

1 BEFORE THE ARIZONA POWER PLANT

2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE APPLICATION)
4 OF SALT RIVER PROJECT)
5 AGRICULTURAL IMPROVEMENT AND) DOCKET NO.
POWER DISTRICT, IN CONFORMANCE) L-00000B-18-0265-00180
6 WITH THE REQUIREMENTS OF ARIZONA)
REVISED STATUTES, SECTIONS)
7 40-360, et seq., FOR A) LS CASE NO. 180
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE)
SOUTHEAST POWER LINK PROJECT, A)
8 DOUBLE-CIRCUIT 230KV TRANSMISSION)
LINE ORIGINATING FROM THE)
9 EXISTING SANTAN-BROWNING 230KV)
LINE TO A NEW SUBSTATION LOCATED)
10 EAST OF THE LOOP 202/STATE ROUTE)
(SR)-24 INTERCHANGE AND)
11 TERMINATING AT THE PERMITTED) PREFILING CONFERENCE
FUTURE ABEL-PFISTER-BALL 230KV)
12 LINE WITHIN THE CITY OF MESA,)
ARIZONA AND TOWN OF QUEEN CREEK,)
13 ARIZONA IN MARICOPA COUNTY.)
14 _____

15 At: Phoenix, Arizona

16 Date: July 16, 2018

17 Filed: August 7, 2018

18

19 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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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 OFFICES OF THE ATTORNEY GENERAL, 15
5 South 15th Avenue, Phoenix, Arizona, commencing at
6 11:07 a.m. on the 16th day of July, 2018.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9

10 APPEARANCES:

11 For the Applicant, Salt River Project:

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1 INTERESTED PARTIES:

2 Mr. Court S. Rich
3 Rose Law Group
Mesa-Casa Grande Land Co. LLC and others

4 Ms. Susan E. Demmitt
Gammage & Burnham
5 Harvard Investments

6 Mr. Grant Smedley
Director, Power Delivery Engineering
7 Salt River Project

8 Mr. Adam McAnally
Regulatory Analyst
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10 Mr. Michael Jones
11 Director, Transmission Planning, Strategy &
Development
12 Salt River Project

13 Ms. Michele Maser
Salt River Project

14 Mr. James Boyle
15 Mesa-Casa Grande Land Co. LLC

16 Mr. Patrick Adler
Project Advancement

17 Ms. Jill Hegardt
18 DMB Associates

19 Mr. Andrew Cohn
Pacific Proving Grounds North

20 Ms. Lisa Bullington
Pacific Proving Grounds North

22 Mr. Christopher Cacheris
Harvard Investments

23 Ms. Marie Elena Cobb
24 Assistant to Chairman Chenal

25

1 (Prefiling Exhibits 1 through 5 were marked for
2 identification.)

3 CHMN. CHENAL: All right. This is the time that
4 has been agreed upon for a prefiling conference in the
5 matter of the application of SRP Southeast Power Link
6 Project, which would become line siting application 180.

7 Appearances please.

8 MR. OLEXA: Garrett Olexa on behalf of SRP.

9 MR. SMEDLEY: Grant Smedley. I'm the director
10 of Power Delivery Engineering, project manager for SRP.

11 MR. RICH: Court Rich with the Rose Law Group on
12 behalf of numerous companies. I'll give you a couple of
13 them. Mesa-Casa Grande Land Co. LLC, AG Land Investors,
14 LP. And with me today is Jim Boyle.

15 MS. DEMMITT: Susan Demmitt with Gammage &
16 Burnham, and I'm here specifically on behalf of Harvard
17 Investments, and we also have representatives from DMB
18 Associates and Pacific Proving Grounds North with us this
19 morning.

20 CHMN. CHENAL: All right. Thank you very much.

21 We should probably include everyone just so we
22 have a complete record. Maybe we'll start with you, sir.

23 MR. BOYLE: Jim Boyle. I'm a landowner in the
24 area, here with Court Rich.

25 MR. ADLER: Pat Adler with Project Advancement.

1 I am working with Vlachos Properties, which is the Queen
2 Creek leg on the south end of the power link.

3 MS. HEGARDT: Jill Hegardt with DMB Associates.

4 MR. COHN: Andrew Cohn, C-o-h-n, with Pacific
5 Proving, principal.

6 MS. BULLINGTON: Lisa Bullington with Pacific
7 Proving.

8 MR. CACHERIS: Chris Cacheris of Harvard
9 Investments, affected landowner.

10 MR. MCANALLY: Adam McAnally, Salt River
11 Project.

12 MR. SUNDLOF: Kenneth Sundlof, Jennings,
13 Strouss & Salmon, representing the applicant.

14 MS. SCOTT: Deb Scott, Salt River Project.

15 MR. JONES: Mike Jones, Salt River Project,
16 director of Transmission Planning, Strategy and
17 Development.

18 MS. MASER: Michele Maser, Salt River Project.

19 MS. COBB: Marie Cobb, assistant to the chairman.

20 CHMN. CHENAL: All right. Mr. Olexa, you have
21 an agenda. Before the hearing started, we marked a
22 number of exhibits for the prefiling conference.

23 Exhibit 1 is the agenda.

24 Exhibit 2, the Notice of Hearing.

25 Exhibit 3 is the conceptual draft.

1 Exhibit 4 is a proposed sign, let's say.

2 And Exhibit 5 is a map, which I'm sure you'll go
3 into in more detail.

4 So I looked at the agenda. It looks complete.

5 I have my little checklist that I use in every case.

6 Let's go through your agenda. It looks fine. If there's
7 anything else we need to talk about, we'll do some
8 cleanup.

9 MR. OLEXA: Sure.

10 CHMN CHENAL: Why don't we just turn it over to
11 you. I'm interested to hear about the project, how --
12 what's proposed, confirm some of the hearing dates, find
13 out what kind of opposition, if you will, there is to the
14 problem, what we can expect at the hearing, and any other
15 matters that we normally go into.

16 MR. OLEXA: Thank you, Mr. Chairman.

17 What we started out with on our agenda is bullet
18 point No. 1, a description of the project.

19 The project is referred to as the Southeast
20 Power Link Project. The proposed project is to construct
21 approximately 7 to 9 miles of new double-circuit 230kV
22 transmission lines.

23 The plan is for the 230kV lines to originate in
24 the north. And it would be south of Guadalupe north of
25 Elliot Road at the intersection point with the existing

1 Santan-Browning 230kV transmission line of the City of
2 Mesa.

3 I call your attention to Exhibit 3 I think is
4 the best way to get a good handle on what we're looking
5 at here.

6 CHMN. CHENAL: Sure.

7 MR. OLEXA: You see the Browning substation up
8 in the upper right-hand corner. What we've done is
9 essentially broken the project down into essentially four
10 segments.

11 You have the north segment up here around the
12 202 and Elliot and Warner Roads in this area up here.

13 CHMN. CHENAL: Okay.

14 MR. OLEXA: The second segment is this orange
15 area right here, which is between P3 and P5. That is the
16 area that would be reserved for the RS-31 substation.

17 Then we have the central area or corridor, which
18 runs along the future State Route 24 there. So this
19 section right here to here.

20 And then the final section is the southern
21 section, which is this area down at the bottom of the map
22 below P6. You're looking at Crismon Road and Merrill, a
23 little bit north of Germann and just south of that area.

24 The map does show a -- as you'll see along the
25 State Route 24, a wide corridor. While the preference of

1 everyone, including SRP, is to build along that south
2 side of SR 24, FAA approval is needed first to do that,
3 and SRP has already begun the process of seeking that
4 approval from the FAA.

5 CHMN. CHENAL: So let me just see if I -- make
6 sure I understand.

7 MR. OLEXA: Sure.

8 CHMN. CHENAL: And there may be additional
9 routes that you'll talk about.

10 But by looking at the map, Exhibit 3, the green
11 line is the preferred route. It starts at the north at
12 what looks like intersection point P1 and would follow
13 the 202 south to the State Route -- is it 24?

14 MR. OLEXA: Yes, sir.

15 CHMN. CHENAL: And then heads southeast to past
16 P5 and P6, as marked on the map, and then drops south to
17 P14 and then east to -- well, to P14, the interconnection
18 point. So that's what we're talking about? We're
19 talking about the line from P1 to P14?

20 MR. OLEXA: Correct.

21 CHMN. CHENAL: And going through the five areas
22 that you generally described?

23 MR. OLEXA: Correct.

24 CHMN. CHENAL: Okay.

25 MR. OLEXA: Essentially, the --

1 CHMN. CHENAL: And what's the length of that?

2 MR. OLEXA: It's approximately 7 to 9 miles,
3 depending on the ultimate route that's granted.

4 And I don't know if it will help you, but we can
5 show you another map that shows you exactly where the
6 interconnection points are.

7 CHMN. CHENAL: Sure. That would be helpful.

8 Do you have extra copies of that?

9 MR. OLEXA: We do.

10 CHMN. CHENAL: I'll hand what will be Exhibit 6
11 to the court reporter to be marked.

12 (Exhibit 6 was marked.)

13 CHMN. CHENAL: And if you have an additional
14 one, I'd appreciate it.

15 So what are we looking at on Exhibit 6?

16 MR. OLEXA: Exhibit 6 is just a map that
17 indicates where the existing substations will be and --
18 or the existing substations, where they are and where the
19 future lines would be.

20 And you can see in the north that you're looking
21 at an interconnection point with the existing Santan and
22 Browning. Santan right here. That line already exists.

23 In the south, what we're looking at is an
24 interconnection point with the future Abel, Pfister, and
25 Ball line. That has been permitted already, but it has

1 not yet been built.

2 And you can see the Southeast Power Link Project
3 right in the middle right here on Exhibit 6.

4 CHMN. CHENAL: Right.

5 MR. OLEXA: And that line. And then right above
6 it, this RS-31 is this orange area on Exhibit 3.

7 CHMN. CHENAL: Okay. Now, question: I'm
8 looking at Exhibit 6. I see there's -- if you -- I'm
9 looking at RS-31.

10 MR. OLEXA: Correct.

11 CHMN. CHENAL: And it drops down, and then it
12 kind of goes two ways. It goes west and it goes east.
13 It goes west to Ball, and then it goes east and then
14 south and eventually to Abel. So which is the project
15 that is before us?

16 MR. OLEXA: The project before us is simply this
17 Southeast Power Link Project, so it runs -- I'm just
18 going to --

19 CHMN. CHENAL: Mark on mine.

20 MR. OLEXA: Okay. I'm just going to circle this
21 area right here. It's the area that says Southeast Power
22 Link Project.

23 CHMN. CHENAL: If I'm looking at Exhibit 3 and
24 then I look back at Exhibit 6, I just want to make sure
25 that -- when it drops down, it doesn't head to the west

1 there to tie into Ball.

2 MR. OLEXA: It ends right here.

3 MR. SMEDLEY: So, Mr. Chairman, it terminates,
4 basically. The project extent is to connect into that
5 line, which is permitted separately, so that is the end
6 of the project.

7 CHMN. CHENAL: I see. It's kind of hard to see.

8 I've got it. I understand. Thank you.

9 MR. OLEXA: Mr. Chairman, unless there are other
10 questions, I'll move on to point No. 2 on the agenda.

11 CHMN. CHENAL: That's fine.

12 MR. OLEXA: The hearing location, Chairman,
13 would be at the Mesa Convention Center, which is at 263
14 North Center Street in Mesa, which is approximately 18
15 miles from this office.

16 CHMN. CHENAL: Okay.

17 MR. OLEXA: Okay. And then in terms of
18 potential hearing dates and a start time, we've discussed
19 with Marie potential dates. My understanding is that she
20 polled the Committee members in terms of their
21 availability, so we were looking at the week of
22 September 10th to start the hearings.

23 CHMN. CHENAL: Yes. That's my understanding.

24 And I believe I've confirmed with Marie that those
25 dates --

1 MS. COBB: Yep.

2 CHMN. CHENAL: -- are acceptable to the
3 Committee.

4 MS. COBB: Yes, they are.

5 CHMN. CHENAL: And we will have a quorum.

6 There's always a possibility that someone won't be there,
7 but that's the best option, I think, available for the
8 Committee, so that's what we'll go with.

9 MR. OLEXA: Would the Chairman prefer to start
10 on Monday, the 10th? Is that the preference?

11 CHMN. CHENAL: Well, tell me how long you think
12 the hearing is going to take, and that's going to get
13 into some of your other items here about the anticipated
14 intervenors and public comments. So we want to have
15 enough time to do a hearing. The last thing we want to
16 do is to get to the end of the week and run out of time,
17 not having completed the hearing, and we took Monday off;
18 and had we gone on Monday, we would have completed it.

19 MR. OLEXA: Yes. And we're absolutely ready to
20 start on Monday, the 10th.

21 CHMN. CHENAL: Not that there isn't a
22 possibility that you, in this case, will estimate
23 accurately how long this hearing is going to take. Most
24 attorneys, I'd say, are batting about 50 to 100 out of,
25 you know, 1,000. So it usually takes longer than people

1 think, so I like to build in a little buffer time just to
2 be safe. The last thing, again, you want to do is come
3 to the end of the week, and now we've got to figure out
4 additional time down the road, and that could be a month
5 away.

6 MR. OLEXA: That makes sense.

7 I would estimate about three days.

8 CHMN. CHENAL: Three days?

9 MR. OLEXA: We have five witnesses that we
10 anticipate at this point. So it's always difficult to
11 assess just, you know, how many intervenors might
12 participate. So in terms of my estimate being three
13 days, it could be a little longer depending on how many
14 may wish to participate.

15 MR. RICH: Mr. Chairman, I have a comment on the
16 scheduled date, if I could.

17 CHMN. CHENAL: Sure.

18 MR. RICH: I would just point out the Commission
19 has an open meeting on the 11th. I anticipate it's very
20 likely -- although you don't know until the agenda is
21 out -- that I might have one or more items on that
22 agenda, which would make it difficult for me to be in two
23 places at the same time, obviously.

24 CHMN. CHENAL: What you're saying is the 10th
25 and 11th won't work for you?

1 MR. RICH: Well, the 11th, I think, is the first
2 day. Lately, they've been holding them for one day. I
3 know they schedule the monthly open meetings for two
4 days, so I think it's scheduled for the 11th and 12th.
5 So the 11th is likely the day that's problematic.

6 CHMN. CHENAL: But the 10th is a Monday, and the
7 11th and 12th is Tuesday and Wednesday. And I've been at
8 enough of those to know that you can be a cattle call and
9 take up two days or a day and a half depending on when
10 you come up on the schedule. I think it's going to be --
11 I want to hear, but it could be difficult to kind of --
12 that's one week that's available, and the filing date
13 really does determine all of these other dates. And
14 it's -- we'll hear from the applicant, what the applicant
15 feels.

16 Are you going to be an intervenor? Do you
17 anticipate representing an intervenor?

18 MR. RICH: Yes, we do. And just to your
19 comment, Chairman, I don't think there will be consent
20 agenda items at the Commission that I'm working on or I
21 could have someone else do them. They're certainly to be
22 issues that are contested at the -- and heard by the
23 Commission that day.

24 Again, I'm only talking about the 11th, and I --
25 just for the record, I'm not certain because you just

1 don't know, but there are four different items, including
2 the TEP rate case and some other things that are unclear
3 as to what day they'll fall. And I've been holding that
4 date on my schedule thinking that they'll be that day
5 most likely.

6 CHMN. CHENAL: Do you know, would that be in the
7 morning or afternoon or both?

8 MR. RICH: You never really know. They start at
9 10, traditionally, and then you don't know.

10 CHMN. CHENAL: Well --

11 MR. OLEXA: May I ask a question?

12 CHMN. CHENAL: Sure.

13 MR. OLEXA: Is there anyone else that can cover
14 that day at the SRP hearing, the Line Siting Committee?

15 MR. RICH: Well, if we are talking about it
16 being the first day, no, I don't think so.

17 CHMN. CHENAL: It will be the second day.

18 MR. RICH: Oh, I thought if you were saying
19 don't start on Monday.

20 CHMN. CHENAL: My sense is Monday might be a
21 better start date. Just by looking at the number of
22 people in this room would suggest to me that there might
23 be more interest here that would make it a little longer
24 than two, maybe three, days.

25 MR. RICH: If we were to just skip Tuesday, do

1 Monday, Wednesday, Thursday, Friday, to the extent
2 necessary, I don't know if that's acceptable. I just
3 appreciate the consideration from the group here.

4 MR. COHN: Mr. Chairman, if I could, Andrew Cohn
5 from Pacific Proving.

6 I learned downstairs, the only people that were
7 invited to this meeting were people that were represented
8 by counsel. And there are multiple other parties that I
9 know are going to be intervenors in this matter. In
10 fact, the airport's not even been invited.

11 Mr. Olexa made a representation that he's
12 already reached out to the FAA to start those
13 discussions. I'd like to know with who and on what dates
14 those were because they haven't been afforded the
15 opportunity to participate in this meeting either.

16 CHMN. CHENAL: Okay. We'll get into that.

17 MR. COHN: Great.

18 MR. CHENAL: Okay. We'll get into that.

19 What other weeks were available?

20 MS. COBB: I polled the Committee for the week
21 prior to the 10th. So that's the week of Labor Day. And
22 I polled the week following.

23 CHMN. CHENAL: So the week of the 2nd, the week
24 of the 9th, and the week of the 16th?

25 MS. COBB: Yes, sir.

1 CHMN. CHENAL: Do you have the breakdown?

2 MS. COBB: I can go get that.

3 (Discussion off the record.)

4 CHMN. CHENAL: Let's ask this question,

5 Mr. Cohn. Based on the comments you just made, are there
6 intervenors who are going to oppose this project?

7 MR. RICH: Yes.

8 MS. DEMMITT: Yes.

9 CHMN. CHENAL: All right. When we say three
10 days or four days, I've seen cases where there's been no
11 opposition whatsoever that take two days. With
12 opposition, with cross-examination, depending on the
13 number of witnesses, I mean, how accurate is three or
14 four days?

15 I guess I'm going to look at you, Mr. Olexa.

16 MR. OLEXA: Like I said, it's difficult to
17 anticipate because, like I indicated, we had anticipated
18 five witnesses. But with the intervenors, I don't know
19 whether they'll have witnesses or simply
20 cross-examination.

21 But, as you pointed out, given the number of
22 people that are here already, perhaps three days is a
23 little on the short side.

24 CHMN. CHENAL: I mean, intervenors, if they're
25 granted intervention -- I'll make this point very clearly

1 on the record. Unless you're an individual -- if an
2 intervenor is an entity, a corporation, LLC, or something
3 like that, it has to be represented by an attorney. And
4 they have the right to introduce witnesses and, you know,
5 cross-examine, obviously.

6 I guess I'm getting the feeling that this is not
7 going to be three days, and there might be some
8 opposition. So is five days even realistic? Or do we
9 know?

10 MR. OLEXA: I don't think we know at this point.

11 CHMN. CHENAL: Let me -- let me hear from some
12 of the folks who might be in opposition to the project,
13 even if you're not an attorney, and I'd like to hear what
14 you have to say. I'm just trying to gauge the level of
15 opposition and maybe the -- you know, how long it would
16 take to present your positions on the points you're
17 opposing in terms of, you know, witnesses or case.

18 And I don't care who goes first. I just think
19 this is the opportunity to do it.

20 MS. DEMMITT: I'll start.

21 Susan Demmitt again of Gammage & Burnham on
22 behalf of Harvard Investments, who is the owner of a
23 460-acre master-planned community that has the potential
24 to be directly impacted by one of the transmission line
25 routes that SRP is considering.

1 Our viewpoint today is that we are in very
2 strong opposition to the proposal that you have before
3 you because it basically represents SRP's wish list of
4 every possible alignment that they could seek approval
5 for so that they can decide later.

6 We have been working with SRP, with the airport,
7 with the City of Mesa. And while they continue -- and
8 while we appreciate that they state a preference for an
9 alignment that runs south of SR-24 -- and I guess, to
10 give you context, on this map, the property that Harvard
11 Investments owns runs along the entire northern boundary
12 of the SR-24. So the corridor that they've asked for or
13 that they're going to ask for would allow them to put
14 that transmission line either on the north or south.

15 And those are just, from a land-planning
16 standpoint, from every conceivable aspect, it's like
17 apples and oranges. There's a huge difference as to
18 which side of that alignment for the freeway that they
19 put this transmission line corridor on.

20 And so the fact that they want to maintain that
21 flexibility kind of represents to us that there's a
22 little bit of not listening to anyone through the
23 stakeholder process.

24 They do not -- they submitted an application to
25 the FAA to get feedback on the southern alignment only at

1 the end of June. That process is ongoing. There's no
2 timeline for whether we believe or know whether the FAA
3 will approve that or not approve that and what the
4 conditions are.

5 If they have to move to the north side of the
6 freeway with an FAA review process -- which they do. The
7 FAA has to approve either of those alignments. That
8 process has not been started yet. So it seems premature
9 that we get into approving the transmission line when we
10 don't have substantial feedback from the FAA. This is
11 directly in the airport's airspace.

12 CHMN. CHENAL: And you're talking about along
13 the proposed Route 24, State Route 24?

14 MS. DEMMITT: Right. Along East Ellsworth Road,
15 that entire green stretch down to P6. That is the
16 frontage of our property.

17 CHMN. CHENAL: You all are aware, right, that
18 when we issue these CECs, we issue a corridor of 300 feet
19 or something like that, as a general rule --

20 MS. DEMMITT: Sure.

21 CHMN. CHENAL: -- to allow flexibility for the
22 applicant to place it. Now, we will decide the route.
23 But whatever route we decide will involve -- I mean,
24 assuming the Committee approves the route, it will always
25 involve a corridor of some sort. We may talk about the

1 width of that corridor.

2 MS. DEMMITT: Right. We believe that corridor
3 should be south of here, inclusive of the freeway
4 right-of-way and south of that point, but not allow it to
5 be built on either the north or the south.

6 If it's built on the south side of the freeway,
7 that's the alignment that we're in support of, that the
8 landowner on the south side of the freeway is in support
9 of, the airport is in support of, the City of Mesa is in
10 support of. But if that corridor extends to both sides
11 of the freeway, it's a completely different conversation
12 if you're on the north or south side. We can't just look
13 at it as a single corridor, that it can go anywhere
14 within that, because the impacts are huge for us on one
15 side of the freeway. They're not as significant on the
16 south side of the freeway.

17 CHMN. CHENAL: And when you say "freeway,"
18 you're talking about 24?

19 MS. DEMMITT: The SR-24 alignment, which -- that
20 freeway does not exist. That right-of-way does not exist
21 yet either.

22 CHMN. CHENAL: This is a dangerous question, but
23 is there general support for the project if the lines
24 were to be built on the south side of that?

25 MS. DEMMITT: Absolutely. We would be here in

1 full support of what SRP is proposing if it was limited
2 to the south side of the freeway.

3 MR. COHN: And from Pacific Proving's
4 standpoint, we own all the property south of the freeway.
5 We would be supportive of that also. And I think I heard
6 Mr. Olexa say that that's the desired route of everybody,
7 including SRP at this point. So I don't know why it
8 makes any sense to create optionality for them, outside
9 of the desired route for everybody, especially since the
10 FAA is going to log in on either piece, and that delay is
11 going to be whatever they determine it to be.

12 CHMN. CHENAL: True.

13 MR. COHN: So to not be redundant with
14 everything Ms. Demmitt said, we are very supportive if
15 it's on the south side of the freeway.

16 CHMN. CHENAL: So is that a general belief among
17 potential intervenors, and whatever opposition exists,
18 it's -- putting it on the south side would garner
19 support? Putting it on the north side of 24 creates
20 opposition? Is that kind of the general statement?

21 MS. DEMMITT: I think, from our standpoint, from
22 Harvard Investments and Pacific Proving. I believe, you
23 know, Mr. Rich's clients have a different interest as far
24 as the alignment and the flexibility.

25 MR. COHN: And we can't speak for those that are

1 not here or that were not noticed as a result of a
2 failure to do so.

3 CHMN. CHENAL: Okay. Let me, then -- let's --
4 at least some potential intervenors would be in support
5 of the project were it located on the south side of 24?

6 MS. DEMMITT: Correct.

7 CHMN. CHENAL: And that would, obviously, limit
8 the amount of time it would take to present this case.

9 MS. DEMMITT: Absolutely.

10 MR. RICH: Mr. Chairman, maybe I should tell you
11 about our issue as well.

12 CHMN. CHENAL: Mr. Rich, why don't you --

13 MS. DEMMITT: Well, let me finish real quickly,
14 and then it's all yours.

15 CHMN. CHENAL: You'll have plenty of time,
16 Mr. Olexa, to comment.

17 MS. DEMMITT: The other thing, again, when we're
18 talking about the north or south side of 24 and the
19 hearing timeline and hearing dates and how that overlays
20 with the FAA review process, it -- based on the schedule,
21 it's conceivable that the Commission could -- the Line
22 Siting Committee could get through its review and
23 approval process before the FAA has even weighed in at
24 all on their acceptance of that route and put SRP in a
25 position where they'd know if they would have to submit

1 an application on the north side. And it really seems
2 prudent to wait for that feedback before this formal
3 process gets started, because that is a big factor as to
4 what this transmission line looks like to pull heights
5 and all of those things.

6 CHMN. CHENAL: Mr. Rich.

7 MR. RICH: Thank you, Chairman. I'll direct
8 your attention to Exhibit 3 to the north end of the
9 project. That's the Conceptual Draft. I think that's
10 what you just shuffled past there.

11 CHMN. CHENAL: Exhibit 5.

12 MR. RICH: So my client's property -- we
13 represent I think the number is 12 different dairymen
14 that own property just sort of in the box here, if you
15 will, with the preferred route as shown on this exhibit
16 on the eastern side of their property and then north
17 of -- generally speaking, north of the alternative route
18 if you head west and then boxed in by the other
19 north-south of the other alternative route. So to
20 generally get you inside of that rectangle there west of
21 the 202 within the boundaries of the other preferred
22 routes.

23 And I would echo what you just heard about --
24 I'm familiar with corridors being awarded. But I would
25 argue that different sides of the 202, they might as well

1 be different routes altogether. There are different
2 landowners, there's different plans, different interests.
3 And we would certainly encourage the Committee, when
4 we're there, to pick a side.

5 We're going to be arguing for the east side.
6 We're working with the City of Mesa, along with the State
7 Land Department, and these landowners who I mentioned on
8 plans to actually have the dairies be able to leave this
9 area, replace it with a use that isn't problematic for
10 the neighbors, as dairies tend to be when development
11 approaches them, and doing something really special.

12 We're concerned about the constraints that are
13 caused by a location on the west side of the 202. So we
14 would be making the case that --

15 CHMN. CHENAL: East side of the 202?

16 MR. RICH: Correct.

17 CHMN. CHENAL: And your clients are located west
18 of the 202?

19 MR. RICH: They are. And the -- again, the idea
20 of awarding either/or, you'd go west or east, would not
21 be sufficient to allow us to plan for the future of this
22 development. They're going through the development
23 process right now with the City of Mesa.

24 CHMN. CHENAL: Okay.

25 MS. RICH: Thank you.

1 CHMN. CHENAL: I understand. Thank you.

2 Anybody else?

3 MR. ADLER: Yes, Mr. Chairman.

4 CHMN. CHENAL: Would you give your name, please.

5 MR. ADLER: Yes. Patrick Adler, Project
6 Advancement with Vlachos Properties, which the segment
7 that is south of Germann Road. There's two legs right
8 here, the preferred route and the alternative route.
9 Vlachos owns both sides of that, so they're the landowner
10 on both.

11 CHMN. CHENAL: I'm not sure -- I see the
12 preferred route and the alternative route. Are you the
13 landowner in between the two?

14 MR. ADLER: So it's this property right here,
15 those 160 acres, but also includes another 80 acres. So
16 there's 240 acres. It's a rectangle that goes across
17 here. So the alternative route actually dissects their
18 property.

19 And I couldn't agree more with getting the FAA
20 approval before this formal process starts because it's a
21 big difference. So this landowner is in full support,
22 with stipulations, of the Crismon Road, which is the
23 preferred alignment and is adamantly opposed to the
24 Merrill alignment. And contrary to these options that
25 are on the north end, there's several different routes.

1 On this particular situation, on the southern
2 leg, both routes affect the same landowner. And it's
3 unfortunate there's not a third route, which is what
4 we're proposing. Still be part of the land but making it
5 a quarter mile east of where the route alternative is, so
6 it's no longer dissecting their property and allows them
7 to be either on the far west edge, which is the preferred
8 route, or the far east edge, which is our proposed
9 alternative route.

10 But without the FAA approval, we don't know if
11 Crismon is even an option. So full support on one leg.

12 CHMN. CHENAL: Okay. Thank you.

13 MS. HEGARDT: Jill Hegardt with DMB Associates.
14 We are partners in Brookfield, a development of the
15 Eastmark project, which is a large land holding on the
16 east side of the 202 freeway where it says Mesa on the
17 exhibit.

18 CHMN. CHENAL: Why don't you show specifically
19 so we can --

20 MS. HEGARDT: Where it says Mesa on this
21 exhibit.

22 CHMN. CHENAL: On Exhibit 5, just about in the
23 center of the page.

24 MS. HEGARDT: The Eastmark project is 3,200
25 acres, and it encompasses the land all the way from

1 Elliot really down to Williams Field Road. There's been
2 a significant amount of development in that area.

3 The alternative line going up Ellsworth Road is
4 along our property, and we would be opposing that
5 alignment.

6 CHMN. CHENAL: Alternative route marked in
7 yellow?

8 MS. HEGARDT: Yes. We support the alignment
9 along the 202. We'd prefer it on the west side rather
10 than the east side, but I'm not certain that -- we might
11 feel that the east side is acceptable. We just haven't
12 decided. And we would also prefer the line to be on the
13 south side of the State Route 24 as well.

14 MR. COHN: Pacific Proving is the sole owner of
15 the project from Ellsworth Road over to designation P6
16 along the alignment on the south side, and we would
17 support the south side.

18 CHMN. CHENAL: Okay.

19 Time out just one second.

20 Okay. A lot of competing interests.

21 Anybody else that wishes to comment?

22 (No response.)

23 CHMN. CHENAL: Okay. So where are we,
24 Mr. Olexa? Three days? Four days? Five days? Maybe
25 longer, depending on the route? It seems like -- it

1 seems obvious that the route options is -- until -- I
2 mean, unless there's some more specificity on the
3 options, there may or may not be -- there will be
4 opposition until people kind of find out what side.

5 So I'm just talking about how many days do we
6 need and what should those days be? We're not here to
7 talk about the merits of the case. How much time is it
8 going to take to let everyone have their day at the
9 hearing? And that's what this is all about. And we'll
10 hear from everyone that's here to speak that's allowed to
11 intervene.

12 MR. OLEXA: I agree. From what I'm hearing,
13 three days is probably insufficient.

14 I heard a lot of substantive discussion about
15 why they oppose it, but what I didn't hear was to what
16 extent they would call witnesses or whatever. So trying
17 to get a sense of how many days.

18 Do you anticipate calling witnesses?

19 MS. DEMMITT: I would expect, on behalf of
20 Harvard, that we would call witnesses. We would take all
21 the time that we feel necessary to get our position
22 conveyed to the Line Siting Committee if this is what you
23 indeed move forward with with the filing.

24 MR. RICH: Yeah, I think I'd like to certainly
25 reserve the right to do that. That would be my plan.

1 MR. COHN: And being Pacific Proving hasn't
2 engaged counsel yet to represent us on this, I just think
3 it would be judicious, in my opinion, to wait until the
4 FAA logs in before everyone spends money on lawyers to
5 have a hearing.

6 CHMN. CHENAL: That point's been made, but SRP
7 has the right to file the application when they want to.
8 So that certainly -- I mean, a standard condition in any
9 CEC that we issue is that the project be in compliance
10 with all applicable laws, rules, and regulations. And
11 any project near an airport would include, you know,
12 being in compliance with FAA regulations and approvals.
13 So to the extent FAA approval is required, the CEC --
14 that condition would not be met until the FAA went
15 through that process. But that's a calculation that SRP
16 makes.

17 MR. OLEXA: Is the week after September 10th
18 also available?

19 CHMN. CHENAL: Let's talk about that. We send
20 out and poll our Committee to see what their availability
21 is. And just like Mr. Rich has a conflict on a day, our
22 Committee members have conflicts, so we do our best to
23 get the largest quorum we can.

24 We have members available --

25 MS. COBB: We have seven for -- or six for most

1 of the week.

2 CHMN. CHENAL: We have --

3 MS. COBB: We have six for the whole week. And
4 then from the Tuesday on, we would have seven.

5 CHMN. CHENAL: So I don't want to make this an
6 exhibit, but I want to show you in red, we have a few --
7 I mean, the best week is the week of the 10th, but we do
8 have availability the week of the 17th. But on that
9 Monday, we have four members out. And after Monday, we
10 have three members out. So starting on September 18th,
11 we would have seven members.

12 MR. OLEXA: How is the week before? In other
13 words, start on a Thursday and run through the week of
14 the 10th if we needed to.

15 And the other thing I would point out,
16 Mr. Chairman, is that our -- we anticipate filing by no
17 later than August 1st. But SRP has had discussions with
18 many of the stakeholders for over an extended period of
19 time, and there is a possibility that some agreement
20 could be reached with some of the stakeholders. And so
21 while there's a significant number of people here today
22 indicating that they would oppose if certain routes are
23 still proposed as alternatives, there is a possibility
24 that at least some of those may be resolved before we
25 would file the application, which would shorten the

1 days -- or the number of days in the hearing, at least
2 potentially.

3 CHMN. CHENAL: I think a possibility could be --
4 it wasn't my optimal choice, but it could be starting
5 September 6th, on a Thursday, and Friday, and going onto
6 the next week. It would be -- we'd have to take off part
7 of the 11th for Mr. Rich's schedule.

8 I would -- I would note to Mr. Rich, I mean,
9 it's like moving the Red Army to get this thing going and
10 having people from all over Arizona on the Committee and
11 be at a hotel to come to this hearing. And there's
12 always going to be conflicts. So when one attorney has a
13 conflict in the schedule, it's very difficult.

14 We want to work, but on the other hand, we've
15 got everything ready to go, and we're all standing there
16 at the -- because of the schedule conflict, which is made
17 worse because it's a cattle call situation over at the
18 Corporation Commission. And you could be the first
19 person on the agenda; you could be the last person on the
20 agenda. So it really does present a hardship for us.

21 So you don't have to make that decision today,
22 but I want to work with you on that. I don't know how
23 many attorneys you have in your firm, but maybe someone
24 can cover for you at the hearing while you're at the ACC
25 or vice versa.

1 Maybe we could accommodate and work around your
2 ability to present your case with your witnesses.
3 Working around that would certainly be no problem to do,
4 and we'd be happy to do that.

5 To take a whole day out because you might be
6 sitting at a cattle call, that presents a problem.

7 MR. RICH: And, Chairman, I appreciate the
8 problem that that causes, and I mention the conflict
9 because it is the Corporation Commission and not -- I'm
10 not going out of town or something else.

11 CHMN. CHENAL: That's important.

12 MR. RICH: So I appreciate whatever
13 consideration you can give on that front.

14 CHMN. CHENAL: Some of it might be seeing if we
15 can ask the Corporation Commission to put your agenda
16 first in light of an ongoing hearing. Maybe we can lend
17 some assistance there. If we delay the hearing a little
18 while, if we get some coverage, depending on what portion
19 of the hearing. Maybe there's a way we could -- if
20 there's a tour, we try to work the tour in at that time.
21 So there's things we can do.

22 I'll try to work with you, but at this point, I
23 don't want to just categorically set a schedule that says
24 we're not going to hold the hearing on Tuesday because it
25 sounds like we're going to need every minute we've got to

1 get it done in a week and a half. So Thursday, Friday,
2 and the following week.

3 So we'll work with you the best we can to try to
4 accommodate your schedule. There's things we can do with
5 the tour that might allow us to fit in a tour at that
6 time that would take up a half a day. And we can try to
7 work around your schedule with your witnesses and your
8 case in chief.

9 MR. RICH: And I appreciate that, Chairman.
10 Thank you.

11 And I would just note, also, that oftentimes, we
12 don't know what the agenda is going to look like until a
13 few days before. So --

14 CHMN. CHENAL: Well aware of it.

15 MR. RICH: -- I appreciate your hearing me out
16 when I come to you perhaps a few days before and ask for
17 some accommodation. So thank you.

18 CHMN. CHENAL: We'll work with you on the
19 accommodation, and we might be able to, as a request, get
20 Corporation Commission to take some out of order. I
21 don't control that, but we can always ask about that.

22 MR. RICH: Thank you.

23 CHMN. CHENAL: So just to be safe, maybe we
24 should be looking at a Thursday and a Friday. Thursday,
25 the 6th of September, Friday, the 7th of September, and

1 then the following week. Not that we want to open the
2 floodgates to allow everyone to bring in all the
3 witnesses they want.

4 You've seen procedural orders in these cases in
5 the past. We like panels of witnesses. Where there are
6 common interests among certain intervenors, that they
7 present their case maybe as a group. We don't have to
8 hear, you know, ten times that the FAA hasn't done their
9 report yet. We can hear that once and lay that position
10 out and maybe consolidate the positions of the testimony
11 and evidence on the various position points that the
12 intervenors want to make.

13 So we can try to have a streamlined hearing, but
14 we want to make sure that everyone has the ability to
15 make their points, and I think we've done a pretty good
16 job of that in the past. I think we do. Because we want
17 a complete record. And then we make our recommendations
18 based on that and issue a CEC as appropriate.

19 All right. So we're making some headway,
20 Mr. Olexa. It's just -- it's not a three-day hearing, I
21 don't think. It could be, depending on what happens with
22 negotiations, like you say, as this unfolds.

23 MR. OLEXA: Correct.

24 CHMN. CHENAL: And I'm hearing from some of the
25 general positions of the parties in interest that, you

1 know, depending on what route is selected or what side,
2 for example, may impact substantially the level of
3 opposition or support.

4 So a lot of this just may need to play out a
5 little longer for the parties to see where they are, and
6 that would obviously be good.

7 MR. OLEXA: Okay.

8 CHMN. CHENAL: So we have potential hearing
9 dates 9/6 through 9/14. Obviously, hopefully, we
10 wouldn't want to use all that. But, again, I just would
11 rather err on the side of having too much time than not
12 enough time.

13 MR. OLEXA: Okay.

14 CHMN. CHENAL: Public comment.

15 MR. OLEXA: Mr. Chairman, before we move on, I
16 recognize and you recognize, this isn't the forum for
17 arguing over the merits of it.

18 CHMN. CHENAL: Right.

19 MR. OLEXA: But I don't want to be prejudiced by
20 the fact that counsel and other people in the room have
21 made arguments. And I could go back and try and respond
22 to all of those --

23 CHMN. CHENAL: No need. I promise you, I'm only
24 trying to get a feel for how much time the hearing would
25 take. I'm data dumping all that -- no problem there.

1 We'll have a clean slate when we have the hearing. It's
2 really only to give us a feeling of how much time the
3 hearing will take.

4 MR. OLEXA: Good.

5 CHMN. CHENAL: Now, I'm willing to listen to
6 you --

7 MR. OLEXA: As long as we're not going to be
8 prejudiced by it in any way, we'll respond to it at the
9 hearing.

10 CHMN. CHENAL: No.

11 MR. OLEXA: In terms of public comment,
12 Mr. Chairman, we were thinking, as in the past, of
13 course, it would remain open for public comment at any
14 time that the Committee would deem it appropriate. But
15 we were thinking the first night of the hearing, we might
16 go till 5:30, take a half-hour break, and then open it up
17 to public comments at 6 p.m., giving people that don't
18 have counsel or that just want to offer their public
19 opinion an opportunity to do so after getting home from
20 work.

21 CHMN. CHENAL: Sure.

22 MR. OLEXA: So that's the general proposal.

23 CHMN. CHENAL: Do you think 6 would be better
24 than 5:30? The last few hearings, we've had -- the
25 Committee has kind of expressed their desire not to sit

1 from 5 to 6 when the hearing stops at 5 and sit around.
2 And then, sometimes, there hasn't been much public
3 comment. So we usually have the public comment at 5:30.

4 I sense that 6:00 may be better in this case
5 just because it's Mesa. There's more traffic. If people
6 get off at 5, it takes a little longer to get to the
7 venue.

8 MR. OLEXA: Sure.

9 CHMN. CHENAL: So I think your thought of
10 starting at 6 is well founded.

11 MR. OLEXA: Okay.

12 CHMN. CHENAL: So I asked the question, what do
13 you think about 5:30, and then I answered the question.

14 MR. OLEXA: You kind of answered your own
15 question. Let's go with 6:00.

16 CHMN. CHENAL: Okay.

17 Anticipated intervenors. Other than the people
18 that have already spoken today, do you know of anyone
19 else that might be a potential intervenor?

20 MR. OLEXA: You know, the -- we have here
21 representation from Harvard and DMB. There would be
22 potentially Jason Barney, Sunbelt Holdings, ViaWest,
23 maybe the Town of Queen Creek.

24 CHMN. CHENAL: What about Mesa?

25 MR. OLEXA: City of Mesa, yeah. I would

1 certainly expect the City to intervene.

2 As far as the airport, I don't know that -- I
3 know they have an interest because of the FAA issue, but
4 I don't know if they would go so far as to intervene in
5 the process. Maybe perhaps just -- well, I really can't
6 speak to that yet.

7 CHMN. CHENAL: Fair enough.

8 What is the legal entity that operates the
9 airport? Is it -- is it just a division of the City of
10 Mesa, or is it its own independent authority?

11 MR. OLEXA: It's my understanding that the City
12 of Mesa is a 51 percent owner, if you will. I don't know
13 what the legal ownership interest is or what type of
14 entity it is. My understanding is that there's multiple
15 cities that own a percentage of that airport, with Mesa
16 having a controlling interest.

17 And Mesa has weighed in on -- with a letter
18 indicating that they're very much in favor of this
19 project.

20 CHMN. CHENAL: Do they have a preference as to
21 what side of 24?

22 MR. OLEXA: As I said earlier, everyone really
23 favors the south side of the 24. It's really just a
24 matter of getting FAA approval.

25 CHMN. CHENAL: So there could be additional

1 intervenors. We'll just have to wait and see.

2 MR. OLEXA: Correct.

3 CHMN. CHENAL: Number of witnesses. I guess
4 we've kind of addressed that. SRP would anticipate five.

5 And by category, what -- project manager, of course --

6 MR. OLEXA: Project manager. We've -- somewhat
7 on an executive level to address the project, you know,
8 from a higher level. In terms of someone to address the
9 actual need and the ultimate load forecast and why
10 there's a need for this. Someone to address the
11 environmental issues.

12 CHMN. CHENAL: Sure.

13 MR. OLEXA: And then we have an FAA consultant
14 that we've been working with. And that's part of, you
15 know, this -- like I said, I don't want to get into
16 responding to other arguments, but SRP is not flying into
17 this blindly. They have hired a consultant. It's an FAA
18 consultant. That consultant performs the same analysis
19 that the FAA will perform and has given us preliminary
20 feedback indicating that this makes sense.

21 So those would be our projected witnesses.

22 CHMN. CHENAL: And putting aside
23 cross-examination, can you estimate how long your case in
24 chief would be using those five witnesses and an opening
25 statement? Not holding you to it by any means.

1 MR. OLEXA: I would estimate two, two and a half
2 days. And then we'd build in half a day for a route tour
3 if the Committee would like to have one.

4 CHMN. CHENAL: They will in this case.

5 MS. COBB: Yeah.

6 CHMN. CHENAL: And an overflight.

7 MR. OLEXA: We do have a flyover prepared, so
8 they will have the benefit of that at the beginning. So
9 if they want to do a route tour either a day or two into
10 it or later, that would be acceptable.

11 CHMN. CHENAL: Well, I'm -- maybe Mr. Rich's
12 situation will have a little bit more clarity as to what
13 time he'll need on that Tuesday. I mean, that might be
14 an appropriate time for a tour just to kind of help
15 accommodate his schedule.

16 MR. OLEXA: I think that's a good idea.

17 CHMN. CHENAL: Normally, we would probably try
18 to front-load the tours; but I think in this case, that
19 might be a way to help accommodate his schedule.

20 So I think a tour would be in order on this.
21 The alternate routes as well. I generally have followed
22 the rule that if any one Committee member wants to take a
23 tour, we'll take a tour. And I already know one that
24 wants to take a tour, so I think we'll take a tour.

25 All right. What we don't know on the number of

1 witnesses are how much time it would take for the
2 intervenors. Again, I think it depends on what the
3 position ends up being. And maybe there will be more
4 clarity as we get closer to the hearing date and see if
5 things can be negotiated. But I'd like to be optimistic
6 that with the amount of time that we're setting aside,
7 that that would be sufficient time to hear this case,
8 even a worst-case basis.

9 And if we find out as we start the hearing that
10 there's going to be a lot of opposition, we'll just kind
11 of have to do whatever it takes to get it done I think
12 within that period of time. We may even go longer than
13 necessary.

14 MR. OLEXA: I think that if we are reserving
15 potentially seven days, that we can get that done.

16 CHMN. CHENAL: Route tour. I don't know what
17 you want to say about that. You know the drill,
18 Mr. Olexa. We like to have a tour prepared in advance
19 with an itinerary, if you will.

20 MR. OLEXA: All right. We will have that
21 prepared much the way we've done in the past.

22 CHMN. CHENAL: Those have been done.

23 MR. OLEXA: We'll have the court reporter
24 available to go with the Committee members so if they
25 have questions, it can all be recorded. And the

1 appropriate tour guide.

2 CHMN. CHENAL: Draft Notice of Hearing.

3 MR. OLEXA: We have brought and marked that as
4 Exhibit 2. We've also brought and will leave with you a
5 thumb drive that has that in Word format so that the
6 Chairman can edit it as he sees fit.

7 CHMN. CHENAL: Sure. I would ask the applicant
8 to maybe send Marie in Word format a revised Notice of
9 Hearing based on what we've talked about.

10 MR. OLEXA: Certainly.

11 CHMN. CHENAL: Let's anticipate that the public
12 hearing -- public comment session Thursday, the evening
13 of the first day. Let's anticipate a tour the morning
14 of --

15 MR. RICH: 11th.

16 CHMN. CHENAL: -- 11th of September.

17 And we'll have the location, obviously.

18 MR. OLEXA: And it's built in there in terms of
19 the -- the last paragraph on the first page and runs onto
20 the second page. Hearing will commence at the Mesa
21 Convention Center.

22 CHMN. CHENAL: Okay. And you'll provide that.
23 We'll take a look at that again.

24 MR. OLEXA: So we will email that to you and
25 make some of those edits as well.

1 CHMN. CHENAL: Good.

2 All right. Next, overnight accommodations for
3 out-of-towners.

4 MR. OLEXA: My understanding, Chairman, rooms
5 have not yet been reserved, but we have looked into
6 accommodations in the area of the convention center.
7 There is a Phoenix-Mesa Marriott that is essentially next
8 door to the convention center, very convenient. That is
9 probably the preferred choice at this point.

10 There is also a Hyatt and I believe a Sheraton
11 approximately three to four miles away from the
12 convention center. So those are the primary options.

13 CHMN. CHENAL: And this is not -- I think I'm
14 stuck not being able to stay at the venue this time. I
15 always try to work my way into staying there because I
16 live up in Carefree. And the thought of getting from
17 Carefree down to Mesa at 9 a.m. is not a fun thought, but
18 I'm not sure I can finagle it this time with the rules we
19 have.

20 I remember once we had a hearing in Casa Grande,
21 and it's supposed to be at least 50 miles from the
22 workplace for me. And the hearing was in Casa Grande,
23 and it was 49.5 miles from here. And I had to argue the
24 case with -- careful, it's on the record -- got approval,
25 but it was only a little difficult. And the thought of

1 driving from Carefree to Casa Grande every day was not
2 something that was ever going to work.

3 MR. OLEXA: Well, I think I said -- I think
4 we're about 18 miles from here to --

5 CHMN. CHENAL: I heard you say that, Mr. Olexa,
6 and I noted it right away.

7 MS. DEMMITT: I'd be making the same drive you
8 do, so --

9 MR. OLEXA: I'm coming from Peoria, so I'm
10 making the same trek.

11 CHMN. CHENAL: Well, misery loves company. I'm
12 glad to hear that.

13 I don't think I have to disclose it, but I will.
14 I've flown in and out of Mesa Gateway. I can't imagine
15 that would be a conflict of any -- I mean, I don't have
16 any connection with the airport other than I've flown in
17 and out of it.

18 MR. OLEXA: We don't see that as a conflict.

19 CHMN. CHENAL: All right. Let's talk about
20 publication because we've had an issue come up in the
21 past on a case, and I want to kind of go over the rules
22 of how you understand the publication to work in
23 connection with the statute and the rules that govern the
24 Committee.

25 So what is your understanding of the timing of

1 the publication?

2 MR. OLEXA: That the -- in terms of the Notice
3 of Hearing, it needs to go out within ten days of the
4 application being filed, and then it is published in two
5 of the local newspapers. We then have prepared and --
6 which is a map that, Mr. Chairman, you marked in advance
7 of this prefiling conference showing where the signs
8 would actually be installed.

9 CHMN. CHENAL: Yeah. Let's talk about that in a
10 minute.

11 Let's talk about publication, and I want to make
12 sure that we're on the same page. And I might ask
13 Mr. Sundlof to weigh in as well.

14 40-360.04. Now, it says "the chairman," but we
15 all know by convention and by procedural order, it's the
16 applicant that does this. The chairman of the committee
17 shall, within ten days of receiving an application -- and
18 normally, I receive the application the day it's filed --
19 provide "public notice" as to the time and place of the
20 hearing and provide notice to affected jurisdictions at
21 least 20 days prior to the scheduled hearing.

22 So that one, I think is pretty clear. Within 20
23 days of the hearing.

24 The first part of it: The chairman shall,
25 within ten days after receiving the application, provide

1 public notice as to the time and place of the public
2 hearing.

3 The rules and regulations from the Arizona
4 Administrative Code, section 14-3-208, subsection (C),
5 defines "public notice" as: Shall mean two publications
6 in a weekly or -- daily or weekly newspaper of general
7 circulation within the general area.

8 Question: Do the two publications have to occur
9 within the ten-day period of when I receive the
10 application?

11 MR. SUNDLOF: Mr. Chairman, I think what we've
12 done in the past is trying to expedite the process by
13 providing you the Notice of Hearing in advance so that it
14 can be signed very close to the filing date, and we can
15 go ahead and publish and avoid the issue.

16 CHMN. CHENAL: And I've always made it a
17 practice to get that Notice of Hearing back immediately.

18 But I'm talking about the reading of the statute
19 and the requirement to publish twice within ten days of,
20 essentially, the date of the filing of the application.
21 Is that your understanding?

22 MR. OLEXA: That is. And we did intend to
23 publish in The Arizona Republic as well as the East
24 Valley Tribune as part of that public notice requirement.

25 CHMN. CHENAL: Okay. I think there's been a

1 little confusion in the past. I'm just saying the issue
2 has come up, so I just want to make sure that we're
3 clear, especially in this case, where, obviously, there's
4 some interest, that I just don't want to see a potential
5 jurisdiction defect because we didn't -- you know, we
6 didn't have the publication done on a rather tight
7 schedule.

8 So I -- we make sure we get that Notice of
9 Hearing back to you immediately, day of, if you'd like
10 it. We just want to make sure we get two publications
11 within ten days. Is it ten calendar days? Is it ten
12 work days? I don't think the rules are absolutely clear.
13 And the rules say if it's not otherwise covered by the
14 rules, you know, for the Committee, use the Rules of
15 Civil Procedure. And if it says ten days, then I think
16 that means ten -- you know, excludes weekends and
17 holidays.

18 I throw it out for discussion. I'd rather have
19 this clear understanding on this in this case. I tend to
20 think the ten days in that instance of when the
21 publications have to occur would mean it would exclude
22 weekends and holidays because it's less than 11 days,
23 which is Rule 6 of the Rules of Civil Procedure.

24 MR. OLEXA: Yeah. I mean, I think SRP would
25 take the approach that we'll take the -- we'll get on top

1 of it right away. We're not going to get into a point
2 where we're questioning whether it's business days or
3 calendar days.

4 CHMN. CHENAL: Good.

5 MR. OLEXA: We're not going to risk that.

6 CHMN. CHENAL: Good. I think that's wise.

7 And the newspapers, again, are?

8 MR. OLEXA: The Arizona Republic and the East
9 Valley Tribune.

10 CHMN. CHENAL: All right. Signage.

11 MR. OLEXA: Signage. Mr. Chairman, we've marked
12 two exhibits related to signage, one of them being
13 Exhibit 4, which is the bright yellow sign that would be
14 posted. This particular language is consistent with what
15 we've done in the past, with obvious upgrades in terms of
16 the dates and the Mesa Convention Center. And we would,
17 of course, amend the references to when the hearing would
18 actually commence as well as, you know, the times for
19 special public comment based on what we've already talked
20 about here today.

21 CHMN. CHENAL: And what would be the size of the
22 sign?

23 MR. OLEXA: I'm not sure.

24 MS. MASER: 4 by 6.

25 MR. OLEXA: 4 by 6.

1 CHMN. CHENAL: And locations?

2 MR. OLEXA: Exhibit 5 is a map of the proposed
3 routes. The stars are the indication as to where the
4 signs would be located. So you can see that there's
5 quite a few signs that are going to be posted.

6 MS. DEMMITT: Chairman, we have a comment on one
7 of the sign locations. Location No. 8 is immediately
8 adjacent to the one and only entrance to our brand new
9 master planned community that is undergoing a grand
10 opening during this exact same period of time. Our
11 builders will be trying to sell homes through this
12 corridor off of Ellsworth Road. We would like that sign
13 to not be located as a competing of visual interest to
14 our actual community signage. We would like that sign to
15 be moved elsewhere.

16 CHMN. CHENAL: Applicant have any thoughts on
17 that?

18 MR. OLEXA: I guess my first statement is, these
19 are general points on a map. I mean, I do think that
20 there are quite a few signs that have already been
21 posted. I would say that if the Chairman feels that the
22 sign at location 7 is also sufficient to satisfy that
23 general area, then perhaps we could forgo the sign No. 8
24 or move it further south.

25 CHMN. CHENAL: Maybe moving it further south as

1 an accommodation.

2 MR. COHN: Putting it on our property? Is that
3 what you're suggesting?

4 MS. DEMMITT: No. 9 is already further south.
5 There is an existing interchange ramp at that location,
6 so it looks like they've got the sign on that interchange
7 ramp. Our main entrance is immediately north of that
8 interchange ramp.

9 MR. COHN: Mr. Chairman, I suggest also
10 something along the Signal Butte corridor.

11 CHMN. CHENAL: I don't know where that is.

12 MR. OLEXA: Right here.

13 MR. COHN: Something in the more populated
14 areas. Everything to the south of SR-24 or south of 9 is
15 really only going to get vehicular traffic, and there's a
16 fairly large berm there that you'll see at your site
17 inspection. So I would say something more in tune with
18 east of the general location that we're talking about
19 would also bring some stakeholders out. It seems to be
20 weighted solely along the Ellsworth corridor.

21 CHMN. CHENAL: What's the distance between the
22 202 and Ellsworth east-west, roughly?

23 MR. SMEDLEY: Half a mile.

24 MULTIPLE VOICES: Quarter.

25 CHMN. CHENAL: Quarter mile?

1 MR. COHN: It looks like the green swath that
2 they're proposing is about 660 feet, from our
3 measurement, which isn't to their scale, so somebody
4 would just have to do a calculation there.

5 MR. RICH: It's about a half mile.

6 MR. OLEXA: There is a scale down there.

7 MR. COHN: The scale doesn't apply to the size
8 of your lines, though, Counselor.

9 Someplace along Ray Road would be good.

10 CHMN. CHENAL: I was looking further up on
11 Ellsworth.

12 MR. COHN: I think Ellsworth is covered. You
13 can put another one down further on Ellsworth on our
14 property. I don't have a problem. But I do think it
15 would be appropriate to notice the homeowners in that
16 general area, which you seem to be straying away from.

17 MS. DEMMITT: The homeowners in Eastmark, in
18 particular, which is west of Signal Butte and north of
19 Ray are already -- have expressed interest. I know
20 they're aware of the proceedings. So it might be prudent
21 to put a sign where those residents can see it. So
22 that's like the northeast corner of -- northwest corner,
23 I'm sorry, of Signal Butte and Ray Road, that general
24 area.

25 CHMN. CHENAL: Well, that's a mile away from

1 where the line is proposed to be. That seems too far to
2 me. It should be in close proximity to the proposed
3 route and the alternate routes.

4 MS. DEMMITT: Even if you moved sign 8 north of
5 Ray on Ellsworth --

6 CHMN. CHENAL: Yeah.

7 MS. DEMMITT: -- I think it may get some of that
8 same traffic, but it would solve our concern with it
9 being --

10 CHMN. CHENAL: That's exactly what I was
11 thinking.

12 MS. DEMMITT: We'd be fine with that.

13 CHMN. CHENAL: Would the applicant be okay with
14 moving sign No. 8 somewhere between Ray and sign No. 3?
15 What about that intersection of Ray and Ellsworth? That
16 gets it away from the entrance to your client's
17 development.

18 MS. DEMMITT: Yeah, I think that's fine.

19 MR. OLEXA: Mr. Chairman, we're generally
20 flexible within reason. We just want to get notice out
21 to as many people as possible. But, also, like you had
22 mentioned, we chose signage points along the routes as
23 being the most obvious points.

24 CHMN. CHENAL: I think people are going to know
25 about this project, first of all; and second of all,

1 there seems to be a lot of signs, which is good. But as
2 an accommodation to a potential intervenor, maybe we move
3 the sign north on Ellsworth to somewhere around the Ray
4 and Ellsworth intersection.

5 MS. DEMMITT: I would say there's a flood
6 control channel along the south side of Ray. So maybe,
7 from a practical standpoint, you may need to push it
8 north of Ray Road.

9 MS. HEGARDT: And north, we've got our signs, so
10 that would be a conflict.

11 CHMN. CHENAL: Let's move it to the general
12 intersection of Ray and Ellsworth, and I trust that SRP
13 has the resources to figure out where it should go.

14 MR. SMEDLEY: We will.

15 MS. DEMMITT: Thank you. I appreciate that.

16 CHMN. CHENAL: Any more comment on signage or
17 publication?

18 (No response.)

19 CHMN. CHENAL: The library locations.

20 MR. OLEXA: We have identified three libraries:
21 The Mesa Public Library on Power Road, the Queen Creek
22 Library on South Ellsworth Road, and the ASU Polytechnic
23 Library on South Backus Mall in Mesa.

24 It would also be published through the SRP
25 website as well.

1 CHMN. CHENAL: Good. The libraries sound
2 adequate, and having it on the SRP website I think is
3 important.

4 All right. That takes care of your agenda.
5 Let's go to mine and see if there's anything that I
6 haven't included.

7 Mr. Olexa, who are the affected jurisdictions in
8 your view?

9 MR. OLEXA: In my view, I guess it would be the
10 City of Mesa, Town of Queen Creek, and generally, I
11 guess, Maricopa County.

12 CHMN. CHENAL: Do any of the interested parties,
13 potential intervenors, have any other affected
14 jurisdictions that you all can think of?

15 MR. COHN: I think the State Land Department
16 would be an affected jurisdiction as well as some of the
17 parties that are part of the airport association. It's
18 known as the Phoenix-Mesa Gateway Airport. Phoenix has a
19 very big stake in that airport.

20 CHMN. CHENAL: Phoenix-Mesa Gateway.

21 MR. COHN: That's its official name.

22 CHMN. CHENAL: Let's include Phoenix.

23 And, to the extent there is an airport
24 authority, that is a -- some sort of a political
25 subdivision, let's include that as well. I don't know

1 the answer to that question.

2 MS. DEMMITT: It is. The Williams Gateway
3 Airport Authority is the official name.

4 CHMN. CHENAL: Let's include them as well.

5 MR. OLEXA: Which would include Phoenix.

6 CHMN. CHENAL: Yes. But let's include Phoenix
7 as well. It doesn't hurt.

8 MS. COBB: Do you want to include State Land as
9 well?

10 CHMN. CHENAL: Well, State Land -- I don't know.
11 It's not really an affected jurisdiction in my mind.
12 It's a state agency. It's affected, but I don't think
13 it's a political subdivision.

14 Is there any dispute of -- discussion of that?

15 MR. COHN: I would also think ADOT would be
16 appropriate because they're in the midst of the SR-24
17 condemnation right now, and they may be a stakeholder in
18 where these lines are sited as well.

19 CHMN. CHENAL: Well, the statute refers to
20 affected jurisdictions, and I can't tell you offhand if
21 there's an actual definition of it, but it's generally a
22 political subdivision, a city, a town, a county. Those
23 are generally what's anticipated, not a particular state
24 agency.

25 What I don't know is the airport authority may

1 be its own independent political subdivision. And to be
2 safe, we should include them. And I think we should
3 include Phoenix because, you know, I know it is -- they
4 have a majority interest in the airport authority. I'm
5 taking that on the representations.

6 MS. DEMMITT: The other one I would like to add
7 is the -- so the Cadence Community Facilities District,
8 which is a separate special taxing district within our
9 master planned community, is also defined as a political
10 subdivision of the state. And it's governed by Cadence,
11 as the developer, but the City of Mesa has a significant
12 stake in that. So the interests of that political
13 subdivision are different than the City of Mesa and
14 Cadence, as the private developer itself.

15 CHMN. CHENAL: So what's the name of it?

16 MS. DEMMITT: It's called the Cadence Community
17 Facilities District. Cadence, C-a-d-e-n-c-e Community
18 Facilities District.

19 CHMN. CHENAL: Let's include them as well.

20 What permits are required for this, Mr. Olexa?
21 Obviously, you've got to get the CEC. You have to have
22 the FAA approvals, whatever those may entail. Can you
23 talk about what other approvals? Zoning approvals?

24 MR. OLEXA: Ken, do you know the full extent of
25 the permits?

1 Obviously, the permits wouldn't be pulled until
2 much closer to construction time, but you're talking
3 generally --

4 CHMN. CHENAL: I don't know if there's general
5 plan amendments that need to be obtained in this case.

6 MR. SUNDLOF: I don't think so. I think this
7 Committee and the Corporation Commission's decision plus
8 the FAA decisions. There could be little things, road
9 crossing things, but those are the major ones.

10 CHMN. CHENAL: Okay. Some projects we've had,
11 we find out in the middle of the hearing there have to be
12 major amendments to the general plan, and it's -- which
13 could be years off. So we just want to avoid surprises
14 like that.

15 All right. Did you indicate your -- if these
16 dates are the dates that we -- we land on, what your
17 anticipated filing date is?

18 MR. OLEXA: On or before August 1st is what
19 we're shooting for, and that's what we anticipate.

20 CHMN. CHENAL: Very good.

21 We'll want to make sure, obviously, that at the
22 venue for the hearing that there's robust Wi-Fi.

23 MR. OLEXA: Okay. I would suspect that the Mesa
24 Convention Center can supply that.

25 CHMN. CHENAL: The last few hearings we've had

1 for the Committee, the applicant has provided -- loaned
2 the Committee members iPads that were loaded with all of
3 the documents in the case, the application, all of the
4 exhibits, the -- proposed testimony of the applicant,
5 exhibits, and everything.

6 And I will just tell you the Committee found
7 that very useful. That's obviously not an obligation,
8 but I noticed that, you know, that was very much
9 appreciated by the Committee. And it's much easier to
10 follow what's going on than having the big binders
11 with -- they give you, what, about this much -- 2, 3
12 feet, maybe, and you've got binders, and it can be a
13 little bit challenging sometimes.

14 And I find that the Committee is more active in
15 reviewing the documents and such, the exhibits, without
16 having to fumble through the binders.

17 So I just throw that out as a suggestion that
18 you may want to consider.

19 MR. OLEXA: Okay. Thank you.

20 CHMN. CHENAL: On the day that the application's
21 filed, we will try to get you -- and have prepared in
22 advance, of course, and maybe run through a few drafts
23 the Notice of Hearing. We will endeavor to get a
24 procedural order out the day of or the day after, which
25 will basically cover the standard procedural order that

1 you've seen in the past on other cases; an agenda; and
2 we'll try to get a letter off quickly to the ACC, a
3 standard letter I send to the Corporation Commission, for
4 their input.

5 Have you had communications with the ACC or
6 their staff?

7 MR. OLEXA: I have not, Mr. Chairman, but SRP
8 has, so they're aware of it.

9 CHMN. CHENAL: Okay. Very good.

10 With regard to the draft CEC that you provide,
11 and that, of course, is addressed in the procedural
12 order, I'd like to ask for something a little different
13 this time. It will be in the procedural order, but I
14 just want to point it out. Sometimes in the past,
15 applicants have referred to previous conditions in CECs.
16 And not all of these the condition may be applicable or
17 maybe certain language is dropped. And I guess the draft
18 CEC condition with a reference to the prior case number
19 and paragraph number. But there may be changes to the
20 language that's provided to me from that CEC condition in
21 the previous case.

22 I'd like you to show with track line changes
23 when you refer to previous case conditions with track
24 changes, the additions and deletions to that previous CEC
25 versus what's being submitted.

1 MR. OLEXA: Okay.

2 CHMN. CHENAL: We need to pick a prehearing
3 conference date. Assuming August 1st is the filing
4 date --

5 MS. COBB: That puts us 37 days out from the
6 hearing, and you are not available the week prior to the
7 hearing. So I was looking at maybe the week of
8 August 20th, maybe later in the week. That way, if
9 there's any intervenors, they would have the opportunity
10 to have it filed before we have a prehearing conference.

11 CHMN. CHENAL: All right. So I'm actually on
12 vacation the week of the 27th of August through Labor
13 Day. So that's correct. We're going to have to have the
14 prehearing conference --

15 MS. COBB: I was looking at August 24th.

16 CHMN. CHENAL: The week of the 20th of August.
17 Now -- let me make sure my dates are right.

18 Yeah, I don't want to have a prehearing
19 conference two days before the hearing, especially with
20 the level of interest. I'd rather have it, yeah, the
21 week of the 20th. Let's pick a date. And then if we
22 need to have another prehearing conference, we can do
23 that just to sort through some of these issues.

24 I'm just quickly looking here. And I'd almost
25 rather have it something like Tuesday, the 21st, just in

1 case we need to deal with something later that week. We
2 give ourselves a few extra days, and we can have a second
3 one that week. And if we need to, we can have another
4 one before the hearing. I don't anticipate, but -- the
5 intervenors have to file at least ten days before.

6 So help me out here with the math.

7 MS. COBB: The tenth day, if we go by the Rules
8 of Civil Procedure, would be -- the tenth day would be
9 August 23rd. So I was looking at the 24th or the 25th.
10 That way, the ten days are up.

11 CHMN. CHENAL: The 25th is Saturday, and I
12 anticipate we'll have intervenors. We'll have sufficient
13 interest expressed even if they haven't filed their
14 application. But if we're surprised, we can always set
15 another prehearing conference date and cancel, if
16 necessary.

17 Let's do the 21st of August. We'll make it at
18 10.

19 Are there any out-of-towners here today? We
20 could make it a little later, but -- 10:00? We might
21 have a few issues to discuss, so let's make it 10:00.
22 And then we'll just play it by ear whether we need
23 another later that week or a day or two before the
24 hearing actually starts.

25 MS. DEMMITT: Will that be here?

1 CHMN. CHENAL: Yes.

2 MS. COBB: And, Mr. Chairman, would you like me
3 to send everyone that's present here that information by
4 email for the prehearing conference just as a reminder?

5 CHMN. CHENAL: Sure. It will be in the
6 procedural order, but sure, let's do that.

7 All right. Normally, we have these prehearing
8 conferences within the ten-day window. So this is a
9 little out of order in that sense, but we should know who
10 the intervenors are going to be by then.

11 And to the extent you're having -- I would ask
12 the applicant, to the extent you're having meetings with
13 potential intervenors and the people here today, I would
14 appreciate it if you could file it -- your motions to
15 intervene, your papers, prior to August 21st so we know
16 who -- you know, as many of the intervenors or request
17 intervention, we have as many of those as possible. We
18 could always have a few people appear later, but let's
19 get as many as we can at that August 21st date. And then
20 if we need to have another prehearing conference, we can
21 do that.

22 I think that's what I had on my checklist. So,
23 Mr. Olexa, between your agenda and my checklist, I
24 believe we've covered everything.

25 MR. OLEXA: I think so.

1 CHMN. CHENAL: I guess I anticipated this was
2 going to be about a half-hour quick run-through, so I
3 apologize for starting it a little later today.

4 Anything else that we need to talk about before
5 we meet back here on the 21st?

6 If there are procedural issues that come up
7 between now and then, I'm available. We can have a phone
8 conference even. We have to then summarize the -- what
9 we discuss and file it with -- I mean, after the
10 application is filed, that is.

11 If there are any questions that come up, ask me,
12 let me know, and we'll see if we can resolve it.

13 Does anyone else have any issues they want to
14 bring up? Any points we haven't covered that we should?

15 (No response.)

16 CHMN. CHENAL: If not, we're adjourned, and
17 we'll see you the 21st.

18 (The prefiling conference concluded at
19 12:40 p.m.)

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25

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

2

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
the best of my skill and ability; that the proceedings
were taken down by me in shorthand and thereafter reduced
to print under my direction.

6

7 I CERTIFY that I am in no way related to any of
the parties hereto nor am I in any way interested in the
outcome hereof.

8

9 I CERTIFY that I have complied with the ethical
10 obligations set forth in ACJA 7-206(F)(3) and ACJA
7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,
this 19th day of July, 2018.

11



12

CAROLYN T. SULLIVAN, RPR
Arizona Certified Reporter
No. 50528

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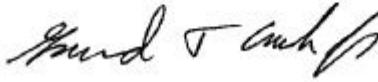
15 I CERTIFY that COASH & COASH, INC., has complied
16 with the ethical obligations set forth in ACJA
17 7-206(J)(1)(g)(1) through (6).

18

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