTLE: Mr. Chairman?

4 CHMN STAFFORD: Yes.

5 MEMBER LITTLE: Ditto.

6 MEMBER HILL: Little and Hill are going to  
7 fix it all.

8 CHMN STAFFORD: Well, it is now 4:45. I'm  
9 inclined to recess for the day and come back in the  
10 morning at 10:00. The first thing we'll do is round out  
11 the exhibits that have been identified in the exhibit  
12 list and then we'll proceed with the cross-examination of  
13 the applicant's witnesses by the County and then by  
14 Mr. Anable. You haven't -- the County has no witnesses  
15 to proffer?

16 MR. RESARE: That is correct.

17 CHMN STAFFORD: And, Mr. Anable, you have  
18 yet to hear if SHPO will be making someone available?

19 MR. ANABLE: I have not heard back from  
20 SHPO. I assume they are not going to send me anybody.

21 CHMN STAFFORD: Well, then perhaps you can  
22 get your questions answered from the applicant's  
23 witnesses who have interacted extensively with SHPO, and  
24 I believe there are some documents in the record from  
25 SHPO in the records already that might be responsive

1 to --

2 MR. ANABLE: If Mr. Derstine would bring  
3 his archeologist, that would be most helpful. I think  
4 there are questions I'm doubting Mr. Casteel can answer  
5 that I want to ask about historic preservation.

6 CHMN STAFFORD: Well, Mr. Derstine has  
7 already -- has already provided his witnesses. You'll  
8 have to ask the questions of the witnesses that he's  
9 providing.

10 MR. DERSTINE: Yeah, it's my --

11 CHMN STAFFORD: Mr. Derstine?

12 MR. DERSTINE: It's my understanding,  
13 Mr. Chairman, Committee Members, and Mr. Anable, that  
14 Mr. Casteel is actually very well versed in the SHPO  
15 requirements and how the cultural survey requirements  
16 that are incorporated into the CEC already, how those are  
17 carried out. And, in fact, I think he has spent some  
18 time working for SHPO or at least with the director for  
19 SHPO.

20 NR, CASTEEL: Ms. Leonard was at a previous  
21 firm I worked at for several years and we worked  
22 extensively together, so I've learned a lot from many of  
23 the SHPO staff.

24 MR. DERSTINE: So while you're not an  
25 archeologist, you feel comfortable in responding to

1 questions from Mr. Anable on cultural survey issues  
2 and/or we can maybe get information if there's a  
3 particular issue that you can't address, then we should  
4 be able to contact your archeologist with SWCA and have  
5 that information.

6 MR. CASTEEL: Yeah, I can speak to what has  
7 been done with the project and coordinate with the  
8 applicant's archaeologist, then we can speak to what we  
9 have in Exhibit E as well.

10 MR. DERSTINE: All right. I think that's  
11 the best we can do.

12 CHMN STAFFORD: All right. Thank you. So  
13 with that, we will recess until tomorrow morning. We'll  
14 reconvene at 10:00 a.m. We stand in recess.

15 (The hearing recessed at 4:48 p.m.)  
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24  
25

1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

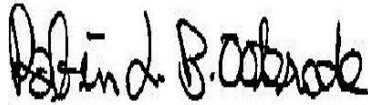
3

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

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

13 I CERTIFY that I have complied with the ethical  
14 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
15 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this  
16 12th day of February, 2026.

17



18 \_\_\_\_\_  
19 ROBIN L. B. OSTERODE, RPR  
20 CA CSR No. 7750  
21 AZ CR No. 50695

22

23 \* \* \* \* \*

24 I CERTIFY that Glennie Reporting Services, LLC,  
25 has complied with the ethical obligations set forth in  
ACJA 7-206(J)(1)(g)(1) through (6).

26



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28 GLENNIE REPORTING SERVICES, LLC  
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31