

1 BEFORE THE ARIZONA POWER PLANT LS-391  
2 AND TRANSMISSION LINE SITING COMMITTEE  
3

4 IN THE MATTER OF THE APPLICATION OF ) DOCKET NO.  
5 ARIZONA PUBLIC SERVICE COMPANY, IN ) L-00000D-24-0218-  
6 CONFORMANCE WITH THE REQUIREMENTS ) 00238  
7 OF ARIZONA REVISED STATUTES SECTION )  
8 40-360, ET SEQ., FOR A CERTIFICATE )  
9 OF ENVIRONMENTAL COMPATIBILITY )  
10 AUTHORIZING THE BAGDAD 230kV )  
11 TRANSMISSION LINE THAT WILL CONNECT )  
12 FROM WESTERN AREA POWER )  
ADMINISTRATION'S MEAD-TO-PERKINS )  
TRANSMISSION LINE VIA A NEW )  
SUBSTATION TO A NEW SUBSTATION NEAR )  
THE TOWN OF BAGDAD AND ADJACENT TO )  
THE WILLOW LAKE-TO-BAGDAD 115kV )  
LINE, ALL WITHIN YAVAPAI COUNTY, ) EVIDENTIARY  
ARIZONA. ) HEARING  
)

13 At: Phoenix, Arizona

14 Date: October 29, 2024

15 Filed: November 4, 2024

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 (Pages 154 through 307)

19

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1 BE IT REMEMBERED that the above-entitled  
2 and numbered matter came on regularly to be heard before  
3 the Arizona Power Plant and Transmission Line Siting  
4 Committee at Rancho de los Caballeros, 1551 South Vulture  
5 Mine Road, Wickenburg, Arizona, commencing at 9:00 a.m.  
6 on October 29, 2024.

7

8

9 BEFORE: ADAM STAFFORD, Chairman

10 LEONARD C. DRAGO, Department of Environmental  
Quality  
11 ROMAN FONTES, Counties  
(Videoconference appearance.)  
12 DAVID FRENCH, Arizona Department of Water Resources  
(Videoconference appearance.)  
13 JON H. GOLD, General Public  
NICOLE HILL, Governor's Office of Energy Policy  
14 (Videoconference appearance.)  
R. DAVID KRYDER, Agriculture Interests  
15 MARGARET "TOBY" LITTLE, General Public  
(Videoconference appearance.)  
16 GABRIELA SAUCEDO MERCER, Arizona Corporation  
Commission  
17 DAVE RICHINS, General Public

18

APPEARANCES:

19

For the Applicant:

20

Linda Benally  
21 (Videoconference appearance.)  
Farris Gillman  
22 PINNACLE WEST CORPORATION  
400 North 5th Street, MS 8695  
23 Phoenix, Arizona 85004

24

25

1 APPEARANCES (Continued):

2 J. Matthew Derstine  
3 SNELL & WILMER, LLP  
4 One East Washington Street, Suite 2700  
5 Phoenix, Arizona 85004

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

2 Now's the time set for the tour in Line  
3 Siting Case 238. As we announced yesterday, we're only  
4 going to do one stop on this tour. The first stop at the  
5 southern end of the route. Just remind the members that  
6 there will be no deliberations or plan on the bus, so  
7 it's on the record before the court reporter.

8 Any questions or comments?

9 (No response.)

10 CHMN STAFFORD: All right. Let's go off  
11 the record and on the bus.

12 (Recessed from 9:05 a.m. until 10:17 a.m.)

13 (Time Noted: 10:17 a.m.)

14 (Arrival at Stop No. 1.1.)

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

16 We are as close to the proposed stopping  
17 place that we can get. The bus driver declined to  
18 proceed down this dirt road, so we walked to the top of  
19 this hill.

20 Mr. Derstine, can you point us out what we  
21 are looking at and where the ranch is with respect to our  
22 current position?

23 BY MR. DERSTINE:

24 Q. I'll ask Ms. Esquer --

25 MEMBER RICHINS: Come close.



1 BY MR. DERSTINE:

2 Q. I'll ask Ms. Esquer to orient us to where we're  
3 standing here on this spot on the road, which I guess  
4 is -- the Santa Maria Ranch is some further distance down  
5 the road, but what we do see is the 345- and the 500-kV  
6 transmission lines, and maybe you'll orient the committee  
7 to what we're seeing on the horizon and where you  
8 anticipate where the ranch is located, even though we  
9 can't physically see it.

10 A. (MS. ESQUER) Yes. That's correct. So the ranch  
11 is actually to our west here just a bit. So we're kind  
12 of at the northern portion of their private land at  
13 this -- at this location. So they are to the west, can't  
14 see it over the ridge, but they are here to the west.  
15 You see the existing transmission infrastructure here to  
16 the north. These are the existing WAPA 500- and 345-kV  
17 transmission lines that we've talked about in our  
18 testimony. So the project substation would be north past  
19 that 500-kV line, which you can see there the lattice  
20 structures associated with that -- with that line.

21 So the substation would tie in there just north  
22 of the line. The proposed route would begin just north  
23 of where we're standing. It would jog west about a mile  
24 before turning north into the mountainous terrain that  
25 you see there in the distance. So, as I said, you can

1 see the existing infrastructure here, you can also see  
2 that Aguila pipeline access road is visible. Heading  
3 west alongside the WAPA 500-kV, you can see some of those  
4 lattice structures there. And then there's just a piece  
5 of that pipeline access road that is visible heading  
6 north as well.

7 CHMN STAFFORD: All right. Now, isn't WAPA  
8 going to build a switchyard as well?

9 MS. ESQUER: Yes.

10 CHMN STAFFORD: And where will that be  
11 located?

12 MS. ESQUER: The switchyard will be  
13 essentially co-located with the substation.

14 MEMBER RICHINS: What's actually connecting  
15 here? What's -- that substation and switchyard, what's  
16 all feeding into that?

17 MS. ESQUER: Yeah, so the substation and  
18 the switchyard will interconnect the proposed route with  
19 the existing 500-kV Perkins line here.

20 MEMBER KRYDER: So this is their plug into  
21 the wall?

22 MS. ESQUER: Yes. Yeah.

23 MR. SPITZKOFF: So the 500-kV line that you  
24 see, they'll either change the existing pole or inset two  
25 poles to drop into the switchyard. So that's the source,

1 the 500-kV line will go into the switchyard, will have a  
2 500/230 transformer on the APS side of the fence, and  
3 then the 230 bus work. And then the 230 line will head  
4 out.

5 MEMBER GOLD: Mr. Chairman?

6 CHMN STAFFORD: Yes, Member Gold.

7 MEMBER GOLD: So what you're proposing to  
8 build is (inaudible) --

9 THE REPORTER: Wait, I can't hear you.

10 CHMN STAFFORD: You've got to face this  
11 way. When you turn that way, the court reporter can't  
12 hear you.

13 MEMBER GOLD: What you're proposing to do  
14 is build a switchyard on the opposite side of the 500-kV  
15 tower with the -- what was the other thing other than a  
16 switchyard?

17 CHMN STAFFORD: Well, they're going to  
18 build a substation. WAPA's going to own and build a  
19 switchyard, which actually ties to their 500-kV line.

20 MEMBER GOLD: So is there going to be a  
21 switchyard and a substation?

22 MR. SPITZKOFF: It's going to appear as one  
23 facility, but it will be fenced differently, but they  
24 will be right next to each other.

25 MEMBER GOLD: So you'll have a bunch of

1 tall poles on the opposite side of that tall pole right  
2 now?

3 MR. SPITZKOFF: Yup.

4 MEMBER GOLD: And you're going to have to  
5 send your crews up this road, where that car seemed to  
6 make it and, of course, our van driver didn't want to go  
7 up here. You're going to come up here, and you're going  
8 to go into there, you're going to build a whole bunch of  
9 stuff, and we can't tell if it's going to be visible from  
10 the ranch from this location; is that correct?

11 MR. SPITZKOFF: It will be visible from the  
12 ranch.

13 MEMBER GOLD: So it will be visible from  
14 the ranch house?

15 MR. SPITZKOFF: Yeah, you can see the  
16 existing structures from those --

17 MEMBER GOLD: Exactly.

18 MR. SPITZKOFF: -- these will be additional  
19 structures on the far side of those.

20 MEMBER GOLD: But if the ranch is below the  
21 ridgeline, I mean, he's looking up and that structure --  
22 and these structures will actually appear lower against  
23 the backdrop of the hills. But from our perspective  
24 they're at the crest of the hill, they blend in with the  
25 skyline, so we're not getting an accurate view of what

1 it's going to look like from the ranch house?

2 MR. SPITZKOFF: I don't know.

3 MEMBER GOLD: If the ranch house is below  
4 the ridgeline and we can't see it, he's going to be  
5 looking up.

6 MR. SPITZKOFF: Possibly.

7 MEMBER GOLD: Okay. So I'm not comfortable  
8 with looking from this position, Mr. Chairman. I just  
9 wanted to say that for the record.

10 CHMN STAFFORD: All right. Well, we got as  
11 far as the bus would take us. I mean, it's another  
12 probably mile to the ranch, based on what the sign said,  
13 like, one and a half miles up this road to the ranch.

14 MEMBER GOLD: I don't -- okay. I don't see  
15 why the bus can't just drive there. I'm just looking,  
16 whoever's car this is, do you have four-wheel drive?

17 MR. BENNETT: I do.

18 MEMBER GOLD: Did you use it?

19 MR. BENNETT: No.

20 BY MR. DERSTINE:

21 Q. I guess two questions, Mr. Spitzkoff: The  
22 location of the substation next to the switchyard, was  
23 that an APS decision about where to place the substation  
24 or is the location of the substation being driven by the  
25 location that WAPA selected for the switchyard?

1 A. (MR. SPITZKOFF) Yeah. It's driven by the  
2 location of where WAPA's putting their switchyard.

3 MEMBER GOLD: So I will have a question for  
4 WAPA or our representative who worked for WAPA on why in  
5 God's name they're putting the switchyard there, when  
6 it's obviously hindering the view of the one ranch that  
7 has people in it. When, to the best of my knowledge,  
8 there's a roadway that's in far better condition than  
9 this that's closer to where they want to do everything.  
10 It doesn't make sense to me at this point in time. May  
11 make sense later, but it doesn't make sense to me right  
12 now why they're doing it here.

13 CHMN STAFFORD: Right. I think when they  
14 get to their testimony on the Environmental Assessment, I  
15 think, if I recall looking back, it seems like WAPA  
16 evaluated several choices and shot them all down in favor  
17 of this location. And it appears that APS,  
18 they're -- they have to put their substation next to  
19 where WAPA puts the switchyard.

20 So WAPA seems to be driving the bus on that  
21 issue. So we'll hear more about that, I guess, when we  
22 go back to the hearing. But, I mean, you're going to be  
23 able to see it. I mean, you can see the lines. It looks  
24 like it slopes up from there. They're not going to build  
25 it on a hillside, right?

1 MR. SPITZKOFF: No, it needs to be flat  
2 ground.

3 CHMN STAFFORD: Right. So it's going to be  
4 somewhere on the other side of those lines. I'm  
5 assuming, unless they're -- if the ranch is lower in a  
6 valley it has to kind of be obscuring the hill they're  
7 going to be able to see -- they can already see the  
8 current lines, they'll be able to see the switchyard too.  
9 The switchyard won't be as tall as these lines, so I  
10 mean, but it will be visible. Just like these lines are  
11 already visible.

12 MEMBER GOLD: Yeah, but the lines,  
13 Mr. Chairman, blend into the hills, even the towers blend  
14 into the view of the hills from here. And if they're  
15 looking from a lower position where everything is going  
16 to blend into the hills, it's probably not a big issue.  
17 But if what they're looking at is going to be in the  
18 skyline like those --

19 BY MR. DERSTINE:

20 Q. Well, Ms. Esquer, can you speak to the location  
21 of the ranch in relation to where they are, and what the  
22 elevation and terrain will look like where the ranch is,  
23 if you have an opinion about what will the structures  
24 from the new substation and then the line that's coming  
25 out of the new substation, is that going to be backed up

1 to the hills or are they -- does the ranch sit on a  
2 higher location?

3 A. (MS. ESQUER) Yeah. So the ranch can put --

4 CHMN STAFFORD: Can you please stand over  
5 here so the court reporter can hear you. Thanks.

6 MS. ESQUER: As I said, the ranch is to the  
7 west, I believe a slightly lower elevation than we are  
8 standing at now.

9 MEMBER GOLD: Say that again, a higher  
10 elevation?

11 MS. ESQUER: A lower elevation than we're  
12 standing here now. It is kind of tucked down to the west  
13 of us. And so, as the Chairman said, they do have the  
14 current view of the existing 500/345-kV lines here. I  
15 would expect the view of the proposed route to be equal  
16 to or less than the visual impact associated with the  
17 500-kV lines. These are lattice structures which are  
18 obviously much more visible than a single monopole  
19 structure.

20 The substation would clearly be visible  
21 from the ranch. I can't speak with any certainty as to  
22 the exact angle, you know, of seeing that, but I do  
23 believe with the mountainous terrain that we see here and  
24 their position west of us, it would likely be backed up  
25 by this -- these rolling hills here. So I wouldn't



1 expect it to be, you know, as you said --

2 MR. SPITZKOFF: Skyline.

3 MS. ESQUER: -- skyline backdrop for their  
4 view.

5 CHMN STAFFORD: Any other questions?

6 MEMBER GOLD: I'd still like to see the  
7 ranch.

8 MR. DERSTINE: Kevin, how many passengers  
9 can you take in your Mazda?

10 MR. BENNETT: Four.

11 MR. DERSTINE: So if we have two vehicles  
12 and any members who want to drive down to the ranch  
13 location --

14 MEMBER GOLD: Well, I do.

15 CHMN STAFFORD: All right. Let's go off  
16 the record and get in the cars and see how we can get  
17 close to the ranch and get a good view of what's actually  
18 their perspective of the line.

19 (Time Noted: 10:30 a.m.)

20 (Conclusion of Stop No. 1.1.)

21 (Recessed from 10:30 a.m. until 10:45 a.m.)

22 (Time Noted: 10:45 a.m.)

23 (Arrival at Stop No. 1.2.)

24 CHMN STAFFORD: Let's go on the record.

25 All right. We moved down the road to the

1 entrance of Santa Maria Ranch, so we can better see where  
2 the switchyard and the substation will be located.

3 Mr. Derstine?

4 BY MR. DERSTINE:

5 Q. I cannot, but let me ask Ms. Esquer and/or  
6 Mr. Duncan if they can help orient the committee to,  
7 based on where we are, where you anticipate the new WAPA  
8 switchyard will be placed and then in relation to that  
9 the substation, which I understand would just be next to  
10 each other.

11 A. (MR. DUNCAN) So I'll take a stab at speaking to  
12 that. So here where this 500-kV structure is, not the  
13 one that is directly here above this car from my view,  
14 but the one to the left there. My understanding was that  
15 the -- the switchyard is -- basically would be -- would  
16 be in a position where it would be in between these two  
17 structures, but behind both of those lines.

18 MEMBER GOLD: Mr. Chairman?

19 CHMN STAFFORD: Yes, Member Gold.

20 MEMBER GOLD: How tall will the structures  
21 be that you're putting in and how tall will the  
22 structures be at the switchyard, relative to the  
23 structures that are already present?

24 MR. DUNCAN: Yeah, the structures -- our  
25 intended structures are going to average a height of

1 about 130 feet, depending on terrain conditions. Some  
2 may be taller, some may be shorter. Typical 230-kV  
3 substation components are generally about 125 to 135 feet  
4 in height. The structures that are going to be inside  
5 WAPA's switchyard I can't speak to, because I don't know  
6 what heights they use in their switchyards.

7 MEMBER KRYDER: Mr. Chairman?

8 CHMN STAFFORD: Yes, Member Kryder.

9 MEMBER KRYDER: Following up on that,  
10 Kevin.

11 MR. DUNCAN: Yes.

12 MEMBER KRYDER: How tall is that structure,  
13 the lattice structure that I'm pointing to, back of the  
14 envelope? What's your guess on that, 200?

15 MR. DUNCAN: Oh, no. My guess on that  
16 structure would be about 130 feet.

17 MEMBER KRYDER: So this new switchyard will  
18 be approximately the same as that, maximum, you said the  
19 range of 130?

20 MR. DUNCAN: Probably, yes. But from where  
21 we're standing it will be further back and closer to the  
22 mountains.

23 MEMBER KRYDER: And how big of a footprint?

24 MR. DUNCAN: That is a good question. At  
25 the time we have not done a lot of, you know, work,

1 obviously, other than the location with the switchyard,  
2 because it's not part of our application.

3 MEMBER KRYDER: Right.

4 MR. DUNCAN: But a typical 230-kV  
5 substation that APS builds is somewhere usually between  
6 10 and 20 acres.

7 MEMBER KRYDER: 10 and 20 acres, okay.

8 MR. DUNCAN: Yes.

9 MEMBER KRYDER: So if we were talking about  
10 10 or 20 acres and they're placed, again, between that  
11 structure and that structure, over the ridge, that's what  
12 we're talking about, right?

13 MR. DUNCAN: Yes, that's correct.

14 MEMBER KRYDER: Okay. Okay. And  
15 approximately the same height as the lattice structures  
16 that we see?

17 MR. DUNCAN: Probably not as tall as the  
18 500-kV on the left. Those tend to be closer to about 140  
19 to 150 feet.

20 MEMBER KRYDER: Okay. So the one straight  
21 forward, 130, that one 150, somewhere slightly less than  
22 the shorter of these two?

23 MR. DUNCAN: Yes, but I do want to caveat  
24 that these are estimates. I have not personally measured  
25 these structures.

1 MEMBER KRYDER: I'm not trying to be  
2 specific, but back of the envelope, so I get some idea of  
3 what I would see if I looked out there.

4 MEMBER MERCER: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member Mercer.

6 MEMBER MERCER: So the 10 to 20 acres for  
7 the -- does that include the WAPA?

8 MR. DUNCAN: No, it does not. That is just  
9 the APS portion of the substation.

10 MEMBER MERCER: Okay. Okay. Any idea what  
11 the WAPA size is going to be?

12 MR. DUNCAN: I do not know.

13 CHMN STAFFORD: Isn't there an estimate in  
14 the Environmental Assessment?

15 MS. ESQUER: There is. The estimate in the  
16 Environmental Assessment is about 15 acres for the  
17 switchyard. In total, for the substation and the  
18 switchyard, a conservative estimate is 50 acres together.

19 MEMBER KRYDER: Okay.

20 CHMN STAFFORD: But it could be, and that's  
21 just -- it could be -- I'm just doing the math, because I  
22 heard 10 and 20, so it's more like 30 acres, but I guess  
23 it could be bigger than that?

24 MS. ESQUER: Right. It's a conservative  
25 estimate. It's up to 50 acres, just based on, you know,

1 final engineering design.

2 MR. SPITZKOFF: Yeah, Mr. Chairman, using  
3 some historical information on substation size and  
4 knowing what these switchyards are going to look like,  
5 they're not going to be the same size as a full-blown  
6 230/69 switchyard. I would do back-of-the-envelope  
7 calculation, between the two yards, I don't think they  
8 would -- I think they would max about 30 acres, if not  
9 down to -- down to 20 acres.

10 MEMBER KRYDER: Okay.

11 MEMBER GOLD: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Gold.

13 MEMBER GOLD: So if I understand you  
14 correctly, the visual impact from here would be a  
15 switchyard between -- around the height of these  
16 lattices, but not as tall as the 500-kV lattices, on --  
17 or there seems to be a hill between these two, so I'm  
18 guessing the switchyard would be on flat ground on the  
19 other side of the hill?

20 MR. DUNCAN: That is -- that is correct.

21 MEMBER GOLD: And that would drop it down  
22 about 30 feet, 40 feet, I'm guessing?

23 MR. DUNCAN: I can't speak to that on the  
24 specifics of the engineering, because they'll have to do  
25 some grading before they -- before they install the

1 substation, but yes, it will not be, at least the APS  
2 portion, will not be as tall as this structure. However,  
3 again, I cannot speak to the height of WAPA's structures.  
4 It's also important to keep in mind that this is only  
5 selected structures inside of the substation. The vast  
6 majority of the equipment substations -- vast majority of  
7 the equipment and poles inside of the substation, are  
8 going to be substantially shorter than that.

9 MEMBER GOLD: And they're going to be  
10 graded on a flat area, not on the crest of a hill?

11 MR. DUNCAN: No, they would grade a flat  
12 area.

13 MEMBER GOLD: So I'm guessing it would not  
14 be any worse than what's here, but it will be more dense  
15 with poles and stuff --

16 MR. DUNCAN: It would increase density.

17 MEMBER GOLD: -- standing here between  
18 these two structures?

19 MR. DUNCAN: It would increase density,  
20 yes, yes.

21 MEMBER GOLD: But everyplace else the lines  
22 blend into the background except the places where they're  
23 up above the sky. Now, the poles you're putting in are  
24 they gray-silver like this, or are they going to be  
25 Cor-Ten rusty color that blends in better with the

1 background?

2 MR. DUNCAN: No, APS's standard  
3 construction practice is to use dull gray structures and  
4 nonspecular conductors. "Nonspecular" referring to  
5 nonreflective conductors.

6 MEMBER GOLD: Dull gray are more expensive  
7 to maintain than the Cor-Ten, because you have to paint  
8 them?

9 MR. DUNCAN: No, actually, Cor-Ten is a  
10 brand name, first of all. We refer to that as a  
11 weathered steel structure.

12 MEMBER GOLD: Is that what you're using?

13 MR. DUNCAN: It is not. But I want to  
14 respond in terms of maintaining, that neither structure  
15 requires maintenance. They are not painted.

16 MEMBER KRYDER: They're galvanized  
17 structures?

18 MR. DUNCAN: They are galvanized, but  
19 they -- but they use another treatment that dulls the  
20 grays or if they're using the weathered steel, which they  
21 are not planning to, but just in reference to his  
22 question, the weathered steel appears brown and rusty,  
23 but, in fact, it's just a treatment. But they're all  
24 galvanized to prevent rust. But we just -- we find that  
25 the dulled gray structures actually blend in with the



1 terrain usually better than the weathered steel, except  
2 in certain places, such as near Flagstaff and elsewhere.

3 MEMBER GOLD: So in this location -- I'm  
4 sorry about earlier, Robin -- so in this location what  
5 you're doing is your best to mitigate the fact that  
6 you're putting them up there. You're using something  
7 that will blend in better with the environment?

8 MR. DUNCAN: We -- yes, not only will the  
9 structures be weathered steel and the conductors will be  
10 nonspecular, but all of our equipment in our substation  
11 is treated the same way, intended best to help it blend  
12 into the background.

13 MEMBER GOLD: Now, would you -- your  
14 workers have trouble getting into this location to do  
15 that?

16 MR. DUNCAN: It is not clear until they  
17 have a construction design plan. I mean, they haven't  
18 even gotten as far as completing all of the design work,  
19 so it's not clear yet how the construction teams intend  
20 to access each of these pole sites. It may be -- and I  
21 may and I want to be clear on "may" -- it may be a  
22 combination of access through roads and potentially even  
23 helicopters. But I say "may" because there is no design  
24 and no such requirements have been made for that use, but  
25 I just want to be clear that road construction is our

1 standard practice. However, there may be areas where  
2 helicopter construction may be preferable and less  
3 expensive. But I want to be clear that that is a "may."

4 MEMBER GOLD: I'm more concerned about  
5 heavy equipment on these unimproved roads.

6 MR. DUNCAN: They may have to do some  
7 improvement to the roads that they use to access.

8 MEMBER GOLD: So they will leave the roads  
9 in the same condition or better condition than when they  
10 started?

11 MR. DUNCAN: There's no doubt about that.

12 MEMBER GOLD: Okay. That's for sure?

13 MR. DUNCAN: Our construction teams have  
14 standards and practices that they're required to adhere  
15 to and that includes practices related to roads and  
16 maintenance and even restoration. If a road is no longer  
17 going to be needed for maintenance purposes, the  
18 construction team will go through practices for  
19 restoration of those roads.

20 MEMBER KRYDER: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Kryder.

22 MR. DUNCAN: Yes.

23 MEMBER KRYDER: Kevin, continuing on with  
24 that idea a little bit, last night one of the public  
25 speakers, the final one, spoke about interaction or

1 communication basically between the construction teams  
2 and the ranchers and closing gates and such as that.  
3 That's a major thing. How do you address all of that?

4 MR. DUNCAN: So we -- you know, APS, as a  
5 contractor or as a manager of contractors, we want to  
6 work with our customers in terms of whatever is needed  
7 and we don't want to leave customers in a disadvantaged  
8 condition.

9 So if -- if any of our customers that are  
10 being affected by this project want to have input with  
11 our construction teams and want to be able to talk to  
12 them and understand and things like that, our  
13 construction teams will be more than happy to meet with  
14 them and keep them engaged in that process.

15 It's very important for us to understand we  
16 don't want to leave -- we don't want to leave -- you  
17 know, let cows out or leave damaged fences or things like  
18 that. That's not our standard practice. So we have  
19 previously offered the ranchers that live here at Santa  
20 Maria Ranch to meet with them and have some of our  
21 construction experts come out and talk to them. Now, of  
22 course, this is prior to this --

23 MEMBER KRYDER: Sure.

24 MR. DUNCAN: -- they did not take advantage  
25 of that at the time. But that does not mean that's one

1 and done, if they want to have future opportunities to  
2 meet with our construction teams, we are open to that.

3 MEMBER KRYDER: And how, since the ranch  
4 owner is here, how does he contact whoever is the right  
5 person to contact? Is there a phone number? Is that  
6 something -- whatever --

7 MR. DUNCAN: For now that's me or Anna.

8 MEMBER KRYDER: Okay. There you go, Dan.

9 MR. DUNCAN: But once this process is  
10 completed, it will be someone else and we'll make sure  
11 that that gets communicated to Dan.

12 MEMBER KRYDER: Okay.

13 MR. SPITZKOFF: Yeah, when the project gets  
14 handed over to the project management team, that project  
15 manager will be the single point of contact.

16 MEMBER KRYDER: Okay.

17 MR. SPITZKOFF: They will have his mail,  
18 phone number, visit his house.

19 MEMBER KRYDER: Okay. You hear that?

20 MR. CHAY: Yes.

21 MEMBER KRYDER: Okay.

22 CHMN STAFFORD: I have a question. This  
23 road that we can see, is that the access road for the  
24 existing WAPA line or is that the road for the pipeline?

25 MR. DUNCAN: My understanding is that is

1 the road that has been cut for the pipeline, by the  
2 pipeline contractor. That is not related to the  
3 transmission line. Except that we will take advantage of  
4 using it if it suits our purposes.

5 CHMN STAFFORD: Okay. So there's not an  
6 existing access road for the WAPA lines?

7 MR. DUNCAN: There may be. I -- it's  
8 probably very old and may not be well maintained.

9 CHMN STAFFORD: But the one we can see,  
10 that's the new one that they've cut for the pipeline?

11 MR. DUNCAN: Yes.

12 MEMBER GOLD: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Gold.

14 MEMBER GOLD: Do they have to go through  
15 this rancher's property to cut that line?

16 MR. DUNCAN: I don't know. I'm not  
17 affiliated with the pipeline.

18 MEMBER MERCER: Mr. Chairman?

19 CHMN STAFFORD: Yes.

20 MEMBER GOLD: Am I permitted to ask if  
21 anyone knows if that went through private property to get  
22 to it?

23 MR. SPITZKOFF: Are you asking about the  
24 pipeline or the existing transmission lines?

25 MEMBER GOLD: The road that's leading --

1 MR. SPITZKOFF: The road --

2 MEMBER GOLD: That road --

3 UNIDENTIFIED SPEAKER: It --

4 THE REPORTER: I'm sorry, who's that?

5 CHMN STAFFORD: It's Member Richins.

6 MEMBER RICHINS: It appears to be all State  
7 Trust Land, according to the map I'm looking at. If you  
8 see this, this is all State Trust.

9 MEMBER KRYDER: Can't hear you.

10 CHMN STAFFORD: It's all State Trust Land,  
11 everything over on this side. The entire WAPA line is on  
12 State Trust Land as well?

13 MEMBER RICHINS: It appears to be so.

14 MR. SPITZKOFF: This segment --

15 CHMN STAFFORD: This segment that we're  
16 looking at is on State Trust Land, so the access road is  
17 on State Trust Land?

18 (No response.)

19 CHMN STAFFORD: Okay. I'm seeing nods.

20 MR. DUNCAN: I can go on the record and say  
21 yes.

22 MEMBER GOLD: Mr. Chairman, am I standing  
23 on State Trust Land?

24 MR. DUNCAN: I do not know in this  
25 particular location. I would need to do some detailed,

1 you know, some detailed mapping work to figure out  
2 whether I'm on State Land right at this point. I'm not  
3 clear on that.

4 CHMN STAFFORD: We can follow up back at  
5 the hearing.

6 Member Mercer, you had a question?

7 MEMBER MERCER: Yes. Regarding the  
8 Aguila --

9 MEMBER KRYDER: Pipeline.

10 MEMBER MERCER: -- pipeline, are they the  
11 ones that created all this damage with the cactus and  
12 vegetation or -- so who is responsible for that?

13 MR. DUNCAN: So the pictures that I saw  
14 yesterday were supplied by a public commenter, the damage  
15 that you were seeing in those pictures was done by the  
16 pipeline contractor. They would have been responsible to  
17 the owner of the pipeline project and the owner of the  
18 pipeline project would be the person that obtained that  
19 right-of-way from the State Land Department, which would  
20 have come with stipulations and conditions.

21 I cannot speak to whether what they've done  
22 is in violation of those conditions. If it is not,  
23 they're okay. If it is, that's between the State Land  
24 Department and the Aguila pipeline company.

25 MEMBER GOLD: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Gold.

2 MEMBER GOLD: Along the same line of  
3 questions, if you're going to use a similar right-of-way,  
4 if they've broken laws and opened themselves up to  
5 liability, what are you going to do to make sure you're  
6 not doing the same thing?

7 MR. DUNCAN: So our land department is  
8 working with the State Land Department on obtaining  
9 access easements. We will have our own -- we may share  
10 the easements for where the -- for where the Aguila  
11 pipeline's access is, but we would still have our own  
12 easement giving our own use, but also having its own  
13 stipulations and conditions for us to remain in  
14 compliance. That is separate from the easement  
15 that -- that is owned by the Aguila Water Company.

16 MEMBER GOLD: So your policy is to follow  
17 all the rules, and if there are things that have to be  
18 moved or other such stuff, you follow all those  
19 regulations, as opposed to some of the images that some  
20 of us have seen where they've just bulldozed?

21 MR. DUNCAN: Yes, we follow the rules.

22 MR. SPITZKOFF: And, Member, if I could  
23 add, I can't speak to the rules that were governing what  
24 the road contract crew did. I'll speak to the APS  
25 perspective from that. We're in a different position.



1 We work with Arizona State Trust Land throughout the  
2 state. We value that relationship. We value the  
3 relationship with the people that use the land. Our  
4 goal, our intent, our track record is we leave it  
5 as -- as well or better than when we first arrived.  
6 Any -- anywhere we're using roads, right-of-way, whatever  
7 that might be.

8 MEMBER GOLD: Thank you. So one last  
9 question.

10 MR. DUNCAN: Yes, sir.

11 MEMBER GOLD: Have you been requested or if  
12 this is approved and we do go ahead with this, would you  
13 work with the local landowners or ranchers or people who  
14 live here to provide mitigating circumstances for  
15 anything that is within your power to do within reason to  
16 make their view of what's going on better?

17 MR. DUNCAN: Absolutely. We are -- we are  
18 more than happy to continue our -- we feel like we've,  
19 Anna and I, have developed a good working relationship  
20 with the owners here of this ranch, and I believe that  
21 APS -- other employees at APS would more than want to  
22 continue that good relationship, including through the  
23 construction phases. And it is in our best interests to  
24 work with our customers and neighbors. And we want to do  
25 what's best, you know, within reason, of course. There

1 is -- there are things that can be done that may or may  
2 not be reasonable, but we still want to investigate all  
3 opportunities to make things right.

4 MEMBER GOLD: Well, APS has a reputation of  
5 doing that. So that is admirable. Thank you. If this  
6 is the route that we go along with, that would be great.  
7 If we go with a different route, I mean, I'm just looking  
8 at the terrain to go here and the distance that you are  
9 going. And WAPA has put you in a difficult situation  
10 because of what they say, this is where you're going to  
11 build a substation. You're doing as best you can under  
12 the circumstances.

13 MR. DUNCAN: We believe so.

14 MEMBER GOLD: Thank you.

15 CHMN STAFFORD: Any further questions from  
16 members?

17 (No response.)

18 CHMN STAFFORD: All right. Let's go off  
19 the record and return to the hearing room. I guess we'll  
20 probably go to lunch once we get back and then go back in  
21 to start the hearing, let's say, at 1:30.

22 MEMBER GOLD: 2:00 will probably be better.

23 (Inaudible discussion.)

24 THE REPORTER: Are we off?

25 CHMN STAFFORD: Not yet.

1 Let's come back at 1:30. And maybe a few  
2 minutes afterwards, but we're shooting for 1:30 to resume  
3 the hearing at the hearing room. Now let's go off the  
4 record.

5 (Time Noted: 11:07 a.m.)

6 (Conclusion of Stop No. 1.2.)

7 (Tour concluded at 12:05 p.m.)

8 (Recessed from 12:05 p.m. until 1:37 p.m.)

9 CHMN STAFFORD: Let's go back on the  
10 record.

11 We've returned from the tour, on the  
12 itinerary we had three -- four stops listed. We only  
13 made the first stop, but we split the first stop into two  
14 stops. So I'm going to designate the first stop that did  
15 at the ridgeline Stop 1.1, and then the second stop that  
16 was at the entrance to the Santa Maria Ranch, Stop 1.2.

17 MEMBER KRYDER: Mr. Chairman, do you need a  
18 motion to that effect?

19 CHMN STAFFORD: No, I'm just -- I'm just  
20 naming -- renaming the stops so it is clear for the  
21 record that we did make two stops, but it was only in the  
22 vicinity of Route Stop 1 that was from the itinerary that  
23 was filed.

24 All right. Mr. Derstine, I believe you  
25 have, at least one more witness.

1 MR. DERSTINE: We still have a few more  
2 topics to cover with Ms. Esquer on the environmental  
3 analysis, and then we'll move on to Ms. Chaulk on our  
4 outreach and public engagement.

5 I guess, our friends at Peaks, could you  
6 scroll back to our slide at 81, please. That's great.  
7 Thank you.

8 Q. All right. I backtracked a bit here to this  
9 slide, slide 81, Ms. Esquer, because there were a number  
10 of questions as we got to the end of yesterday's hearing  
11 about the biological research analysis that was done in  
12 support of the CEC application. I guess the point -- I  
13 guess I'm going to make sure I'm clear in understanding  
14 is the -- the research, the biological research and  
15 analysis that was performed for the CEC application is  
16 essentially the same research analysis that was done to  
17 support the Environmental Assessment that was performed  
18 for and approved by WAPA; am I correct about that?

19 A. (MS. ESQUER) Yes, that is correct.

20 Q. Okay. And so, you know, the purpose of that,  
21 and I'm just speaking as more of a layman, you maybe have  
22 a better way to characterize it, but the purpose of these  
23 biological assessments are to, one, identify any areas of  
24 concern with regard to endangered species or sensitive  
25 species, whether they're animal life or wildlife, is that

1 a fair statement, or do you want to frame it in a better  
2 way?

3 A. (MS. ESQUER) Yeah, no, I think that that's  
4 accurate. The assessments that are done are completed in  
5 order to analyze any sensitive species that might be  
6 potentially impacted by the project, as well as capture  
7 the full effects of the project on those species if  
8 they're present.

9 Q. Okay. And then, in addition, I know that the --  
10 through the EA, based on that biological analysis, there  
11 are various conditions that are placed on the party who  
12 is going to construct the project to mitigate the impact  
13 on any endangered or candidate species or sensitive  
14 species; is that right?

15 A. (MS. ESQUER) That's correct. And those  
16 mitigation measures are incorporated into the analysis,  
17 so we get a thorough review of how species will be  
18 affected by the project.

19 Q. And similar to the conditions, the mitigation  
20 measures that are included in the EA, the CEC, if one  
21 were to be granted by this committee, also includes  
22 various conditions that are intended also to mitigate the  
23 impacts and ensure that the effects on wildlife or plant  
24 life are minimized to the greatest extent possible  
25 through the, you know, that might result from the

1 construction of the project?

2 A. (MS. ESQUER) Yes, that's correct.

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

5 MEMBER FONTES: Thank you, Mr. Chairman.

6 I just want to go back and take a step  
7 back, Mr. Derstine, if we can. Can we review what the  
8 statement of purpose and need of NEPA and at the State  
9 level? I just want to make sure we're talking about the  
10 studies were done with the same physical infrastructure,  
11 because the NEPA that WAPA was focused on was the  
12 substation or switchyard adjacent to their line, and I  
13 want to make sure that incorporates the -- the tie line  
14 so that we are consistent when we're making  
15 representations here. If we could review that for the  
16 committee that would be very useful on the record. Thank  
17 you.

18 MR. DERSTINE: Happy to do that.

19 Q. So, Ms. Esquer, could you refer to the EA and I  
20 think what Member Fontes is referring to is the defined  
21 proposed action?

22 A. (MS. ESQUER) That's -- yeah, that's my  
23 understanding. So I'll direct you to APS-20, and I'm on  
24 page 4 of the draft EA, section 2 proposed action and  
25 alternatives. So Section 2.1 is WAPA's proposed action,

1 and that is the switchyard, the Pete Smith Peak microwave  
2 tower, the 169.5 microwave tower, and a fiberoptic cable  
3 along the new transmission line. So those are the  
4 facilities that are specific to WAPA.

5 In addition to those facilities, the EA also  
6 looks at APS's proposed facilities, so that includes  
7 the -- both substations TS-01 and TS-02, as well as the  
8 entirety of the transmission line alignment analyzed as  
9 the proposed route.

10 Q. So if I were to read from under the APS section  
11 of the proposed action it says, "APS proposes to build,  
12 operate, and maintain a 14-mile 230-kV transmission line.  
13 The line would interconnect with WAPA's MDE-PES 525-kV  
14 transmission line at the southern end. In addition to  
15 the transmission line, APS proposes to build, operate,  
16 and maintain two new substations known as TS-01 and  
17 TS-02, located at the end of the new line." It  
18 references Figure 2. And then there's also a sentence  
19 that reads, "APS would also install fiberoptic cable  
20 along the new transmission line on which WAPA would have  
21 dedicated capacity to provide redundant communications  
22 for the new infrastructure."

23 Did I read that right?

24 A. (MS. ESQUER) Correct.

25 Q. And that's the projects that's presented to this

1 committee in the CEC application?

2 A. (MS. ESQUER) Correct.

3 MR. DERSTINE: Did that answer your  
4 question, Member Fontes, or did that go to the issue you  
5 were raising?

6 MEMBER FONTES: It did. I just want to  
7 make sure we're clear for the fellow members here,  
8 because we've got WAPA acting under a NEPA authority and  
9 then WAPA acting as an electric utility on the -- the --  
10 the substation, and then the interconnect there. So  
11 they're two distinct roles, but WAPA would have a  
12 dedicated environment on this, for my fellow members,  
13 that would be looking not only at the planning and the  
14 studies, but construction monitoring and the lifecycle of  
15 the asset for monitoring of environmental compliance. I  
16 hope that's helpful to my other members. Thank you.

17 CHMN STAFFORD: Thank you, Member Fontes.  
18 Member Little, you had a question?

19 MEMBER LITTLE: Yes, thank you,  
20 Mr. Chairman.

21 So just to clarify, that means that APS  
22 will need to follow WAPA's construction standards, such  
23 as Standard 13, which is Exhibit E to the EA, in  
24 construction out there of the transmission line itself;  
25 is that correct?



1 MS. ESQUER: That is correct -- that's  
2 correct, Member Little.

3 MEMBER LITTLE: Okay. And I have one other  
4 question. Is the new fiberoptic wire that's going to be  
5 installed along the transmission line, is that on the  
6 poles or is it underground?

7 MS. ESQUER: It will be strung on the  
8 poles.

9 MEMBER LITTLE: Okay --

10 MEMBER FONTES: Will it be embedded in the  
11 conductor, like an OPG optical wire or will it be  
12 separate because that has environmental impacts, both.  
13 And WAPA's construction standards are very different than  
14 an electric utility as a federal entity, so we're going  
15 to have to drill down on that a little bit more just as a  
16 heads up, Mr. Derstine.

17 MR. DERSTINE: Mr. Spitzkoff, can you  
18 answer that question, please?

19 MR. SPITZKOFF: Yes, when you include fiber  
20 on a transmission line construction project, it's  
21 included in the static position at the top, so that  
22 static wire doubles as an OPGW so it's up there. And  
23 it's -- it's standard on new transmission line  
24 constructions. You always want to include fiberoptic.

25 MEMBER FONTES: That's useful,

1 Mr. Spitzkoff. I appreciate that. It was confusing the  
2 way it was originally presented, but I appreciate it.  
3 Thank you.

4 MEMBER GOLD: Mr. Chairman?

5 CHMN STAFFORD: One second. Member Little,  
6 are you done with your questions at this point?

7 MEMBER LITTLE: For now, yes, thank you.

8 CHMN STAFFORD: All right. Member Hill,  
9 you have had your hand raised.

10 And you're next.

11 MEMBER HILL: Thanks, Mr. Chair. Thank  
12 you, Member Fontes, for clarifying some roles here. So  
13 in reading the application in the section that we were  
14 just talking about, the proposed action and alternatives,  
15 there is a statement here, and I'm not an attorney, but  
16 I'm looking for guidance or knowledge from other folks,  
17 that says that the APS facilities are not part of the  
18 federal action, they're described alongside the federal  
19 action to aid in the analysis. And in other sections it  
20 says that WAPA is the lead federal agency for the project  
21 and NEPA, but APS is a proponent for the transmission  
22 line. I'm trying to understand how APS's obligations to  
23 meet the conservation and protection measures in the  
24 Environmental Assessment and in the Biological Assessment  
25 are memorialized in some kind of permit or contract, and

1 then enforced. Can someone help me understand that?  
2 Because it doesn't feel -- some of the language in the EA  
3 makes it feel like there's -- being a proponent and not  
4 part of the federal action and the facility's being used  
5 in aiding and analysis doesn't feel like an obligation on  
6 APS's part or that there's a requirement for compliance  
7 with the Biological Assessment and the terms -- the  
8 protection and conservation measures described therein.

9 MS. ESQUER: Yes, Member Hill, I can take  
10 that one. So it is in the EA, as you said, APS's  
11 facilities are not part of the federal action, and so the  
12 language there is indicating that the APS transmission  
13 line is not on federal land, it is not federally funded.  
14 It is a -- a separate action from the federal action,  
15 which is the switchyard, that is the -- that is the  
16 primary federal facility analyzed herein.

17 However, the EA does a total look at the  
18 project to aid the analysis and ensure that the -- the  
19 transmission line for APS is -- the impacts are analyzed,  
20 since it is, you know, related to the construction of the  
21 switchyard. So it is certainly at -- APS's project  
22 component is certainly required to comply with the terms  
23 and conditions set forth within the NEPA document.

24 MEMBER HILL: How is -- how -- does WAPA  
25 issue some kind of permit and is there some -- how is

1 that --

2 MEMBER FONTES: Can I clarify here for you?  
3 So WAPA is the federal agency and they are going to issue  
4 what I believe, and correct me if I'm wrong, a finding of  
5 no significance, a FONSI, on an EA. And the reason  
6 they're going to look at the whole transmission line  
7 because that federal line is tied to the OPG in the  
8 substation. So I think they've done the right thing  
9 here, WAPA will continue to monitor, as I said, but WAPA,  
10 you've got to realize there's lots of pieces of WAPA.  
11 This is the people that overlook the NEPA, the  
12 environmental team.

13 And they're going to -- part of these  
14 studies, part of the reviews, those are separate from the  
15 people who are in WAPA assigned to do the operations and  
16 the design and then the construction on the -- both the  
17 com, which is the fiberoptic link, and then the  
18 switchyard.

19 So to get at what you're saying, the  
20 proponent is bureaucratic speak for who is applying, the  
21 applicant. And then the federal agency that has  
22 oversight on this is WAPA. But they are one and the same  
23 because you're just talking about two parts or two  
24 suborganizations in WAPA. It's very nuanced, I know.  
25 I'm trying to help out the applicant here, because the

1 applicant may not know this, but I served in WAPA as a  
2 senior investment officer for 10 years and I handled  
3 transmission financing before I retired last year. So  
4 I've dealt with this for a decade here in the desert  
5 southwest. But I think this is right and I think that  
6 the applicant will have to meet with the WAPA components.

7 My only issue is during construction is if  
8 they're going to have to do WAPA construction standards,  
9 as opposed to APS, that's a whole 'nother rabbit hole and  
10 perhaps Mr. Spitzkoff can verify that. I think you want  
11 to do APS construction standards and not the WAPA's would  
12 be my recommendation, but I'll let you answer that.

13 Member Hill, I hope that's useful. I hope  
14 for the environmental consultant I've added clarity,  
15 where I think Member Hill and I had some discussions  
16 about.

17 MEMBER HILL: In the past, yes.

18 MEMBER FONTES: Thank you, Mr. Chairman,  
19 for letting me interject here.

20 CHMN STAFFORD: Thank you.

21 MEMBER HILL: Mr. Fontes, are you under  
22 oath? No, I'm kidding. I'm kidding.

23 CHMN STAFFORD: All right. Was  
24 Mr. Spitzkoff or Ms. Esquer going to answer the question  
25 about the construction standards for the transmission

1 line?

2 BY MR. DERSTINE:

3 Q. Or, Mr. Duncan, if you have experience or have  
4 an opinion about, one, how is APS -- how will APS be  
5 bound by the various mitigation measures that are  
6 contained in the EA? It's always been my operating  
7 assumption that they are. But I think Member Hill raises  
8 the question how are they? What's the legal trigger that  
9 requires that APS comply with the mitigation and the  
10 other environmental conditions that are included in the  
11 EA? And then beyond that, the separate question of the  
12 construction standards and what standards are followed in  
13 terms of APS's construction of its transmission line and  
14 the two substations?

15 MEMBER FONTES: Mr. Derstine and  
16 Mr. Chairman, I might interject here. I mentioned what  
17 is called a FONSI, which is usually issued as a part of  
18 the EA record of decision that finding of no significant  
19 incident usually states those things you're describing,  
20 Mr. Derstine, on the projects that I've been involved.  
21 And then perhaps a subsequent MOU that dictates the  
22 construction standards, so that's where I know that they  
23 are typically found. And I would ask is there going to  
24 be issued a FONSI on this by WAPA? Because I think  
25 that's germane to the point that you just addressed, in

1 the question from the Chairman.

2 MS. ESQUER: Yeah, Member Fontes, I can  
3 take that question. So I would not -- I would not at  
4 this point venture to say that a FONSI would be issued  
5 for the project, just being conservative and not being  
6 predecisional, but certainly, since we are in the 30-day  
7 public comment period for the draft EA, any public  
8 comment that we will receive would get incorporated into  
9 the final EA, at which point a final document and a  
10 decision document would be issued. It is, you know, the  
11 analysis done in the EA does not indicate that any  
12 significant environmental effects warrant the  
13 preparation of an Environmental Impact Statement, which  
14 would be the alternative to a FONSI, or a notice of  
15 intent to prepare an Environmental Impact Statement would  
16 be the alternative to issuing a FONSI.

17 None of the analyses completed indicate so  
18 far that the project will result in that. But I just  
19 want to be clear for the record, I don't want to, you  
20 know, use predecisional language on that.

21 BY MR. DERSTINE:

22 Q. But what is the decision? Is there a decision  
23 and what is the next step in the decisional process once  
24 the draft EA has -- the 30-day time period has expired  
25 procedurally?

1 A. (MS. ESQUER) Yes.

2 MEMBER FONTES: For clarity, a FONSI is  
3 usually the decision document you get that gives you the  
4 permission to finance and go ahead for construction.

5 MR. DERSTINE: I understand. I wanted  
6 Ms. Esquer to at least --

7 CHMN STAFFORD: Yeah, let's let the witness  
8 answer the question, because she's the one that's under  
9 oath.

10 MS. ESQUER: Yes. So, as I said, the draft  
11 EA is up for public comment and, you know, the draft EA  
12 is intended to communicate the analyses that have been  
13 done so far. The draft EA does not indicate that any  
14 significant environmental effects are -- will result from  
15 the project. And so the likely outcome is a Finding of  
16 No Significant Impact. Yeah, just don't want to be  
17 predecisional there. It is a decision document, but  
18 ultimately, the decision will be either a FONSI or a  
19 notice of intent to prepare an Environmental Impact  
20 Statement.

21 CHMN STAFFORD: Okay. So the next step  
22 after the comment for the Environmental Assessment is  
23 either going to be a FONSI, meaning, okay, we've done  
24 enough analysis, we're not concerned about the  
25 environmental impacts, or depending on what the comments



1 we received, it would move it to the next process which  
2 would lead to an Environmental Impact Statement, correct?

3 MS. ESQUER: Correct.

4 CHMN STAFFORD: All right. Thank you.

5 Member Gold, you've been waiting to ask a  
6 question for a time now.

7 MEMBER GOLD: Thank you. I'm not  
8 comfortable with what I've seen today, and I lack the  
9 expertise to understand some of this stuff. I do not  
10 understand why we are running this line through territory  
11 that is virgin that they're going to bulldoze a portion  
12 of for a water line project, and they're going to go 5  
13 miles further than they have to go when the whole line  
14 could be following a road that exists, it's called 97,  
15 and where it intersects 96, you would be going through an  
16 area that is already a road that is shorter than what  
17 you're planning on doing. And I lack the expertise,  
18 because this is a WAPA project, but we do have someone,  
19 Mr. Chairman, who I would like to ask a question to, who  
20 worked for WAPA and has demonstrated an expertise on  
21 these projects.

22 So I'd like to ask Member Fontes if he  
23 would take a look and say why did they choose substation  
24 TS-01's location way to the south when they simply could  
25 have done it along the same WAPA 525-kilovolt line at the

1 intersection of 93 and 97, make the whole route shorter,  
2 intersect with the same power line, go over an already  
3 established road and shorten the project?

4 We've already ascertained that the  
5 applicant is doing TS-01 location because WAPA said they  
6 had to do it there. Can you enlighten us on any of this,  
7 Member Fontes, please?

8 MEMBER FONTES: Mr. Derstine, is WAPA  
9 available? I mean, you guys testify or come to the  
10 hearings on behalf of independent, and we've certainly  
11 seen Mr. Spitzkoff here with independent developers. I  
12 feel uncomfortable talking on behalf of somebody that I  
13 retired from.

14 MR. DERSTINE: Yeah.

15 MEMBER FONTES: I can only explain how the  
16 process is done, if that's useful, Mr. Chairman or  
17 Mr. Derstine, on how they look at it, but I'm not an  
18 engineer, I finance these things. So I would defer to  
19 you, Mr. Chairman, with Mr. Derstine's input, to answer  
20 that question.

21 MR. DERSTINE: Let me see if I can respond  
22 to it based on the documents and the record we have  
23 before us, and we'll see how far that gets us.

24 So, Member Gold, hearing your question, if  
25 you'll look at the EA, which is, what --

1 CHMN STAFFORD: Exhibit 20.

2 MR. DERSTINE: Exhibit 20, starting on  
3 page 8, Section 2.7.

4 MEMBER GOLD: Wait, wait. Let me go to 20.  
5 Page what?

6 CHMN STAFFORD: It's page 8, Exhibit  
7 APS-20, page 8.

8 MR. DERSTINE: So the beginning of that  
9 Section 2.7 states that "Prior to submitting the  
10 interconnection request to WAPA, APS considered multiple  
11 alternatives that would meet the underlying need for the  
12 project, as defined by APS. Subsequently during WAPA's  
13 evaluation of the Proposed Action," that's a capital P  
14 capital A, "Proposed Action, several additional  
15 communications alternatives facilities for redundant  
16 communications with the MPP-Q01 switchyard for the  
17 proposed switchyard were considered. The alternatives  
18 that were considered but eliminated by detailed NEPA  
19 evaluation by WAPA are described in the following  
20 sections."

21 If you'll look at the -- there's the first  
22 one that bears the heading, "WAPA interconnect with new  
23 17-mile APS alignment," the second one --

24 MEMBER GOLD: Wait a second, I see "WAPA  
25 interconnect with the 14-mile" --

1 THE REPORTER: I'm sorry, your microphone.

2 MEMBER GOLD: I'm looking for the 17-mile,  
3 okay.

4 MR. DERSTINE: But you focused -- what you  
5 referenced is the section I wanted to refer you to, so  
6 the WAPA interconnect with new 14-mile APS alignment. If  
7 you read that section, it appears that that alternative  
8 looked at at least part of what you're describing in  
9 terms of an alternative, and at the end -- so it says  
10 that the alternative --

11 MEMBER GOLD: What is -- am I reading  
12 correct "The alternative was dismissed because it would  
13 require the construction of a 7.2-mile access road before  
14 joining the Aguila Water pipeline ROW"?

15 MR. DERSTINE: Correct.

16 MEMBER GOLD: Okay. As I look at the map,  
17 I can't find that.

18 MR. DERSTINE: You can't find what?

19 MEMBER GOLD: I can't find the 7.2-mile  
20 access road that they would have to construct joining the  
21 Aguila Water pipeline right-of-way. Highway 97 crosses  
22 Highway 96 and the area that I see that it would have to  
23 join is a mile, not 7 miles.

24 MS. ESQUER: Member Gold, if I may. The  
25 figures in the EA are specific to the Proposed Action.

1 The alternatives described in Section 2.7 of the draft  
2 EA, as it says, were dismissed from detailed analysis by  
3 WAPA, so they are not included in the figures that you're  
4 seeing.

5 MEMBER GOLD: I don't quite understand what  
6 you're telling me. Where am I looking? I'm on page 9,  
7 first, second, third, fourth, fifth, sixth, and seventh  
8 sentences says, "The alternative was dismissed because it  
9 would require the construction of a 7.2-mile access  
10 road." I'm looking at the map. It has a key on the  
11 bottom that shows 1 mile.

12 MR. DERSTINE: You're talking about our  
13 placemat, is that --

14 MEMBER GOLD: Your placemat.

15 MR. DERSTINE: Okay.

16 MEMBER GOLD: It has a key at the bottom  
17 that shows a distance of 1 mile where Highway 97 --  
18 Highway 96 intersects Highway -- I'm sorry, where  
19 Highway 93 intersects Highway 97. If you follow that  
20 road back up to Highway 96, it's 1 mile to the substation  
21 TS-02 location. And that's already paved roads, where  
22 the environment has already been disturbed, the roads are  
23 there, it's easier to construct. Why is WAPA making you  
24 put the substation 5 miles down the road? It just  
25 doesn't make sense to me.

1                   You're tearing up portions of the  
2 environment that don't have to be torn up. Yeah, the  
3 water project is going to bulldoze it, but you're putting  
4 this substation right in front of people's homes and you  
5 have a perfectly good place to do it that's shorter,  
6 working on a paved road that makes the interconnection  
7 off the paved road just a mile. So I don't understand  
8 why WAPA is doing this.

9                   MR. DERSTINE: We'll see if  
10 Mr. Spitzkoff --

11                   MEMBER GOLD: Member Fontes worked for WAPA  
12 and said he had an extensive knowledge of this area. I  
13 understand he's not a witness and he's not sworn, but I'm  
14 looking for someone with knowledge.

15                   CHMN STAFFORD: Right. But he's more  
16 involved -- as he stated, he's more involved in the  
17 financing and he's not involved in the engineering.  
18 Because based on this analysis, what I'm seeing is that  
19 WAPA analyzed several different places to put their  
20 switchyard. It's going to be their switchyard that ties  
21 into their 500-kV line, and it looks like in the 14-mile  
22 line that we're talking about, it looks like they  
23 considered putting the switchyard somewhere either  
24 Liberty-Peacock 345-kV line or the Western Mead 500-kV  
25 line. So that's --

1 MEMBER GOLD: Yeah, and I'm looking at  
2 that.

3 CHMN STAFFORD: And that's -- now is that  
4 at a different location or that's just the two lines  
5 we're talking about interconnecting with here, correct?

6 BY MR. DERSTINE:

7 Q. I think Mr. Spitzkoff may be able to respond and  
8 give an explanation in terms of the -- why the  
9 alternative that Member Gold is referring to was not  
10 selected by WAPA; is that -- is that true, Mr. Spitzkoff?

11 A. (MR. SPITZKOFF) I'm going to try.

12 Okay. So the question is this -- okay, there we  
13 go. This is Highway 97 here. This is the Highway 97 and  
14 93 interconnection. To -- if WAPA puts the switchyard  
15 here, then the APS substation would be adjacent to that  
16 switchyard, and the 230 line, which was currently shown  
17 going all the way down here would have to travel in this  
18 general direction, and it ultimately would align back  
19 where somewhere where the Highway 97 crosses the existing  
20 alignment. That's the 7.2 miles. We cannot spur off of  
21 the highway for the construction of the line or the  
22 maintenance of that line.

23 So an access road -- there we go -- an access  
24 road would have to be built to get from this location  
25 to -- and if in WAPA's assessment they assumed it would

1 join back up with the Aguila pipeline road, which is  
2 here, so this would be new road, as opposed to using the  
3 road that has already been constructed, already disturbed  
4 the environment due to the pipeline.

5 MEMBER GOLD: Mr. Chairman?

6 CHMN STAFFORD: Yes, Member Gold.

7 MEMBER GOLD: It is not a new road.  
8 They're just bulldozing dirt. I'm going to try to point  
9 on the map. This is a road. If you follow the road to  
10 the next road and connect here, you are on paved roads  
11 all this entire distance, and only here do you have to go  
12 off the paved road for 1 mile to put the substation  
13 connection where you're planning on it. I don't  
14 understand why WAPA says you have to put the line down  
15 here when the 340 line can connect here, there's already  
16 a 525 and a 340 line, put the substations here, you have  
17 less distance, there is a paved road. And alongside the  
18 paved road why can't you just use right-of-way alongside  
19 the road like all the other projects have done in the  
20 past?

21 That's what I don't understand why WAPA has  
22 limited you to say you can't do the shorter road here and  
23 follow a paved road where you have to go way down here,  
24 put it in front of some rancher's house and then go right  
25 through a pristine environment that some water company



1 may or may not or they've already started bulldozing it,  
2 so I guess they're going to, just destroy the  
3 environment. I don't -- I don't understand. I'm looking  
4 for an explanation, why not -- why didn't WAPA just use  
5 this route? There's no 7 miles that I see that they're  
6 talking about. I see 1 mile off a paved road. Why is  
7 WAPA restricting you?

8 MS. ESQUER: So, as Mr. Spitzkoff said,  
9 the -- the transmission line would require more than just  
10 the highway, additional access roads would need to be  
11 constructed, and that's that 7.2 miles of access roads.  
12 So that would be 7.2 miles of additional access road, in  
13 addition to the existing access roads that are already  
14 being built for the Aguila pipeline, so it is actually  
15 more of a disturbance to the environment to have it  
16 there.

17 CHMN STAFFORD: Because you can't use the  
18 Highway 97 as an access road?

19 MS. ESQUER: Exactly.

20 MEMBER GOLD: Doesn't Highway 97 have a  
21 shoulder?

22 MR. SPITZKOFF: Highway 97 is not a  
23 suitable road for constructing a 230-kV transmission  
24 line, as you're suggesting.

25 MEMBER GOLD: So my question, then, is what

1 is Highway 97? Is it paved or not paved?

2 MR. SPITZKOFF: It is paved.

3 MEMBER GOLD: It is paved. How many lanes  
4 is it?

5 MS. ESQUER: It's a two-lane road.

6 MR. SPITZKOFF: One in each direction.

7 MS. ESQUER: One in each direction.

8 MEMBER GOLD: So it's a two-lane paved  
9 road, and all the roads that I've seen in this country  
10 have shoulders on both sides. So you have shoulders on  
11 both sides for a right-of-way. I'm still not  
12 convinced -- I don't understand why that route is not the  
13 preferable route, why you are forced to put your  
14 substation where you have to go on dirt. I mean, we just  
15 walked that area.

16 CHMN STAFFORD: How far -- how far back  
17 from the road does the power line have to be? They can't  
18 be set right on the road, there has to be a setback,  
19 doesn't there, what's the requirement on that?

20 MR. SPITZKOFF: There's too many -- too  
21 many variables. There's no one answer. You've got to  
22 look at the environment, the -- the slope next to the  
23 road, the size of the road, the ability to shut the road  
24 down for either construction or maintenance activities.  
25 There's a whole host of conditions.

1 CHMN STAFFORD: So if it's flat, it's got  
2 to be -- what's -- what's the closest they could get to  
3 the road under ideal circumstances? Because you can't  
4 obstruct the shoulder, it has -- it has to be off the  
5 shoulder, I'm assuming.

6 MR. SPITZKOFF: Yeah, if it's an ADOT road,  
7 we would probably have to have the edge of our  
8 right-of-way abut the edge of the ADOT right-of-way, and  
9 230-kV, I think we have 50 feet on both sides of the  
10 line, so depending on how far the ADOT right-of-way  
11 extends, then it would be another 50 feet, at a minimum,  
12 in ideal conditions.

13 CHMN STAFFORD: Okay. And that's not  
14 assuming difficult terrain. So let me make sure I'm  
15 understanding this correctly. So a two-lane road, like  
16 the 97, assuming that it's just flat, the shoulder's,  
17 you've got, what, like a 15-foot wide shoulder on the  
18 side of the road. And then you have -- and the  
19 right-of-way extends beyond that for the -- for ADOT's  
20 right-of-way extends beyond that, so it's about 25 feet  
21 on either side of the road, is that -- what's the width  
22 of the ADOT easement, typically?

23 MR. SPITZKOFF: I have no idea.

24 CHMN STAFFORD: No idea. So assuming  
25 it's -- say it's another -- say it's 15 feet from the

1 10-foot shoulder, so you look at 25 feet from the edge of  
2 the road and then you have to have yours set back -- the  
3 line would be another 50 -- if that's the right-of-way  
4 that they have, whatever that right-of-way is, I'm just  
5 throwing that number out as an example, the line would be  
6 set back another 50 feet from that. And if it's a hill,  
7 that makes it more difficult than if it's flat so that's  
8 going to create additional problems. But you're looking  
9 at you're going to be at least 50 feet from the edge of  
10 the road with the line, assuming there's no right-of-way  
11 beyond the edge of the road.

12 MR. SPITZKOFF: At a minimum.

13 CHMN STAFFORD: Right. Okay.

14 MR. DUNCAN: Mr. Chairman, if I may. In  
15 addition, 97 goes through a private parcel about halfway  
16 between the intersection of 97 and 96, and the 97 with US  
17 93. That private parcel is where the, as Ms. Esquer  
18 pointed out, that there are scattered residences in that  
19 area that currently, from the proposed action, are about  
20 a mile away from that line.

21 If we were to follow the proposal that's  
22 being discussed right now it would bring this line closer  
23 to a number of residences, and it was stated by a member  
24 that there was concern over the effect to a single  
25 property owner, this would increase substantially the

1 number of affected property owners.

2 CHMN STAFFORD: And then since it crosses  
3 private property you have to either get easements from  
4 those individuals or go through condemnation to get your  
5 easement, if they didn't cooperate, I guess?

6 MR. DUNCAN: That is correct.

7 CHMN STAFFORD: So that sounds like it  
8 creates additional problems than the route that's  
9 proposed, then?

10 MR. DUNCAN: I believe that it's just an  
11 additive reason why the proposed action is what it is  
12 versus this eliminated alternative.

13 CHMN STAFFORD: Okay.

14 MEMBER GOLD: Mr. Chairman?

15 CHMN STAFFORD: Does that help, Member  
16 Gold? Does that help explain it more?

17 MEMBER GOLD: It does help a lot. So I'm  
18 looking at the map, and I'm gathering this is an aerial  
19 photograph of some sort that shows topography, and I'm  
20 looking at the Route 97, which seems to go through a  
21 valley. And when it joins 96, it goes through some hilly  
22 terrain. The route that you're planning on is going  
23 through mountainous terrain, I'm just looking at the,  
24 whatever this placemat is called, I'm looking at the  
25 terrain, but if I understand you correctly, and this is

1 for Mr. Duncan, Ms. Esquer, and Mr. Spitzkoff, it seems  
2 that that you have exhausted all attempts to go  
3 through 97 and connect with 96; is that true?

4 MS. ESQUER: That's correct.

5 MEMBER GOLD: Okay. So if you've exhausted  
6 all those options, then the only option left is to go a  
7 more circuitous route through a much more difficult  
8 territory using more lines, but it looks like, if I'm  
9 understanding you, you've been boxed in. You don't have  
10 a choice. WAPA has said you must do it here. And  
11 there's no way around that. Is that a correct  
12 assumption?

13 MS. ESQUER: Correct. So -- so, yeah, the  
14 other alignments -- the proposed action is the alignment  
15 that was found to not only utilize the Aguila pipeline  
16 access roads to minimize impacts to the environment,  
17 avoid private land, and it's the shortest route feasible  
18 that was analyzed. So the combination of those factors,  
19 this is the proposed action that WAPA's put forward.

20 MEMBER GOLD: So WAPA, make a long story  
21 short, everything you're going to do is going to impact  
22 the environment to some extent?

23 MS. ESQUER: Correct.

24 MEMBER GOLD: Going along a roadway, a  
25 paved road, would impact it less, but taking all that

1 into consideration, and having said everything we said  
2 previously, the bottom line is WAPA is the one who  
3 determines where you have to put that substation; is that  
4 correct?

5 MS. ESQUER: Correct. I wouldn't say  
6 that --

7 MEMBER GOLD: Don't add -- please, don't  
8 add to that. If WAPA says that's where you have to have  
9 put it, then you don't have a choice, you're limited.  
10 You've got to put it there. And if you're putting it  
11 there, you simply follow the route that -- the route that  
12 they've already bulldozed?

13 MS. ESQUER: Correct.

14 MEMBER GOLD: That was my question. Thank  
15 you very much for clarifying that.

16 CHMN STAFFORD: Thank you.

17 Member Little?

18 MEMBER LITTLE: Thank you, Mr. Chairman.  
19 Did -- did WAPA actually say this has to be the route or  
20 was the route determined in cooperation with APS?

21 MEMBER GOLD: Good question.

22 MS. ESQUER: The route -- yeah, so the  
23 route we were analyzing, in cooperation with APS,  
24 however, it was WAPA's decision to bring forward the  
25 route as the proposed action and do the analysis on that

1 route.

2 MEMBER LITTLE: Okay. Thank you. I still  
3 have several more questions, so I'll be quick.

4 I think that one of the confusions for me  
5 has been, in all these different environmental studies,  
6 for example, page 8 in the EA, Exhibit 20, that portion  
7 that Mr. Derstine read several -- it says, "Several  
8 additional communication alternatives for the proposed  
9 action were considered." It didn't say, "Several  
10 different alternatives for the transmission line  
11 location." But what you're -- what I'm hearing you say,  
12 and I'd like you to confirm this, is that because the  
13 communication line is on the top of the poles for the  
14 transmission line, when they say "communication  
15 alternatives," they're also talking about transmission  
16 line routing; is that correct?

17 MS. ESQUER: That's correct.

18 MEMBER LITTLE: Okay. So it's just the way  
19 it has to be said in order to follow the format for NEPA  
20 or whatever?

21 MS. ESQUER: Right. And, again, ultimately  
22 it is up to WAPA. WAPA has the option to analyze  
23 multiple alternatives. That was not completed here  
24 because those other alternatives analyzed were not found  
25 to be beneficial in comparison to the proposed action.



1 MEMBER LITTLE: And so the final decision  
2 was made by WAPA, not by APS?

3 MS. ESQUER: Correct. This is a -- this is  
4 a WAPA document, this is a WAPA analysis, a WAPA  
5 document.

6 MEMBER LITTLE: I understand that. But the  
7 WAPA document -- they're not building the line, APS is  
8 building the line. And I'm still a little -- a little  
9 unsure about all the -- you know, what -- what authority  
10 each of the organizations has.

11 MR. SPITZKOFF: Member Little, let me try  
12 to help. So APS worked with WAPA in cooperation to  
13 identify possible alternatives. APS would have objected  
14 to an alternative if we thought it could not be built for  
15 construction reasons or any specific reason. With those  
16 alternatives, WAPA makes the decision on what that  
17 final -- the final route, the location of the switchyard,  
18 and which of those alternatives to move forward with.

19 MEMBER LITTLE: Okay. Thank you, Jason.  
20 That does help, Mr. Spitzkoff.

21 The other question I have, it's sort of in  
22 line with what we've been talking about is, will the  
23 transmission line for sure utilize the pipeline access  
24 road or are we going to end up with two roads out there,  
25 one for the pipeline and one for the transmission line?

1 You know, when you're pulling wire you've kind of got to  
2 be in line with the poles.

3 MS. ESQUER: Yeah, so the transmission line  
4 will utilize the same access roads as the pipeline.  
5 Those are the access roads that are shown in the -- in  
6 the figures, in the draft EA.

7 MEMBER LITTLE: Thank you.

8 BY MR. DERSTINE:

9 Q. I guess, to clarify your response to Member  
10 Little's question, I assume that there may be access  
11 roads that need to be built that would tee off of the  
12 Aguila pipeline access road for the placement of the  
13 transmission line in certain places; is that a correct  
14 statement?

15 A. (MR. SPITZKOFF) Yes, that's correct. She also  
16 mentioned about pulling -- pulling wires. That's -- the  
17 roads needed for maintenance is different than areas that  
18 you might need for pulling. Those pulling sites are  
19 temporary when the line is constructed and the line is  
20 pulled and then they are restored. And then it's  
21 possible, as we've discussed when we were out on the  
22 field tour, and Mr. Duncan was saying a handful or a lot  
23 of this line might be strung via helicopter also, and not  
24 even needing those temporary pole sites.

25 MEMBER LITTLE: I'm just trying to

1 envision -- thank you. I'm just trying to envision, you  
2 know, if you -- so you're saying that the only permanent  
3 road that would remain after construction would be the  
4 pipeline road?

5 MR. SPITZKOFF: The pipeline road is the  
6 backbone. Depending on the -- where specific structures  
7 end up in relation to that road, you might have a  
8 short --

9 CHMN STAFFORD: Spur.

10 MR. SPITZKOFF: -- spur to the specific  
11 structure. If the structures are close enough and can be  
12 accessed by vehicles, then you won't have a spur. But  
13 the pipeline road is the main backbone that you'll have.

14 MEMBER LITTLE: I have one other question  
15 about that road. And that is that the application stated  
16 that there are places where that road is -- has a  
17 40 percent grade. Are you really going to build a road  
18 with a 40 percent grade?

19 MR. SPITZKOFF: APS is not building the  
20 road. The road is going to be there with or without the  
21 APS line, and we are trying to maximize the use of the  
22 disturbance of the road as much as possible.

23 MEMBER LITTLE: That makes sense. Thank  
24 you.

25 CHMN STAFFORD: Thank you, Member Little.

1 Member Hill, you have a question?

2 MEMBER HILL: Yeah, I just -- I want to  
3 follow up on the road discussion, because it does say on  
4 page 6 of Exhibit 20 of the EA that APS will construct  
5 16 miles of permanent access road. Will that be revised  
6 once -- I just wanted to confirm there aren't going to be  
7 16 new miles. Can you talk about a revision there or  
8 what you actually expect?

9 MS. ESQUER: Yes, Member Hill. So the EA  
10 was written to be conservative, not knowing exactly the  
11 timeline of construction, and so we wanted to make sure  
12 that the full extent of the disturbance associated with  
13 those was captured in the EA. Obviously, those have  
14 since been built or have started to be built, so that is  
15 a revision that would be made in the final document.

16 MEMBER HILL: Okay. Thank you.

17 MS. ESQUER: But they are the same -- the  
18 same roads as those proposed for Aguila pipeline.

19 MEMBER HILL: Within the document there  
20 were a lot of I'm going to call them -- well, let me look  
21 for my words. Conservation measures and protection  
22 measures in the construction of that road.

23 When that road is constructed were those  
24 part of the construction method? Do you see where I'm  
25 getting at? Like, I feel like if APS would have built

1 the road, we would have built it to the standard and it  
2 would have limited biological impacts. Was -- was the  
3 construction of the road in line with these conditions in  
4 the EA?

5 MS. ESQUER: So the -- the construction of  
6 the road for the pipeline certainly had to abide by, you  
7 know, stipulations required for the right-of-way for  
8 those roads and for the Aguila pipeline. ASLD requires,  
9 you know, biological protection measures to -- to lease  
10 that right-of-way. So it's hard to, you know, say  
11 definitively on behalf of another party, that's -- but it  
12 would be a condition of their right-of-way to construct  
13 things in a way that is not detrimental to the  
14 environment.

15 MEMBER HILL: So it's not APS's  
16 right-of-way, then?

17 MS. ESQUER: The access roads  
18 are -- are -- yeah, the current access roads are Aguila  
19 pipeline access roads. So that is not APS's right-of-way  
20 for the --

21 MEMBER HILL: So they wouldn't even be  
22 maintained by APS in the way that might be described in  
23 this document either?

24 MR. SPITZKOFF: I would say APS would not  
25 be the primary party to maintain those roads. If, in the

1 future, we feel the condition of those roads are not  
2 suitable to our needs, we would probably first discuss  
3 that with the party responsible for the road and  
4 potentially have to agree on some actions.

5 MEMBER HILL: Okay. So there's, like, some  
6 specific instructions around those roads in riparian  
7 areas, you know, is APS doing a wetland and riparian  
8 delineation before construction to inform the maintenance  
9 of those roads and the construction of the site? I mean,  
10 is that -- is that something that you will be doing?

11 MS. ESQUER: So there has been an ordinary  
12 high water mark delineation of the washes in the project  
13 area prior. So, yeah, the -- the project would avoid,  
14 you know, discharge of drudge or fill materials in those  
15 areas. And the construction of the line, as is described  
16 in the EA, would abide by those protection measures for  
17 riparian vegetation.

18 MEMBER HILL: Okay. So what I'm hearing  
19 you say is more or less, at least with the roads there  
20 will be a limited number of roads, the final EA will  
21 inform that, it probably won't be 16 miles. And they  
22 ultimately kind of aren't responsible for a majority of  
23 the roads that that will be, I think it's Freeport that  
24 will be responsible for that. And then if there is an  
25 impact on biodiversity or water quality or other things

1 associated with those roads, you'll have to work with  
2 Freeport to remedy those situations, but what's in the EA  
3 you can't stipulate to because you don't control that  
4 right-of-way?

5 MS. ESQUER: I think that's correct, yes.

6 MEMBER HILL: Okay. All right. That's  
7 helpful.

8 I wanted to ask a couple of other  
9 questions. I continue to struggle with the Hilgart  
10 report. And I want -- and we talked a little bit  
11 yesterday about the methods for survey and inventory, and  
12 I went deeper on it last night, you know, there is good  
13 inventory data and maps for the mine expansion site.  
14 There's good photo documentation of species and other  
15 things.

16 Can you talk about the methods and surveys  
17 and inventorying in the Hilgart report for the area where  
18 this project is proposed? I did not -- I didn't see  
19 anything about the seasons that they were there, the days  
20 that they were there for surveys. I didn't see any photo  
21 documentation, can you -- is this -- did they do more  
22 than a desk review? Because it starts to really feel  
23 like a desk review on that section. And so can you talk  
24 us through that?

25 MS. ESQUER: Yes, absolutely, so the

1 HilgartWilson report was kind of a starting point for the  
2 analysis done for the CEC and for NEPA. However, it's  
3 important to note that the HilgartWilson report, in  
4 addition to doing their own field reconnaissance surveys  
5 of that alignment, it also incorporated a number of  
6 WestLand surveys that were done.

7           So WestLand has done surveys in the project  
8 area and in the vicinity of the project area since 2013.  
9 We've got -- we've done native plant inventories, noxious  
10 weed surveys. We did a biological evaluation for that  
11 alignment originally. And, you know, the HilgartWilson  
12 report, is included to be, as it's the most comprehensive  
13 report for all of those studies done and we also believe  
14 it to be representative of the habitat within the project  
15 area.

16           And that is based on continued review of  
17 HDMS, which is the Arizona Game & Fish Heritage Data  
18 Management System, those -- those records, pulling those  
19 records to make sure that they are current year after  
20 year, and contained in our analysis. And I can refer you  
21 to the Biological Assessment, which is --

22           MEMBER HILL: In the application?

23           MS. ESQUER: -- it's included -- sorry,  
24 it's included in APS-20, so it's appended to the EA. And  
25 I will give you exactly the appendix reference here.



1 CHMN STAFFORD: Is that Appendix E?

2 MS. ESQUER: That is correct. Thank you,  
3 Mr. Chairman. It's appendix E --

4 MEMBER HILL: -- attached to the  
5 Environmental Assessment?

6 MS. ESQUER: Yes. So I will -- so, as  
7 described in the Biological Assessment, the screening  
8 analysis was completed based on the literature review  
9 that was done, the HDMS database searches, which were  
10 insured to be current when this report was completed. A  
11 review of habitat suitability done by WestLand in 2015,  
12 in the project area, and that builds upon the  
13 HilgartWilson survey.

14 So there has been, you know, as I said, the  
15 HilgartWilson report was really kind of a starting point  
16 and it has been supplemented by literature review,  
17 habitat mapping, aerial imagery review, boots on the  
18 ground, habitat characterization, WestLand -- we've  
19 actually had thorough archaeological survey of the  
20 entirety of the proposed corridor, and those surveys do  
21 include a habitat characterization.

22 And so through, you know, the combination  
23 of the baseline survey report, the supplemental  
24 literature review, boots on the ground, and our surveys,  
25 we believe that the HilgartWilson report is really

1 representative of the project area, which is why it was  
2 included as the Exhibit B-1.

3 MEMBER HILL: Okay. So -- so literature  
4 review, database review, aerial photography review feels  
5 like a desk report. How much boots on the ground do you  
6 have and is it one study and one day over 14 miles?  
7 Where -- where is the -- where is that report, the boots  
8 on the ground? I want to know that someone has  
9 really -- we rarely see an application where there isn't  
10 good biological survey data and boots on the ground. We  
11 just don't. We don't see a lot of desk reviews. So talk  
12 to me about the amount of investment in the boots on the  
13 ground piece.

14 MS. ESQUER: Right. So, as I said,  
15 WestLand has been in the project area in the vicinity  
16 since 2013 --

17 MEMBER HILL: And not cultural resources --  
18 pardon my -- pardon my interruption -- but biological,  
19 that's what I care about.

20 MS. ESQUER: Okay. So, yes, so as I said,  
21 the native plant inventory, the noxious weed surveys that  
22 were performed, the biological evaluation which included  
23 a field reconnaissance of the area, continued, you know,  
24 visits for the habitat suitability for cuckoos that's  
25 referenced in the BA. And then the comprehensive pulling

1 together of the HilgartWilson report is, you know,  
2 representative, as I said, as -- of the project area.

3 MEMBER HILL: How many days in the field?  
4 What days? When?

5 MS. ESQUER: So I know that there  
6 was -- there were surveys completed in July and January  
7 of 2018, surveys completed in 2013. There were wildlife  
8 camera studies completed, and I don't have specifics on  
9 those for HilgartWilson's studies. But --

10 MEMBER HILL: Okay.

11 MS. ESQUER: I'm -- just if I could add to  
12 that?

13 MEMBER HILL: Yeah.

14 MS. ESQUER: The analysis for the  
15 Biological Assessment and the Environmental Assessment,  
16 you know, built upon these studies, additional literature  
17 review, you know, habitat photographs, those sorts of  
18 things. And those were completed, you know, to get a  
19 holistic look at the project and the project area. And  
20 that was done in support of both the CEC and the NEPA,  
21 those analyses were consistent across those processes.  
22 And the analysis completed for purposes of the NEPA, you  
23 know, has been reviewed by regional senior biologists for  
24 WAPA to ensure that they agree with the analysis  
25 presented and the determinations made in those documents.

1 MEMBER HILL: Okay. I think my last  
2 question for this section is, APS is committed to  
3 following through in all of the conservation measures and  
4 the protection measures that were identified in  
5 Exhibit 20 Environmental Assessment and Biological  
6 Assessment; is that correct?

7 MS. ESQUER: Correct.

8 MEMBER HILL: Okay. I think that's all I  
9 have for right now. Thank you. Thanks.

10 CHMN STAFFORD: Thank you, Member Hill.

11 MEMBER HILL: The main job of this  
12 committee has always been environmental stuff. I  
13 might -- I'm always going to go deeper on that. So thank  
14 you.

15 CHMN STAFFORD: Thank you, Member Hill.

16 Mr. Derstine.

17 BY MR. DERSTINE:

18 Q. Ms. Esquer, I had a number of questions relating  
19 to the biological surveys and field surveys and Member  
20 Hill did a masterful job of taking you through those  
21 questions. So is there anything else you wanted to add  
22 on the biological analysis that was used to support the  
23 conclusions reached in the EA and/or the CEC application?

24 A. (MS. ESQUER) I would just round out, you know,  
25 my prior testimony with the fact that, in addition to

1 these baseline surveys and, you know, habitat  
2 characterization efforts, we have continued to update and  
3 make sure that the analysis is current through, you know,  
4 continued pulling of both the U.S. Fish and Wildlife and  
5 Heritage Data Management System tools and continued to,  
6 you know, as I said, look at this with WAPA and ensure  
7 that the analyses and determinations made are accurate  
8 and correct.

9 Q. And you're confident in your conclusion that  
10 there are no adverse effects to threatened or endangered  
11 species or associated habitats?

12 A. (MS. ESQUER) We are, yes. And, you know, that's  
13 through both the analysis that was done, as well as the  
14 implementation of the protection measures that are listed  
15 there.

16 Q. And those are the conditions contained in the EA  
17 that Member Hill referred to that you indicated that APS  
18 would be bound by and comply with?

19 A. (MS. ESQUER) Correct.

20 Q. All right. Okay. I think our next section was  
21 to move on to the -- the discussion and analysis of the  
22 visual impacts of the project.

23 A. (MS. ESQUER) Yes. So as we saw today, the  
24 existing scenery within the project area is Sonoran  
25 Desert scrubland. There are rolling hills and rugged

1 mountains. There are those existing high-voltage  
2 transmission lines there at the southern terminus of the  
3 transmission line, as well as the northern terminus with  
4 the APS 115-kV Willow Lake line. My pointer is not  
5 working, I apologize.

6 Today we were able to drive on US Route 93,  
7 which goes by the southern terminus of the line there.  
8 That is Joshua Tree Forest Scenic Road, that's a  
9 designated scenic road, as we saw today during the tour,  
10 we saw the Joshua trees there. And State Route 97 is  
11 also present within the existing scenery, as well as  
12 State Route 96.

13 So WestLand prepared a number of visual  
14 simulations from key observation points associated with  
15 the project, and I can take the committee through those  
16 now.

17 So the first key observation point is key  
18 observation point 2, this is from US 93, looking north  
19 towards the southern terminus of the project. This is  
20 just north or -- just north of where we turned off today  
21 to go to the Santa Maria Ranch. So this is a  
22 representative view of the project for travelers on US  
23 93.

24 So the existing condition is shown there on the  
25 left and the simulated condition is shown on the right.

1 And you can see here, as we saw yesterday during the  
2 virtual flyover, the project substation is shown here on  
3 the right and the transmission line structures are  
4 shown -- they are hard to see, because of, you know, they  
5 blend in with the background there -- but they are  
6 present in this, if you can see those structures.

7 The next key observation point is key  
8 observation point 3, this is a representative view of the  
9 project from the scattered rural residents there that's  
10 private lands that you saw in the map. So there -- this  
11 would be their view looking east towards the project from  
12 the pullout to their -- their community there.

13 So the existing condition is shown on the left,  
14 and simulated condition is shown on the right and the  
15 project structures are visible there.

16 MEMBER LITTLE: Mr. Chairman?

17 CHMN STAFFORD: Yes, Member Little.

18 MEMBER LITTLE: I just want to confirm that  
19 you did not hear from any of the residents that would  
20 have that view from KOP-3 or from that small community?

21 MS. ESQUER: We did --

22 MEMBER LITTLE: -- except to ask if they  
23 could be connected electrically?

24 MS. ESQUER: That's correct, Member Little.

25 So we did hear from that community, and the ultimate

1 request from those folks was to be connected to the  
2 power.

3 MEMBER LITTLE: Thank you.

4 CHMN STAFFORD: Member Drago?

5 MEMBER DRAGO: Yeah, how do I pronounce  
6 your last name?

7 MS. ESQUER: Esquer.

8 MEMBER DRAGO: Esquer. Thank you.

9 Ms. Esquer, can you go back to KOP-3, right  
10 there. That neighborhood you're talking about,  
11 Mr. Duncan mentioned on the option that Member Gold  
12 mentioned, the line would have gone through that  
13 neighborhood, is that the neighborhood you're talking  
14 about?

15 MR. DUNCAN: Yes, Member Drago.

16 MEMBER DRAGO: Yeah, thank you.

17 MS. ESQUER: The next key observation point  
18 is key observation point 4. This is also from SR-97,  
19 this is looking west towards the project at -- where --  
20 near where the project crosses that highway. So existing  
21 condition is shown there on the left and simulated  
22 condition is shown on the right with the project  
23 structures.

24 MEMBER GOLD: Mr. Chairman?

25 CHMN STAFFORD: Yes, Member Gold.



1 MEMBER GOLD: Just for the record, I'd like  
2 to make two statements. When you looked at observation  
3 point 2, is that where we were this morning?

4 MS. ESQUER: Yes.

5 MEMBER GOLD: We did it from the road, your  
6 picture was from the road, but when we went from the road  
7 to the actual farm house or the ranch where the people  
8 were, we were in a valley. And it was obviously visible  
9 on the skyline and obviously visible from the valley  
10 because the roads -- you know, the road has a 40-degree  
11 variance in places. You have hills and valleys. And  
12 looking from the valley, the depiction from the road does  
13 not depict the view from their house or from their farm  
14 house. I just want that on the record.

15 Also, we were talking about terrain and  
16 positioning lines, if this is Highway 97, that was the  
17 one I was discussing earlier, I don't see a problem with  
18 a right-of-way next to the roadway. I mean, it looks  
19 like there's plenty of land out there to put a  
20 right-of-way.

21 Now, I realize you don't have an option  
22 because WAPA told you where you had to put the  
23 substation. But if they hadn't told you where to put the  
24 substation, if you had an option, there's plenty of room  
25 for a right-of-way alongside the road. I don't see an

1 issue where you have to be concerned about too close.

2           Again, it just irks me that WAPA said you  
3 had to put the substation there. But I'm just stating  
4 for the record. I understand you are -- you don't have a  
5 choice in the matter, but I just want it known, I'm not  
6 comfortable with what WAPA did.

7           MR. DERSTINE: And I guess to the  
8 testimony, Member Gold, that you heard from  
9 Mr. Spitzkoff, although in looking at 97, in terms of  
10 where the structures would be, I think Mr. Spitzkoff  
11 indicated that, you know, it's not clear how much offset  
12 the structures would have to be, but the finding and the  
13 determination in -- in APS-20, the EA, was that over  
14 9 miles of access road would have to be constructed and  
15 that those -- that additional 9 miles of access road  
16 would indeed have their own environmental impacts. And  
17 that was taken into account by WAPA in that decision.

18           MEMBER GOLD: Well, if it was closer to the  
19 roadway, it would have less environmental impact. And if  
20 you would put it 150 feet from the roadway, I'm sure it  
21 would minimize the environmental impact compared to what  
22 you're going to do if you have to put it there in  
23 pristine ground. I'm just commenting. I'm not telling  
24 you what to do. I'm just saying I'm upset with the box  
25 you were put in.

1 MR. DERSTINE: Yeah, I understand. I guess  
2 any decision about 9 miles of road here or the utilizing  
3 the existing access road that's being constructed for a  
4 different purpose, tradeoffs in terms of environmental  
5 impacts, and WAPA landed on selecting that route and the  
6 location of the switchyard and the substation based on  
7 those factors in their determination. But you're exactly  
8 right.

9 CHMN STAFFORD: I have a quick question  
10 about the Environmental Assessment. Did -- what did  
11 they -- how did they look at the road that was made for  
12 the pipeline? Are they treating that as like a sunk  
13 cost, meaning it's -- the impact's already happened and  
14 they're not looking at that in terms of what their  
15 project -- what effect their project's going to have?

16 MS. ESQUER: They look at it in -- in  
17 totality. So they look at the sum, essentially, of  
18 disturbance associated with the construction of the  
19 access roads, the construction of the transmission line,  
20 and the construction of the other facilities mentioned in  
21 the EA.

22 CHMN STAFFORD: Okay. So they consider it,  
23 but then they also consider that it's already there. So  
24 those impacts have already happened. It's not -- what  
25 I'm hearing about the other route is it's an additional

1 9 miles that are going to have -- of access that's going  
2 to have to get built?

3 MS. ESQUER: That's correct.

4 CHMN STAFFORD: So -- okay. So I guess  
5 that's however many miles -- well, the access road goes  
6 far beyond this project. The water pipeline is like 50  
7 miles long, isn't it?

8 MS. ESQUER: That's correct, yes.

9 CHMN STAFFORD: Okay. So they don't  
10 consider the rest of that road, they only consider the  
11 road that's relevant to the transmission line, then?

12 MS. ESQUER: That's correct, yes. And --  
13 and seeking to minimize environmental impacts by  
14 utilizing those roads that will -- that will be there,  
15 that are there, rather than building, you know, 9 miles  
16 of new road elsewhere, in addition to roads that will  
17 already be existing on the landscape.

18 CHMN STAFFORD: Okay. And then so that  
19 right-of-way for the pipeline where the access road is,  
20 that's -- that right-of-way is held by the mine, correct?

21 MS. ESQUER: Correct.

22 CHMN STAFFORD: Okay. And they -- since  
23 it's all on State Trust Land, they had to do -- they have  
24 to do a Class III cultural resources survey, wouldn't  
25 they?

1 MS. ESQUER: Correct, yes. They would have  
2 to comply with the State Historic Preservation Act.

3 CHMN STAFFORD: Right. And they've already  
4 done that to construct that line, or you can't speak to  
5 that, because you had no involvement with?

6 MS. ESQUER: Right. But the --

7 CHMN STAFFORD: Which one?

8 MS. ESQUER: What's that?

9 CHMN STAFFORD: You can't speak to it or it  
10 was -- you know it was done? Because we know it's  
11 supposed to be done, I guess do we know that it happened  
12 or not for the access road?

13 MS. ESQUER: Yes. So the issuance of that  
14 right-of-way to the -- to Freeport for the Aguila  
15 pipeline and the access roads would have required that,  
16 so --

17 CHMN STAFFORD: Okay. So they wouldn't  
18 have been able to do that unless they complied with the  
19 Arizona Native Plant Law?

20 MS. ESQUER: Correct.

21 CHMN STAFFORD: And the State Historic  
22 Preservation Act?

23 MS. ESQUER: That's correct.

24 CHMN STAFFORD: Okay. I just wanted to  
25 make sure that was clear. Thank you.

1 MS. ESQUER: Yes.

2 BY MR. DERSTINE:

3 Q. And I guess on that point, we've looked at and  
4 we've seen from public commenters damage to, you know,  
5 large saguaro cactus and maybe other cactus, we don't  
6 know, given the damage to that vegetation that was shown  
7 in the photos, whether or not that was done in compliance  
8 with the native -- Arizona Native Plant Laws, because it  
9 could very well be that the Freeport and/or its  
10 contractor complied with it by paying a stumpage fee for  
11 destroying that vegetation or may have complied with it  
12 in other ways, correct?

13 A. (MS. ESQUER) That is correct, yes. Yeah,  
14 there's no indication from just looking at those photos  
15 that anything was done unlawfully. Freeport would need  
16 to comply with those things, and they may have paid a  
17 stumpage fee.

18 CHMN STAFFORD: But then -- but if you do  
19 that and pay the stumpage fee, that's one way to comply  
20 with the statute, correct?

21 MR. DERSTINE: Correct.

22 CHMN STAFFORD: It's if you just secretly  
23 do it and don't pay the stumpage fee or don't move the  
24 native plants that you're supposed to, then that's where  
25 you get in trouble --

1 MS. ESQUER: That's correct.

2 CHMN STAFFORD: -- and I guess, they seek  
3 penalties for that?

4 MR. DERSTINE: But, again, the reality is  
5 we don't -- the Aguila pipeline and the access road  
6 constructed for the Aguila pipeline and the work that the  
7 contractor did would be governed by the right-of-way  
8 issued by ASLD and AS- -- presumably, as Ms. Esquer  
9 testified -- ASLD required and does require that they  
10 comply with all the applicable statutes, including  
11 cultural and plant -- yeah, Arizona Native Plant  
12 statutes, et cetera.

13 Again, it's not covered by the EA, it's not  
14 authorized by the EA. It's a project that has its own  
15 life and is being constructed and it was taken into  
16 account and considered by WAPA in deciding and approving  
17 the route for the transmission line and deciding that was  
18 the route of the least impact.

19 CHMN STAFFORD: Because the road's already  
20 been made?

21 MR. DERSTINE: That's right.

22 CHMN STAFFORD: Exactly. Okay. Thank you.  
23 Member Hill, you had a question?

24 MEMBER HILL: Yeah, first of all, I wanted  
25 to thank Mr. Derstine for walking us through the road

1 construction, because I was, too, struggling with, like,  
2 APS is asking for the ability to construct the road under  
3 these standards, but we don't know if the road was  
4 constructed. We assume that State Lands did it or  
5 followed the law, so thank you for that.

6 At the same time, you know, we -- I'm  
7 thinking about Mr. Gold or Member Gold's proposal only in  
8 that it does feel a little bit like we can put this  
9 transmission line adjacent -- we can co-locate it with an  
10 underground pipeline or we can co-locate it with the  
11 highway. That's how I see this. That's how I see the  
12 conversation that we're having. And if we co-locate it  
13 with a pipeline, there's still going to be spur roads  
14 that need to be built because that road, in order to do  
15 maintenance, we're still going to put some spur roads in.

16 So I feel like in either situation,  
17 acknowledging Member Gold's concept, we are co-locating  
18 with existing infrastructure and overall both options  
19 would reduce impacts on the environment. And so I just  
20 want to acknowledge my member's proposal as having some  
21 merit. And I don't feel like WAPA is telling us we have  
22 to do it here. The EA concluded that the corridor, as  
23 proposed, will have modest environmental impact, because  
24 I'm not going to say no, that's not my nature, will have  
25 modest environmental impact. But it didn't look at the



1 other corridor.

2                   So we actually -- it's really hard to  
3 compare them, and I think I'm speaking to my colleagues  
4 here that both -- both of these corridors have some  
5 merit, and we have approved multiple corridors before.  
6 So I'll leave it at that.

7                   So thank you, Mr. Chair.

8                   CHMN STAFFORD: Thank you, Member Hill.

9                   I have a question about the EA, the  
10 proposed action is the one route. And the way I looked  
11 at that report it seemed to me that WAPA says either you  
12 do it this way or not at all, because the comparison was  
13 no action, as opposed to this proposed action. It  
14 wasn't, well, we can put it here or we can put it there,  
15 let's figure out which one has the lesser impact. It's  
16 we kind of checked things on the front end, we determined  
17 this is the way to go, it's this way or we're not  
18 building it. Is that -- that's my assessment of what I  
19 saw in the EA; is that correct?

20                   MR. DERSTINE: That's how I read the EA.

21                   CHMN STAFFORD: Okay. With that, we're  
22 coming up on the 90-minute mark. I'm sure our court  
23 reporter could use a break. Let's take a 15-minute  
24 recess and when we come back, I believe we had some  
25 members of the public who wished to make additional

1 comment. So when we come back the first thing we'll do  
2 is we'll take public comment and then we'll return to the  
3 applicant's direct case.

4 We stand in recess.

5 (Recessed from 2:59 p.m. until 3:20 p.m.)

6 CHMN STAFFORD: Let's go back on the  
7 record.

8 We are going to take some additional public  
9 comments. Up first we have Heidi Chay.

10 MS. CHAY: I think we should all get up and  
11 do jumping jacks to get warmed up because it's really  
12 cold in here.

13 First off, I just want to say thank you to  
14 all the members of the committee and staff for coming out  
15 to Santa Maria Ranch this morning. It was great to see  
16 you there and for you to be able to see things firsthand.  
17 Second, I want to let you know that the illustrated  
18 written comments that I brought yesterday have been  
19 successfully submitted to the docket. They're there  
20 twice. So if you see our name and see "Rejected," you  
21 need to keep scrolling up or down to find the correct  
22 document with the docket number on it.

23 So Dan and I have been learning a lot and  
24 we still have a lot of questions. I want to remind you  
25 that there are two main premises for this new line

1 construction and one is that the mine will, in fact --  
2 Freeport will, in fact, decide to expand the mine and  
3 we're not entirely sure about that because it's dependent  
4 on global market conditions and labor; and two, that the  
5 impact of building this transmission line will be  
6 minimized by a co-locating with the pipeline.

7           And at this point we're feeling -- we're  
8 feeling that we're coming late to the process and we're  
9 feeling a little confused, because we're hearing mixed  
10 messages. So the confusion that we're having at this  
11 point is about how exactly the pipeline and the  
12 transmission line will share an access road. And, in  
13 fact, minimize the environmental impact.

14           So I just want to focus on the initial  
15 couple southern -- just the part of the future  
16 transmission line that we saw this morning. So you saw  
17 where the substation would be and in the distance is the  
18 Santa Maria River about a half a mile away, and then you  
19 see a very steep hillside rising to the heights towards  
20 Thorn Peak. And what I understood, from talking with  
21 Ms. Esquer and Mr. Duncan today, is that the access road  
22 necessary to construct the transmission line, as it  
23 leaves the Santa Maria River going north, is not the  
24 straight cut that you saw from Santa Maria Ranch Road  
25 this morning.

1                   And then I was just talking here with  
2 Marcus Middleton from Freeport's environmental  
3 department, and he's very knowledgeable and familiar.  
4 And that straight cut that we see is not a road, that's  
5 what they call a ripping test. And the ripping test is  
6 to find how much of this route can be done with a  
7 bulldozer versus -- and versus needing some other kind of  
8 rock breaking, I'm going to say. And, for the most part,  
9 they found the ripping test was successful. There are a  
10 few places where they'll need to bring in some rock  
11 breaking equipment and other techniques.

12                   We -- we read in the draft EA that APS will  
13 build the access road, but it also seems like Freeport is  
14 building the access road. When I talked with Ms. Esquer  
15 and Mr. Duncan, I understood that the access road has not  
16 yet been designed, so we don't have yet accurate  
17 measurements on the actual length or area of that road.  
18 And so my understanding is that that level of detail  
19 comes later in the design process, and that the current  
20 numbers are placeholders.

21                   I also understand that the footprint of the  
22 switchyard and substation has been conservatively  
23 overestimated in the draft EA at 50 acres, that's 15 for  
24 the substation and 35 for the switchyard, with 60 acres  
25 of total permanent disturbance. And it makes sense to me

1 that you overestimate for the EA, but at this point I'm  
2 wondering if the footprint of the access roads has been  
3 inadvertently underestimated, because we don't have  
4 enough information. I don't know.

5 Yesterday's simulated flyover showed that  
6 the transmission line, as it crosses the river, is well  
7 to the north or on the right-hand side of this ripping  
8 test, the straight line that we already saw this morning.  
9 There was no access road shown on the simulation, but we  
10 can reasonably assume that such an access road would be  
11 in close proximity to the new transmission line, and that  
12 it would involve some switchbacks to get up that very  
13 steep grade.

14 So as we heard yesterday, the main visual  
15 and environmental impact of an overhead transmission line  
16 is not in the poles themselves, but in the road building  
17 associated with it. And in addition to that we've got  
18 the substation and the switchyard which will cause  
19 somewhere between 20 and 65 acres of permanent  
20 disturbance, according to various estimates, which seems  
21 like a very wide array.

22 Also, I think we've seen that isolated  
23 towers blend into the landscape -- into the distant  
24 landscape pretty well. If they're right here on your  
25 daily run, they're right there, but they do blend into

1 the distant landscape, but a compact array of towers that  
2 you need for your substation switchyard do not, they  
3 remain visible.

4 So this morning was when we read for the  
5 first time in the EA that we weren't talking about 10  
6 acres, but potentially 60 acres of flattened area for  
7 this substation and switchyard. So whether it's 20 or  
8 60, it's a large area, and you put those -- that compact  
9 array of towers on it, there's no doubt in our minds that  
10 it will be an eyesore and it will be permanent and on top  
11 of the access roads. The impact to the landscape is  
12 going to be significant. It just is.

13 Thank you for listening.

14 CHMN STAFFORD: Thank you. Up next is Dan  
15 Chay.

16 MR. CHAY: So we do feel, like Heidi said,  
17 like we're coming into the conversation pretty late. And  
18 we're not naive about that. We also understand that the  
19 process is -- the whole process, the Freeport process of  
20 expansion and all the ancillary projects that that  
21 involves is really complex and involves different  
22 authorities for different aspects of the project. We're  
23 not naive about the influence that -- our sphere of  
24 influence with regard to that either.

25 We learned a lot of new information today

1 and with the Environmental Assessment that was submitted  
2 yesterday that we quickly tried to review overnight. We  
3 haven't done a close assessment of that. Looking at the  
4 possible corridor that starts at the intersection of 93  
5 and 97 and the pictures that you guys were looking at  
6 today during your discussion, one thing I noticed was  
7 that the plot for the communities just visually looking  
8 at that part where the 20 -- 20 families or residences  
9 may live and compare it to the fraction of the plot that  
10 you see from the Santa Maria Ranch, which is privately  
11 owned fee simple, it looks smaller.

12 So what I'm thinking is when the 500-kV  
13 line was put in and the 340, they crossed our property on  
14 the corner, you know, what that involved with regard to  
15 condemnation and compensation, I think where we're at  
16 right now is we have a lot of ground tooth checking to  
17 do. We need to do our own research to better understand  
18 that extra 9 miles, which is the justification for  
19 disregarding the 93/97 intersection corridor, and looking  
20 at the landscape.

21 So during the next however long it is and  
22 with regard to how much free energy we can harness, we're  
23 going to do that, ground tooth as much as we can, learn  
24 and verify as much as we can with regard to claims, and  
25 assess those assumptions about, in particular, about the

1 extra 9 miles. In comparison to what would be involved  
2 here. And also we will get involved with the NEPA  
3 process to see what we can learn there.

4 In the end, we want to make the most  
5 optimal decision and we think that all of you do as well,  
6 including the people at Freeport. And what we would like  
7 to preserve is and for -- and for -- and prevent is the  
8 possibility that as we go down the road in our  
9 conversations, that another justification for this route  
10 or the other one is that we have the Certificate of  
11 Environmental Compatibility for this, but we don't have  
12 for that. And because of that, we're just locked in even  
13 yet further. So if there's any possibility you  
14 could -- that you would consider and have the authority  
15 to approve an ancillary corridor that would go up 97, we  
16 would invite you to do that.

17 Thank you.

18 CHMN STAFFORD: Thank you.

19 That concludes our additional public  
20 comment.

21 Mr. Derstine, are you ready to presume with  
22 your direct case with your witness?

23 MR. DERSTINE: Yes. Yes we are.

24 Q. We left off on -- did you cover all of KOP-4 or  
25 that's where we left off? I don't recall, Ms. Esquer.



1 A. (MS. ESQUER) I believe we covered KOP-4.

2 Q. Okay. So moving on, I think your last key  
3 observation point and simulation was KOP-5.

4 A. (MS. ESQUER) Yes. So the final key observation  
5 point is KOP-5, this is the northern-most key observation  
6 point. This is at SR-96 where the proposed route crosses  
7 that highway, looking east -- or, yeah, I'm sorry, east  
8 at the line.

9 So the existing condition is shown there on the  
10 left and the simulated condition is shown on the right.  
11 The structures are clearly visible there crossing SR-96,  
12 so this would be a representative view of the travelers  
13 heading south on SR-96 out of Bagdad.

14 Q. I guess, in looking at this crossing and going  
15 back to the, briefly, to the suggestion of the comment  
16 that, you know, about paralleling State Route 97. It's a  
17 different visual impact to have a transmission line  
18 follow a state route for 9 miles, as opposed to crossing  
19 a state route, as you're showing here in KOP-5, right?

20 A. (MS. ESQUER) Certainly, yes. So I will actually  
21 go back to see -- get a look at this -- this map showing  
22 the entirety of the proposed route and the key  
23 observation points. So, you know, as we've seen, the  
24 proposed route travels through some rugged terrain here,  
25 in a remote location away from the highway and away from

1 the sensitive viewers associated with those roadways,  
2 SR-97, SR-96.

3 I would say that adding a transmission line that  
4 parallels a roadway would be a much more substantial  
5 visual impact to the travelers, you know, heading on  
6 north and south on this road daily, instead of, you know,  
7 an isolated view at the crossing or a view in the  
8 distance of a transmission line. This would be a much  
9 more obstructive view of the transmission line. I would  
10 also add, as discussed, that, you know, KOP-3 is a  
11 representative view for these 25 residents here west of  
12 the transmission line. They're about a mile away from  
13 the line at this point. Adding a transmission line along  
14 the entirety of this highway would bring that view,  
15 obviously, a lot closer and a lot more obstructive to  
16 those 25 residents there.

17 Q. It's 25 homes, not necessarily 25 people,  
18 correct?

19 A. (MS. ESQUER) Correct.

20 Q. And do you have an estimation of how close the  
21 transmission line would be to those 25 homes and however  
22 many residents and people live within those 25 homes?

23 A. (MS. ESQUER) It would likely be a couple hundred  
24 feet to a quarter of a mile would be my estimation?

25 Q. And so they're -- you know, as with all projects

1 there are tradeoffs, right, and so the tradeoffs between  
2 the -- what's -- what WAPA approved as the proposed  
3 action, in terms of the location of the WAPA switchyard  
4 and the APS substation, and then having the transmission  
5 line follow the path of the Aguila Water pipeline, as  
6 opposed, just as a hypothetical comparison or tradeoff,  
7 to having it follow 97, the EA rejected having the  
8 transmission line follow Highway 97, because of the need  
9 to construct over 9 miles of maintenance roads. But in  
10 addition to that, you have visual impacts, which you just  
11 identified, that is the visual impacts to 25 homes and  
12 the visual impact to the travelers on State Route 97,  
13 which has no transmission line today. In comparison to  
14 the back of the Santa Maria Ranch, which has a 345-kV  
15 transmission line and a 500-kV transmission line, which  
16 would then have a new substation sit among those  
17 structures and then follow the Aguila pipeline out of  
18 sight?

19 A. (MS. ESQUER) Correct.

20 Q. Okay. Anything else you wanted to add on visual  
21 impacts?

22 A. (MS. ESQUER) Right. So, as you said,  
23 Mr. Derstine, the visual impacts associated with the  
24 proposed route are minimized. The route is away from  
25 sensitive viewers, in most cases. There would be visual

1 impacts as, you know, we've described at the Santa Maria  
2 Ranch and at the crossings of SR-96 and 97. However,  
3 those landscapes already contain transportation  
4 corridors, high-voltage transmission lines at both the  
5 northern and southern ends, so would be additive in those  
6 areas, but minimal throughout the line.

7 Q. All right. Does that bring us to cultural  
8 resource analysis?

9 A. (MS. ESQUER) It does.

10 So WestLand has completed cultural resources  
11 surveys, pedestrians surveys of the entirety of the  
12 proposed corridor. There are two sites that have been  
13 located within the project area. These sites include  
14 historic components that are unevaluated and a  
15 pre-historic component that was recommended ineligible.  
16 The project would avoid direct impacts to any registered  
17 eligible archaeological sites. Those facilities would be  
18 constructed outside of the boundaries of those sites, so  
19 there would be no impact to those sites.

20 Q. All right. Recreation. Are there any impacts  
21 to recreation from the proposed project?

22 A. (MS. ESQUER) So there are no existing or planned  
23 formally designated recreation areas in the project area.  
24 Land use won't change and it's not currently expected to  
25 support, you know, formal or legal recreation. So the

1 project would have no effects to recreation in the  
2 project area.

3 Q. What about your analysis of plans of State and  
4 County, private entities for this project area?

5 A. (MS. ESQUER) Yes. So we looked at existing  
6 plans for Yavapai County. We obtained information from  
7 their comprehensive plan, as well as their zoning, and we  
8 did not identify any conflicts with those existing plans  
9 or zoning designations associated with the project. We  
10 did also send a letter directly to the planning division  
11 requesting information on any existing or planned  
12 developments that they may -- may know of. And we did  
13 not receive a response from them.

14 Q. I guess you didn't receive a response from the  
15 Yavapai County Planning Division, but based on your  
16 review of Yavapai County Comprehensive Plan, Yavapai  
17 County Zoning, and I guess any other, were you aware of  
18 any other private plans for development in the area,  
19 beyond what we know about the Aguila Water pipeline?

20 A. (MS. ESQUER) No.

21 Q. And so are there any impacts to -- to existing  
22 plans from the proposed project?

23 A. (MS. ESQUER) There are no impacts to existing  
24 plans for the project.

25 Q. Do you want to wrap up and give the committee

1 your environmental conclusions?

2 MEMBER RICHINS: Chairman?

3 CHMN STAFFORD: Member Richins.

4 MEMBER RICHINS: So what's the standard  
5 procedure when you don't receive a response from somebody  
6 that you've notified?

7 MS. ESQUER: It's typically assumed that  
8 if, you know, based on our research that there's no  
9 conflicts. And we have directly reached out to that  
10 planning division and no response is received, it's  
11 assumed that there are no conflicting plans. That  
12 information was specifically requested should any  
13 conflicts exist, and there was no response received.

14 MEMBER RICHINS: What was your method of  
15 notifying Yavapai County?

16 MS. ESQUER: We sent the letter that is  
17 shown here on the -- on the right-hand side. This is  
18 slide 114.

19 MEMBER RICHINS: And that's it?

20 MS. ESQUER: Yes.

21 MEMBER RICHINS: No email?

22 MS. ESQUER: I believe this was sent via  
23 email.

24 MEMBER RICHINS: Okay. Just electronically  
25 or snail mail, phone call follow-up, smoke signals,

1 pigeon courier? I think what I'm getting at here is I'd  
2 like to encourage applicants to do a little better here.  
3 I looked at -- there's a list in one of the exhibits, I  
4 can't -- I was trying to find it real quick and I  
5 couldn't -- but there's a list of local jurisdictions  
6 that were notified and next to most of them there's a  
7 column that says "Response received," no, no, no, no, no,  
8 no, no. The only agencies that respond were government  
9 agencies, Game & Fish, somebody else, couple others,  
10 SHPO. That's not -- I don't think that's adequate.

11 So I think we need to develop some kind of  
12 method that considers how we're following up to be sure,  
13 I mean, a phone call to the mayor, the City manager,  
14 whatever. Let's just do better there. I'm not -- I'm  
15 not going to make a big deal out of it for this  
16 particular case, but I want to signal in the future to  
17 folks that are reviewing these cases that passive  
18 outreach is no longer en vogue. It should be much more  
19 active, where we're taking the time to get on the phone  
20 or driving out to the jurisdiction and meeting with  
21 somebody and relating these impacts.

22 You know, all -- I represent some cities as  
23 a lobbyist and, you know, you could at least reach out to  
24 those guys, right, and have them put us to work, right?  
25 So I just want to signal that, that that's no longer

1 going to be adequate going into the future. We need to  
2 follow up with phone calls, emails, letters, and I think  
3 it's symptomatic -- and we can get into it when we talk  
4 about your outreach -- but it's also symptomatic about  
5 our low attendance at our open houses.

6 I think we're trying to balance this thing  
7 between notifying everybody and then what are we going to  
8 do if people actually respond. And so, let's not be  
9 afraid of that. You guys are doing a good job. You have  
10 a lot to be proud of, so -- anyway, that's my speech for  
11 the moment. I felt like it was the right place to --

12 CHMN STAFFORD: I think the next witness,  
13 Ms. Chaulk, is going to talk about how they did send  
14 notice of the hearing and everything to the County  
15 supervisors via certified mail. So that testimony will  
16 be forthcoming on that.

17 Before you wrap up, the one thing that I  
18 haven't heard about was the correspondence from the State  
19 Historic Preservation Office or SHPO.

20 MR. DUNCAN: I'm speaking to this one  
21 because the State Historic Preservation Office has  
22 changed their approach on this, and they now ask instead  
23 of the environmental consultant to engage in their  
24 consultation, they ask the applicant. So -- so as such,  
25 in coordination, however, with, since the reports and the



1 studies were done by WestLand, we coordinated with them,  
2 had them prepare the materials.

3 So we sent a letter by email, which is to  
4 Member Richins' concerns is their prescribed method for  
5 how they want us to engage with them, so that letter was  
6 provided by email to them. We did, however, receive a  
7 response right away, indicating receipt of that. And we  
8 did receive a letter back with some suggested conditions  
9 for the CEC.

10 CHMN STAFFORD: Yes. And that's  
11 Exhibit 18, Mr. Derstine?

12 MR. DERSTINE: That's correct.

13 Q. Is that the communication you're referring to,  
14 Mr. Duncan, is APS-18; is that right?

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

16 CHMN STAFFORD: Thank you.

17 MR. DERSTINE: And APS-18 includes the  
18 re- -- well, I guess, does it include the response?  
19 Yeah.

20 CHMN STAFFORD: Yeah, my recollection is it  
21 had some back and forth and the -- SHPO suggested some  
22 language for the draft CEC, and then I think there was an  
23 inquiry back to SHPO and then a response.

24 MR. DERSTINE: Right. We had some  
25 questions -- clarifying questions on some of their

1 suggested language in the condition. They agreed to  
2 modify that condition. And that's what we've  
3 incorporated into our proposed CEC, I believe, that's  
4 correct, yes.

5 CHMN STAFFORD: Thank you.

6 BY MR. DERSTINE:

7 Q. Okay. Do we have any, ultimately, any sort of,  
8 other than the proposed CEC conditions which were -- we  
9 will be presenting to the committee, do we have the  
10 concurrence from SHPO in terms of the cultural surveys  
11 and the approach or are we still waiting for that?

12 A. (MR. DUNCAN) They consider the letter and the  
13 response to be their formal way of giving concurrence.  
14 They would notify us if they did not give their  
15 concurrence.

16 Q. Okay. All right. And I guess while we're doing  
17 a little bit of cleanup here, we'll deal with the SHPO.  
18 We had a letter from Commission Staff in response to the  
19 Chairman's standard letter requesting input from Staff on  
20 this project. And, Mr. Spitzkoff, I think we just,  
21 shortly before this hearing, received a letter from  
22 Staff, dated October 24th that's marked as APS-19?

23 A. (MR. SPITZKOFF) That's correct.

24 Q. Okay. Have you had an opportunity to review the  
25 letter from Commission Staff?

1 A. (MR. SPITZKOFF) I have.

2 Q. Can you summarize what their position or  
3 conclusions are?

4 A. (MR. SPITZKOFF) They agreed with the results of  
5 the System Impact -- or let me restart. They reviewed  
6 the System Impact Study results, and agreed that there  
7 would be no reliability impacts and alluded to potential  
8 increase in the reliability of the Arizona transmission  
9 system.

10 CHMN STAFFORD: And that System Impact  
11 Study that you referenced, that is also included in the  
12 record as APS-16?

13 MR. DERSTINE: Is that right? Yeah, the  
14 System Impact Study was 16. Yes, 16.

15 CHMN STAFFORD: Thank you.

16 BY MR. DERSTINE:

17 Q. You know, Ms. Esquer, we've -- I think your next  
18 section talks about NEPA. We've spent a lot of time  
19 talking about the EA, but we included this discussion  
20 here just to make it clear that there was a federal  
21 component to this project, which the committee now is  
22 well aware of.

23 And part of what we were still waiting for, the  
24 draft EA, which we received from WAPA just before -- it  
25 was released just before the commencement of the hearing.

1 As an overview of the NEPA process, can you just outline  
2 that for the committee in terms of when it commenced and  
3 where we are in that process?

4 A. (MS. ESQUER) Yes, I can.

5 So the lead federal agency, as you've heard, for  
6 the NEPA process is Western Area Power Administration.  
7 That is triggered by the federal interconnection to the  
8 500-kV line owned by WAPA. And so NEPA was -- it  
9 commenced in early 2023 with a decision by WAPA to  
10 prepare an Environmental Assessment for the project.  
11 That has been in progress since then, public scoping has  
12 been done as part of that to identify potential issues,  
13 concerns, questions from the community, stakeholders in  
14 the area associated with the project, and those are  
15 reflected in Appendix A to the EA, which is APS-20.

16 The draft EA has, as I've noted, been prepared,  
17 and the -- just released on Sunday was the official start  
18 date of the public comment period for the draft EA. That  
19 public comment period will run 30 days to garner any  
20 public comment on the analysis therein. WAPA will  
21 incorporate those comments into a final document and  
22 ultimately issue a decision document.

23 Likely a Finding of No Significant Impact, but  
24 don't -- again, don't want to be predecisional there, but  
25 that is typically the decision document associated with

1 this level of NEPA analysis. If a FONSI is not issued,  
2 it would be a notice of intent to prepare an  
3 Environmental Impact Statement.

4 Q. Okay. And you indicated that the public comment  
5 period now has opened on the EA, and I assume that that  
6 gives area residents, including the Chays, an opportunity  
7 to comment on the EA and say whatever they would want to  
8 say to WAPA and to have those comments considered; is  
9 that true?

10 A. (MS. ESQUER) That is true.

11 Q. Okay. Anything else you wanted to add about the  
12 NEPA process or where we are in terms of the EA?

13 CHMN STAFFORD: Oh, Member Hill, you have a  
14 question?

15 MR. DERSTINE: Oh, sorry.

16 MEMBER HILL: Thanks, Mr. Chair.

17 So the only real permits before  
18 construction are getting the -- getting the notice of no  
19 significant impact, the FONSI?

20 MS. ESQUER: Right.

21 MEMBER HILL: And then our CEC. And there  
22 are no other permits or public processes to build this  
23 line; is that correct?

24 MS. ESQUER: That's correct.

25 CHMN STAFFORD: Other than this process,

1 you mean?

2 MEMBER HILL: Yeah, other than the CEC --

3 MS. ESQUER: The CEC process and the NEPA  
4 process, correct.

5 MEMBER HILL: The NEPA process. That is  
6 all that's required of you guys to build this line? I  
7 just wanted to confirm that.

8 MS. ESQUER: That's correct.

9 MEMBER HILL: Okay. All right. Thanks.

10 CHMN STAFFORD: Member Little?

11 MEMBER LITTLE: Thank you, Mr. Chairman.

12 What happens to the project if Freeport  
13 decides that the market isn't good and they're not going  
14 to expand?

15 BY MR. DERSTINE:

16 Q. Mr. Spitzkoff?

17 A. (MR. SPITZKOFF) So APS would not construct this  
18 project until there's a commitment from Freeport. They  
19 will be the ones ultimately paying for the construction  
20 of the project. And I -- I don't want to assume -- it's  
21 likely they would not provide a commitment to APS to  
22 spend the money constructing this project without a  
23 commitment on their side to move forward and increase the  
24 electrical needs at the mine.

25 MEMBER LITTLE: Thank you.

1                   And my other question is, what happens if  
2 you -- I know if you don't get the FONSI, then you have  
3 to do an Environmental Impact Study, and how long is that  
4 process, generally, you know, are we looking at two  
5 years?

6                   MS. ESQUER: Yes, the process -- it's a  
7 lengthy process, it can last a number of years.

8                   MEMBER LITTLE: And what if it's denied in  
9 the end?

10                  MS. ESQUER: Then the project would not be  
11 built.

12                  MEMBER LITTLE: Okay. Thank you.

13                  CHMN STAFFORD: Thank you, Member Little.  
14 Mr. Derstine.

15                  MR. DERSTINE: Ms. Esquer is getting some  
16 counsel from Mr. Duncan, so I want to make sure that we  
17 don't have anything more to say on that topic.

18                  MEMBER MERCER: Yes, Mr. Chairman?

19                  CHMN STAFFORD: Yes, Member Mercer.

20                  MEMBER MERCER: So in the same line as  
21 Member Little's question, my understanding was that this  
22 line would also service the township of Bagdad or is  
23 that -- not enough to service the township?

24                  MR. SPITZKOFF: So, Member Mercer, the  
25 town's currently served off of the existing 115 line.

1 And it will continue to be served off of the 115 line.  
2 This project provides an opportunity for another backup  
3 source in case the main 115 line is out for maintenance,  
4 lost to -- to an event. We already -- there already is a  
5 normally open backup tie that we can utilize for the  
6 town.

7 This project would allow for an additional  
8 backup to the backup, and -- and would allow us to back  
9 up even more of the town. The town currently peaks  
10 around 11 megawatts. The current backup, we have a  
11 guarantee for 6 megawatts and a potential for more,  
12 depending on conditions. So this would provide an  
13 opportunity to firm up that higher level.

14 MEMBER MERCER: Okay.

15 BY MR. DERSTINE:

16 Q. Okay. Ms. Esquer, did you have anything that  
17 you were going to follow up on or does that conclude your  
18 testimony?

19 A. (MS. ESQUER) Just to provide some clarification  
20 to Member Little's question. The Environmental Impact  
21 Statement itself is not a decision document. It is a  
22 disclosure of the impacts, very similar to the EA.  
23 Ultimately, out of the Environmental Impact Statement a  
24 decision document -- a record of decision would be issued  
25 that would permit the project with, you know, a number of



1 mitigation measures identified through that process or a  
2 selection of a -- of a no-action alternative.

3 CHMN STAFFORD: And that decision document  
4 would be issued by WAPA?

5 MS. ESQUER: That's correct.

6 CHMN STAFFORD: Okay.

7 BY MR. DERSTINE:

8 Q. So, essentially, if the FONSI is not issued,  
9 which essentially approves the EA and the Finding of No  
10 Significant Impact, then the study process would start  
11 over and through a more lengthy and detailed study  
12 process, which I understand to be the Environmental  
13 Impact Statement process. And then at the conclusion of  
14 that process, it's, again, a decision point for WAPA to  
15 then either issue a record of decision approving the  
16 project or render a decision that the project would not  
17 go forward?

18 A. (MS. ESQUER) That's correct.

19 Q. And that, as you indicated, could take a number  
20 of years on top of the whatever time it has taken for the  
21 EA process to play out?

22 A. (MS. ESQUER) Correct.

23 Q. Okay.

24 CHMN STAFFORD: Mr. Derstine, there was  
25 some discussion about whether the mine is actually going

1 to increase its operations or not. Did you have an  
2 exhibit about that? Who was the witness you were going  
3 to introduce that? Is that going to be --

4 MR. DERSTINE: We do have an exhibit which  
5 is simply a news article that's APS-15.

6 Q. And, Mr. Spitzkoff, can you speak to that? I  
7 think that goes to your purpose and need testimony.

8 A. (MR. SPITZKOFF) Sure. I'll try my best,  
9 I've -- over the past years I've learned a number of  
10 different industries that we've had to sort of describe  
11 for the committee.

12 So that article lays out the basics of the, you  
13 know, what we call the expansion of the mine. And it's  
14 an increase the -- yeah, the production or the extraction  
15 of the ore, so the processing facilities. And also they  
16 have a plan to electrify and autonomize their vehicle  
17 fleet. So all of that work is what leads to the  
18 additional electrical needs that they have.

19 Q. So in the first sentence, and I think the Peaks  
20 audio team is showing APS-15 up on the screen, that first  
21 sentence says that "The company is planning an expansion  
22 to more than double the concentrated capacity of the  
23 Bagdad open pit copper and molybdenum mining complex in  
24 Northwest Arizona."

25 The concentrator capacity, as I understand it,

1 is the process that's used to crush or extract the ore  
2 from the raw mineral; is that -- am I correct in that?

3 A. (MR. SPITZKOFF) That's my understanding. And  
4 it's not my understanding is they mine enough ore, it's  
5 actually an increasing what I would call the throughput  
6 processes.

7 Q. So and it's the expansion of that  
8 concentrator -- those concentrator operations that's  
9 driving the increased energy need and the need for this  
10 project that is a new transmission line to serve those  
11 whatever the new energy demands and load of the mines,  
12 expanding concentrator operations will be?

13 A. (MR. SPITZKOFF) Yes.

14 Q. Okay. All right. And I guess the -- your  
15 testimony is that, and I think it's noted here in APS-15,  
16 that, you know, the decision to proceed and timing of the  
17 potential expansion will take into account overall copper  
18 market conditions, availability of labor and other  
19 factors. I mean, as of right now, Freeport has asked APS  
20 to move forward with this transmission line project in  
21 anticipation of the increased energy demands and needs of  
22 the mine, correct?

23 A. (MR. SPITZKOFF) Correct.

24 Q. Okay. And your -- and I think your testimony is  
25 that you do not expect the Freeport to spend the \$60-plus

1 million to construct this project unless they have  
2 committed to move forward with their plans to increase  
3 the concentrator operations at the mine?

4 A. (MR. SPITZKOFF) Correct.

5 CHMN STAFFORD: And that was what the mine  
6 stated in its limited appearance statement to request  
7 approval of the line.

8 MR. SPITZKOFF: Correct.

9 BY MR. DERSTINE:

10 Q. All right. So, Ms. Esquer, I think, unless  
11 there's further environmental questions, although you're  
12 going to remain on the panel, I think that concludes your  
13 direct testimony, correct?

14 A. (MS. ESQUER) I think I've got a conclusion  
15 slide.

16 Q. Oh, your conclusion slide, sorry, we've -- we've  
17 hopped around enough that I have lost track. I don't  
18 want to take away your conclusions, so please give them.

19 A. (MS. ESQUER) So, as we've heard, the project  
20 does conform with applicable management plans, existing  
21 plans in the area. There were no conflicts that were  
22 identified through that process. The project is  
23 co-located with the planned Aguila pipeline. The  
24 co-location minimizes environmental impacts through the  
25 use of the same access roads. The project is adjacent to

1 existing high-voltage transmission line and  
2 transportation corridors.

3 And so we believe there's minimal effects on  
4 existing and planned land use, recreation, visual,  
5 cultural, and biological resources and the project, we  
6 believe, is environmentally compatible.

7 Q. Okay. Thank you.

8 What did you say on the first day of the  
9 hearing, Ms. Chaulk? Last but not least? Save the best  
10 for last? Is that what you said, I'm sorry?

11 A. (MS. CHAULK) I don't think I said that, but --

12 Q. Well, so you're going to cover public and  
13 stakeholder involvement, as well as some of the formal  
14 notification requirements. But go ahead and give us your  
15 summary using, you know, along the lines of your slide  
16 121, and what you're going to be cover for the committee.

17 A. (MS. CHAULK) I will be talking today about the  
18 public and stakeholder involvement, the jurisdictional  
19 agency involvement, and the application and notice  
20 requirements.

21 Q. All right. And then I hope you're keeping in  
22 mind Member Richins' caution that a simple email or  
23 letter is not enough.

24 A. (MS. CHAULK) Yes.

25 Q. It might be too late to fix, if that's all we've

1 done, but we certainly take his comments to heart for the  
2 future, right?

3 A. (MS. CHAULK) Absolutely. Yes.

4 Q. Okay. So you're going to start us off with  
5 mailings, actual things that were mailed to notify the  
6 public about the project?

7 A. (MS. CHAULK) That's correct. We mailed  
8 newsletters to approximately 85 residents, landowners,  
9 agencies, and key stakeholders. Those newsletters were  
10 mailed on February 8th. That specific newsletter was to  
11 advertise the in-person open house. There was a second  
12 newsletter mailed on October 4th, and that was to  
13 advertise this hearing. And then there will be one more  
14 newsletter mailed following the decision from the ACC.

15 Q. Okay. And on the opposite screen, those are  
16 samples of those mailings?

17 A. (MS. CHAULK) That's correct.

18 The one you see on the left side of the right  
19 screen, that is the newsletter that was mailed to  
20 advertise the open house on February 8th. And the one on  
21 the right side of the right screen is the newsletter  
22 mailed on October 4th to advertise the hearing.

23 CHMN STAFFORD: And that is slide 126 of  
24 Exhibit 6 --

25 MS. CHAULK: Correct.

1 CHMN STAFFORD: -- you're referring to?

2 Thank you.

3 BY MR. DERSTINE:

4 Q. Although, I don't know that I've ever had a  
5 project where we've used posters, but you used posters.

6 A. (MS. CHAULK) We did. We used these community  
7 posters was unique and specific to this project because  
8 of the area. What you see on the right, page 128 of the  
9 slides, is the -- what we called community posters. They  
10 were posted to communicate project -- the project  
11 website, the in-person open house, and the line siting  
12 hearing. And those were hand-pinned at the Bagdad Public  
13 Library and the Bagdad Post Office. And you can see  
14 those pictures there on slide 128 at those locations.

15 Q. And I assume those locations were selected for  
16 these posters, because those were places that people go?

17 A. (MS. CHAULK) That's correct. Some of the most  
18 populated areas of Bagdad.

19 Q. Okay. All right. Open houses. You started  
20 with a virtual open house?

21 A. (MS. CHAULK) We did. We have a virtual open  
22 house, and that's still online and active. And if you  
23 look at slide 130 on the right-hand side, that's  
24 identical to what you would see if you accessed that  
25 website. The virtual open house launched on

1 February 7th. And, again, as I mentioned, is operational  
2 even today. This provides a simulated tour of the  
3 in-person open house. So you will see the slides that  
4 you would have seen if you attended the in-person open  
5 house. Those are all identical. And this also -- and  
6 this forum allows participants to ask questions and  
7 submit public comment.

8 Q. And slide 130 is a screenshot of what it would  
9 look like if someone attended the virtual open house and  
10 allows them to navigate different boards and view them  
11 and interact with them?

12 A. (MS. CHAULK) That's correct.

13 So if you go to the website, it appears just  
14 like this -- let me see if I'm -- so you step into the  
15 open house and virtually access these posters that you  
16 see here. And these are identical to what you would have  
17 seen at the in-person open house. And so as you kind of  
18 navigate your mouse, you sort of click right here and it  
19 takes you to a first-person view of that poster, you  
20 know, like you're standing right in front of it. And the  
21 same thing with each one of the arrows around the room.

22 Q. What about a real open house?

23 A. (MS. CHAULK) We did also have a real live  
24 in-person open house. And that was held on  
25 February 27th, at the Bagdad Community Center. We had 13



1 attendees sign into that open house. The discussions we  
2 had with attendees were mostly about the project  
3 description, the schedule, purpose and need for the  
4 project. And, again, participants could leave comments  
5 there or they could take forms from the open house and  
6 submit those later. We did receive a total of three  
7 comments from that in-person open house. And, as you've  
8 seen from our exhibits and our application, that invited  
9 direct communication with the landowners.

10           And what you see on the right-hand side or 132,  
11 slide 132, are those posters that I mentioned in the  
12 virtual open house. Those are identical to what you're  
13 seeing on the right-hand side of that. You might  
14 recognize Mr. Spitzkoff in that picture there. He  
15 attended the open house as one of the most popular  
16 attendees, he answered a lot of the questions. And  
17 that's what it looked like at the -- excuse me, the  
18 in-person open house.

19           Q. You mentioned that the newsletters, the posters,  
20 included information on the project website. What would  
21 someone find if they actually went to the project  
22 website?

23           A. (MS. CHAULK) That's correct.

24           Our external communications included links and  
25 QR codes that connected directly to the project website,

1 which is APS.com/Bagdad. On the project website, which  
2 you see snips of that here on the right hand or slide  
3 134, it was truly and continues to be the primary source  
4 of information for the project, it's updated as this  
5 project continues to move along. It has the project  
6 description, the schedule, purpose and need, you can  
7 access maps. And then there was information specific to  
8 the hearing. So there were links to the virtual hearing  
9 and then information pertaining to the in-person portion  
10 of the hearing, including the public comment session.

11 And, additionally, on the website you could find  
12 information about a project-specific dedicated telephone  
13 information line. And if you were to call that specific  
14 number, it has an outgoing message with information about  
15 the project. It allows you to leave a message and you  
16 can either just leave your public comment, which we would  
17 have collected and included in our application or  
18 exhibits, or you could also request a phone call back or  
19 leave an email address to get an email, whatever, you  
20 know, way you wanted to get contacted. We did not have  
21 any messages from anybody, other than Heidi Chay called  
22 once, and we did call her back.

23 Q. To be fair, I think you've had a number of phone  
24 conversations with Ms. Chay.

25 A. (MS. CHAULK) We have. We have.

1 Q. Social media. Did you use any social media?

2 A. (MS. CHAULK) We did utilize social media. We  
3 ran several campaigns specific to this project. The  
4 first campaign was from February 21st to February 27th,  
5 and that advertised the in-person open house. As you can  
6 see, there was a reach of about 8,700, and 11 -- about  
7 11,000 impressions. And then again we ran social media  
8 campaign on February 26th to March 4th, and that campaign  
9 specifically advertised the virtual open house. That had  
10 a reach of 7,500 around there, and then the number of  
11 impressions was just over 10,000.

12 Q. And I know you've told me more than once, but I  
13 never really get it. The difference between "reach" and  
14 "impressions"?

15 A. (MS. CHAULK) So reach is the number of unique  
16 viewers who see the content. And impressions is the  
17 number of times the content is displayed.

18 Q. Okay.

19 MEMBER RICHINS: Chairman?

20 CHMN STAFFORD: Yes, Member Richins.

21 MEMBER RICHINS: I'm sitting here looking  
22 at this image, it was on your website as well, and I'm  
23 trying to figure out what this guy has to do with the  
24 transmission line.

25 MS. CHAULK: We get that question quite

1 frequently. And it just boils down to the company  
2 guidelines, as far as photos and the libraries that we're  
3 allowed to pull them from. It's --

4 MEMBER RICHINS: Yeah, I loved your  
5 newsletter. You guys did a nice job with that. Really  
6 good, strong transmission line-oriented imagery. Now  
7 social media is very visual, pictures and videos is what  
8 hooks you to those. I'm scrolling past and I see a guy,  
9 as the dad of Bagdad, I don't know. But I think if we're  
10 going to -- if we're advertising a transmission line  
11 installation, shouldn't we use transmission line imagery?  
12 Again, we should be able to do better than that.

13 MR. SPITZKOFF: Yeah, Member Richins, you  
14 don't know how much I thank you for that comment.

15 MS. CHAULK: All of us.

16 MR. SPITZKOFF: I'm going to pull the  
17 transcript --

18 MEMBER RICHINS: Please do.

19 MR. SPITZKOFF: -- and bring it to our  
20 communications team, as evidence of what we've been  
21 asking for.

22 MR. DUNCAN: For years.

23 MEMBER RICHINS: You got -- I've got your  
24 back. Don't worry about it. Yeah, that's interesting,  
25 you know, it's a corporate image versus -- and it goes

1 kind of back to my earlier comment, you know, sometimes  
2 we're worried about corporate image, we don't want too  
3 many people to attend the open house, but we want to have  
4 the open house. And so we just try to keep all that  
5 stuff -- it's like rip the Band-Aid off. This stuff has  
6 impacts and we shouldn't shy away from it.

7           You know, our -- all of what we're doing  
8 has some impacts. And you guys are doing a good job.  
9 And so, you know, don't be afraid of that. And because  
10 I've been really struggling in the past few cases as I've  
11 looked at our open house attendance numbers and nobody's  
12 coming.

13           And it's not -- I don't know that it's  
14 because they're not interested, but maybe it's just not  
15 the most effective way to communicate this stuff and I'm  
16 hoping to see a little bit more one-on-one, kind of,  
17 shuttle diplomacy between key stakeholders. And this  
18 table J-1 was the -- was the table I was referring to  
19 that has -- it's the one for jurisdiction and agency  
20 coordination.

21           If our agencies and jurisdictions, I don't  
22 know if they don't have the capacity to respond, or if  
23 we're not reaching out to them correctly, but I think the  
24 challenge is to really figure out how to do that.  
25 Because when I go through this list of probably it looks

1 about 25 agencies or jurisdictions and I see three yeses  
2 out of that number, and a lot of Native American tribes  
3 are not responding, and that is a real disservice to the  
4 state of Arizona. We have a lot of Native American  
5 tribes here.

6 And I know it's hard to get a response from  
7 them. I've worked with Native American tribes. You have  
8 to call over and over and over and go physically to their  
9 places of reservation, and sit down with -- you know, I  
10 literally waited in the council meeting room for 10 hours  
11 for a meeting, because they would get around to me  
12 eventually on their time. So that's -- that's what I'm  
13 trying to see. We -- we can't have -- I know a lot of  
14 these Native American tribes are far flung, but we just  
15 need to do better in working towards getting a response  
16 and I know it's a lot of work and takes a lot of time. I  
17 get it. But this kind of -- I can't see another one of  
18 these kinds of graphs again with all of these noes, and  
19 not have a follow-up plan that is associated with it.

20 MR. DERSTINE: Or at least that we made the  
21 effort to follow up and if we're still --

22 MEMBER RICHINS: Yeah --

23 MR. DERSTINE: -- and no one wants to  
24 engage, then --

25 MEMBER RICHINS: Oh, sorry. Thank you.

1 CHMN STAFFORD: So you'd like to see like a  
2 follow-up phone call at least?

3 MEMBER RICHINS: Yeah, well, I mean, no,  
4 what I would like to see is appropriate outreach to the  
5 appropriate jurisdiction. Our outreach to Native  
6 American tribes will look different than our outreach to  
7 our cities and towns. It should look different. It is  
8 different. It needs to be the time and place of their  
9 choosing and it needs to be sometimes in their own  
10 language. That's -- we're totally missing the boat when  
11 it comes to outreach to our 22 -- 23 -- 22 tribes here in  
12 Arizona, and I'm guilty of it too, so I'm not preaching  
13 to you guys anything that I haven't made the mistake  
14 myself already.

15 So, anyway, it's not about just a phone  
16 call for follow-up. It's about outreach that's  
17 appropriate to each jurisdiction and each community.

18 MR. DERSTINE: I guess it gets to the point  
19 of meaningful outreach and what's meaningful with regard  
20 to tribes may be different with regard to, you know,  
21 County zoning and planning.

22 MEMBER RICHINS: Right. I'm always  
23 happy -- I'm sorry -- I'm always happy to sit down and  
24 talk about it ahead of time as you're developing those  
25 plans, and there's other members of the committee that

1 I'm sure would be happy to make themselves available so  
2 let's try one and see if we can do better, you know.

3 MR. DERSTINE: We appreciate that.

4 CHMN STAFFORD: Member Hill, you had a  
5 question?

6 MEMBER HILL: I didn't want my colleague to  
7 be alone in sharing these thoughts. So I just want to  
8 second Member Richins' contribution. Specifically on the  
9 outreach to tribes, in the application and in the EA it  
10 says that WestLand reached out to the tribes on behalf of  
11 WAPA. And I think even -- even those of us who just know  
12 the basics and fundamentals of working with tribes, it's  
13 government-to-government.

14 So even if you have sent them a letter from  
15 WestLand, you're probably not going to get a response.  
16 Even a letter from APS. I mean, WAPA needed to do that  
17 work, and that was a disappointment. It needs to be  
18 government-to-government. So I think that -- that  
19 there's a lot, you know, I mean, Member Richins and  
20 others have a lot more experience doing this work than I  
21 do, but even I know that fundamental basic  
22 government-to-government expectation.

23 And so I do think that we could do better  
24 on these kinds of things, and I don't want him to be  
25 alone in sharing that expectation. I think there are



1 other committee members who feel that way as well. It's  
2 not just Member Richins' request. He just eloquently  
3 stated our concerns.

4 Thank you.

5 MR. DERSTINE: Thank you.

6 Q. Okay. Ms. Esquer, did you want to respond?

7 A. (MS. ESQUER) Yes. Just want to clarify, Member  
8 Hill, I understand your point about  
9 government-to-government communication, that's  
10 definitely -- it's important, it's required. So the  
11 WestLand outreach to the tribes that was done in support  
12 of the NEPA process. That was just part of the initial  
13 public scoping period.

14 There is a Section 106 consultation in progress,  
15 and that has been a government-to-government  
16 consultation. And I can direct you to the EA again,  
17 APS-20, and I want to make sure I get you the right  
18 section. So I am in page 4 of APS-20. This is the draft  
19 EA. "In accordance with the National Historic  
20 Preservation Act WAPA separately requested comments on  
21 the National Register of Historic Places evaluation  
22 finding of not adverse effect for the project from the"  
23 tribe -- "12 tribes consulted during scoping." Two  
24 responses from tribes have been received as of the  
25 publication of the draft EA. And I believe those were

1 the Tohono O'odham and the Yavapai Apache.

2 I want to confirm that. But just want to  
3 clarify that government-to-government consultation is  
4 absolutely occurring under the NEPA process as well.

5 MEMBER HILL: Thank you.

6 MEMBER RICHINS: Chairman?

7 CHMN STAFFORD: Yes, Member Richins.

8 MEMBER RICHINS: You said "as well" at the  
9 end of that sentence. Do you mean that you're doing  
10 government-to-government consultation on this proceeding?  
11 Because you referred to the government-to-government --  
12 you just said that it's happening -- Section 106 is  
13 happening under the EA and then you said "as well." Were  
14 you meaning to imply that there was some kind of  
15 government-to-government consultation trying to happen in  
16 this proceeding?

17 MS. ESQUER: No. And I apologize for any  
18 confusion. The government-to-government consultation I'm  
19 referring under Section 106 of the National Historic  
20 Preservation Act, that is happening under NEPA, as part  
21 of the federal permitting process.

22 MEMBER RICHINS: For the WAPA EA?

23 MS. ESQUER: For the WAPA EA, correct.

24 MEMBER RICHINS: The one that just got  
25 published?

1 MS. ESQUER: Yes.

2 MEMBER RICHINS: Okay. Thank you.

3 MS. ESQUER: Yes.

4 BY MR. DERSTINE:

5 Q. And I think when you said "as well," you were --  
6 Ms. Esquer, correct me if I'm wrong, you were referring  
7 to -- you said WestLand had outreach communications with  
8 the tribes through the initial scoping, but separate and  
9 apart from the scoping communications, WAPA directly  
10 communicated through the 106 consultation process?

11 A. (MS. ESQUER) Correct.

12 Q. Okay.

13 MEMBER RICHINS: Chairman, I'd like to add  
14 for the record that, having worked with WestLand in  
15 multiple capacities in the past, there's probably not a  
16 better environmental firm that does outreach with our  
17 tribal communities than WestLand. They have a whole  
18 tribal monitoring program that's second to none. It's  
19 first class. It's exactly best practice. And so I don't  
20 want to leave this proceeding thinking WestLand is the  
21 whipping person here. They really do a nice job with  
22 that tribal stuff. So, you know, if anybody wants to  
23 learn best practice, go talk to WestLand and see if you  
24 can learn a little bit more about that.

25 MS. ESQUER: Thank you, Member Richins.

1 CHMN STAFFORD: Thank you.

2 BY MR. DERSTINE:

3 Q. All right. Ms. Chaulk, the Chairman's  
4 Procedural Order, you touched on the social media that  
5 was used to publicize the pro- -- the project itself, but  
6 we're also required to use social media to publicize this  
7 hearing. Was that done?

8 A. (MS. CHAULK) It was done. We ran a third social  
9 media campaign specific to this hearing.

10 Q. With your same cute dad and his son?

11 A. (MS. CHAULK) They're the ones.

12 Q. Good dad, not bad.

13 A. (MS. CHAULK) He's very famous in Bagdad now.

14 That social media campaign ran from October 14th  
15 to October 25th. And to your point, it advertised the  
16 virtual and in-person options to this hearing, including  
17 the public comment session. I do have -- it's not on the  
18 screen, so I'll just let you know, the reach for this  
19 campaign was 14,018 and the impressions was 55,658. So  
20 the average of that means that the target audience saw  
21 this specific social media campaign about four times.  
22 Individual people saw it about four times.

23 And if you look at slide 138, what you can see  
24 are -- there's slight differences in the way they look.  
25 We can see those are the differences between Facebook and

1 Instagram, it ran on both of those channels. And it ran  
2 as both a story, which means it popped up in the feed  
3 quickly and disappeared quickly, which wasn't able to be  
4 revisited, but it also ran in the feed of each of those  
5 channels which means anybody could access it at any time  
6 and see that multiple times and access it freely.

7 MEMBER RICHINS: Chairman?

8 CHMN STAFFORD: Yes, Member Richins.

9 MEMBER RICHINS: I see sponsor on there, so  
10 you put some money behind promoting these. What was your  
11 target audience in your boost?

12 MS. CHAULK: The target audience was based  
13 on a geofencing mechanism. And so it was really just  
14 geofenced. And so if anybody drove through the area  
15 where we had it fenced in, they would be able to see  
16 these advertisements. Additionally, they connected to  
17 those individual IP addresses of the phones, so if you  
18 came into that geofence and for two weeks after left that  
19 geofence, you would still be part of that target  
20 audience.

21 MEMBER RICHINS: Okay. So people casually  
22 driving through, people who live in the area because  
23 they're within -- and by "geofence" you're describing an  
24 imaginary circle around an area, and that anybody that is  
25 within that target zip code, for example, or census track

1 would get the ad?

2 MS. CHAULK: Correct. And we extended it  
3 pretty far outside of the proposed area, just because of  
4 the small population in the area. So we extended it into  
5 Wickenburg and also Prescott and Prescott Valley, because  
6 our understanding is that many of the people who work at  
7 the mine or might be associated with Bagdad live in those  
8 communities. So we extended that geofence pretty far  
9 outside of the proposed area that you saw.

10 MEMBER RICHINS: Thank you.

11 MS. CHAULK: You're welcome.

12 BY MR. DERSTINE:

13 Q. In addition to social media, you have also  
14 utilized emails to customers who were kind enough to give  
15 you an email address?

16 MS. CHAULK: That's correct. We did send  
17 out customer emails. Those were sent on February 8th.  
18 That specifically -- that email specifically advertised  
19 the in-person open house. There were 418 emails sent.  
20 The number of unique opens for that is 154. And the  
21 number of unique clicks is 2. And then a second email  
22 was sent on October 17th. And that was specifically  
23 advertising this hearing, both the in-person and virtual  
24 options for this hearing.

25 MEMBER RICHINS: Chairman?

1 CHMN STAFFORD: Yes, Member Richins.

2 MEMBER RICHINS: How does your team view a  
3 30 percent click rate, open rate? I mean, do you -- do  
4 you feel that's good? Are you disappointed by that? I'm  
5 just curious as to how you view that?

6 MS. CHAULK: For -- with --

7 MEMBER RICHINS: For the email opens, yeah.

8 MS. CHAULK: Yeah, for this size of project  
9 and for that number of emails we consider that to be  
10 successful.

11 MEMBER RICHINS: Okay. Thank you.

12 BY MR. DERSTINE:

13 Q. I think that we've talked about the -- we used  
14 the virtual, in-person open house, we used the social  
15 media, we used posters, used mailed newsletters, those  
16 are the various channels that APS relied upon for your  
17 public outreach campaign. Do I have that about right?

18 A. (MS. CHAULK) That's correct, with the project  
19 website.

20 Q. And the project website?

21 A. (MS. CHAULK) Correct.

22 Q. Okay. So in addition to the public outreach you  
23 also engaged with various jurisdictions, and I think  
24 that's what you're going to cover next, starting on slide  
25 141?

1 A. (MS. CHAULK) That's correct. The jurisdictional  
2 and agency outreach included WAPA, the Western Power --  
3 Western Area Power Administration, the Arizona State Land  
4 Department, and Yavapai County Planning Division.

5 Q. Okay. And, yeah, the Yavapai County Planning  
6 you were ghosted just as -- no response, correct?

7 A. (MS. CHAULK) We did get the green card back from  
8 them --

9 Q. So you got it --

10 A. (MS. CHAULK) -- acknowledging that they did get  
11 what we sent them, but there was no response beyond that.

12 Q. Okay. All right. And we covered the  
13 communications -- well, there's been -- yeah, obviously,  
14 extensive communications with WAPA and the communications  
15 with ASLD were of what nature, just to simply notify them  
16 of the application and this hearing process?

17 A. (MS. CHAULK) Correct.

18 Q. Okay. Let's talk about the formal notice  
19 requirements. We filed the application on September 16th  
20 and Mr. Duncan, while I've still got you at the table and  
21 while it's top of mind, APS Exhibit 1 is the application.  
22 I think either you or Ms. Chaulk can speak to it, but  
23 were there any corrections, changes, additions to APS  
24 Exhibit 1?

25 A. (MR. DUNCAN) No, there were not.



1 Q. So with the filing of the application on  
2 September 16th, that triggered the timeline for providing  
3 publishing notice of this hearing.

4 Ms. Chaulk, would you cover that?

5 A. (MS. CHAULK) Yeah, that's correct. We published  
6 in the Wickenburg Sun on both September 25th and  
7 September 29th and again advertising this hearing. And  
8 we also advertised in the Prescott Daily Courier on  
9 September 25th and October 2nd.

10 MEMBER RICHINS: Chairman?

11 CHMN STAFFORD: Yes, Member Richins.

12 MEMBER RICHINS: Just to confirm on those  
13 dates, those are the -- those newspapers don't publish  
14 every day, so those are back-to-back ads run in the  
15 period of circulation or publication?

16 MS. CHAULK: That's correct. They are not  
17 daily newspapers and we wanted to hit one Sunday and that  
18 was September 29th, so there was -- that usually has the  
19 biggest viewership, so we wanted to make sure we hit a  
20 Sunday as well.

21 MEMBER RICHINS: Thank you.

22 BY MR. DERSTINE:

23 Q. I see the final bullet on slide 145 is a posting  
24 of signs that the Chairman's Procedural Order requires  
25 that we post a number of signs along the route, I think

1 we saw one as we traveled to the route tour or route tour  
2 stop.

3 Did we post signs in the other locations, as we  
4 had outlined with the Chairman?

5 A. (MS. CHAULK) We did. And I would like to say  
6 that I would consider those signs successful because  
7 that's how the bus driver knew where we were turning. So  
8 I would consider that to be successful. So what you see  
9 on the right, I don't know if I called your attention to  
10 that, but these were the advertisements in the newspapers  
11 that we ran and then the affidavits confirming that they  
12 actually ran.

13 And then this is pictures of the signs on the  
14 right-hand side on slide 150. So you can see we have the  
15 posting of sign 1, what we're calling in the middle,  
16 photographs of that to the side, sign 2 a little bit  
17 farther north, and then again accompanying pictures of  
18 that sign, and then sign 3 that you see down here on the  
19 southern end.

20 CHMN STAFFORD: And the affidavits of  
21 publication, those are, in addition to being in the slide  
22 deck, they are separately listed as Exhibit APS-8,  
23 correct?

24 MS. CHAULK: That is correct.

25 BY MR. DERSTINE:

1 Q. And the evidence of the proof of posting is --  
2 are found at APS Exhibit 12?

3 A. (MS. CHAULK) Yes, that's correct.

4 Q. Okay. And then I think I neglected to reference  
5 for you, but I want to confirm, that APS-10, it says,  
6 "Proof of posting, website posting, and transcripts and  
7 Notice of Hearing." What am I going to find at 10?  
8 That's your indication that the website was up and  
9 running and that anyone who visited the website could  
10 find the transcripts from our prefiling conference,  
11 prehearing conference, as well as the Notice of Hearing,  
12 they would find those posted to the website; is that  
13 right?

14 A. (MS. CHAULK) That's correct. Those would be  
15 found at APS.com/Bagdad.

16 Q. Okay. And those are shown under our APS  
17 Exhibit 10?

18 A. (MS. CHAULK) Correct.

19 Q. Okay. All right. I guess if I'm missing -- I  
20 skipped 148 I see that there, okay, covered the signs.  
21 What about the service to affected jurisdictions, did we  
22 cover that?

23 A. (MS. CHAULK) We did --

24 Q. Okay. You're going to cover the -- yeah, one of  
25 the requirements in the Procedural Order was we're

1 required to deliver copies of the application to at least  
2 two public libraries. I see you moved to the head of the  
3 class and placed it at three.

4 A. (MS. CHAULK) We did. We overachieved in this  
5 area. We delivered to the two required public libraries,  
6 we chose Prescott and Wicken- -- excuse me, Prescott and  
7 Wickenburg, because those were the two communities that  
8 we advertised in the newspaper, and additionally we had  
9 one posted at Bagdad Library, again, where we posted  
10 those bulletin boards.

11 Q. Okay. And the proof of the delivery of those  
12 applications to those library locations is found at APS  
13 Exhibit 9?

14 A. (MS. CHAULK) That's correct.

15 Q. Okay. Now, one of the formal requirements in  
16 the statute, not just the Chairman's Procedural Order is  
17 that we provide notice to affected jurisdictions by  
18 certified mail. Did we do that?

19 A. (MS. CHAULK) We did do that, yes.

20 Q. Okay. And evidence that proof of service to the  
21 affected jurisdictions is found at APS Exhibit 11?

22 A. (MS. CHAULK) That's correct.

23 Q. All right. What am I missing?

24 CHMN STAFFORD: I think you've covered all  
25 your exhibits.

1 MR. DERSTINE: I have.

2 Q. I guess in addition to all the things you just  
3 covered, you were in charge of lunch arrangements and  
4 things, so in addition to your various outreach and media  
5 obligations, you handled a lot of the logistics along  
6 with Mr. Duncan. So thank you for that?

7 A. (MS. CHAULK) Thank you.

8 A. (MR. DUNCAN) I would also like to go on the  
9 record that this is both the first hearing for Ms.  
10 Esquer, as well as for Ms. Chaulk.

11 MS. CHAULK: Thank you.

12 CHMN STAFFORD: Thank you very much.  
13 You've both done a fine job.

14 MS. CHAULK: Thank you.

15 MR. DERSTINE: Do we have any open issues  
16 with any of our witnesses that I -- I'm sure I forgot  
17 things, but I'm looking to the team to tell me what I  
18 forgot.

19 MR. SPITZKOFF: Mr. Derstine, the  
20 clarification of the APS capacity from yesterday.

21 BY MR. DERSTINE:

22 Q. Okay. So yesterday I think you're referring to  
23 you had a question from Member Fontes on, I guess, two  
24 items, one was the capacity on the Mead-Perkins line, and  
25 then I guess financial responsibility for the project?

1 Is that -- I hope I'm not mischaracterizing this  
2 question. You probably know better than I what he was  
3 asking.

4 A. (MR. SPITZKOFF) Sure.

5 First, the APS rights on the Mead-Perkins line,  
6 I mentioned yesterday, I thought it was about  
7 236 megawatts, I was correct, but that's our capacity on  
8 the Mead 500-to-230 transformer, so at the northern end  
9 of the line. On the line itself, the 500-kV line itself,  
10 our capacity is 363. And that's through our ownership  
11 share. So it's a little bit higher than I mentioned  
12 yesterday.

13 MEMBER FONTES: Thank you.

14 MR. SPITZKOFF: For the cost  
15 responsibility, we mentioned earlier and yesterday the  
16 construction of the line and the substations will be  
17 ultimately paid by Freeport, and there will be an  
18 operation maintenance and replacement agreement also in  
19 place that will cover the continued operation and life of  
20 the line.

21 MR. DERSTINE: All right. Member Fontes,  
22 did you have any follow-up on those two items or did that  
23 cover it for you?

24 MEMBER FONTES: That covered it,  
25 Mr. Derstine. Thank you.

1 MR. DERSTINE: Thank you.

2 Mr. Chairman, I think that concludes our  
3 case in chief. I don't think we have any more testimony  
4 or evidence to present. However you would like to  
5 proceed in terms of the hour of the day and what you  
6 would like to accomplish in the time we have left.

7 CHMN STAFFORD: Well, I assume you would  
8 like all your exhibits to be admitted?

9 MR. DERSTINE: We can do that first.

10 CHMN STAFFORD: So I will do that first.  
11 APS-1 through 20 are admitted. We've already admitted  
12 FMI-1, the limited appearance statement from Freeport.

13 (Exhibits APS-1 through APS-20 were  
14 admitted into evidence.)

15 CHMN STAFFORD: Would you have like to give  
16 a closing argument or a closing statement?

17 MR. DERSTINE: I can do a very brief  
18 closing argument. Yeah. I don't have any -- being  
19 attacked by these flies, probably rightfully so.

20 Well, I'll just start by thanking you all  
21 for your time and attention and, yeah, I've had an  
22 opportunity to interact with members of this committee in  
23 other cases prior to this one, and I didn't know you were  
24 such good hikers, so the morning we spent walking down  
25 the road to the Santa Maria Ranch is, as Member Gold

1 urged us to do, I think was a wise use of our time, and I  
2 appreciate that.

3 MEMBER GOLD: It was unintentional. I was  
4 hoping we would have vehicles or at least a horse.

5 MR. DERSTINE: Well, we didn't, we had a  
6 driver of a very large vehicle who wasn't comfortable  
7 with the road and so -- and I think he saw that sign that  
8 said "Unimproved road, proceed at your own caution" or  
9 something like that and decided he had had enough, but  
10 yeah, I appreciated the morning and the opportunity  
11 that -- and the willingness of the committee to go out  
12 and hike down that road and take a look and see what we  
13 could see there.

14 And, yeah, I think it just shows the  
15 commitment of this committee to do what's needed to be  
16 informed and make good decisions. And so, as always, we  
17 appreciate your time, your attention, your thoughtful  
18 comments and questions. You do a nice job.

19 MEMBER GOLD: On behalf of the committee, I  
20 would like to thank you for the opportunity to get  
21 exercise.

22 MR. DERSTINE: That's true. It was a  
23 morning well spent on a number of fronts.

24 You know, I don't -- I usually spend some  
25 time putting together closing slides, but I didn't --



1 just didn't have the chance to do it here and I'm not  
2 sure I need it. I think every case -- obviously every  
3 case is different and presents its own issues and  
4 challenges. I think when I first, you know, started to  
5 learn about this case and prepare for this hearing, my  
6 initial feeling was, oh, this is a pretty simple case,  
7 it's a 14-mile radial transmission line, goes from A to  
8 B. The purpose of the project is to serve a customer who  
9 has requested additional energy. We have an obligation  
10 to serve as a public service corporation. Freeport  
11 wanted the line, needed the line, and was willing to fund  
12 the costs for the line. So in that sense, relatively  
13 simple and straightforward.

14 But the federal process, the NEPA process,  
15 adds a whole 'nother layer to this. You know, in my  
16 practice as I've done these cases over the years, we've  
17 always wanted to be -- have this process, the ACC  
18 process, be second to the federal process. That is, I  
19 have had the experience in prior cases where we've come  
20 to the committee first and had a decision from this  
21 committee on an approved route, and then gone through the  
22 NEPA process and then the lead agency, whether it's  
23 Forest Service or WAPA, or whoever, comes back with a  
24 different decision and they want us to follow a different  
25 route. It's a different starting point. And so I think

1 from that my practice and I think the practice of other  
2 lawyers who do this work is to let's get through the  
3 federal process, or at least have a draft EA or EIS so  
4 that we know what the federal agency is saying about what  
5 they will agree and approve or not. And it's not --  
6 maybe it's not the final step in that process, but we at  
7 least know what the federal agency, you know, wants at  
8 that initial step.

9           So we have that here, and we have a  
10 decision by WAPA to, as to the placement of the WAPA  
11 switchyard, which will include their communication  
12 facilities, next to an existing WAPA 345 transmission  
13 corridor and existing WAPA 500-kV line. And that -- the  
14 decision, then, also was that this transmission line for  
15 APS should follow the -- this entirely separate water  
16 pipeline that's being constructed, and that co-locating  
17 the transmission line with the water pipeline is the best  
18 way to minimize the impacts of this transmission line,  
19 you know, on the environment and on people.

20           And, certainly the -- not to discount the  
21 owners of the Santa Maria Ranch who -- whose ranch and  
22 lands back up to that transmission corridor and who will,  
23 you know, depending on where you're standing on their  
24 property, see that new substation and switchyard nestled  
25 in between the existing 500-kV and the 345-kV line.

1           That wasn't an APS decision. That's not a  
2 committee decision. That's a WAPA decision. They looked  
3 at, as indicated in the EA, different alternatives and  
4 decided that that was the best location for the  
5 switchyard. That drove the location of the APS  
6 substation. And, again, the decision to co-locate the  
7 transmission line with this separate pipeline that's  
8 being constructed that's separate and apart from this  
9 project or any of the NEPA evaluation was where the  
10 federal agency landed.

11           I understand the, you know, questions  
12 about, you know, was that the best choice or we'd like to  
13 know more about WAPA's decision. You know, we've done  
14 our best to explain to you and direct you to the relevant  
15 sections of the EA, but I think, you know, what we  
16 covered today in terms of, as I mentioned earlier, all  
17 these projects have tradeoffs. And I think you saw that  
18 in Tucson where you were having to trade off different  
19 routes and impacts of different routes and routes  
20 alternatives, and weigh that against, you know, what  
21 historic neighborhoods wanted or didn't want in that  
22 case.

23           You'll have a case coming up in which there  
24 are a number of different routes and route alternatives  
25 on the Laveen area of Phoenix, and having to weigh

1 impacts and how those -- and how the committee's going to  
2 weigh those and decide on the best route to serve the  
3 need here. You know, we have a federal agency that said  
4 this is the best -- this is the project, this is what we  
5 approved, this is what you can build.

6 And we've, you know, we've looked behind  
7 that a bit in terms of visual and environmental impacts  
8 of, say, looking at the following State Route 97 as an  
9 alternative. There obviously are additional impacts,  
10 visual impacts, you have the visual impact if you were to  
11 try to put that line on 97 to those residents who live in  
12 that -- in that 25-house development area. You have the  
13 visual impacts of stringing that line along a state route  
14 that has no transmission line today, as opposed to  
15 putting the substation and the transmission line against  
16 the backdrop of an existing transmission corridor.

17 We think this -- the decision by WAPA is a  
18 good and sound decision, but I guess more importantly  
19 it's a decision we're left with and it's the basis for  
20 this application. The Environmental Assessment -- our  
21 CEC application follows the environmental analysis and  
22 follows the direction from WAPA in terms of where the  
23 facilities are to be located and constructed. And I  
24 think, more importantly, we've indicated and you've heard  
25 from the testimony is that APS in constructing the

1 facilities that it's responsible for building will follow  
2 all the guidance and requirements that are set forth in  
3 the EA, all the construction practices, all the  
4 mitigation measures, all of those will be honored by APS  
5 in the construction of this project.

6 And you have the right, through your CEC  
7 and the conditions that you can impose on this project,  
8 to reinforce those, to expand those, all within your  
9 purview. I guess what we don't have, and although it may  
10 have been suggested about let's, you know, potentially a  
11 contingent or alternative route, you don't have the  
12 ability to do that, given that we didn't notice any sort  
13 of an alternative in our application.

14 This application presents the project that  
15 WAPA approved. We didn't include a route alternative  
16 along 97 or anywhere else. And so as much as I would  
17 like to offer that maybe as a fallback solution, but I  
18 don't think necessarily it's the right one, but we don't  
19 have that option in this case. And so what we're left  
20 with is the decision by WAPA in terms of, in their  
21 judgment, used on -- based on all the environmental  
22 studies and their analysis of the project, as described,  
23 starting at that location along the -- interconnecting at  
24 the existing 500-kV line following the Aguila Water  
25 pipeline, and then interconnecting with the new

1 substation at the north.

2 That is the project that's before you. We  
3 think it's a good project. It's needed to serve our  
4 customer. And we ask that you approve it through the  
5 terms and conditions of your CEC.

6 So, again, we thank you for your time.  
7 And, as always, we appreciate all your good work and  
8 thoughtful consideration. So with that, thanks.

9 CHMN STAFFORD: Thank you.

10 And with that, I think this is a good  
11 stopping point for the day. We will recess until  
12 tomorrow morning at 9:00. I think we'll start with, just  
13 in case any members have any follow-up questions that  
14 they think of between now and then, I think we can start  
15 with that. And then we'll move on to considering the  
16 CEC.

17 MR. DERSTINE: Very good.

18 CHMN STAFFORD: And I'm sure we'll have an  
19 interesting discussion about conditions and things of  
20 that nature with -- when we get to that point.

21 MEMBER RICHINS: Chairman, do we have a  
22 word draft of the CEC yet from the applicant?

23 MR. DERSTINE: We do have that. It's  
24 marked as --

25 CHMN STAFFORD: The important thing is did

1 you send it to Tod?

2 MR. DERSTINE: Well, we did do that.

3 CHMN STAFFORD: Okay. I'm seeing thumbs up  
4 behind you that you sent the Word version to Tod.

5 MR. DERSTINE: Yeah, we did do that. I  
6 hope we -- yeah, it may not have been in his hot hands  
7 for a long time, but he does have it. And what we can do  
8 is print a number of copies right now and give those to  
9 you, paper copies, so that if you have any desire to look  
10 at it tonight or tomorrow morning.

11 CHMN STAFFORD: Well, it's the same one  
12 that you have as APS-7, right?

13 MR. DERSTINE: It is, but, I mean, to the  
14 extent that members are relying on the iPad, if you would  
15 like a piece of paper we're happy to prepare that.

16 CHMN STAFFORD: No, I think -- well, what  
17 we need to do, once I get a chance to look at the Word  
18 one, I'll make modifications to it so we don't have to  
19 vote to remove typically the numbers, typos, any  
20 suggested changes to language on it. I think we're going  
21 to have a discussion about some new conditions that are  
22 being proposed. I think maybe some members would want to  
23 propose some additional conditions.

24 I would -- I would suggest to members that  
25 if they do plan on offering changes to conditions, it

1 would be helpful if you could have them written out ahead  
2 of time to facilitate discussion on them, so we're not  
3 trying to wordsmith them on the fly quite as much. I  
4 mean, this way we'll have a starting point and we can  
5 kind of adjust instead of just trying to come up with  
6 something from whole cloth based on a concept.

7                   So I'll get -- what will happen is I'll get  
8 the -- once I get the Word version, if Tod's got it, he's  
9 probably sent it to me. I'll get it prepared as  
10 Chairman's 1 and 2 and get them -- get one of them loaded  
11 up on the tablet for the members to read because it's so  
12 much easier to read on the tablet than try to scroll on  
13 the screen. And then we'll have the other one -- who  
14 will be the scrivener for you.

15                   MR. DERSTINE: Ms. McCoy, will be handling  
16 the edits on the fly.

17                   CHMN STAFFORD: Okay. So we will have her  
18 put the Word version up on the screen and follow along  
19 and make the changes as we -- as we adopt the Conditions  
20 and Findings of Fact and Conclusions of Law.

21                   MR. DERSTINE: We'll be ready.

22                   CHMN STAFFORD: Excellent.

23                   And with that, we're in recess until  
24 9:00 a.m. tomorrow.

25                   MR. DERSTINE: Thank you.



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(The hearing recessed at 4:52 p.m.)

1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

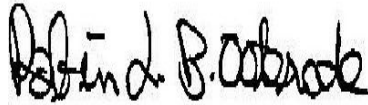
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BE IT KNOWN that the foregoing proceedings were taken before me; that the foregoing pages are a full, true, and accurate record of the proceedings all done to the best of my skill and ability; that the proceedings were taken down by me in shorthand and thereafter reduced to print under my direction.

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

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  
11 2nd day of November, 2024.

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ROBIN L. B. OSTERODE, RPR  
CA CSR No. 7750  
AZ CR No. 50695

17

\* \* \* \* \*

18 I CERTIFY that Glennie Reporting Services, LLC,  
19 has complied with the ethical obligations set forth in  
ACJA 7-206(J)(1)(g)(1) through (6).

20  
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GLENNIE REPORTING SERVICES, LLC  
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Arizona RRF No. R1035