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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 the Mesa Convention Center, 263 North Center  
5 Street, Mesa, Arizona, commencing at 9:41 a.m. on the  
6 11th day of September, 2018.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9 LAURIE WOODALL, Arizona Corporation Commission  
10 LEONARD DRAGO, Department of Environmental Quality  
11 JOHN RIGGINS, Arizona Department of Water Resources  
12 MARY HAMWAY, Cities and Towns  
13 GIL VILLEGAS, JR., Counties  
14 JAMES PALMER, Agriculture  
15 PATRICIA NOLAND, Public Member  
16 JACK HAENICHEN, Public Member

17 APPEARANCES:

18 For the Applicant, Salt River Project:

19 JENNINGS, STROUSS & SALMON, P.L.C.  
20 Mr. Garrett J. Olexa  
21 16150 North Arrowhead Fountains Center Drive  
22 Suite 250  
23 Peoria, Arizona 85382-4754

24 and

25 JENNINGS, STROUSS & SALMON, P.L.C.  
Mr. Kenneth C. Sundlof, Jr.  
One East Washington Street  
Suite 1900  
Phoenix, Arizona 85004-2554

## 1 APPEARANCES:

2 For the Charles Feenstra Dairy LLC, Van Rijn Dairy, the  
3 Barbara M. and Charles L. Feenstra Trust, the John and  
4 Brenda Van Otterloo Family Trust, Billy and Nora D.  
5 Maynard, the Billy and Nora D. Maynard Trust, Dianne  
6 Maynard, Mesa-Casa Grande Land Co. LLC, Rijlaarsdam  
Dairy, the Rijlaarsdam Family Trust, the Jacob and Mary  
Rijlaarsdam Trust, Robinson Farms Inc., Robo Land LLC,  
the H. and Glenda Stechnij Trust, Pieter and Jody Van  
Rijn:

7 ROSE LAW GROUP, P.C.  
8 Mr. Eric A. Hill  
9 7144 East Stetson Drive  
Suite 300  
Scottsdale, Arizona 85251

10

For the Town of Queen Creek:

11

DICKINSON WRIGHT, P.L.L.C.  
12 Mr. James T. Braselton  
13 Mr. Vail Cloar  
14 1850 North Central Avenue  
Suite 1400  
Phoenix, Arizona 85004

15

For PPGN-Ellsworth, LLLP; PPGN-Core, LLLP; PPGN-Crismon,  
16 LLLP; PPGN-Williams, LLLP; and PPGN-Ray, LLLP:

17

GAMMAGE & BURNHAM  
18 Mr. Susan E. Demmitt  
19 Two North Central Avenue  
15th Floor  
Phoenix, Arizona 85004

20

For City of Mesa:

21

22 Mr. Wilbert J. Taebel  
Assistant City Attorney  
City of Mesa  
23 PO Box 1466  
24 Mesa, Arizona 85211-1466

25

1 CHMN. CHENAL: Good morning, everyone. This is  
2 the time set for the full day of hearings on the  
3 application.

4 There's a couple procedural matters we should  
5 address before we enter deliberations.

6 Mr. Olexa, we had a discussion off the record  
7 about Exhibits --

8 MR. OLEXA: Mr. Chairman, it was Exhibits 22,  
9 23, 25, and 27.

10 CHMN. CHENAL: Why don't you make a record.

11 MR. OLEXA: Sure.

12 During my opening statement, I had referenced  
13 the fact that we had withdrawn or removed those as  
14 potential exhibits because they were related to the FAA  
15 issue, and that issue had resolved itself. But then,  
16 later on, when I went to move into evidence the SRP  
17 exhibits, I did not again clarify that those would not be  
18 admitted. We weren't seeking to admit those.

19 And so, to clarify the record, we would like to  
20 make sure that 22, 23, 25, and 27 were either withdrawn  
21 or removed and not admitted.

22 (Exhibits SRP-22, SRP-23, SRP-25, and SRP-27,  
23 were withdrawn by the applicant.)

24 CHMN. CHENAL: Okay. We'll use the word  
25 "withdrawn." But would you please provide copies of

1 those exhibits for identification to the court reporter  
2 so she can at least attach those to the transcript so the  
3 record is clear what it is those documents are.

4 MR. OLEXA: We will do so.

5 CHMN. CHENAL: Okay.

6 Now, we have some more documents that we were  
7 presented with this morning. Do you care to -- the maps.  
8 Do you care to discuss what those are before we begin  
9 deliberations?

10 MR. OLEXA: Sure. What SRP has marked as two  
11 new maps are SRP-063 and 064. And those are new maps  
12 that were prepared overnight. And, essentially, they  
13 just reflect the agreement with the Town of Queen Creek  
14 that SRP, below or south of Germann, would be on the east  
15 side of the road with its new proposed line.

16 And so, when you look at that map, you see that  
17 the green dotted line that's on either side of Crismon  
18 Road on the east and west side north of Germann is no  
19 longer on the west side south of Germann.

20 CHMN. CHENAL: All right. Very good. Thank  
21 you.

22 All right. Are there any other procedural  
23 matters we should address before we begin the  
24 deliberations?

25 MR. OLEXA: I don't believe so.

1 CHMN. CHENAL: All right. Does the Committee  
2 have any questions before we begin?

3 (No response.)

4 CHMN. CHENAL: Okay. Let's put up on the  
5 screen, if we can, Exhibits 60 on one side, which is the  
6 applicant's I think most recent version of the CEC, and  
7 then, as well, SRP Exhibit 62, which includes some  
8 changes that I am offering for discussion, not  
9 necessarily to include, but for discussion.

10 So we're looking at two screens. And on the  
11 left is Exhibit 60, which includes the changes that I am  
12 suggesting for discussion. And then the right side is  
13 Exhibit 62, which is the most recent version of the  
14 applicant's CEC.

15 Is that correct, Mr. Olexa?

16 MR. OLEXA: Yes, Mr. Chairman, Exhibit 60 being  
17 the proposed one from SRP and 62 being yours.

18 And just to let the Committee know that, as of  
19 yesterday, even after we filed our Exhibit 60, there were  
20 some additional changes that Michele will probably walk  
21 through in terms of -- just some clarification in terms  
22 of language that was used in the initial part of the CEC  
23 to make sure, for instance, that we're referring to the  
24 line right-of-way as opposed to the just the line itself,  
25 things like that.

1 Okay. The left screen is 62, and the right  
2 screen is Exhibit SRP-60.

3 CHMN. CHENAL: Okay. Yes.

4 Yes, Member Woodall.

5 MEMBER WOODALL: So 60 does include the  
6 modifications that you made overnight?

7 MR. OLEXA: No, not yet.

8 MEMBER WOODALL: Okay. Thank you.

9 CHMN. CHENAL: All right. So the one on the  
10 left is I'll say mine just to be -- for ease of  
11 reference, which is 62. And the one on the right is the  
12 applicant's, which is 60.

13 So I know it's going to be difficult, but if we  
14 can refer to the exhibit numbers as we're going through  
15 this as much as possible where we need to to keep the  
16 record clear. And what we'll be creating as we go  
17 through this is kind of a final version, which will  
18 include the changes which we discuss today.

19 So that will be, then, given the final exhibit  
20 number, which then is what will be one of the exhibits to  
21 the proceeding. So when someone's reviewing the record,  
22 they'll know they're referring to the two that we're  
23 looking at on the screen; but then what we come up with  
24 all the changes that will be made will be given an  
25 exhibit number at the end.



1 Yes, Member Woodall.

2 MEMBER WOODALL: If I might make a motion that  
3 we empower the Chairman to make technical and conforming  
4 language changes such as grammar, syntax, punctuation,  
5 etc. I'm sure he has a very robust grammar spell check  
6 at his office, and I'm confident that he'll catch those.  
7 So I would -- in connection with my motion, I would  
8 propose that we not really talk about those because we're  
9 going to be relying on the Chairman to ensure that's  
10 accurate.

11 So that is my motion.

12 CHMN. CHENAL: That's a motion. Is there a  
13 second?

14 MEMBER NOLAND: Second.

15 CHMN. CHENAL: All in favor say "aye."

16 (A chorus of ayes.)

17 CHMN. CHENAL: Okay. Thank you.

18 MR. SUNDLOF: Mr. Chairman, could I add one  
19 more thing?

20 CHMN. CHENAL: Yeah, sure.

21 MR. SUNDLOF: Yesterday, instead of passing out  
22 all new versions, some of the SRP people looked to make  
23 sure our wording is consistent all the way through, and  
24 it wasn't. And so, as we go through, Michele will point  
25 out nonsubstantive changes so we're using the same words.

1 CHMN. CHENAL: Sure. Yeah. I expect that  
2 there will be changes made to it, so the changes will be  
3 made to the screen on the right. Let's make that our  
4 document that will reflect the changes. And then at the  
5 end, once we finalize it, we'll give it Exhibit No. 65, I  
6 believe we'd be up to.

7 Okay. Well, the Committee, I think, knows the  
8 drill. We kind of go through starting with the caption,  
9 and we'll spend most of the time on the screen on the  
10 right, which is Exhibit 60. So let's just dive in.

11 Are there any changes that would be recommended  
12 or discussion regarding the caption?

13 Member Woodall.

14 MEMBER WOODALL: The caption is what it is, and  
15 this is what has been filed with the Commission. So for  
16 purposes of historical reference, whatever errors are in  
17 there, they're going to continue to remain because that  
18 was the caption that this was filed under.

19 CHMN. CHENAL: That's probably correct.

20 MEMBER WOODALL: So I don't think we need to go  
21 through that, personally.

22 CHMN. CHENAL: The title that's on Exhibit 60  
23 includes the word "proposed," so I think we should strike  
24 that.

25 All right. Now, let's try to do this paragraph

1 by paragraph, and let's take our time to review the  
2 paragraph. And unless I refer to Exhibit 62  
3 specifically, the discussion will be regarding the  
4 applicant's proposed version on the right screen, which  
5 is Exhibit 60.

6 So let's take a moment and review the first  
7 paragraph, and let us know if there are any -- and speak  
8 up, anyone on the Committee, if there are any changes  
9 that need to be --

10 MEMBER PALMER: Mr. Chairman, I believe it  
11 should say "through September 11th."

12 CHMN. CHENAL: Yes. Thank you.

13 All right. Looking at the first paragraph on  
14 page 1 of Exhibit 60, lines 15 through 23.

15 Do I have a motion to approve?

16 MEMBER WOODALL: I did have one issue.

17 CHMN. CHENAL: Oh, please.

18 MEMBER WOODALL: I note that the case is  
19 defined as "transmission line project." But within the  
20 body of the CEC, there are references to just "the  
21 project" without the -- so I would recommend that we add  
22 "transmission line project or project" in parentheses.  
23 Just that way, we won't have to change anything.

24 CHMN. CHENAL: Member Noland.

25 MEMBER NOLAND: I think there's another way to

1 put that that's of common language, "also known as  
2 project," so it's just clear.

3 MEMBER WOODALL: That was my preference, but  
4 they've used "transmission line project" throughout, and  
5 I think that derived from the case that we had where  
6 there was a plant and a transmission line project. So  
7 that would have been my preference, but I don't really  
8 care.

9 MEMBER NOLAND: I don't either.

10 MEMBER WOODALL: Whatever it is, it should be  
11 consistent or clear.

12 CHMN. CHENAL: Well, I've made an effort when I  
13 went through it to pick up every reference to "the  
14 project" and added "transmission line" in front of  
15 "project" that you'll see on the exhibit that I created.

16 So we can keep it the way Member Woodall has  
17 suggested, but hopefully, I've picked up all those  
18 references and cleaned it up.

19 But with that change, are there any further  
20 changes?

21 May I have a motion?

22 MEMBER HAMWAY: So moved.

23 CHMN. CHENAL: A second?

24 MEMBER HAENICHEN: Second.

25 CHMN. CHENAL: Is there any further discussion?

1 (No response.)

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

3 (A chorus of ayes.)

4 CHMN. CHENAL: All right. The ayes have it.

5 Let's go to the bottom of page 1, lines 24

6 through 26.

7 Any discussion? Changes?

8 Member Haenichen.

9 MEMBER HAENICHEN: Not on those lines, but on  
10 the next page, the list of members, Russell Jones is  
11 noted, and he was not present.

12 CHMN. CHENAL: Okay. Well, any changes on page  
13 1, lines 25 through 27?

14 May I have a motion to approve.

15 MEMBER PALMER: Motion to approve.

16 CHMN. CHENAL: Second?

17 MEMBER HAMWAY: Second.

18 CHMN. CHENAL: Any further discussion?

19 (No response.)

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

21 (A chorus of ayes.)

22 CHMN. CHENAL: Okay. Let's go to page 2. The  
23 screen only allows certain portions of the paragraph, so  
24 let's take page 2, lines 1 through 12.

25 Any discussion?

1 (No response.)

2 CHMN. CHENAL: Motion to approve?

3 MEMBER HAMWAY: So moved.

4 CHMN. CHENAL: Second?

5 MEMBER RIGGINS: Second.

6 CHMN. CHENAL: Any further discussion?

7 (No response.)

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

9 (A chorus of ayes.)

10 CHMN. CHENAL: Thank you.

11 Member Woodall.

12 MEMBER WOODALL: I'm not clear. Maybe someone  
13 can enlighten me. But we say on page 2, line 18 to 19:  
14 The following parties were granted intervention pursuant  
15 to A.R.S. 40-360.05. Then there's a list.

16 And then, on the next page, it says: And the  
17 following municipalities participated through a notice of  
18 intent to be a party.

19 Is it important to segregate them? I just  
20 didn't know. I don't care.

21 CHMN. CHENAL: Yeah. I think it's okay the way  
22 it is. I think that reflects what occurred.

23 So lines 13 through 23.

24 The change mentioned by Member Haenichen to  
25 remove Russell Jones as a participant, as a member of the

1 Committee, since he was not here.

2 Are there any other changes for discussion on  
3 page 2, lines 13 through 23?

4 (No response.)

5 CHMN. CHENAL: May I have a motion?

6 MEMBER HAMWAY: So moved.

7 CHMN. CHENAL: A second?

8 MEMBER NOLAND: Second.

9 CHMN. CHENAL: Any further discussion?

10 (No response.)

11 CHMN. CHENAL: All in favor say "aye."

12 (A chorus of ayes.)

13 CHMN. CHENAL: Okay. Thank you.

14 Let's move down to the rest of page 2.

15 And just so we're clear, what we're voting on  
16 is not approving the CEC. We're simply approving the  
17 form of it. We'll do a roll call vote at the end, up or  
18 down vote, on that.

19 And for the other parties that are here, if you  
20 have any comments or changes you would like to see as we  
21 go through this, don't hesitate to speak up.

22 Yes, Mr. Braselton.

23 MR. BRASELTON: Mr. Chairman, you could just  
24 delete Bradley A. Burns, if you'd like to, from the list  
25 of lawyers that appeared from Dickinson Wright.

1 CHMN. CHENAL: What line?

2 MEMBER NOLAND: 24.

3 MR. BRASELTON: I'm sorry. Maybe I'm ahead of  
4 myself. I'm looking at page 2 over here on the left-hand  
5 screen. I'm not sure if you're editing.

6 MEMBER HAMWAY: It's line 7 on page 3.

7 CHMN. CHENAL: Yeah. All right. Let's take a  
8 moment to look at what we've got here. We're going to  
9 have changes between these two exhibits. In other words,  
10 the lines aren't going to line up, so we've got to focus  
11 on Exhibit 60, which is on the right-hand side.

12 And when we are trying to collate that with  
13 what's on the left screen, it's not going to be the same  
14 page or line, so we've got to refer then to exhibit  
15 number and line and page.

16 Yes, Member Noland.

17 MEMBER NOLAND: Well, the other issue is I've  
18 made notes on the CEC that we were given in paper format.  
19 Now that's not coordinating with either one of these. So  
20 we're just going to have to try and muddle our way  
21 through this to be sure we're on the same page. So the  
22 line numbers aren't going to line up.

23 CHMN. CHENAL: So, to Mr. Braselton's point,  
24 let's wait till we get to that portion of it on basically  
25 the document we're creating, and let's make the changes



1 at that point. But let's not jump ahead of ourselves.

2 It's very confusing.

3 MR. BRASELTON: I apologize, Mr. Chairman. I  
4 got ahead of you because I was looking at the left screen  
5 instead of the right.

6 CHMN. CHENAL: Easy to do.

7 Now, back to the task at hand.

8 The bottom of page 2, lines 17 through 26.

9 Member Noland.

10 MEMBER NOLAND: Can I ask -- I know it was  
11 probably stated, but I can't remember it. What does PPGN  
12 stand for?

13 MS. DEMMITT: PPGN is short for Pacific Proving  
14 Grounds North. That was the original name of the  
15 master-planned community before it became Cadence at  
16 Gateway, and so the entities that own the property are  
17 PPGN-Core, PPGN-Williams, etc. That's the origin of  
18 PPGN.

19 MEMBER NOLAND: Thank you.

20 CHMN. CHENAL: Okay. Thank you.

21 All right. So do we have any further  
22 discussion on page 2, line 17 through 26?

23 (No response.)

24 CHMN. CHENAL: May I have a motion?

25 MEMBER HAMWAY: So moved.

1 CHMN. CHENAL: A second?

2 MEMBER HAENICHEN: Second.

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

4 (A chorus of ayes.)

5 CHMN. CHENAL: Okay. Thank you.

6 Now let's go to page 3.

7 So we have page 3, lines 1 through 13. On line  
8 12, we don't know what the vote is going to be, so we'll  
9 come back to that later.

10 Mr. Taebel, do you have any comments on this  
11 portion?

12 MR. TAEBEL: At line 6, Mr. Chairman. While  
13 I've always been Bill, the bar association thinks I'm  
14 Wilbert J.

15 THE REPORTER: I can't hear what he's saying.

16 MEMBER NOLAND: You are the biggest guy that  
17 should have a booming voice, but we can't hear what  
18 you're saying. You need to talk right into that.

19 MR. TAEBEL: My wife and her friends call me  
20 the low-talker.

21 CHMN. CHENAL: Wilbert J. Taebel.

22 MR. TAEBEL: Just a correction to my name.

23 That's all I was requesting. Instead of Bill, it should  
24 be Wilbert J.

25 CHMN. CHENAL: Okay. Thank you.

1 MR. BRASELTON: And then, Mr. Chairman, if I  
2 may now, I'm just requesting that we modify line 8 and 9  
3 so that it deletes the name of Bradley Burns and inserts  
4 the word "and" in front of Vail Cloar.

5 CHMN. CHENAL: All right. Thank you.

6 We'll get the hang of this as we go on. But  
7 referring to the line at the beginning of the comment is  
8 helpful.

9 Okay. So we've had a few changes. Does the  
10 Committee have any further comment or discussion  
11 regarding page 3, lines 1 through 14?

12 (No response.)

13 CHMN. CHENAL: May I have a motion?

14 MEMBER HAMWAY: So moved.

15 MEMBER HAENICHEN: Second.

16 CHMN. CHENAL: Any further discussion?

17 MEMBER NOLAND: I have further discussion.

18 CHMN. CHENAL: We had two people who moved and  
19 another one seconded, and Member Noland has further  
20 discussion.

21 MEMBER NOLAND: I didn't move it, but I have  
22 discussion.

23 On the right hand screen, which is 60, it says  
24 on 14: The Applicant, its successors and assigns, this  
25 Certificate for construction of the Project.

1 Is that the proper wording? Okay.

2 CHMN. CHENAL: Well ...

3 MEMBER NOLAND: I thought it was --

4 CHMN. CHENAL: Transmission --

5 MEMBER NOLAND: -- Certificate of --

6 CHMN. CHENAL: Environmental Compatibility.

7 But I believe we've defined Certificate of Environmental  
8 Compatibility on the first page as "Certificate" so that  
9 it doesn't have to be referred to as Certificate of  
10 Environmental Compatibility each time.

11 But you did point out something that I have  
12 missed, and that is on line 14, before the word  
13 "project," and I guess this is going to be a continuing  
14 issue, do we add the words "transmission line" in front  
15 of that. Or do we just leave it as "project"?

16 MEMBER WOODALL: I don't think we have to  
17 because we've said in the first part of it that it's  
18 either/or.

19 CHMN. CHENAL: Does the applicant have a  
20 preference?

21 MR. SUNDLOF: We're fine with the way it is.

22 CHMN. CHENAL: Okay. All right. We have a  
23 motion and a second.

24 Is there any further discussion on page 3,  
25 lines 1 through 14?

1 (No response.)

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

3 (A chorus of ayes.)

4 CHMN. CHENAL: All right. Next, let's look at  
5 page 3, lines 15 through -- well, the bottom of the page,  
6 including the footnote.

7 Take a moment to review.

8 Member Haenichen.

9 MEMBER HAENICHEN: The only comment I have  
10 regards the wording about the double-circuit transmission  
11 line. At one point in the process, they are going to  
12 underbuild an existing line. Should that be in there as  
13 well?

14 MEMBER WOODALL: The Committee doesn't have  
15 jurisdiction over 69kV lines, only ones that are 115 --

16 MEMBER HAENICHEN: I understand that.

17 MEMBER WOODALL: -- I mean, so I don't think  
18 it's necessary myself.

19 CHMN. CHENAL: Well, I'd like to hear what  
20 Member Haenichen's ...

21 MEMBER HAENICHEN: Just my concern is it was  
22 important to one of the intervenors that the underbuild  
23 took place as opposed to leaving that other line there.  
24 And I just thought if you verbalized it in the wording.  
25 I don't see what it can hurt.

1 CHMN. CHENAL: And what language would you  
2 include and where would you include it, Member Haenichen,  
3 to your point?

4 MEMBER HAENICHEN: You mean what line -- not  
5 transmission line, but what line on what page?

6 CHMN. CHENAL: Yes, what line on the page?

7 MEMBER HAENICHEN: 16 and 17. I was proposing  
8 to add maybe another -- not a paragraph, but another  
9 sentence.

10 CHMN. CHENAL: Well, let's see what it looks  
11 like. What would you like to include?

12 MEMBER HAENICHEN: Okay. Included in this  
13 project would be performing an underbuild of an existing  
14 69kV line at whatever the location of that line is.

15 I think we should hear from the applicant on  
16 this.

17 CHMN. CHENAL: Let's get your language up  
18 there, Member Haenichen. Let's make sure we have it  
19 before we discuss it.

20 MEMBER HAENICHEN: Underbuild of a 69kV line  
21 from whatever the applicant says.

22 MEMBER NOLAND: Mr. Chairman, would that be  
23 from Germann Road south to P14?

24 MEMBER HAMWAY: I think it's P5 to P6.

25 MEMBER PALMER: I think it was more than that.

1 MEMBER NOLAND: I'm not sure. I know that's  
2 what --

3 MEMBER HAENICHEN: Maybe the intervenor or  
4 applicant can tell us what they want.

5 MR. SUNDLOF: Let me respond to that.

6 Thank you, Member Haenichen. I understand the  
7 point, but this is not a -- part of the project is not  
8 the 69 lines. And when we get into the total design, the  
9 whole 69 system hasn't been designed. It's possible that  
10 in parts, they may not put 69, and I hate to have this  
11 Committee starting to tell us where we can and can't  
12 build 69 lines, respectfully.

13 Now, the part from Germann Road south where  
14 we're going to collocate, I don't mind that in there.

15 MEMBER HAENICHEN: That's what I meant.

16 MR. SUNDLOF: But I don't want to have a  
17 general description of the project as including 69. So  
18 maybe we could do that when we get down to the --

19 MEMBER HAENICHEN: Conditions?

20 MR. SUNDLOF: Yeah. Or down to the part where  
21 we're talking about the Crismon Road alignment, we can  
22 say we want to build the existing 69.

23 MEMBER HAENICHEN: I'll withdraw that, and  
24 we'll just wait, then.

25 CHMN. CHENAL: Okay.

1 So we're -- is there any discussion -- any  
2 further discussion of page 3, lines 15 to the bottom of  
3 the page?

4 (No response.)

5 CHMN. CHENAL: May I have a motion?

6 MEMBER HAMWAY: So moved.

7 CHMN. CHENAL: A second?

8 MEMBER PALMER: Second.

9 CHMN. CHENAL: Okay. All in favor say "aye".

10 (A chorus of ayes.)

11 CHMN. CHENAL: Thank you.

12 MEMBER WOODALL: Mr. Chairman, if I may say,  
13 the footnote that you dropped there on page 3 is  
14 exceptionally helpful for the Commission and Staff in  
15 trying to track down, so I'm grateful that the applicant  
16 put that in there.

17 CHMN. CHENAL: Thank you. I think that's a  
18 good point, and I certainly concur with that.

19 All right. Now, we have a fun discussion  
20 because Exhibit 60 offers us two alternatives: Version  
21 One, no corridor, starting on page 4, and alternative or  
22 Version Two, starting on page 6.

23 My layman understanding of the two is that the  
24 no-corridor approach would generally require that the  
25 transmission lines abut or be placed as close to the



1 right-of-way as possible but still within a border of  
2 specific distances depending on where you are on the  
3 project line as depicted on what will become Exhibit 63.

4 And the alternative version with a corridor is  
5 more typically what we've dealt with, where it doesn't  
6 necessarily have that language that requires that the  
7 lines be placed at such a fashion as they abut the  
8 right-of-way but are simply to be located within a  
9 general corridor.

10 And I note that the boundaries and the  
11 corridors are the same distances as you look at the two  
12 maps.

13 So I don't know that we've had this before.  
14 We've had some discussion on it. So I think the thing to  
15 do at this point is to open it up to the Committee to see  
16 which version they find preferable and have a discussion  
17 on it and any input that's necessary from the applicant  
18 and the parties, and then we decide which version we want  
19 and then dive into that version, if that makes sense.

20 MEMBER HAMWAY: Mr. Chairman, I move that we  
21 drop Version Two. I guess I'm jumping ahead of all the  
22 discussion you want, but --

23 MEMBER NOLAND: Yeah, way ahead.

24 MEMBER WOODALL: I'm supportive of the boundary  
25 approach, as I indicated yesterday.

1 MEMBER HAMWAY: I am too.

2 CHMN. CHENAL: Okay. So we have, certainly,  
3 sentiment among the Committee to go with the boundary  
4 approach.

5 Member Riggins.

6 MEMBER RIGGINS: Mr. Chairman, I think the  
7 boundary approach seems just as effective as the corridor  
8 approach as long as it abuts to the right-of-way. I  
9 think it's kind of the semantics of the term. So I'm  
10 supportive of the boundary approach. I know the  
11 applicant and the intervenors seem to be in favor of it  
12 as well.

13 CHMN. CHENAL: Thank you.

14 Member Haenichen.

15 MEMBER HAENICHEN: Mr. Chairman, I'm supportive  
16 of that as well, but I just bring up the concept of  
17 precedent for future cases. Does it matter? Why not?

18 CHMN. CHENAL: Member Hamway.

19 MEMBER HAMWAY: I think the precedent is that  
20 we create tight borders, we create a tight boundary, and  
21 we get as close to understanding as we can without tying  
22 up the land that a corridor might tie up. So I think the  
23 precedent is a positive one, myself.

24 CHMN. CHENAL: Member Woodall.

25 MEMBER WOODALL: Because each case is unique, I

1 don't think we're establishing precedent at all. This is  
2 a very short line. There's a number of intervenors that  
3 have expressed their views. It's abutting a major  
4 transportation corridor. I think it's perfectly  
5 appropriate. Whether we would take the same approach for  
6 a 100-mile line running through Southern Arizona is a  
7 separate question. So I don't think there is a  
8 precedent.

9 MEMBER HAENICHEN: Okay. Well, you're the  
10 lawyer, and I --

11 MEMBER WOODALL: No, I'm just a member of the  
12 Committee.

13 MEMBER HAENICHEN: But you're a lawyer. I  
14 don't know anything about this stuff, so I just worry, is  
15 somebody going to cite this on a future case?

16 CHMN. CHENAL: Oh, they will. This necessarily  
17 isn't binding precedent, but it certainly is a new  
18 methodology that we may face in future cases, without  
19 question.

20 Member Noland.

21 MEMBER NOLAND: Mr. Chairman, I thought about  
22 this a lot last night, and one of the things is I think  
23 we're just using a different word. We could put the same  
24 abutting language and call it a corridor, and it would be  
25 exactly the same.

1 We just got an interpretation of the cloud that  
2 might be put on a property by a corridor until the  
3 right-of-way was established and purchased and found that  
4 really it doesn't put a cloud on. Now we've got a new  
5 name. And that's the only thing that concerns me. And  
6 as I said yesterday, I'll go along with boundary. I  
7 think it could be called a corridor and serve everybody's  
8 purposes by adding the language "abutting" and  
9 "parallel," but hopefully the Commission can weigh in on  
10 this and maybe give us some feedback for another CEC.

11 I'm just a little confused about it. I think  
12 it's a new step. And maybe that's the way we want to go  
13 instead of calling it a corridor. But the precedent has  
14 been set with "corridor." And we can define within that  
15 corridor, and it would be the same exact thing.

16 CHMN. CHENAL: Member Villegas, Member Palmer,  
17 any words of wisdom?

18 MEMBER PALMER: I like the concept, and I'm  
19 willing to give it a try and see what kind of feedback we  
20 get. So I can be supportive of running this one up the  
21 flagpole.

22 CHMN. CHENAL: Member Hamway.

23 MEMBER HAMWAY: So would there ever be a future  
24 case where an applicant might define a border or a  
25 boundary and a corridor? And do we have a definition

1 that distinguishes those other than -- so, you know, I  
2 like the boundary concept because I think it's, like I  
3 said, tighter.

4 But I think if we go forward and as a group we  
5 decide is this going to be a boundary or a corridor, I  
6 don't really -- I think Member Noland's point is well  
7 taken. There's not much difference.

8 CHMN. CHENAL: Well, I will bow to the will of  
9 the Committee.

10 MEMBER HAMWAY: What's your view?

11 CHMN. CHENAL: Personally, I don't see any  
12 difference between "boundary" and "corridor." A corridor  
13 is defined by boundaries. And a boundary, once  
14 established, establishes a corridor. You've got to be a  
15 theologian to figure out the difference, in my mind,  
16 between the two.

17 The aspect of what we were calling the boundary  
18 approach is that the line will abut the right-of-way. If  
19 we require that the line abuts the right-of-way adopting  
20 the corridor approach, I see absolutely no functional  
21 difference between the two. We're just using a different  
22 word, "boundary" for "corridor." So ...

23 Member Drago.

24 MEMBER DRAGO: So I agree that it's semantics,  
25 but I would say that if we go with "corridor," we're just

1 putting a condition on "corridor." So in future  
2 projects, if we continue to use "corridor," we can always  
3 add a condition to that corridor given the circumstances  
4 of the project. So it's a conditional corridor is how I  
5 see it.

6 CHMN. CHENAL: Okay. Member Haenichen.

7 MEMBER HAENICHEN: Thank you, Mr. Chairman.

8 I might add a little color to this discussion.  
9 I believe the term "corridor" originated with the  
10 Department of Energy. And they were trying to predict  
11 places where future lines might go en masse, and that's  
12 why they used that grandiose word "corridor." And I  
13 don't know, because I was not on this Committee at that  
14 time, but maybe we just picked it up from that. But I  
15 think that was the original intent of that word.

16 CHMN. CHENAL: Member Noland.

17 MEMBER NOLAND: Thanks, Mr. Chairman. I almost  
18 forgot what I was going to say.

19 Again, I just think that we're defining better  
20 within a corridor if we add the language "abut" or  
21 "parallel." And this is my -- I'm going on my -- this is  
22 my tenth year on this Committee and first time with this  
23 discussion. And, you know, change is hard. Change is  
24 really hard. But this, I think, is something we should  
25 really think about because now, everybody knows what

1 corridors are.

2 We change to "boundary" -- and I kept having  
3 trouble last night remembering, What was that word that  
4 isn't "corridor"? It started with a B. And it was  
5 boundary. That's the problem. I think it's a change in  
6 a known process.

7 I like the thoughts behind the boundary.  
8 Again, it's better defined, so let's just better define a  
9 corridor. But I'm not stuck on that. I'm just saying,  
10 I'll go along with the Committee. I'm not stuck on it.

11 MEMBER WOODALL: I would just point out, as  
12 everyone in the room knows, that this is going to go in  
13 front of the Commission that will make the ultimate  
14 decision. And if they have any questions or  
15 uncertainties with respect to the use of the term  
16 "boundary," I can assure you that they will make that  
17 change. I'm not anticipating that, but I don't think  
18 we're making a decision for the ages here.

19 Thank you.

20 MEMBER HAMWAY: Mr. Chairman, can we ask the  
21 applicant why they chose "boundary" versus "corridor"?

22 CHMN. CHENAL: Sure.

23 MR. SUNDLOF: Thank you, Member Hamway.

24 I think the Chairman hit it on the head.

25 Functionally, it's exactly the same. The reason we did

1 not use the word "corridor" was because I think of the  
2 connotation that Member Haenichen said, that corridor is  
3 a concept that you can build anywhere within this  
4 corridor. And we were trying to get away from that. In  
5 other words, no, we're not going to build anywhere within  
6 a corridor. We're going to build along a linear feature  
7 with a maximum deviation, which effectively has the same  
8 idea.

9 But that's the only reason. That was the  
10 reason, because of what we thought the connotation of the  
11 word "corridor." And if we want to add the word  
12 "corridor" in there, we can do that. I don't think it  
13 makes that much difference.

14 CHMN. CHENAL: My radical idea would be we take  
15 the boundary approach, but we substitute "corridor" for  
16 the word "boundary."

17 MR. SUNDLOF: Let me tell you how we could do  
18 that.

19 So if I go to the bottom of, for example, line  
20 25 on page 4, we could easily change this. It says:  
21 Cause the right-of-way to extend more than 200 feet from  
22 the edge of the ADOT right of way.

23 We could say: In no event shall the deviation  
24 cause the right-of-way to extend beyond a corridor of 200  
25 feet.



1 We could do that throughout. That's just a few  
2 word, and that adds the corridor concept.

3 CHMN. CHENAL: Again, I will bow to the will of  
4 the Committee; but as Mr. Sundlof is tied intrinsically  
5 to a jacket, I am tied intrinsically to precedent. Not  
6 precedent in a legal sense so much as terms that have  
7 come to mean something over the course of now -- what is  
8 this? What case number? 180. So we've had 180 cases.

9 I can't say "corridor" has been used in each  
10 one, but I suspect it has been. And now we're  
11 introducing a new concept that, for the life of me, I  
12 can't see what it changes if we do what Mr. Sundlof said.  
13 I just think language that's used over a period of time,  
14 that takes on a kind of a meaning that becomes  
15 established and a comfortability that people have that  
16 people know what it means. I guess that's the lawyer in  
17 me. And I just -- I feel more comfortable with a word  
18 that we've always used.

19 If there were a new concept here that was  
20 functionally different that had a result that was  
21 different than words that we've used, I'd certainly be in  
22 favor of it. But I don't see a difference between the  
23 two terms if you include the language, as Member Noland  
24 said, which is you require the structures to abut and be  
25 parallel to.

1 But that's my two cents.

2 MEMBER WOODALL: Mr. Sundlof, can I ask you a  
3 question?

4 MR. SUNDLOF: Yes, ma'am.

5 MEMBER WOODALL: Which exhibit -- using your  
6 approach to add that language everywhere we have a  
7 description, which exhibit would you use?

8 MR. SUNDLOF: Well, we're editing No. 60.

9 MEMBER WOODALL: No. I meant the map. I'm  
10 sorry.

11 MR. SUNDLOF: Oh, on the map.

12 MEMBER WOODALL: Would you have to make any  
13 changes?

14 MR. SUNDLOF: No, because it still defines the  
15 edge. We're just calling it a corridor. You'd still use  
16 the Version One exhibit.

17 MEMBER WOODALL: If this would resolve  
18 consternation, then I'm supportive of Mr. Sundlof's  
19 recommendation.

20 MR. SUNDLOF: Michele has put up some language,  
21 which is what I suggested, changing it to a corridor.

22 CHMN. CHENAL: And then if we adopt that  
23 approach, Mr. Sundlof, would we be looking at attaching  
24 as an exhibit Exhibit 64, which uses the word "corridor"?  
25 I think that would make sense.

1 MR. SUNDLOF: I think we could still use  
2 Version One even though it says "boundary," and we could  
3 change it to "corridor."

4 MEMBER NOLAND: Mr. Chairman, I would disagree  
5 with Mr. Sundlof. I think we should use SRP-64 if we're  
6 going to say "corridor," because to have something that  
7 says "boundary" and then describe "corridor" I think is  
8 then going to get confusing.

9 MR. SUNDLOF: Mr. Chairman, that would work  
10 too. Since we've got the language in the order, that  
11 would work.

12 CHMN. CHENAL: Yeah. I looked at the two  
13 exhibits, 63 and 64. And other than the "boundary"  
14 versus "corridor," aren't they both identical?

15 MR. SUNDLOF: Well, the difference is in the  
16 Version One, it actually shows a thin line hugging the  
17 boundary; and then in Version Two, it doesn't.

18 CHMN. CHENAL: I see that now.

19 MR. SUNDLOF: But since we've got the  
20 description in words in the order, I don't think we need  
21 that thin line.

22 CHMN. CHENAL: I see. All right.  
23 Yes, Mr. Braselton.

24 MR. BRASELTON: Thank you, Mr. Chairman.

25 Just to show that lawyers can always think

1 opposite on almost any subject, my understanding of the  
2 precedent that's been established with the term  
3 "corridor" is it's a term that allows for flexibility  
4 within the corridor. So, in other words, in the past,  
5 when you've adopted corridors, you've pretty much given  
6 the applicant discretion to locate anywhere they wanted  
7 to.

8           It seems to me that we're all in agreement on  
9 this particular proceeding that we're trying to focus the  
10 applicant to build as close to the right-of-way line as  
11 possible as opposed to giving them discretion to build  
12 within the corridor.

13           So it seems to me that whether we use  
14 "boundary" or we use some other terminology, it really is  
15 an appropriate time to deviate from the "corridor"  
16 terminology here because we're trying to convey a message  
17 that is different from what "corridor" has come to mean  
18 over time.

19           CHMN. CHENAL: Well, yes. But we would not  
20 stop with the language that we're looking at on the right  
21 screen, which is Exhibit 60. We would include additional  
22 language that would require that the structures abut the  
23 right-of-way. In other words, we take some additional  
24 language out of the boundary approach and require that  
25 the structures be -- abut the right-of-way.

1 And when we've used corridors, we have said  
2 that -- that's all I'll say on that.

3 MEMBER NOLAND: Mr. Chairman, we have more  
4 closely defined line siting within corridors before.  
5 Some we haven't; some we have.

6 So I think they do have the language about  
7 abutting 202 or abutting the right-of-way line that would  
8 take care of this even if we used the term "corridor."  
9 Because, again, I don't think there's any difference in  
10 "boundary" or "corridor." It's just the defining  
11 language of where the line will be sited, whenever  
12 possible, along the linear boundaries.

13 CHMN. CHENAL: Yes. And if I could ask -- if  
14 we could scroll up to line 15 or so.

15 You can see that -- could you scroll up a  
16 little further.

17 Okay. So the Northern Segment. And we're  
18 looking at page 4 at the Northern Segment. If you look  
19 at line -- starting at 14, you'll see language that  
20 requires that the line is parallel to and abuts the  
21 right-of-way.

22 So I think that combines both of the concepts  
23 we're talking about, placing the line as close as  
24 possible to the right-of-way but creating an outside  
25 boundary beyond which the line cannot be placed. And

1 since we always use the word "corridor," I think that  
2 that means something based on the 180 cases we've already  
3 had.

4 So I know we're not going to make everyone  
5 happy here, but I think what we're trying to do is take  
6 the suggestion that the applicant is offering, which I  
7 think is a noble one, which is, Hey, we want to even put  
8 it closer. We're going to tie our hands voluntarily, and  
9 we'll be willing to put it abutting the right-of-way,  
10 which ties our hands more than if we were just using the  
11 word "corridor," which Mr. Braselton has referred to,  
12 which connotes, in some sense, a little more flexibility.

13 And I think we want to take advantage of that  
14 offer. But we're talking about, okay, so do we use  
15 "boundary" or do we use the word "corridor"? And I think  
16 we've got input now from the Committee, from the  
17 applicant, from the Town of Queen Creek.

18 Does any other party have any comment to make?

19 Member Villegas, any thoughts?

20 MEMBER VILLEGAS: Mr. Chairman, please consider  
21 my background. I'm an accountant by trade, so we're,  
22 just like a lawyer, used to words, concepts, that means  
23 something to us.

24 Ever since I joined this Committee, the word  
25 "corridor" means something to me. And I thought that was

1 one of the main reasons that this Committee was formed  
2 for, just to do the corridor, do a suggestion where we  
3 want those lines to be at.

4 So, for me, it's a matter of semantics. I, of  
5 course, prefer the word "corridor" than "boundary."

6 CHMN. CHENAL: Member Noland.

7 MEMBER NOLAND: One last statement. I think  
8 everyone we heard from that were intervenors or other  
9 parties, they liked the word "boundary" because it was  
10 more specific about abutting the linear feature. And  
11 that was a common thread. So that was why they liked  
12 "boundary." I think they'll equally like "corridor" if  
13 it has the same tight language about where the line will  
14 be located. At least I'd hope so. And then if we're  
15 wrong, the Commission can change it to "boundary."

16 CHMN. CHENAL: Member Drago.

17 MEMBER DRAGO: So, Ms. Nolan, the way you just  
18 explained it helped me understand more. But can you  
19 explain to me, in the previous cases you've been in,  
20 there were some exceptions to that corridor, but you  
21 continued to use the name "corridor"; correct?

22 MEMBER NOLAND: Correct.

23 MEMBER DRAGO: Okay. What are we debating  
24 today? So a corridor has a width; am I correct?

25 MEMBER NOLAND: Correct.

1 MEMBER DRAGO: Okay. And all we're going to  
2 say is that in that corridor, there's going to be a  
3 condition to abut to, what, the right-of-way?

4 MR. OLEXA: Right-of-way, correct.

5 MEMBER NOLAND: As much as they can, but still  
6 allow them to deviate but stay within the 150 feet or 200  
7 feet or 300 feet.

8 MEMBER DRAGO: Okay. So with that said, why do  
9 we need to rename it?

10 MEMBER NOLAND: Yeah.

11 CHMN. CHENAL: So your suggestion is we stick  
12 with the word "corridor"?

13 MEMBER DRAGO: Yeah. I'm just trying to play  
14 it out because I'm missing the debate.

15 CHMN. CHENAL: Yeah. Okay.

16 Member Woodall.

17 MEMBER WOODALL: A corridor is a strip of land  
18 that has defined boundaries. So I thought I would just  
19 add to the melange here.

20 I don't think it matters. I mean, I'm  
21 supportive of the boundary description approach because I  
22 think it implies that we're a little tighter. But at  
23 this point, I don't know that we need to spend that much  
24 more oxygen on it.

25 MEMBER HAMWAY: Can I just make one more



1 comment?

2 CHMN. CHENAL: Sure.

3 Member Hamway.

4 MEMBER HAMWAY: So I think the primary  
5 difference is a corridor has two undefined sides. So  
6 we're saying a corridor is here and here.

7 With a boundary, one boundary is defined by the  
8 linear features, and then the other side is defined by  
9 the width of the maximum width that we're able to go. So  
10 I kind of like the boundary approach because it is  
11 different than a corridor and -- with that explanation.

12 CHMN. CHENAL: I don't understand. I don't  
13 understand the --

14 MEMBER HAMWAY: Well, a corridor -- that  
15 corridor that we've always talked about is just a swath  
16 of land, and we don't really tie it to anything on one  
17 side or the other. I mean, sometimes we do. Sometimes  
18 it's obvious. But this is a defined -- one side is  
19 defined to follow the linear features.

20 And maybe that's a difference. A corridor  
21 doesn't have defined -- one side is not defined as  
22 opposed to -- I don't know. I'm making it worse. Sorry.

23 CHMN. CHENAL: I'm still not understanding it.

24 Member Drago.

25 MEMBER DRAGO: Member Hamway, so I just talked

1 about what my understanding of a corridor is. It's a  
2 width.

3 MEMBER HAMWAY: Right.

4 MEMBER DRAGO: So how would that be different  
5 than a boundary? It's kind of how I'm thinking, but I'm  
6 really trying to get someone to help me maybe understand  
7 something that I'm not.

8 CHMN. CHENAL: Member Noland.

9 MEMBER NOLAND: I think the difference is the  
10 definition within the wording that we're putting in the  
11 CEC. That is the total difference because the boundary  
12 that -- language that they're using is using the language  
13 that the line will abut and run parallel to the linear  
14 right-of-way unless they can't exactly put it there.

15 That's the only difference, and we can put that  
16 exact same defining language in a corridor. And that  
17 makes it the same thing, defined, better defined, than  
18 just a swath of land.

19 Have we beat this horse to death yet?

20 CHMN. CHENAL: Well, yeah, might need a few  
21 more -- a little more --

22 MEMBER NOLAND: Flogging?

23 CHMN. CHENAL: -- flogging.

24 "Boundary" and "corridor" to me are the same  
25 meaning.

1 But the reason I liked the approach that was  
2 offered by the applicant is they agreed to put the lines  
3 as closely as possible to the right-of-way.

4 The language they use is, for example, with  
5 respect to the Northern Segment: The line will then  
6 proceed parallel to and abutting (to the extent  
7 reasonable feasible for a linear right of way) the  
8 eastern ADOT right of way boundary of the Loop 202.

9 So, to me, we just take the best of both. We  
10 stick with the word that we're familiar with, "corridor,"  
11 but we also take the applicant's offer, if you will, to  
12 put the line and abut it as close as possible to the  
13 right-of-way.

14 MR. OLEXA: Mr. Chairman, if I just may add.  
15 And we can get to this if we're going with this option  
16 one.

17 But that line that you just read, "the line  
18 will then proceed parallel to it abutting" is one of  
19 those clarification points that we'd like it to say: The  
20 line right-of-way will then proceed parallel to and  
21 abutting the eastern ADOT right-of-way boundary.

22 We were just missing the words "right-of-way"  
23 next to the word "line."

24 CHMN. CHENAL: We can get into that when we  
25 adopt an approach.

1 So I think we're at the point -- and we can  
2 have further discussion, if necessary, but I think we're  
3 at the point where we should probably entertain a motion  
4 on whether we adopt the Version One or Version Two.

5 Version One says: No corridor, align with road  
6 right of way. But I think, as we've been discussing it,  
7 we would still use the word "corridor" but take the  
8 concept that the line would be parallel to and abut the  
9 right-of-way. Or we go the other way and simply adopt a  
10 corridor with no -- with simply the flexibility the  
11 applicant put it wherever they want within that corridor.

12 So I guess I'm looking for a motion.

13 Member Palmer.

14 MEMBER PALMER: Mr. Chairman, in the interest  
15 of moving this along and not kill debate, but I would  
16 make a motion that we adopt Version Two and add the  
17 language that is referred to in Version One of "parallel  
18 to and abutting" wherever feasible. That's not a  
19 verbatim quote, but I think you know where I'm getting  
20 at, and move this along.

21 MEMBER HAMWAY: I second that.

22 CHMN. CHENAL: We have a motion and a second.  
23 Any further discussion?

24 MR. SUNDLOF: Can we comment too?

25 CHMN. CHENAL: Sure.

1 MR. SUNDLOF: Let me comment on it.

2 We were very careful in Version One to define  
3 exactly how we would abut and the possible conditions. I  
4 don't want to go to No. 2 and just put some new language  
5 in it. I think the better way would be use Version One  
6 and add the corridor like we've put in here.

7 MEMBER NOLAND: Mr. Chairman, I agree with  
8 that, and I was going to make that suggestion too. Just  
9 use option one, call it a corridor. Adopt the map that  
10 goes along with that, which is SRP-064.

11 MEMBER PALMER: With consent of the second,  
12 I'll amend the motion to do that.

13 CHMN. CHENAL: Member Riggins.

14 MEMBER RIGGINS: I second Member Noland. I  
15 agree. Just use Version One and change the language as  
16 proposed.

17 CHMN. CHENAL: Mr. Taebel.

18 MR. TAEBEL: On behalf of intervenor City of  
19 Mesa, we'd also like to see option one.

20 CHMN. CHENAL: Mr. Braselton.

21 MR. BRASELTON: Two points: We certainly  
22 prefer option one over option two.

23 And, secondly -- and this is just a minor  
24 procedural point -- I thought Member Hamway made a motion  
25 when we began this whole discussion that --

1 MEMBER HAMWAY: Nobody seconded it.

2 MR. BRASELTON: Okay. I just wanted to make  
3 sure you didn't have a record that was procedurally  
4 flawed.

5 CHMN. CHENAL: Thank you for that,  
6 Mr. Braselton.

7 MEMBER WOODALL: We've actually never formally  
8 adopted Robert's Rules of Order. We use that by custom  
9 and practice, but it's not anything we've adopted.

10 MR. BRASELTON: I thought your comment was a  
11 second in addition to whatever you said in response to  
12 her motion.

13 CHMN. CHENAL: Well, so let's review where we  
14 are.

15 Member Palmer, you moved that we adopt Version  
16 One but substitute the word "corridor" for "boundary" and  
17 additional changes as we go through the language; is that  
18 correct?

19 MEMBER PALMER: That's correct. And the second  
20 will consent.

21 CHMN. CHENAL: And who seconded?

22 MEMBER HAENICHEN: I'll second it.

23 CHMN. CHENAL: We have a motion and second.  
24 Any further discussion?

25 (No response.)

1 CHMN. CHENAL: All in favor say "aye."

2 (A chorus of ayes.)

3 CHMN. CHENAL: Let's take a ten-minute break.

4 (A recess was taken from 10:41 a.m. to  
5 10:56 a.m.)

6 CHMN. CHENAL: Let's go back on the record and  
7 continue the deliberations on the CEC.

8 So when we broke, we had come to a  
9 determination that we were going to use the Version One  
10 approach as set forth in Exhibit 60, but we were going to  
11 basically, in concept, substitute the word "boundary"  
12 with "corridor."

13 Now, let's go -- continuing with Exhibit 60,  
14 page 4, lines 1 through 13.

15 Obviously, we'll remove the language  
16 highlighted in yellow. Let's take a minute and review  
17 the language.

18 Is there any discussion or comment regarding  
19 the language on lines 1 through 13?

20 (No response.)

21 CHMN. CHENAL: May I have a motion?

22 MEMBER HAENICHEN: I move that we approve it.

23 MEMBER NOLAND: Second.

24 CHMN. CHENAL: Motion and second.

25 Any further discussion?

1 (No response.)

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

3 (A chorus of ayes.)

4 CHMN. CHENAL: Okay. Let's look at lines 14  
5 through 26.

6 MS. MASER: Chairman, this is Michele. I have  
7 a couple of just tweaks.

8 CHMN. CHENAL: Sure. Why don't you just insert  
9 them, and we'll continue to read.

10 All right. There's been some language added.  
11 Let's take a moment to read it and consider the  
12 significance of what's been added.

13 MEMBER NOLAND: Mr. Chairman, I move that we  
14 adopt the language as amended on lines 14 through 26.

15 MEMBER HAMWAY: Second.

16 CHMN. CHENAL: We have a motion and a second.  
17 Any further discussion?

18 (No response.)

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

20 (A chorus of ayes.)

21 CHMN. CHENAL: Okay. Let's move to page 5,  
22 lines 1 through 12.

23 MEMBER PALMER: Motion to approve.

24 MEMBER HAENICHEN: Second.

25 CHMN. CHENAL: We have a motion to approve, and



1 Member Haenichen has seconded it.

2 Any further discussion?

3 (No response.)

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

5 (A chorus of ayes.)

6 CHMN. CHENAL: Next is lines 13 through 26.

7 MS. MASER: Chairman, this is Michele again.

8 Should I just keep adding?

9 CHMN. CHENAL: Yes. That's absolutely fine.

10 Just add the additional language.

11 Are there any more changes that the applicant  
12 wishes to make on this language?

13 Michele?

14 MS. MASER: No.

15 MR. OLEXA: Mr. Chairman.

16 CHMN. CHENAL: Yes, Mr. Olexa.

17 MR. OLEXA: I believe the "more than" language  
18 right before 300 feet --

19 CHMN. CHENAL: What line?

20 MR. OLEXA: I'm sorry, line 16. If you take  
21 the words, Michele, "more than" out and add "beyond a  
22 corridor of," I think that would be consistent with what  
23 we did in the previous paragraphs.

24 CHMN. CHENAL: Okay. With the additional  
25 language that's been added -- thank you, Mr. Olexa, for

1 that. And I assume you're going to be doing that for the  
2 remainder of the discussion here.

3 Page 5, lines 13 through 25.

4 May I have a motion?

5 MEMBER WOODALL: So moved.

6 CHMN. CHENAL: A second?

7 MEMBER HAENICHEN: Mr. Chairman.

8 CHMN. CHENAL: Member Haenichen.

9 MEMBER HAENICHEN: This is a small point, but  
10 on line 24, I think it should be "but only where  
11 reasonably necessary," not "reasonable necessary."

12 CHMN. CHENAL: Yes, b-l-y.

13 MEMBER NOLAND: She's got a line through the E,  
14 but you can't see it.

15 CHMN. CHENAL: Oh, okay. Yes.

16 Very good. So with the changes noted, we have  
17 a motion and a second.

18 All in favor say "aye."

19 (A chorus of ayes.)

20 CHMN. CHENAL: We go to page 6, lines 1 through  
21 14, if we can fit them all in. I guess we can't.

22 Let's take lines 1 through 12.

23 MEMBER NOLAND: Mr. Chairman, I think -- I'm  
24 not sure. Do we need to put the corridor language in  
25 this?

1 CHMN. CHENAL: I think we do on line 1.

2 MR. OLEXA: I was going to say, on line 1, the  
3 "more than" language would be crossed out, and  
4 substituted would be "beyond a corridor of."

5 MEMBER NOLAND: Mr. Chairman, also, I would  
6 just like to move that we adopt lines 1 and 2 with that  
7 change.

8 CHMN. CHENAL: Yes. I can see why that is a  
9 good suggestion.

10 So motion to adopt lines 1 and 2 on page 6.

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: Motion and second.

13 All in favor say "aye."

14 (A chorus of ayes.)

15 CHMN. CHENAL: Okay. And I realize now we're  
16 going to have to get into a little more discussion for  
17 lines 3 through 14, which is depicted as the Southern  
18 Segment. And I think we need to make sure that the  
19 agreement reached by the parties that south of Germann  
20 Road, the line will be on the east side of the line.

21 So is there language that the parties have  
22 agreed upon or the applicant proposes?

23 MR. SUNDLOF: Consistent with our agreement  
24 with Queen Creek, we want to make very clear that the  
25 line will be on the east side of Crismon south of Germann

1 and also to miss the house, but that language is already  
2 in there.

3 So what I want to do on line 5, at the  
4 beginning of the sentence, add: From point P5 to Germann  
5 Road, the line may be constructed on either side. So  
6 from P5 to Germann Road.

7 And then at the end of that sentence, we would  
8 add a sentence: South of Germann Road, the line shall be  
9 constructed on the east side.

10 Is that okay with Queen Creek?

11 MR. BRASELTON: Not the first part of it. The  
12 first part of it needs to say something about: Provided,  
13 however, if constructed on the west side, the line shall  
14 not come within some number of feet of the house or -- in  
15 the ideal world, it would be better to cut this off  
16 somewhere north of that house so that we've got it clear  
17 on the record that we're not going to go near that house.

18 MR. SUNDLOF: Starting on line 11, we have:  
19 The transmission line shall be constructed so as to avoid  
20 the existing house.

21 MR. BRASELTON: I understand that. I'm just  
22 concerned that first sentence standing alone, which could  
23 be taken out of context, would not read to reflect that  
24 second agreement or the agreement that's in that sentence  
25 down further. So I don't like the way it's written with

1 extending to Germann Road on both sides.

2 How about extending to X number of feet north  
3 of the property line of that house on the corner,  
4 something like that.

5 CHMN. CHENAL: Well, okay.

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Yes, Member Noland.

8 MEMBER NOLAND: I think you're going to have to  
9 have a little faith here, Mr. Braselton. I think it's  
10 mentioned that they're going to avoid the house. And  
11 we're going to get specific south of Germann Road, but  
12 I'm not going to start locating the poles in this. I'm  
13 not going to vote for that. We've got to give a little  
14 latitude and a little faith, and I think we've spelled  
15 out what we want to have them avoid.

16 MEMBER WOODALL: I concur with Ms. Noland, and  
17 I also note we don't know what the homeowner's desires  
18 are in this regard, so I would hate to specify a foot  
19 without talking to them.

20 MR. BRASELTON: Well, I disagree. And we're  
21 just going to disagree, and you guys are the ones that  
22 are going to make the decision. The reason I disagree is  
23 that lawyers take words out of context and sentences out  
24 of context all the time; and this sentence, taken and  
25 standing alone, doesn't say what the agreement of the

1 parties is.

2 It's very easy to fix it in some way that I  
3 think we could agree to, but I -- I've spent my life  
4 litigating words that are taken out of context, and I  
5 don't want to see it happen here.

6 CHMN. CHENAL: Is that house in the Town of  
7 Queen Creek?

8 MR. BRASELTON: No, it's not. Not at this  
9 point in time. I don't know if it's in the County or in  
10 Mesa.

11 CHMN. CHENAL: Member Noland.

12 MEMBER NOLAND: Now is the time for us to make  
13 decisions on the CEC. We've heard all the input. We've  
14 given more latitude to the intervenors than many times  
15 have been given before because we care about this. But I  
16 am satisfied with the language as amended in lines 3  
17 through 14. I believe it does take into account the  
18 residence that is just north of the Queen Creek  
19 boundaries and then takes into account what Queen Creek  
20 wanted to see for Crismon Road line being on the east  
21 side of the road from Germann Road south to the  
22 Abel-Moody line -- Abel-Moody-Pfister, whatever, line.

23 CHMN. CHENAL: Any other discussion by the  
24 Committee?

25 MEMBER NOLAND: That was a motion.

1 CHMN. CHENAL: So motion to approve lines 3 to  
2 14.

3 MEMBER WOODALL: Second.

4 MR. BRASELTON: Mr. Chairman, one other  
5 comment. The collocation line, which I think Member  
6 Noland brought up earlier, would be an appropriate item  
7 to add in this particular portion of the text.

8 MEMBER NOLAND: Actually, I believe it was  
9 Member Haenichen that brought that up, and I agree with  
10 you. And I would amend my motion to add that language if  
11 Member Haenichen wanted to propose it.

12 MEMBER HAENICHEN: You mean you want me to say  
13 the actual words?

14 MEMBER NOLAND: Yeah.

15 MEMBER HAENICHEN: Oh, help me here. Help me.

16 MEMBER WOODALL: Maybe the applicant can  
17 provide some qualifying language.

18 MR. SUNDLOF: If we're going to put it on the  
19 east side, we have to take the 69 language down because  
20 that's where we're going to put it.

21 Why don't we -- at the end of the sentence that  
22 talks about it being on the east side, we can add this:  
23 The existing 69kV line on the east side of Germann  
24 Road --

25 CHMN. CHENAL: What line, Mr. Sundlof?

1 MR. SUNDLOF: Well, it's not a line because  
2 it's after the language we just added, which is on, I  
3 guess, line 8.

4 It would say: The existing 69kV line on the  
5 east side of Germann Road shall be collocated on the new  
6 structures.

7 MR. BRASELTON: We love the thought, but  
8 Mr. Sundlof has now fallen into the trap I was in  
9 yesterday where he's got Germann Road running north and  
10 south.

11 MR. SUNDLOF: You tricked me. Crismon Road.  
12 Crismon Road.

13 MR. BRASELTON: With that correction, we agree  
14 completely.

15 MEMBER NOLAND: Mr. Chairman, then I would  
16 amend my motion to include that language.

17 CHMN. CHENAL: Okay. So --

18 MEMBER WOODALL: Second.

19 CHMN. CHENAL: So we're on page 6, lines 3  
20 through --

21 MEMBER NOLAND: 17.

22 CHMN. CHENAL: -- 17.

23 All in favor say "aye."

24 (A chorus of ayes.)

25 MS. MASER: Chairman, my apologies. I forgot a



1 couple of changes on lines 1 and 2.

2 CHMN. CHENAL: Okay. Let's go back to lines 1  
3 and 2. No problem.

4 MEMBER NOLAND: Mr. Chairman, I made that  
5 motion, so I would amend my motion -- or make a new  
6 motion to adopt the amended language.

7 CHMN. CHENAL: On page 6, lines 1 and 2?

8 MEMBER NOLAND: Correct.

9 CHMN. CHENAL: Do I have a second?

10 MEMBER WOODALL: Second.

11 CHMN. CHENAL: Any further discussion?

12 (No response.)

13 CHMN. CHENAL: All in favor say "aye."

14 (A chorus of ayes.)

15 CHMN. CHENAL: Now we have the fun job of  
16 moving through a few pages of Exhibit 60 and skipping the  
17 second version, and then we jump over to page 8 in the  
18 conditions.

19 Now, let's be clear what we're looking at.  
20 Again, on the right side of the screen is Exhibit 60,  
21 which is the -- before today, kind of the final version  
22 proposed by the applicant.

23 On the left screen is my Exhibit 62. My  
24 Exhibit 62, you will see, will have different colored  
25 words. Some of the words are in blue and some are in

1 red. The applicant's proposed changes were in blue, and  
2 so they have been adopted on the right screen. My  
3 changes will be in red. So that's what we'll come to.

4 So I think we can verify it as we go through  
5 it, but I think the changes you see in blue have been  
6 adopted in the exhibit on the right screen.

7 MEMBER NOLAND: Mr. Chairman, can I clarify  
8 something, because I was asked this earlier. What they  
9 have done is take a template from a previous CEC that was  
10 a TEP project and have deleted that and put in the new  
11 information for this project; is that correct?

12 CHMN. CHENAL: Correct. They've taken the CEC,  
13 usually in the most recent case that we've done, and  
14 they've modified it to fit this case.

15 MEMBER NOLAND: Thank you.

16 CHMN. CHENAL: And these we'll try to do  
17 condition by condition. I think that's just a lot easier  
18 to follow.

19 So let's look at the conditions -- if you could  
20 scroll up, Michele.

21 So page 8 -- we won't be able to get the full  
22 one in. Page 8, lines 9 through 21.

23 Any discussion?

24 (No response.)

25 CHMN. CHENAL: May I have a motion?

1 MEMBER HAENICHEN: I move lines 9 through 21.

2 CHMN. CHENAL: May I have a second.

3 MEMBER HAMWAY: Second.

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

5 (A chorus of ayes.)

6 CHMN. CHENAL: Okay. This is going to be  
7 difficult. Let's go with lines -- go ahead, Member  
8 Noland.

9 MEMBER NOLAND: Can we just finish off  
10 Condition 1?

11 CHMN. CHENAL: Yes, let's do that. I agree.  
12 So lines 22 and 23 on page 8.

13 May I have a motion to approve.

14 MEMBER WOODALL: So moved.

15 CHMN. CHENAL: A second?

16 MEMBER NOLAND: Second.

17 CHMN. CHENAL: All in favor say "aye."

18 (A chorus of ayes.)

19 CHMN. CHENAL: And I'll see if we can get the  
20 full Condition 2 in. We probably can't. I don't think  
21 we can.

22 MEMBER WOODALL: Mr. Chairman, I think the  
23 statute requires them to do that, so I personally don't  
24 think it's necessary, but ...

25 CHMN. CHENAL: Well, this is a standard

1 condition we've put in almost every case -- I mean, every  
2 case that I'm aware of.

3 MEMBER NOLAND: Except the last one. We  
4 changed the -- we changed the last CEC somewhat to not  
5 try and include everything and everybody if it's already  
6 covered in the statutes. And you didn't put 179 in  
7 there. This was Case 178. And I thought we changed that  
8 with Member Woodall's suggestions on that. But I may be  
9 wrong. They all kind of run together sometimes.

10 MEMBER WOODALL: I don't have strong feelings  
11 on it. Repetition is usually good -- you know, lawyers  
12 usually don't like repetition.

13 CHMN. CHENAL: But on this one --

14 MEMBER WOODALL: I don't care.

15 CHMN. CHENAL: -- we're talking about a large  
16 power line that could very well interfere with radio and  
17 television. For the benefit of the citizens of the  
18 cities that live in that area, I think that's one that we  
19 would want them to have the -- to make sure that the  
20 applicant will make efforts to investigate and repair and  
21 fix.

22 MEMBER WOODALL: I thought we had a separate  
23 condition for that. In any event, I don't care.

24 CHMN. CHENAL: Let's look at Condition 2 on  
25 page 8, lines 24 through 26. Let's just do it like that.

1 Any further discussion on that language?

2 MEMBER PALMER: Motion to approve.

3 CHMN. CHENAL: Second?

4 MEMBER VILLEGAS: Second.

5 CHMN. CHENAL: Any further discussion?

6 (No response.)

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

8 (A chorus of ayes.)

9 CHMN. CHENAL: Let's go to page 9, lines 1  
10 through 11.

11 Any further discussion?

12 MEMBER HAENICHEN: I move we adopt 1 through  
13 11.

14 MEMBER WOODALL: Second.

15 CHMN. CHENAL: Motion and second.

16 All in favor say "aye."

17 (A chorus of ayes.)

18 CHMN. CHENAL: Now, on the left screen,  
19 Exhibit 62, let's move up to Condition 2. This is one  
20 we've included in -- I can't tell you how many we've  
21 added this to, but it requires -- Condition 1, as offered  
22 by the applicant, basically says that they will comply  
23 with the laws.

24 Condition 2 says that they'll obtain all  
25 approvals and permits necessary. And this is one where I

1 know at one point we had some discussion. This has been  
2 included in the most recent ones. I believe Member  
3 Haenichen, in the last hearing, said, Well, let's include  
4 it. What does it hurt. Something to that effect.

5 But, obviously, this is one for discussion, so  
6 I open it up to the Committee. I think we should have  
7 it, but ...

8 MEMBER WOODALL: Mr. Chairman, if we are going  
9 to have it, I think I would insert a phrase there with  
10 respect to the tribal entities that have expressed some  
11 interest in what's going on with this project. I don't  
12 know whether you should add: Consult with the State  
13 Historic Preservation Office.

14 CHMN. CHENAL: No, No. 2, Member Woodall. I  
15 think you're referring to No. 3.

16 I'm looking on Exhibit 62 on the left screen,  
17 Condition 2: The Applicant shall obtain all approvals  
18 and permits necessary to construct.

19 MEMBER WOODALL: I'm confused because I've got  
20 a printed copy, and then I'm trying to ...

21 MEMBER HAENICHEN: I'll move 2. Aren't we  
22 talking about 2 now?

23 CHMN. CHENAL: We're talking about, on the left  
24 screen, Exhibit 62, Condition No. 2.

25 MEMBER HAENICHEN: Right. I just moved it.

1 CHMN. CHENAL: Now, when we move it over -- if  
2 we move it over into Exhibit 60, it will have a new  
3 number. But we're looking at Exhibit 62 on the left  
4 screen, Condition 2.

5 So we have a motion.

6 Do we have a second?

7 MEMBER HAMWAY: Second.

8 CHMN. CHENAL: We have a motion and a second.

9 All in favor say "aye."

10 (A chorus of ayes.)

11 CHMN. CHENAL: Thank you. Now, I know it's  
12 going to get a little confusing. Just bear with me.

13 On the right screen, Exhibit 60, we have a  
14 condition. And now this is going to get a little  
15 confusing because it was paragraph 2, and now it's -- the  
16 computer has automatically given it a new number, which  
17 is No. 4.

18 And when someone's looking at this in the  
19 future, they're going to be looking at Exhibit 60, and  
20 they're going to see a document for Condition 2 that will  
21 start with: If human remains and/or funerary objects are  
22 encountered. So when we refer to the paragraph, we  
23 should refer to paragraph 2 because that's the one that  
24 was originally in Exhibit 62.

25 So that condition that's offered by the

1 applicant deals with human remains and funerary objects,  
2 and you can read the language.

3 The one that I -- I am not suggesting we adopt  
4 this. Please don't misunderstand me. But what is  
5 offered in my Exhibit 62, paragraph 3, discusses  
6 historical preservation consultation with respect to  
7 cultural resources. I'm not saying they're the same  
8 thing, but I think we should discuss them at the same  
9 time.

10 And for certain projects, I want to say we used  
11 that. We used it in Case 176 and 173. But I'm not  
12 suggesting that that's something that we should adopt,  
13 necessarily, for this one given the evidence that's been  
14 presented, but I just throw it out for discussion.

15 Member Noland.

16 MEMBER NOLAND: Mr. Chairman, my only issue  
17 with this, and I think I've stated somewhat the same  
18 issue previously, I think we're getting too specific. If  
19 we're going to use something that's going to guide the  
20 State, the historical or other agencies, we should use  
21 the A.R.S. language.

22 We're saying 50 years. What if the language  
23 changes by the legislature to 75 years or 30 years or 40  
24 years. We've put in 50 years. And I think, as much as  
25 we can, we should go with the statutes and the agencies



1 that oversee this rather than trying to be so specific.

2 We've heard the testimony that this is fairly  
3 disturbed land anyway. They're going to go through all  
4 the steps they have to go through according to the State,  
5 City, County regulations.

6 So I'm just -- I'm just a little hesitant to  
7 put that much language into it, but that's just me.

8 CHMN. CHENAL: And I agree, Member Noland.  
9 Again, I throw some of these out for discussion, not  
10 because I'm suggesting.

11 And in this case, I probably would say that's  
12 overkill for a 7-mile line. I have no issue with not  
13 including it in this case. But because we've had it in  
14 previous cases, you know, I thought it was appropriate at  
15 least to discuss it. But I'm happy to withdraw that from  
16 consideration if that's the will of the Committee.

17 MEMBER WOODALL: If you wanted to have  
18 something in there, I'd leave the first sentence in.  
19 That would be it. I mean, if you wanted to have  
20 something. I don't think it's necessary under these  
21 circumstances based upon Ms. Pollio's testimony, but ....

22 MEMBER NOLAND: Mr. Chairman, I would agree  
23 with that, that you add that sentence and then keep the  
24 language on the right screen, which is --

25 CHMN. CHENAL: Paragraph 2.

1 MEMBER NOLAND: -- paragraph 2 that will now be  
2 4.

3 CHMN. CHENAL: Okay.

4 So, Michele, if we could ask you to, after  
5 paragraph 4, add it to the end of --

6 MEMBER NOLAND: To the beginning.

7 CHMN. CHENAL: Or to the beginning.

8 MEMBER WOODALL: Does the applicant have any  
9 suggestions for reference to the tribal entities that  
10 expressed a desire to be kept informed? Because this  
11 would be the logical place for it to go, in my opinion.

12 MR. OLEXA: The applicant doesn't have any  
13 suggestions at this point in terms of that. We're not  
14 opposed to adding that language, though, in terms of the  
15 tribes that responded.

16 MEMBER WOODALL: You're not helping me here.

17 MEMBER NOLAND: Mr. Chairman, I thought that  
18 the letters from the tribes wanted to ensure that the  
19 procedures were followed according to state law with the  
20 Historical Society or the Preservation office. Now, I  
21 can go back and find that exhibit, but I read those  
22 fairly carefully, and I didn't -- I think they would be  
23 notified through the procedure set up by the State on  
24 that. And Ms. Pollio might know more about that than we  
25 do.

1 MR. OLEXA: Ms. Pollio suggested just continued  
2 consultation language be added.

3 MEMBER NOLAND: With whom?

4 MS. POLLIO: The tribes.

5 MEMBER WOODALL: So, in other words, the  
6 applicants shall consult with the State Historic  
7 Preservation Office and insert the names of the pertinent  
8 tribes?

9 MS. POLLIO: SHPO has a list of tribes that are  
10 the consulting tribes.

11 MEMBER WOODALL: Oh, got it.

12 MS. POLLIO: So I think if you consult with the  
13 two, which I think is Hopi and Gila River Community, you  
14 would consult with that whole group. They now have an  
15 online tool. So I think it would be SHPO and associated  
16 tribes because SHPO, that's their mandate.

17 MEMBER WOODALL: That looks good to me based  
18 upon an expert's assessment.

19 CHMN. CHENAL: Well, associated -- okay. I  
20 don't know. Relevant or associated. If "associated"  
21 works.

22 MS. POLLIO: Consulted tribes.

23 CHMN. CHENAL: Consulted tribes. Maybe that's  
24 better.

25 MS. POLLIO: That's better.

1 CHMN. CHENAL: All right. Very good.

2 Any further thoughts from the Committee on --  
3 I'm going to refer to it as Condition 2 because that's  
4 how it would appear in Exhibit 62 as we're reviewing it.

5 Any further thoughts or discussion?

6 (No response.)

7 CHMN. CHENAL: All right.

8 MEMBER PALMER: Motion to approve.

9 MEMBER HAMWAY: Second.

10 CHMN. CHENAL: We have a motion and a second.

11 All in favor say "aye."

12 (A chorus of ayes.)

13 CHMN. CHENAL: Thank you.

14 Let's go to Condition -- here we go. Condition  
15 No. 3 on page 9 of Exhibit 62 regarding the plant law,  
16 Arizona Native Plant Law.

17 Any discussion by the Committee?

18 MEMBER HAENICHEN: I move Condition 3.

19 CHMN. CHENAL: Second?

20 MEMBER HAMWAY: Second.

21 CHMN. CHENAL: We have a second.

22 Any further discussion?

23 (No response.)

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

25 (A chorus of ayes.)

1 CHMN. CHENAL: Thank you.

2 Let's move to Condition 4 on page 10.

3 I know this is confusing. We're looking at the  
4 right-hand screen. That's the control document, if you  
5 will, and that's Exhibit 60. And if you would --

6 MEMBER WOODALL: Mr. Chairman, do you think you  
7 could just read the first sentence aloud? That might  
8 help us, I think, find it.

9 CHMN. CHENAL: I think these numbers are  
10 changing. Both numbers are changing as we go through  
11 this.

12 So what we're looking at is originally  
13 Exhibit 5 -- excuse me -- Condition 5 on page 9 of  
14 Exhibit 60, and it starts with the words -- and it  
15 relates to the Game and Fish guidelines.

16 MEMBER HAENICHEN: Did we skip the salvage  
17 requirements? Did we vote on that?

18 CHMN. CHENAL: Actually, I want to go back to  
19 the plant, to the previous condition, to Member  
20 Haenichen's point.

21 It's originally Condition No. 4 in Exhibit 60  
22 regarding notice and salvage requirements. I'd like to  
23 make sure we have had a motion and a second and we  
24 approve it.

25 So may I have a motion?

1 MEMBER NOLAND: Yes, I make a motion that we  
2 approve what was Condition 4, is now Condition 5, with  
3 regard to Arizona Native Plant Law.

4 MEMBER WOODALL: Second.

5 CHMN. CHENAL: Discussion?

6 Member Hamway.

7 MEMBER HAMWAY: So do you want to add "and  
8 operation" as you did in Case No. 177? Because in that,  
9 it's only "construction of." Over here, you have "during  
10 construction and operation."

11 MEMBER NOLAND: Good catch.

12 MEMBER WOODALL: I'm not a big fan of the  
13 "operation," I mean, because you're -- I can't see how  
14 that would be pertinent during the actual energizing of  
15 the lines, but I'm not going to fall on my sword over it.

16 CHMN. CHENAL: We've used the word "operation"  
17 in previous cases. And, Member Hamway, thank you for  
18 that, because that is in one of the suggestions that I  
19 offered for discussion.

20 MEMBER NOLAND: Mr. Chairman, I modify my  
21 motion to include "and operation."

22 MEMBER HAENICHEN: Second.

23 CHMN. CHENAL: We have a motion and a second.  
24 Any further discussion?

25 (No response.)

1 CHMN. CHENAL: All in favor say "aye."

2 (A chorus of ayes.)

3 MEMBER WOODALL: Pass.

4 CHMN. CHENAL: All right. The next one we'll  
5 discuss is what was originally Condition 5 on  
6 Exhibit 60 -- in Exhibit 60 dealing with Game and Fish  
7 guidelines.

8 MEMBER HAENICHEN: I move what was Condition 5.

9 MEMBER WOODALL: Second.

10 MEMBER NOLAND: Mr. Chairman, is that with the  
11 additional language that was proposed on your template on  
12 the left screen?

13 CHMN. CHENAL: Yes, that's what we have to do.  
14 We have to include the concept "and operation of the  
15 Transmission Line Project." Thank you, Member Noland.

16 All right. We have a motion and a second, I  
17 believe. Did we have a second?

18 MEMBER HAENICHEN: Yes.

19 CHMN. CHENAL: Including the language that was  
20 just added in "and operation of the Transmission Line  
21 Project," any further discussion?

22 (No response.)

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

24 (A chorus of ayes.)

25 MEMBER WOODALL: Pass.

1 CHMN. CHENAL: All right. Next, we'll deal  
2 with the term of the CEC. This is Condition 6 in  
3 Exhibit 60, which proposes a ten-year period of time  
4 before expiration.

5 If you look on the left screen, which is  
6 Exhibit 62, you'll see some additional language that I'm  
7 offering for discussion which was taken from a previous  
8 case, which kind of modified and clarified what that  
9 means. It would expire ten years with or without  
10 modification, and construction shall be complete such  
11 that it is in service within the ten-year timeframe.

12 To Mr. Braselton's point of lawyers trying to  
13 take advantage of language, I would say this clarifies  
14 what it means, and I think we've adopted that approach in  
15 a previous case.

16 What does it mean to say it expires? If the  
17 shovel is in the ground? Or is that sufficient to keep  
18 the CEC alive? Or do the structures have to be  
19 constructed?

20 And I think it, you know, adds some clarity in  
21 my mind as to what it takes for the CEC not to expire.  
22 How long does this project have to be along before it's  
23 deemed not to expire?

24 And I'm throwing this out for discussion. I'm  
25 not taking a hard position on this one.



1 MEMBER WOODALL: Mr. Chairman, the modifier  
2 "with or without modification," I don't know that that  
3 adds anything because, obviously, the certificate is  
4 going to be approved with or without modification. So I  
5 don't think we need to add that language there.

6 And in general, I'm just going to pass on this  
7 one because I think it's -- I don't think that it does  
8 add clarity, but that's my point of view. Others can  
9 disagree.

10 CHMN. CHENAL: Member Noland.

11 MEMBER NOLAND: Mr. Chairman, I agree with  
12 taking out the "with or without modification," but I like  
13 your language in the "construction of the Transmission  
14 Line Project shall be complete such that the Transmission  
15 Line Project is in service within this ten-year  
16 timeframe."

17 And I would move that we adopt that language.

18 CHMN. CHENAL: So, Michele, could we ask you to  
19 include the sentence starting with "construction" and  
20 ending with "timeframe."

21 MEMBER HAENICHEN: Second.

22 CHMN. CHENAL: By the way, that language was  
23 what we came up with in a previous case. It's not my  
24 language.

25 All right. We have a motion and a second.

1 Any further discussion?

2 (No response.)

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

4 (A chorus of ayes.)

5 MEMBER WOODALL: Pass.

6 CHMN. CHENAL: All right. The next condition  
7 is Condition 7 in the original Exhibit 60 regarding  
8 extensions of the certificate. And on the screen that  
9 we're looking at on the right, there's only one change to  
10 it offered by the applicant, which is to insert the word  
11 "the" before the word "Applicant."

12 MEMBER PALMER: I'll move it as modified.

13 MEMBER HAMWAY: Second.

14 CHMN. CHENAL: We have a motion and a second.

15 Any further discussion?

16 MEMBER WOODALL: I would just note that the  
17 fact that we're saying six months does not mean that the  
18 Commission will think that that's prompt given the length  
19 of time here, so I'm going to pass on this one.

20 CHMN. CHENAL: Okay. I would only note that  
21 this is taken from a previous CEC where that language was  
22 adopted or approved by the Commission, so --

23 MEMBER WOODALL: I think I would just say --  
24 I'm just noting that for the record because in the past  
25 there has been some discussion about you're too late and

1 why didn't you file before and you knew this when and  
2 what have you. So I'm not going to object to it. I'm  
3 just going to pass.

4 CHMN. CHENAL: Okay. So we -- you'll note I'm  
5 not referring to lines anymore or pages because this is  
6 going to become hopelessly changed when we come up with a  
7 final document which we'll give a new exhibit number,  
8 again, what was Condition 7 on Exhibit 60 dealing with an  
9 extension. So with the change of adding the word "the,"  
10 I think Member Haenichen, you moved for it.

11 Was there a second?

12 MEMBER HAMWAY: Second.

13 CHMN. CHENAL: We have a motion and a second.

14 Any further discussion?

15 (No response.)

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

17 (A chorus of ayes.)

18 MEMBER WOODALL: Excuse me. Pass.

19 CHMN. CHENAL: Now, to make this even more  
20 interesting, if you look at the left screen, which is my  
21 Exhibit 2, and look at what's noted as Condition  
22 No. 10 --

23 MEMBER WOODALL: 62?

24 CHMN. CHENAL: Yes. My Exhibit 62,  
25 SRP-Exhibit 62. On the left screen, you'll see in red a

1 provision that requires the applicant to -- where the  
2 applicant seeks to modify the terms to provide copies to  
3 relevant entities, the towns, parties to the docket, and  
4 parties that made a limited appearance.

5 I think this is one we've had discussion in  
6 previous cases and thought it was good, and I seem to  
7 recall Member Palmer as having been in favor of this.  
8 And not to put him on the spot here, but, again, this  
9 isn't taken out of the blue. This is from a previous  
10 case. So I would like to consider that because I believe  
11 that's probably -- this is the time to consider that  
12 provision.

13 So I'd like to know if there's any discussion  
14 on this provision.

15 MEMBER PALMER: Mr. Chairman, I am supportive  
16 of this and would move its inclusion in the CEC.

17 MEMBER HAENICHEN: Second.

18 CHMN. CHENAL: We have a motion and a second.

19 Michele, could we ask you to include that  
20 language.

21 All right. Thank you.

22 All right. Next, we will look at what was --

23 MEMBER HAENICHEN: Don't we have to vote on the  
24 one we just --

25 CHMN. CHENAL: Sorry. We have a motion and a

1 second to include the language dealing with notification  
2 to entities.

3 All in favor say "aye."

4 (A chorus of ayes.)

5 CHMN. CHENAL: Thank you. Thank you, Member  
6 Haenichen.

7 Next, we deal with the condition that deals  
8 with bird issues. Give me a moment.

9 All right. We're next considering Condition 8  
10 that's in the version offered by the applicant, which is  
11 Exhibit 60, which deals with measures to minimize impact  
12 to avian species.

13 MEMBER HAENICHEN: I'll move Condition 8 as  
14 written.

15 CHMN. CHENAL: If you look on the left screen,  
16 Exhibit 62, you'll see some additional language that  
17 would add the concept to the assignees and would refer to  
18 raptors, cranes, waterfowl, and other avian species.  
19 And, again, this is language that was pulled from  
20 previous CECs where we were maybe a little more specific  
21 in those. But, again, this is something I thought we  
22 should discuss.

23 Member Noland.

24 MEMBER NOLAND: Mr. Chairman, well, I think  
25 this originally came up with our Willcox hearing, and I

1 can't remember from our prior discussion whether raptors,  
2 cranes, waterfowl are included in the standards of the  
3 Avian Power Line Interaction Committee.

4 MEMBER WOODALL: May I ask the applicant a  
5 question. Are you a member of this committee? Is SRP?  
6 Is anyone there?

7 No?

8 MR. OLEXA: Yes.

9 MEMBER WOODALL: Okay. So you're well familiar  
10 with it. Okay.

11 MEMBER PALMER: Mr. Chairman, my recollection  
12 is, along with Member Noland, that these were specific to  
13 a case where these species were specifically involved in  
14 the project. I don't know that, given the urban nature  
15 of this, that it necessarily would fit. Just my  
16 thinking.

17 CHMN. CHENAL: I'm fine with that.

18 Now, the question is the first change would be  
19 "the Applicant or its assignee." Again, you'll see me  
20 come up with this point later. I have no doubt that SRP  
21 is going to be building this. This is more of a concern  
22 I have, frankly, where we have merchant lines and we  
23 don't know if the applicant is actually going to build  
24 it, and we want to make sure that the applicant and any  
25 of the people they use to construct it are bound by it.

1 Although, I don't want to undercut the last condition  
2 that I think is important that we include. But I think  
3 if we scroll up to the one we just added, I think we did  
4 use the word "assignees."

5 MEMBER WOODALL: I will note that in order for  
6 the CEC to be transferred, there's a condition in the  
7 statute that requires that they comply with terms of the  
8 CEC. So I think this is not necessary, and I don't think  
9 we need raptors, cranes, and waterfowl, just avian  
10 species.

11 MEMBER NOLAND: Mr. Chairman, just for  
12 consistency sake, I don't think it's needed either. But  
13 I would move that we adopt the language that's on the  
14 left side of the screen for SRP-62 that includes "the  
15 Applicant or assignees" but deletes "raptors, cranes,  
16 waterfowl, and other."

17 CHMN. CHENAL: Okay. And so thank you, Member  
18 Noland.

19 For consistency, if we -- "assignees or  
20 successors."

21 MEMBER NOLAND: "Assignees or successors."

22 CHMN. CHENAL: So it's consistent with the  
23 previous paragraph. I think that's how it reads. It's  
24 "assignees or" -- maybe the previous one -- so we've got  
25 to make a change here. "Assignees or successors," I

1 think.

2 MEMBER NOLAND: That's one of those changes  
3 that I think we enabled you to make.

4 CHMN. CHENAL: Okay. And then in the following  
5 paragraph, we can make that change to "successors."

6 So with that and with the additional change we  
7 made to the previous condition to add an "S" to the word  
8 "successor," may I have a motion?

9 MEMBER NOLAND: I did make the motion.

10 CHMN. CHENAL: May I have a second?

11 MEMBER WOODALL: Second.

12 CHMN. CHENAL: We have a motion and second.

13 All in favor say "aye."

14 (A chorus of ayes.)

15 MEMBER WOODALL: Pass.

16 CHMN. CHENAL: I appreciate everyone's  
17 patience. It's kind of hard to keep this -- to try to  
18 make a clear record of it. I'm doing the best I can, so  
19 I appreciate your assistance here.

20 The next condition deals with the nonspecular  
21 conductor and nonreflective surfaces, which is  
22 Condition 9 to Exhibit 60.

23 And the only language that I would offer for  
24 consideration, as you'll see on the left-hand screen,  
25 that a comparable provision in Exhibit 62 adds the



1 modifier "unless otherwise required by a landowner."

2 Again, I don't know if we want that or need it.  
3 I'd almost think we don't want it, but --

4 MEMBER NOLAND: Mr. Chairman, I don't really  
5 think that's necessary. In fact, I think it's not a good  
6 idea. I think that the applicant is working with the  
7 landowners. But then to have to get that approved or  
8 have every land -- one saying, I want this, the other  
9 saying, I want that.

10 I just would move that we adopt this condition  
11 about the nonspecular conductors with the original  
12 language and not with "unless otherwise required by a  
13 landowner." And that's my motion.

14 MEMBER WOODALL: Mr. Chairman, there's no  
15 evidence in the record regarding color, so, personally, I  
16 think it should be deleted, and I will be voting no.

17 MEMBER NOLAND: I made a motion to delete that.  
18 My motion was to delete that language.

19 MEMBER WOODALL: Oh, the entire, "The Applicant  
20 shall use nonspecular conductors and" --

21 MEMBER NOLAND: Oh, no.

22 MEMBER WOODALL: That's what I'm saying.  
23 There's nothing in the record about that.

24 MS. HAMWAY: We didn't talk about color at all.

25 MEMBER WOODALL: And the witness didn't provide

1 any evidence. So my position would be that we should  
2 delete that whole paragraph, and I'm going to vote no.

3 MEMBER NOLAND: Mr. Chairman, I'm going to  
4 withdraw my motion because Member Woodall makes a very  
5 good point. And it didn't come up. In fact, we asked  
6 about it, and we didn't discuss any of that. So I'm  
7 going to withdraw my motion.

8 CHMN. CHENAL: Well, that's a good point. Now,  
9 this is a condition that's been suggested by the  
10 applicant itself.

11 So I guess since we have the applicant here,  
12 Mr. Sundlof, would you care to comment on it? I think  
13 Member Woodall and Member Noland are correct, but you did  
14 propose this condition.

15 MR. SUNDLOF: We proposed that condition. I  
16 think we have had it in other CECs. It is SRP's standard  
17 practice. I would very much oppose the additional  
18 language, unless -- otherwise, we have different poles  
19 going on. But that's the standard practice. Whether  
20 it's in there or not, we don't really care.

21 CHMN. CHENAL: Well, I guess I'd leave it up to  
22 the Committee.

23 I'll tell you, in the next case, I'm going to  
24 ask a question about it. But the applicant is proposing  
25 this. This is the applicant's proposed language.

1 MEMBER HAENICHEN: I move the language as  
2 suggested by the applicant.

3 MEMBER RIGGINS: Second.

4 CHMN. CHENAL: We have a motion and second.  
5 Any further discussion?

6 (No response.)

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

8 (A chorus of ayes.)

9 MEMBER WOODALL: Nay.

10 CHMN. CHENAL: Let's go to the next one, which  
11 is Condition 10 in Exhibit 60, providing notice to  
12 counties and cities and towns.

13 MEMBER NOLAND: Mr. Chairman, I move we adopt  
14 the language as amended in Exhibit SRP-62. It basically  
15 modifies "copies" to "copy" to each of the entities and  
16 just, I think, cleans up some language there.

17 MEMBER VILLEGAS: Second.

18 MEMBER WOODALL: Mr. Chairman, I was going to  
19 ask the municipalities. In another case, they asked that  
20 it be sent to a specific official so it didn't end up in  
21 the recorder's office.

22 For example, is there someone like the clerk of  
23 the board that you would like this to go to?

24 MR. BRASELTON: The clerk of the town -- the  
25 "town clerk" we could put in there, if you want to be

1 more specific, but we don't feel strongly about it one  
2 way or another.

3 MEMBER WOODALL: All right.

4 Mesa? You don't care? I hope it doesn't end  
5 up with the county recorder.

6 CHMN. CHENAL: All right. With the  
7 modification proposed by Member Noland, do I have a  
8 motion?

9 MEMBER NOLAND: I did move it.

10 CHMN. CHENAL: And second?

11 MEMBER VILLEGAS: Seconded it.

12 CHMN. CHENAL: We have a motion and second.

13 All in favor say "aye."

14 (A chorus of ayes.)

15 CHMN. CHENAL: Thank you.

16 Next provision deals with standards.

17 MEMBER HAENICHEN: Mr. Chairman.

18 CHMN. CHENAL: Member Haenichen.

19 MEMBER HAENICHEN: That's a pretty standard  
20 condition that's on all these cases. I move it as  
21 written.

22 MEMBER HAMWAY: Second.

23 CHMN. CHENAL: We have a motion and a second.

24 If you look at the left screen, you'll notice  
25 that -- and this is, again, simply for discussion. We,

1 in a previous case, had struck the word "construction"  
2 modifying "standards" and required that, I guess, all  
3 standards be complied with, not just construction  
4 standards.

5 And I confess to you, I don't know that there  
6 are -- what other standards there are, but we felt in the  
7 previous case that "construction" might limit other  
8 standards that may otherwise be applicable, so we struck  
9 that term.

10 So I throw that out for discussion.

11 MEMBER WOODALL: Mr. Chairman, I think this is  
12 encompassed in the statute, and I'm going to be voting to  
13 pass on this one. Plus, I don't understand about  
14 parallel structures each supporting a single circuit. I  
15 don't know that that's discussed here.

16 CHMN. CHENAL: I think we're on the previous  
17 one.

18 MEMBER WOODALL: Sorry. I apologize. It's  
19 very challenging to figure out what we're talking about.

20 CHMN. CHENAL: It's the one that deals with the  
21 Western Electricity Coordinating Council and the NERC and  
22 the FERC standards.

23 MEMBER WOODALL: Okay. No objection.

24 CHMN. CHENAL: So if you see it, the second to  
25 last word, we have the word "construction," and we had

1 struck that word in a previous case. Basically, the same  
2 condition.

3 MEMBER HAENICHEN: Mr. Chairman, I'm modifying  
4 my motion to strike that. Include striking that word.

5 CHMN. CHENAL: We have a motion.  
6 Do we have a second?

7 MEMBER HAMWAY: Second.

8 CHMN. CHENAL: To strike "construction."  
9 All in favor say "aye."  
10 (A chorus of ayes.)

11 CHMN. CHENAL: Thank you.

12 The next is the FAA condition, which was  
13 Condition 12 in Exhibit 60.

14 MEMBER NOLAND: Mr. Chairman, can I ask whose  
15 language this is?

16 CHMN. CHENAL: This is the applicant's  
17 language.

18 MEMBER NOLAND: On 62?

19 CHMN. CHENAL: The language in blue is the  
20 applicant's language. The language that I'm offering is  
21 in red.

22 MEMBER NOLAND: Okay.

23 CHMN. CHENAL: So this is the applicant's  
24 language.

25 MEMBER NOLAND: This is the applicant's

1 language modifying -- on SRP-62 modifying their SRP-60?  
2 Or is it in 60?

3 CHMN. CHENAL: Yes.

4 MEMBER NOLAND: Now I'm confused.

5 CHMN. CHENAL: Okay. Forget the blue-colored  
6 lettering on the left screen. That's language that the  
7 applicant is proposing, and you'll see it on the right  
8 screen. And in the original --

9 MEMBER NOLAND: It wasn't in the original.

10 CHMN. CHENAL: It's Condition 12 in the  
11 original CEC that they proposed, which is Exhibit 60,  
12 SRP-60.

13 MEMBER NOLAND: But it is different from the  
14 original language in their proposed CEC.

15 So, Mr. Chairman, I'm going to move that we  
16 adopt the proposed language in SRP-62 be adopted.

17 CHMN. CHENAL: And 62 is -- in blue is the same  
18 as what's -- what was paragraph 12 in 60, which is --

19 MEMBER NOLAND: Same thing.

20 CHMN. CHENAL: It's the same language.

21 MEMBER NOLAND: That's my motion.

22 MEMBER HAENICHEN: I second that motion.

23 CHMN. CHENAL: Okay. So -- yes, Mr. Braselton.

24 MR. BRASELTON: Mr. Chairman, members of the  
25 Committee, the second sentence there troubles me a lot.

1 The evidence has been that the FAA has approved the  
2 project as currently proposed. There wasn't any  
3 discussion about having a second set of towers and wires  
4 constructed on two parallel tracks here at all. That  
5 whole concept is something that we haven't had -- we  
6 haven't dealt with in this hearing. I don't know why we  
7 would go any further than the first sentence and then  
8 leave it there.

9 MEMBER HAENICHEN: Yeah. I agree with that.

10 MEMBER WOODALL: I concur.

11 MR. TAEBEL: Could I have an opportunity to  
12 respond?

13 CHMN. CHENAL: Sure.

14 MR. TAEBEL: So on behalf of the City of Mesa,  
15 some of the language was as originally proposed by the  
16 Salt River Project. Okay? And if you look at the  
17 documentary evidence, you can go back and see that  
18 originally, to make this project work, there was one  
19 proposal that involved taller pole heights that would  
20 have required modification of the FAA procedures.

21 There was an alternative that involved the  
22 lower pole heights that would avoid that change in the  
23 procedure. And I believe that one of the Committee  
24 members had that discussion with the FAA witness.

25 So the language that you see up there is



1 partially what was proposed by SRP and partially what was  
2 proposed as a modification by the City of Mesa.

3 What we had as testimony from the witness was  
4 they have approvals for an individual pole site that can  
5 only vary by 20 feet, and then they have to go back and  
6 get another approval for that individual pole site. And  
7 that pole approval is only for 18 months plus 18 months,  
8 but we've got a ten-year certificate. So after three  
9 years, they have to go back and start the entire process  
10 again.

11 So the idea here is to just capture the  
12 contingency that things can change, standards can change,  
13 procedures can change. And SRP should comply with  
14 whatever is applicable at the time the pole actually goes  
15 up in the air.

16 Thank you.

17 CHMN. CHENAL: And thank you for that,  
18 Mr. Taebel.

19 Now, let me ask you, what is intended by the  
20 language on line 22 on the left screen? "Applicant may  
21 construct, where necessary, parallel structures each  
22 supporting a single circuit."

23 I don't understand what that means. I get  
24 that, based on what Mr. Taebel said, you know, there may  
25 have to be some flexibility provided for the reasons he

1 stated. But the parallel structure supporting a single  
2 circuit, I don't understand that.

3 MR. SUNDLOF: Mr. Chairman, let me respond to  
4 that.

5 That language was really in there to provide a  
6 contingency for the radar issue. And you may recall, it  
7 was the day one of the hearing in the morning that we  
8 learned that the FAA did not find a problem with radar.  
9 And the reason for the two sets of poles is we thought  
10 there might be a location where we have to go so low as  
11 to break the two circuits into separate poles to avoid  
12 radar. But the FAA has said no.

13 Now, Mr. Taebel says the FAA may change its  
14 mind, and I think that's probably true; but we don't have  
15 a strong feeling about this language right now.

16 MEMBER WOODALL: So you would be okay with its  
17 deletion?

18 MR. SUNDLOF: We would be fine with just  
19 leaving the first sentence only.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: I thought that the discussion  
22 from SRP on this was that there was a possibility there  
23 would have to be a different type of structure if they  
24 had to have a lower profile pole, not dual poles. And I  
25 appreciate Mr. Braselton's heads-up about this.

1 I'd like to modify -- I'm going to withdraw my  
2 motion and let somebody else deal with this.

3 MEMBER PALMER: Mr. Chairman, my recollection  
4 is that they talked about shorter poles that would have  
5 to be closer together so the spans weren't so long if  
6 they ran into problems, not a dual circuit. I don't  
7 remember this discussion.

8 CHMN. CHENAL: Yeah, I don't remember the  
9 parallel structure so much as, yeah, adjusting the height  
10 of the poles to meet the FAA requirements.

11 MR. SUNDLOF: Mr. Chairman, the engineers say  
12 they would like to keep it in. You know, you never say  
13 never. And maybe the FAA will say there's a pole right  
14 here we want you to shorten or there's something. So I  
15 think that probably leaving the contingency in is a good  
16 idea.

17 CHMN. CHENAL: But what's the parallel pole  
18 idea, the parallel structure?

19 MR. SUNDLOF: The idea there is that if you  
20 have to go really low, really low, then you can't get two  
21 circuits on a single pole, and you need to break one  
22 circuit on one set of poles and one circuit on another  
23 set of poles. And that's the reason.

24 MEMBER NOLAND: But, Mr. Chairman, we did not  
25 have any testimony to that type of pole. They had like

1 the H-structure that specifically, I think Mr. Smedley  
2 said, would be used if they had to shorten the height,  
3 and they'd put a line on each end of it. That's what I  
4 remember. I don't remember parallel poles.

5 MR. BRASELTON: We agree with that. This is a  
6 big issue because I can't go back to the Town and say,  
7 Well, there's a possibility there could be two lines  
8 running next to each other now on Crismon. That was  
9 never contemplated by anybody, and there was no evidence  
10 submitted to that effect.

11 MR. TAEBEL: May I respond?

12 CHMN. CHENAL: Sure.

13 MR. TAEBEL: Again, SRP admitted all of their  
14 exhibits and they were admitted without objection, so  
15 there is evidence in the record that discusses the  
16 parallel pole configuration.

17 In addition, I proposed this amendment to this  
18 condition more than two weeks ago, and SRP then  
19 subsequently on August 30th filed yet another version of  
20 this that included this condition verbatim.

21 MR. BRASELTON: Why would you want this? I  
22 don't understand it.

23 CHMN. CHENAL: Well, I think we're at a unique  
24 point in time, which is called lunchtime. And I think  
25 this is a good time to take a break and then have the

1 parties kind of confer on this.

2 And, Mr. Taebel, if there's evidence in the  
3 record, if you could point us to where that is so when we  
4 reconvene after lunch, I think that would be very  
5 helpful. And then if the parties wish to discuss this  
6 and work on some language on this point, I think that  
7 would be helpful as well. But I think we're at a good  
8 point to take a lunch break.

9 Member Noland.

10 MEMBER NOLAND: Just to add to this, two weeks  
11 ago was different than when the FAA made a different  
12 determination the day we started this Committee meeting.  
13 And so, yes, I'd like -- I'd like to be pointed to the  
14 structure that Mr. Smedley gave in his exhibit as well as  
15 Mr. Taebel's information that I don't remember seeing.

16 MEMBER WOODALL: I will note that in the  
17 application under Exhibit G, there's a list of number of  
18 configurations, some of which, to my untutored eye,  
19 appear that they might comply with the language that we  
20 have there.

21 CHMN. CHENAL: All right. Let's take our hour  
22 lunch break, and we'll reconvene.

23 Mr. Braselton, did you have something to add?  
24 You looked like you were going to say something.

25 MR. BRASELTON: Not right now, Mr. Chairman.

1 (A recess was taken from 12:07 p.m. to  
2 1:13 p.m.)

3 CHMN. CHENAL: All right, everybody. Let's  
4 resume the afternoon portion of the hearing and see if  
5 there's any procedural matters we need to discuss before  
6 we get into the discussion on the FAA condition.

7 (No response.)

8 CHMN. CHENAL: When we broke for lunch, we had  
9 discussion about the provision that -- the FAA provision  
10 condition.

11 Why don't we hear from the applicant and the  
12 parties regarding what discussions they had during the  
13 break.

14 MR. OLEXA: Mr. Chairman, on behalf of the  
15 applicant, during the break, we had discussions with both  
16 the City of Mesa and the Town of Queen Creek.

17 And what the parties agreed to was, with regard  
18 to the FAA condition, to just insert the first sentence.  
19 So on Exhibit 60, the first sentence would read: The  
20 Applicant shall comply with all regulations and  
21 requirements of the Federal Aviation Administration.

22 MR. BRASELTON: And on behalf of Queen Creek,  
23 we would agree with that.

24 CHMN. CHENAL: Mr. Taebel?

25 MR. TAEBEL: Yes on behalf of Mesa as well.

1 CHMN. CHENAL: All right. With that, any other  
2 further discussion on this provision on behalf of the  
3 Committee?

4 And, again, this is Condition 12 to Exhibit 60.  
5 So may I have a motion?

6 MEMBER PALMER: Motion to approve.

7 MEMBER HAMWAY: Second.

8 CHMN. CHENAL: Second. That's just simply,  
9 again, the first sentence.

10 Any further discussion?

11 (No response.)

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

13 (A chorus of ayes.)

14 CHMN. CHENAL: Let's go to what was  
15 Condition 13.

16 Michele, could you take an opportunity to  
17 scroll down to the next screen.

18 Let's take an opportunity to read what's on the  
19 right-hand screen.

20 Is there any discussion involving what was  
21 Condition 13 to Exhibit 60?

22 MEMBER WOODALL: Mr. Chairman, just as a point  
23 of interest, why is the Governor's Office -- has there  
24 been a request from the Governor's Office that one of the  
25 agency representatives has communicated?

1 Never mind.

2 CHMN. CHENAL: I would say I don't have any  
3 idea why that's there, other than it's always been done  
4 like that, which is a heck of a reason; isn't it?

5 MEMBER NOLAND: But, Mr. Chairman, isn't it  
6 being changed on SRP-62 to strike the "Governor's Office"  
7 and add "Office" after "Arizona Attorney General"?

8 CHMN. CHENAL: Which is my change. Which is  
9 the change I think should be made because I don't have  
10 any idea why we would have reference to the Governor's  
11 Office in this context.

12 All right. So do I have a motion?

13 Let's -- one other -- Michele, could you scroll  
14 up on the right screen.

15 We have two different dates, and I'm not sure  
16 what date it should be. The applicant's suggesting that  
17 the first letter should commence -- certification letter  
18 September 1st, 2019, which I'm fine with.

19 So I just want to make sure we're clear, when  
20 we approve this, what date and what changes we're  
21 specifically making to Condition 13 on Exhibit 60.

22 MEMBER PALMER: Mr. Chairman, in the interest  
23 of discussion, I'll make a motion that we approve the  
24 verbiage including "September 1st, 2019," and striking  
25 "and the Governor's Office."



1 MEMBER WOODALL: Second.

2 CHMN. CHENAL: We have a motion and second.

3 Any further discussion?

4 (No response.)

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

6 (A chorus of ayes.)

7 CHMN. CHENAL: The next condition is  
8 Condition 14 on Exhibit 60 regarding transfers or  
9 assignments of the certificate. I believe this is a  
10 pretty standard provision.

11 MEMBER NOLAND: Mr. Chairman, I move that we  
12 adopt Condition 14 as provided on SRP-60.

13 MEMBER WOODALL: Second.

14 CHMN. CHENAL: Motion and second.

15 Any further discussion?

16 (No response.)

17 CHMN. CHENAL: All in favor say "aye."

18 (A chorus of ayes.)

19 CHMN. CHENAL: Thank you.

20 The next condition is Condition 15 on  
21 Exhibit 60 providing notice to certain groups identified  
22 therein. Take a moment to read it.

23 Any discussion on Condition 15?

24 MEMBER NOLAND: Mr. Chairman, I move we adopt  
25 Condition 15 on SRP-60.

1 MEMBER HAENICHEN: Second.

2 CHMN. CHENAL: We have a motion and second.

3 Any further discussion?

4 (No response.)

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

6 (A chorus of ayes.)

7 CHMN. CHENAL: Let's go to Condition 16 on  
8 Exhibit 60.

9 MEMBER HAENICHEN: I move 16 as written.

10 CHMN. CHENAL: Well, let's -- Member Haenichen,  
11 let me -- what we don't see on the right side of the  
12 screen is the language below that.

13 Michele, if you could scroll down.

14 All right. Let me remind the Committee that at  
15 the last hearing, we had I think an excellent discussion  
16 on what information should be provided on the signage,  
17 you know, that's the subject of this condition. And the  
18 decision was made -- the discussion and the decision was  
19 made to basically reduce the amount of the information on  
20 the sign to make it more user friendly, more capable of  
21 being read by passerbys.

22 And so I took that from the previous condition  
23 and made the changes that you see on the left side of the  
24 screen in Exhibit 62 to basically, you know, conform with  
25 the decision we made in the last case on this comparable

1 condition.

2 MEMBER NOLAND: Mr. Chairman, if I remember  
3 right, part of that discussion was there was so much  
4 information that we wanted on the signs, the printing  
5 became so small that you couldn't read it even if you  
6 were walking by it, let alone driving by it.

7 So I would -- well, there's a motion --

8 MEMBER HAENICHEN: I'll withdraw my motion.

9 MEMBER NOLAND: I would move that we adopt the  
10 language on SRP-62 modifying this condition.

11 CHMN. CHENAL: All right. Thank you, Member  
12 Noland.

13 If you look at -- on the left screen,  
14 Exhibit 62, you'll see, also, there's a -- the signage  
15 would be no more than one-half mile apart.

16 The condition offered by the applicant I don't  
17 believe addresses how far apart the signage would be. So  
18 I just want to make sure.

19 I believe I took that language "not more than  
20 one-half mile apart" from the last condition we  
21 discussed, although I can't swear to that. But I believe  
22 it was from a prior case.

23 MEMBER WOODALL: I'm not supportive of that  
24 because I think that kind of littering the highways is  
25 not particularly helpful, so I would rely on the

1 applicant's judgment. Plus, I don't know if they can get  
2 consent from ADOT to do that.

3 MEMBER NOLAND: Mr. Chairman, our cities and  
4 towns, many times, they also have more restrictive sign  
5 laws that the state does.

6 MEMBER WOODALL: I'm supportive of your  
7 motion -- I mean, of your language, Chairman. I just  
8 don't like the distance there.

9 CHMN. CHENAL: Can we -- on the left-hand side,  
10 could you scroll up a little.

11 Not quite that much. That's good.

12 And can we get the same language on the right  
13 screen.

14 MEMBER PALMER: That one says the same thing.

15 CHMN. CHENAL: It says the same thing. I'm not  
16 understanding why it's in red ink on the left side.

17 So the applicant is proposing the requirement  
18 to place the signs at reasonable intervals but no more  
19 than one-half mile apart.

20 So unless there's an objection to using the  
21 language offered by the applicant, I'm fine with that. I  
22 think the thrust of the change that I was proposing in  
23 the language was to make it comply with what we decided  
24 in the previous case to basically reduce the amount of  
25 information on the signs.

1 So unless there's further discussion, if we  
2 could have a motion that kind of summarizes where we are  
3 on this one.

4 MEMBER NOLAND: Mr. Chairman, I would make a  
5 motion that we adopt Condition 16 -- it's now 19 -- with  
6 the wording on SRP-62 as modified, including the last  
7 paragraph: Such signs shall be inspected at least once  
8 annually and, if necessary, be repaired or replaced and  
9 removed at the completion of construction.

10 That's a motion.

11 MEMBER WOODALL: Second.

12 CHMN. CHENAL: We have a motion and a second.  
13 Let's have the -- see how this looks, then,  
14 before we vote on it.

15 MEMBER PALMER: Mr. Chairman, if I could ask --

16 CHMN. CHENAL: Yes.

17 MEMBER PALMER: Also, in 60, there is language  
18 that gives them a pass on the unbuilt portion of 24 until  
19 such time as that right-of-way is determined.

20 Is that language in 62 as well? If not, it  
21 probably should be added there.

22 MR. SUNDLOF: I'm sorry. Are we on No. 17 now?

23 MEMBER NOLAND: No, we're on 16.

24 MR. SUNDLOF: 16. Okay.

25 MEMBER PALMER: Oh, wait a minute. I jumped

1 one. Never mind.

2 CHMN. CHENAL: I want to compliment Michele's  
3 mastery of this. This is a difficult task to follow.  
4 She's doing a great job.

5 MEMBER HAMWAY: Chairman, can I ask a question?

6 CHMN. CHENAL: Yes.

7 MEMBER HAMWAY: If a local municipality has  
8 tighter sign ordinances, which one supersedes?

9 CHMN. CHENAL: Tighter in what sense?

10 MEMBER HAMWAY: Well, for the Town of Paradise  
11 Valley, we would not allow those signs every half mile.  
12 So which one supersedes?

13 MEMBER NOLAND: Mr. Chairman, that's kind of  
14 what I was saying too.

15 CHMN. CHENAL: Well, we could modify the  
16 language in Condition 16 where it says: The Applicant  
17 shall place such signs in prominent locations at  
18 reasonable intervals (no more than one half --

19 MEMBER HAMWAY: See, I'd probably get rid of  
20 the "not more than one-half mile." I think a mile is  
21 plenty.

22 MEMBER PALMER: Mr. Chairman, would that not be  
23 covered on line 7 -- what I'm looking on -- where it says  
24 "to the extent authorized by law"?

25 MEMBER HAMWAY: But whose law? Which one is in

1 control here?

2 CHMN. CHENAL: Member Palmer, I think that's  
3 exactly what that language would provide, to the extent  
4 authorized by law would control, so that local  
5 municipalities, if their sign ordinances were more  
6 restrictive than that, then I would say that would  
7 control this condition.

8 MEMBER HAMWAY: So the Town does have control  
9 over placing signs in its right-of-way?

10 CHMN. CHENAL: I would say so. And I think  
11 this language that Member Palmer read acknowledges that,  
12 that the applicant will post signs in public  
13 right-of-ways to the extent authorized by law. So that  
14 if a local ordinance limited to one mile, that that would  
15 control over this condition because we specifically  
16 provide in the condition that it has to be subject to  
17 local law.

18 MEMBER HAMWAY: You don't say "local law." You  
19 say "law."

20 CHMN. CHENAL: Well, "to the extent authorized  
21 by law." It could be any law, federal, state, town,  
22 city.

23 MEMBER HAMWAY: All right.

24 CHMN. CHENAL: So can we scroll down to see  
25 what the rest of 16 looks like.

1 I don't remember, do we have a motion?

2 MEMBER NOLAND: We do.

3 CHMN. CHENAL: And a second?

4 MEMBER PALMER: I'll second it if there's not.

5 CHMN. CHENAL: We have a motion and a second.

6 Any further discussion?

7 (No response.)

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

9 (A chorus of ayes.)

10 CHMN. CHENAL: Let's go to Condition No. 17 in  
11 Exhibit 60.

12 MR. SUNDLOF: Mr. Chairman, on Condition  
13 No. 17, PPGN has proposed two changes, and those are  
14 acceptable to us. And if it's okay with you, I'll just  
15 have Michele put those in so you can see those on the  
16 screen.

17 CHMN. CHENAL: Sure. Let's do that now.

18 MR. SUNDLOF: And, also, while we're at it, we  
19 ought to add Queen Creek to that list. That was just an  
20 omission.

21 MR. BRASELTON: Thank you.

22 MEMBER NOLAND: Mr. Chairman.

23 CHMN. CHENAL: Member Noland.

24 MEMBER NOLAND: Well, I think that language  
25 should be changed. I think the Town of Queen Creek



1 should follow the City of Mesa.

2 MR. BRASELTON: That's correct.

3 MEMBER NOLAND: Having been an official at a  
4 town before, and I think that Member Hamway would agree,  
5 that they just should be included along with the other  
6 governmental entities.

7 MEMBER HAMWAY: Thank you, Member Noland.

8 MEMBER PALMER: Along that vein, would there be  
9 any reason to include Maricopa County in that? Is there  
10 some of this that's unincorporated portions?

11 CHMN. CHENAL: That's a question for the  
12 applicant. Mr. Olexa --

13 MR. SUNDLOF: I think that would be  
14 appropriate.

15 CHMN. CHENAL: Okay. Just to be safe, to add  
16 Maricopa County as well in the litany.

17 MEMBER NOLAND: Mr. Chairman, not saying  
18 anything against this, and it doesn't matter one way or  
19 the other, but we're already talking about private  
20 property owners. Why are we singling out PPGN?

21 MEMBER WOODALL: I had the same thought.

22 CHMN. CHENAL: Ms. Demmitt.

23 MS. DEMMITT: Chairman and Members of the  
24 Committee, I'm happy to address that.

25 So PPGN's property holdings, as you may recall

1 from the exhibits that were shown at the end of last  
2 week, we are not directly in the path of the corridor  
3 that's being discussed today. We are adjacent to it on  
4 the north side of the SR-24 freeway.

5 As the CEC is currently written, the only  
6 notice that we would be provided as a landowner that's  
7 not being -- has property that's not being acquired is  
8 within 90 days of construction of the actual transmission  
9 line.

10 PPGN, which is now -- the community is called  
11 Cadence at Gateway, is a master-planned community that is  
12 now under development and under construction. We have  
13 several parcels that have been sold to builders. We have  
14 homes that have been sold to homeowners. We have public  
15 reports that have already been issued for our community  
16 that don't have any mention of the transmission line.

17 And so we have asked that we continue to be a  
18 notified party going forward so that we can continue to  
19 update our builders and our homeowners and make sure that  
20 our public reports and other items are updated on a  
21 timely basis and that we're not reacting to this once  
22 construction -- because we are aware of it. So we'd like  
23 to just be kept in the loop.

24 CHMN. CHENAL: Does the applicant or any of the  
25 other parties have any objection to that language?

1 MR. SUNDLOF: No objection.

2 MEMBER WOODALL: Well, and the company is a  
3 party to these proceedings, so on that basis, I withdraw  
4 my alleged concerns.

5 CHMN. CHENAL: Okay. It's kind of hard to do  
6 this when we're only seeing part of the condition, but --  
7 through no fault of anybody.

8 MEMBER NOLAND: Mr. Chairman, I would move that  
9 we adopt the language in SR-60 for Condition 17 as  
10 modified.

11 MEMBER PALMER: Second?

12 CHMN. CHENAL: We have a motion and second.

13 Let's see. And the language is struck, then:  
14 This condition shall not apply along the unbuilt segment  
15 of SR-24 until such time as ADOT publishes or otherwise  
16 determines a final alignment and a southwest right of way  
17 boundary.

18 That language is being struck. So, obviously,  
19 the motion would include that language being struck.

20 So we have a motion and a second.

21 Any further discussion?

22 (No response.)

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

24 (A chorus of ayes.)

25 CHMN. CHENAL: All right. The next is what was

1 Condition No. 18 in Exhibit 60 regarding participating in  
2 good faith in study forums. There's really only one  
3 sentence.

4 May I have a motion?

5 MEMBER HAENICHEN: I move Condition 18.

6 MEMBER WOODALL: Second.

7 CHMN. CHENAL: Motion and second.

8 Any further discussion?

9 (No response.)

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

11 (A chorus of ayes.)

12 CHMN. CHENAL: Thank you.

13 Let's go to the next one, which is Condition 19  
14 on Exhibit 60. Give me one moment to --

15 MEMBER NOLAND: I'm completely lost.

16 MEMBER HAENICHEN: We have to change TEP in  
17 there.

18 MEMBER NOLAND: Oh, it is.

19 MEMBER HAENICHEN: Line 11.

20 MEMBER WOODALL: May I ask the applicant, does  
21 this correspond exactly with the recommendation made by  
22 Staff in the letter that they filed? Do you know?

23 MR. SUNDLOF: I haven't checked it word for  
24 word, Member Woodall, but I think it is.

25 MEMBER WOODALL: That would be my --

1 MR. SUNDLOF: And I haven't heard about any --

2 MEMBER WOODALL: It's been a standard condition  
3 that Staff has proposed in every letter.

4 Thank you.

5 CHMN. CHENAL: All right. So, Michele, would  
6 you be kind enough to scroll down on the right side  
7 screen to see if there are any other changes to Condition  
8 19.

9 Okay. So this is pretty standard language. I  
10 don't know, again, from Member Woodall's question,  
11 whether this is exactly what is being recommended, but  
12 it's close to it.

13 So is there any further discussion?

14 MEMBER HAENICHEN: Just change the thing on  
15 line 11, that's the only one I have, to SRP, I guess, or  
16 the applicant.

17 MEMBER PALMER: It's done.

18 MEMBER NOLAND: Yeah, it's done.

19 MEMBER HAENICHEN: I move it as amended.

20 CHMN. CHENAL: Okay. We have a motion.

21 Do we have a second?

22 MEMBER WOODALL: Second.

23 CHMN. CHENAL: Motion and second.

24 All in favor say "aye."

25 (A chorus of ayes.)

1 CHMN. CHENAL: Now, Michele, if we can go back  
2 on the left screen and scroll back to the two provisions.

3 MEMBER NOLAND: Scroll back to 21 on SR-62.  
4 Just above that. There we are.

5 CHMN. CHENAL: Thank you.

6 MEMBER NOLAND: We missed that one.

7 CHMN. CHENAL: Okay. So thank you very much.  
8 So what I have added for discussion is  
9 Condition 21 on SRP Exhibit 62. And this deals with  
10 training and such -- this is from a previous case -- for  
11 environmentally sensitive areas and activities.

12 Again, this is from a previous case. I don't  
13 remember exactly which one 178 is. But we have used it  
14 in the past. I'm not saying it's absolutely necessary  
15 here, but I thought it was appropriate for us to discuss  
16 it. It is a 7-mile line.

17 MEMBER WOODALL: Mr. Chairman, I don't think  
18 it's necessary in this particular case based upon the  
19 evidence in the record. This is disturbed agricultural  
20 land, so I would propose that we eliminate it.

21 CHMN. CHENAL: Any further discussion from the  
22 Committee?

23 MEMBER PALMER: I would concur. This is  
24 referring to environmentally sensitive areas and  
25 activities. I'm not sure it would be pertinent here.

1 CHMN. CHENAL: I don't see a groundswell of  
2 support, grassroots support, for this provision, so ...

3 MEMBER HAMWAY: Get rid of it.

4 CHMN. CHENAL: Okay. All right.

5 Moving on, let's go to No. 23, Condition 23, in  
6 Exhibit 62.

7 MEMBER NOLAND: We didn't do 22.

8 CHMN. CHENAL: Well, let's scroll up to 22,  
9 then, Michele, on the left side. I think that's blue  
10 lettering.

11 MEMBER NOLAND: Oh, we did do it. Okay.

12 CHMN. CHENAL: So 23 requires transmission  
13 service agreements provided to the Commission Staff  
14 within 60 days after the agreement is filed with FERC.

15 MEMBER WOODALL: I think this is appropriate  
16 for merchant projects but not in this particular case, so  
17 I would propose to delete it.

18 CHMN. CHENAL: Any comment from the applicant?

19 MR. SUNDLOF: This is entirely located within  
20 SRP's control area attaching to other SRP substations.  
21 It doesn't seem to make sense.

22 CHMN. CHENAL: Okay. I'm fine with that.

23 And then let's -- so I would suggest that 23  
24 not be included.

25 Condition 24, again, with transmission

1 interconnection agreements that would be provided to  
2 Commission Staff.

3 MEMBER WOODALL: I don't think that's really  
4 pertinent to this particular case, so I would propose  
5 eliminating it.

6 CHMN. CHENAL: Okay.

7 I expected that would be the result here, but I  
8 know we have used those in merchant cases, so I thought  
9 we should at least make a decision not to include it,  
10 which is, apparently, what we've done.

11 So now we come to Condition No. 20 in  
12 Exhibit 60. And this deals with a number of things, the  
13 substation site, in particular.

14 MR. SUNDLOF: Mr. Chairman, I'll remind you  
15 that this is a joint condition from Mesa and SRP.

16 CHMN. CHENAL: Okay. Any discussion with  
17 respect to Condition 20?

18 MEMBER HAMWAY: I move we accept this language.

19 MEMBER HAENICHEN: Second.

20 CHMN. CHENAL: We have a motion and a second.

21 Let's see. I just want the Committee to look  
22 at the left screen and see that there was some language  
23 that's been stricken.

24 If the parties are agreeable to this, I'm  
25 certainly agreeable to it, and I think the Committee is.



1 Obviously, there's been some negotiation with regard to  
2 this provision. I know we've had a lot of discussion  
3 about it.

4 So is there any further discussion regarding  
5 Condition 20 in Exhibit 60?

6 (No response.)

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

8 (A chorus of ayes.)

9 MEMBER NOLAND: Did we have a motion?

10 CHMN. CHENAL: I think we had a motion and a  
11 second.

12 MEMBER HAMWAY: I think I made the motion, and  
13 Jack seconded it.

14 CHMN. CHENAL: Yeah.

15 Let's go to the next one, Condition 21 in  
16 Exhibit 60.

17 MR. SUNDLOF: Mr. Chairman, this is another  
18 condition where PPGN proposed some changes, and we're  
19 agreeable to those. And Michele can put them up.

20 CHMN. CHENAL: All right. Let's do that.

21 MEMBER WOODALL: I have a question. Why are we  
22 including PPGN? Are you planning on taking any property  
23 from them? Why don't you just add "and" PPGN? It's  
24 confusing to me.

25 CHMN. CHENAL: I agree with Member Woodall.

1 The way that reads, it sounds as though the transmission  
2 line will be included on PPGN property, which I believe  
3 is not the case. And I think, to make it more clear,  
4 it's -- instead of using the word "including," you should  
5 use the word "and." Is that acceptable to --

6 MR. SUNDLOF: That's acceptable to us.

7 MS. DEMMITT: Chairman, that's acceptable to us  
8 too.

9 CHMN. CHENAL: Then strike the word  
10 "including."

11 Any further discussion on Condition 21?

12 MEMBER PALMER: Motion to include 21 as  
13 amended.

14 MEMBER NOLAND: Second.

15 CHMN. CHENAL: Motion and a second.

16 All in favor say "aye."

17 (A chorus of ayes.)

18 CHMN. CHENAL: Let's go to my favorite, which  
19 is on the left screen in red, lots of red ink.

20 This I always think is important when we  
21 include it. We included it in the last case we had, 178,  
22 which was not a merchant case. I just believe that any  
23 utility company that has outside contractors doing the  
24 work, that those folks need to be -- they need to comply  
25 with these conditions, and I think it just adds that much

1 more protection to the public. That's how I feel about  
2 this one.

3 MEMBER WOODALL: As I have stated previously, I  
4 think this is unnecessary ornamentation of the CEC, and I  
5 will be voting "pass."

6 MEMBER NOLAND: I move that we include the  
7 Chairman's language for Condition 28 as displayed on  
8 SRP-62.

9 MEMBER HAMWAY: Second.

10 CHMN. CHENAL: We have a motion and a second.  
11 Any further discussion?

12 (No response.)

13 CHMN. CHENAL: All in favor say "aye."

14 (A chorus of ayes.)

15 MEMBER WOODALL: Nay -- excuse me. Pass.

16 CHMN. CHENAL: Thank you.

17 I know it's a laborious process and it's kind  
18 of complicated, but I think we should finish with the  
19 Findings of Fact and Conclusions of Law, have a  
20 discussion on what map will be attached, and then go back  
21 one more time and review the document on the right  
22 screen, at the end of which we'll give it an exhibit  
23 number. And then, based on that, we'll have our vote.

24 Does that sound acceptable to everybody?

25 MEMBER NOLAND: Yes.

1 CHMN. CHENAL: So let's do the Findings of Fact  
2 and Conclusions of Law.

3 And look at the Findings of Fact and Conclusion  
4 of Law No. 1.

5 MEMBER PALMER: Motion to approve.

6 MEMBER NOLAND: Second.

7 CHMN. CHENAL: Motion and a second.

8 All in favor say "aye."

9 (A chorus of ayes.)

10 CHMN. CHENAL: Finding of Fact and Conclusion  
11 of Law No. 2, please.

12 MEMBER NOLAND: I move that we approve No. 2.

13 MEMBER PALMER: Second.

14 CHMN. CHENAL: Motion and a second.

15 Any further discussion?

16 (No response.)

17 CHMN. CHENAL: All in favor say "aye."

18 (A chorus of ayes.)

19 CHMN. CHENAL: No. 3.

20 Motion to approve?

21 MEMBER NOLAND: Mr. Chairman, I would make a  
22 motion that we approve No. 3, and I think that this one  
23 really applies to SRP in this case.

24 MEMBER PALMER: Second.

25 CHMN. CHENAL: Motion and a second.

1 All in favor say "aye."

2 (A chorus of ayes.)

3 CHMN. CHENAL: No. 4.

4 MEMBER PALMER: Motion to approve No. 4.

5 MEMBER WOODALL: Second.

6 CHMN. CHENAL: We have a motion and a second.

7 All in favor say "aye."

8 (A chorus of ayes.)

9 CHMN. CHENAL: No. 5.

10 You know, let me just throw this out. I don't  
11 know if this is a standard -- I'm going to ask this.

12 Mr. Sundlof or Mr. Olexa, I don't believe No. 5  
13 is a standard one.

14 MR. SUNDLOF: That is not a standard one. And  
15 as we've thought about this and as I've explained a  
16 little bit, we want to make sure that the record is very  
17 clear that the Commission considered the limits of its  
18 authority, as has been discussed by others, and it made a  
19 finding that this is within its reasonable discretion.

20 And so, in this case, although it's somewhat  
21 unique, we suggested this finding.

22 MEMBER WOODALL: Mr. Sundlof, is this  
23 consistent with what has been added in the -- when the  
24 Commission approves the CEC? Because I think there's  
25 similar language that is used routinely with respect to

1 the balancing.

2 MR. SUNDLOF: Member Woodall, I think that's  
3 right. I just thought it would be a wise idea for this  
4 Committee, as the finder of fact, to make this conclusion  
5 based upon the evidence before it.

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: I would move that we adopt  
9 Condition No. 5 and delete Condition No. 6.

10 MR. SUNDLOF: I think that's right.

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: We have a motion and a second.

13 Any further discussion on that motion?

14 (No response.)

15 CHMN. CHENAL: All in favor say "aye."

16 (A chorus of ayes.)

17 MEMBER WOODALL: Pass.

18 CHMN. CHENAL: All right. Let's look at what  
19 was No. 7 regarding balancing the need. I should read it  
20 for the record.

21 The conditions placed on the Transmission Line  
22 Project in this Certificate resolve matters concerning  
23 balancing the need for the Transmission Line Project with  
24 the impact on the environment and ecology of the state  
25 arising during the course of the proceedings, and, as

1 such, serve as findings and conclusions on such matters.

2 Any discussion on that particular finding of  
3 fact?

4 (No response.)

5 CHMN. CHENAL: May I have a motion?

6 MEMBER HAMWAY: So moved.

7 MEMBER NOLAND: Second.

8 CHMN. CHENAL: We have a motion and a second.

9 Any further discussion?

10 (No response.)

11 CHMN. CHENAL: All in favor say "aye."

12 (A chorus of ayes.)

13 MEMBER WOODALL: Pass.

14 CHMN. CHENAL: And then the last finding of

15 fact and conclusion of law.

16 Any discussion?

17 (No response.)

18 CHMN. CHENAL: May I have a motion?

19 MEMBER HAENICHEN: I move Condition 7.

20 MEMBER HAMWAY: Second.

21 CHMN. CHENAL: Any further discussion?

22 (No response.)

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

24 (A chorus of ayes.)

25 MEMBER WOODALL: Pass.

1 MEMBER PALMER: Mr. Chairman, just a point of  
2 clarification. I believe Member Haenichen said 7, and  
3 that should have been 8.

4 MEMBER NOLAND: It's the new 7.

5 CHMN. CHENAL: It's the last one.

6 MEMBER NOLAND: Bold 8.

7 CHMN. CHENAL: I think Member Haenichen was  
8 thinking of his Confucian fortune cookie. Look afar and  
9 see the end from the beginning.

10 MEMBER HAENICHEN: Right.

11 CHMN. CHENAL: Okay. So let's decide what map.

12 I'm thinking that it's SRP-64, which uses the  
13 word "corridor," but I guess there is a difference  
14 between 63 and 64 if we look at the exhibits that were  
15 provided to us, because 63 does indicate a proposed  
16 alignment.

17 MEMBER NOLAND: But, Mr. Chairman, in the  
18 description in the CEC, I think it's fairly specific of  
19 where the alignment will be placed unless it has to  
20 deviate because of something.

21 CHMN. CHENAL: Right.

22 MEMBER WOODALL: Mr. Chairman, I would ask the  
23 applicant if it has a preference.

24 MR. SUNDLOF: Thank you, Member Woodall.

25 We think -- as Member Noland said, we think



1 that Exhibit SRP-64 that shows the corridors is fine.  
2 All we'll say is just eliminate the exhibit marker and  
3 take out the Version One, and that would be the exhibit.

4 CHMN. CHENAL: Any discussion from the  
5 Committee on that?

6 I'm fine with that. I was only going to say if  
7 we were going to consider Exhibit 63, which uses the word  
8 "boundary," we would substitute "boundary" for  
9 "corridor."

10 But I'm fine with 64. I think the word  
11 "corridor" should be used on the exhibit because that's  
12 the word we use in the body of the CEC.

13 Now, let us go through.

14 Michele, if you don't mind, if you'll kind of  
15 take us through the document, which should show all the  
16 changes that we've made.

17 And I don't have any bright ideas on how to do  
18 this other than scroll through till you come to some  
19 changes, and we'll see if -- make sure we're okay with  
20 them.

21 I think on page 2, we agree with the changes  
22 that we're looking at.

23 On page 3, I believe we are all in agreement  
24 with those changes.

25 And if you just keep scrolling to the bottom of

1 page 4, all of page 4, those look acceptable.

2 And, please, if any Committee member or any  
3 other party sees something that needs to be changed or is  
4 incorrect, let us know.

5 Top of page 5 looks acceptable.

6 All right. Now -- all right. Let's look at  
7 lines -- we're looking at paragraph 4. On line 4, you  
8 see we referred to point P5 on Exhibit A. Then the next  
9 line, we referred to point 6A on Exhibit A. And then  
10 we've added some language "from point P5." I think we  
11 should add the words "on Exhibit A" at that point so  
12 we're consistent.

13 Any changes, Queen Creek? Mr. Braselton,  
14 Mr. Cloar, any -- are you okay with the language we're  
15 looking at on paragraph 4?

16 MR. BRASELTON: Yes. Just give me another 30  
17 seconds.

18 CHMN. CHENAL: Okay. Sure.

19 MR. BRASELTON: Yes.

20 CHMN. CHENAL: All right. Let's keep  
21 scrolling, then.

22 All right. Now we skip over to, I believe,  
23 page 8. Changes look acceptable.

24 All right. Now, let's start -- anywhere where  
25 we refer to a previous condition, I think we should

1 remove that as we did in paragraph 3 -- or Condition 3.

2 I think page 9 looks acceptable.

3 Looking at changes on page 10, that looks  
4 acceptable.

5 Let's go to page 11. I think we remember all  
6 those changes, including paragraph 12 with regard to the  
7 FAA.

8 Scrolling down, page 11 looks good.

9 And then page 12. Those changes.

10 And page 13, we made changes to what  
11 information would be included on the signage and  
12 requirement to repair. That language looks acceptable.

13 Paragraph 17, I think we're fine with all that,  
14 unless someone sees something we need to talk about.

15 Page 18. And that looks acceptable.

16 Page 19. And the bottom of page 19, we're  
17 looking at Condition 22. That looks acceptable.

18 And the Findings of Fact and Conclusions of  
19 Law.

20 MEMBER NOLAND: Mr. Chairman.

21 CHMN. CHENAL: Yes, Member Noland.

22 MEMBER NOLAND: Before we get into the motion  
23 and voting, I just have to say, Michele, you've done an  
24 awesome job keeping up with this and sticking with the  
25 Chairman. Really great job.

1 CHMN. CHENAL: Yes. Thank you very much.

2 MS. MASER: Thank you.

3 CHMN. CHENAL: And to the entire staff.

4 Okay. And we've decided, then, to use  
5 Exhibit SRP-64 then as the map; is that correct?

6 I'll ask Mr. Olexa and Mr. Sundlof.

7 MR. OLEXA: (Nodded in the affirmative.)

8 CHMN. CHENAL: Okay. Are there any other  
9 changes that we need to make to the document that Michele  
10 has created based upon all of our additions and  
11 deletions?

12 (No response.)

13 CHMN. CHENAL: All right. This I propose  
14 making SRP-65. The document that we have finally created  
15 will be SRP-65. And that will then be used to create the  
16 final CEC.

17 Is everyone in agreement so far?

18 MEMBER NOLAND: Mr. Chairman.

19 CHMN. CHENAL: Member Noland.

20 MEMBER NOLAND: I'd like to make a motion that  
21 we adopt the Certificate of Environmental Compatibility  
22 for Case No. 180 as modified and listed as  
23 Exhibit SRP-65. Is that correct?

24 CHMN. CHENAL: That's correct.

25 May I have a second?

1 MEMBER PALMER: Second.

2 CHMN. CHENAL: Okay. Before we go to a roll  
3 call vote, I'm going to ask the applicant to provide  
4 me -- when they provide me with the -- assuming it's  
5 voted upon and approved, when I'm provided with the final  
6 CEC that you also provide a copy of Exhibit 65 in colored  
7 ink just so we make it easy just to compare to verify the  
8 changes just as a cross-check.

9 And as it's my practice, I try to get those  
10 turned around very quickly, within a day or so, when it's  
11 provided to me.

12 MR. SUNDLOF: Thank you, Mr. Chairman. We will  
13 provide that to you.

14 CHMN. CHENAL: Okay. Good. So I think it's  
15 time for a roll call vote.

16 Any comment or discussion before we do a roll  
17 call vote?

18 MEMBER WOODALL: Just that I commend all the  
19 parties for resolving their differences amicably. It's  
20 very helpful to us. Thank you.

21 CHMN. CHENAL: Any discussion by the Committee?  
22 I also want to open it up to -- since we have the  
23 applicant and parties that are represented here, if there  
24 are any comments that they wish to make before we vote.

25 Mr. Braselton.

1 MR. BRASELTON: None from us.

2 CHMN. CHENAL: Mr. Taebel.

3 MR. TAEBEL: Mesa supports SRP-65.

4 CHMN. CHENAL: Mr. Hill.

5 MR. HILL: The Inner Loop landowners also  
6 support SRP-65.

7 CHMN. CHENAL: Ms. Demmitt.

8 MS. DEMMITT: PPGN also supports the proposed  
9 CEC, and we thank you for your consideration.

10 CHMN. CHENAL: Thank you very much.

11 Member Riggins, do you want to take the honors?

12 Let's do a roll call vote up or down on  
13 approving the CEC that we've approved as to form as  
14 reflected in Exhibit 65, which was moved and seconded.

15 MEMBER RIGGINS: I vote aye.

16 MEMBER DRAGO: I vote aye.

17 MEMBER HAENICHEN: I'll explain my vote.

18 On the tour, it became pretty obvious to me  
19 that this is a good project and it's going to be  
20 required. We could already see bulldozers working on  
21 certain development projects, and I think it's going to  
22 be a good project.

23 The only other comment I might make is it was  
24 inspiring to me to see the cooperation that existed  
25 between the applicant and the intervenors and the way,

1 right on the fly during this hearing, they resolved some  
2 of the contentious issues.

3 So with that, I vote aye.

4 MEMBER HAMWAY: I vote aye.

5 However, I was a little disappointed that I  
6 didn't get to hear Mr. Braselton's closing arguments  
7 because he was about to render my question about the  
8 solar substation. Everyone was saying it was irrelevant,  
9 and you were going to prove it was relevant. So I was  
10 disappointed I did not get to hear that.

11 With that, I vote aye.

12 MEMBER WOODALL: I just wanted to note that  
13 this is a new team for SRP doing the siting. And I think  
14 all of you did an outstanding job, and I think it augers  
15 very well for how your future siting proceedings are  
16 going to go.

17 And I vote aye.

18 MEMBER NOLAND: Aye.

19 MEMBER PALMER: I would like to just make a  
20 comment quickly.

21 I think SRP has been exemplary in their showing  
22 how they can work with private property owners, with  
23 government entities. I think the intervenors have been  
24 very cooperative in this, and I think it's been a great  
25 process.

1 And with that, I vote aye.

2 MEMBER VILLEGAS: I also vote aye.

3 CHMN. CHENAL: I'll explain my vote.

4 This is a good -- it's a good process. It  
5 takes into account the concerns of landowners. I think  
6 this case is a perfect example of that, where this  
7 process was set up for this very purpose, where we  
8 actually listen to the concerns of the landowners as  
9 represented by their counsel. We also had call to the  
10 public, affected landowners speak. And we heard and  
11 listened and made decisions based upon that very input.  
12 And I think this is a case that just proves the system  
13 works.

14 And with that, I vote aye.

15 So we'll -- I'll look forward to the original  
16 CEC with a copy of Exhibit 65.

17 Any further comments?

18 Member Noland.

19 MEMBER NOLAND: Would you then fill in 9 to 0  
20 on the vote?

21 CHMN. CHENAL: Yes, we would.

22 Mr. Braselton.

23 MR. BRASELTON: Two quick comments.

24 One, I just want to thank Ken Sundlof, in  
25 particular, and the rest of the people with SRP and also



1 Bill from the City of Mesa for working with us to get  
2 these two issues resolved here in the last two days.

3 And I want to invite Ms. Hamway to stay after  
4 we conclude, and I'll be happy to go through that closing  
5 argument.

6 MEMBER WOODALL: It will be worth the wait.

7 MEMBER HAMWAY: I'm not sure I care all that  
8 much.

9 CHMN. CHENAL: We don't get to hear the final  
10 argument and we don't get to hear the cross-examination;  
11 but in spite of that, I think it worked out well.

12 All right. So anything further from the  
13 parties, the applicant, or the parties or the Committee  
14 before we adjourn?

15 MR. SUNDLOF: I just want to thank the  
16 Committee for your attention. And I think it's a good  
17 project, and thank you for your vote.

18 CHMN. CHENAL: Thank you very much.

19 This hearing is adjourned.

20 (The hearing concluded at 2:09 p.m.)

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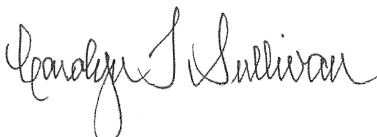
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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

3 BE IT KNOWN that the foregoing proceedings were  
4 taken before me; that the foregoing pages are a full,  
5 true, and accurate record of the proceedings, all done to  
6 the best of my skill and ability; that the proceedings  
7 were taken down by me in shorthand and thereafter reduced  
8 to print under my direction.

9 I CERTIFY that I am in no way related to any of  
10 the parties hereto nor am I in any way interested in the  
11 outcome hereof.

12 I CERTIFY that I have complied with the ethical  
13 obligations set forth in ACJA 7-206(F)(3) and ACJA  
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,  
15 this 13th day of September, 2018.

16  
17 

18 \_\_\_\_\_  
19 CAROLYN T. SULLIVAN, RPR  
20 Arizona Certified Reporter  
21 No. 50528

22 I CERTIFY that COASH & COASH, INC., has complied  
23 with the ethical obligations set forth in ACJA  
24 7-206(J)(1)(g)(1) through (6).

25 

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