

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

3 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
4 ARIZONA PUBLIC SERVICE COMPANY IN) L-00000D-02-
5 CONFORMANCE WITH THE REQUIREMENTS OF) 0120
6 ARIZONA REVISED STATUTES SECTION 40-360,)
7 ET SEQ., FOR A CERTIFICATE OF) DOCKET NO.
8 ENVIRONMENTAL COMPATIBILITY) L-00000D-06-
9 AUTHORIZING THE NORTH VALLEY 230KV) 0635-00131
10 FACILITY PROJECT, CASE NO. 120 INCLUDING)
11 THE CONSTRUCTION OF APPROXIMATELY 31)
12 MILES OF 230KV TRANSMISSION LINES, TWO)
13 230KV SUBSTATIONS, AND THREE SUBSTATION) APPLICATION TO
14 INTERCONNECTIONS IN MARICOPA COUNTY,) AMEND
15 ARIZONA, ORIGINATING AT THE WESTWING) DECISION NO.
16 SUBSTATION IN SECTION 12, TOWNSHIP 4) 65997
17 NORTH, RANGE 1 WEST, G&SRB&M AND) AND
18 INTERCONNECTING AT THE RACEWAY) DECISION NO.
19 SUBSTATION IN SECTIONS 4 AND 5, TOWNSHIP) 63943
20 5 NORTH, RANGE 1 EAST, G&SRB&M,)
21 CONTINUING TO THE PROPOSED AVERY)
22 SUBSTATION IN SECTION 15, TOWNSHIP 5)
23 NORTH, RANGE 2 EAST, G&SRB&M AND THE)
24 PROPOSED MISTY WILLOW SUBSTATION IN)
25 SECTION 8, TOWNSHIP 4 NORTH, RANGE 3) VOLUME III
26 EAST, G&SRB&M, AND TERMINATING AT THE) Pages 337-465
27 PINNACLE PEAK SUBSTATION IN SECTION 10,)
28 TOWNSHIP 4 NORTH, RANGE 4 EAST, G&SRB&M.)
29 _____)
30 AND RELATED CAPTION.)
31 _____)

18 At: Sun City West, Arizona
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21 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, at the Briarwood Country Club, 20800 North
5 135th Avenue, Sun City West, Arizona, commencing at 9:32
6 a.m. on the 28th of July, 2021.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9

ZACHARY BRANUM, Arizona Corporation
10 Commission, via videoconference
LEONARD C. DRAGO, Department of Environmental
11 Quality, via videoconference
JOHN R. RIGGINS, Arizona Department of Water
12 Resources
RICK GRINNELL, Counties, via videoconference
13 MARY HAMWAY, Incorporated Cities and Towns
JIM PALMER, Agricultural Interests
14 PATRICIA NOLAND, General Public
JACK HAENICHEN, General Public
15 KARL GENTLES, General Public

16

17 APPEARANCES:

18 For the Applicant:

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22 and

23 PINNACLE WEST CAPITAL CORPORATION
Law Department
24 By Ms. Linda Benally
400 North Fifth Street
25 Phoenix, Arizona 85004

1 CHMN. CHENAL: Good morning, everyone. Let's
2 commence the morning session of the hearing. We are at
3 the home stretch.

4 And are there any procedural matters we need to
5 discuss before he get back into the -- any additional
6 evidence and final arguments?

7 Mr. Derstine.

8 MR. DERSTINE: Nothing procedural, Chairman.
9 Good morning.

10 CHMN. CHENAL: All right. I think when we left
11 off yesterday, we were discussing that we would have a
12 conversation about the documents and how we would refer
13 to the corridor and siting area with different options,
14 you know, a couple options maybe and we talk through
15 that before we deliberate. And then you would have
16 final -- if you had a closing statement, and any other
17 evidence you want to put on.

18 So, Mr. Derstine, why don't we hand it back to
19 you.

20 MR. DERSTINE: Thank you. And good morning,
21 everyone.

22 We are going to start with one cleanup item, and
23 then getting you some additional cost information on
24 undergrounding, Mr. Chairman, that you had requested. I
25 think we have a change in, or we learned that we have a

1 cost number for the right-of-way that was not accurate.
2 So we want to correct the record on that number.

3

4 JASON SPITZKOFF, KEVIN DUNCAN, and MARK TURNER,
5 called as witnesses, having been previously duly sworn
6 by the Chairman to speak the truth and nothing but the
7 truth, were further examined and testified as follows:

8

9

DIRECT EXAMINATION CONTINUED

10 BY MR. DERSTINE:

11 Q. I don't know, Mr. Spitzkoff, or, Mr. Duncan if
12 you are going to carry that. I guess Mr. Spitzkoff.

13 A. (BY MR. SPITZKOFF) Good morning.

14 So Mr. Chairman, while we were getting the
15 numbers for your cost comparison, we also noticed the
16 error in the right-of-way costs for the 500/230 line.
17 The easement that we originally had up there, we said
18 that cost was \$50,000. It is approximately
19 \$5.2 million.

20 CHMN. CHENAL: Small difference.

21 MR. SPITZKOFF: That is.

22 CHMN. CHENAL: That's a couple zeros, or, you
23 know.

24 MR. SPITZKOFF: That does account for the
25 credits for what we already paid for the existing

1 section of right-of-way. But that cost, plus the
2 construction cost of the movement is all encompassed in
3 what TSMC is paying for.

4 BY MR. DERSTINE:

5 Q. And so whether it is 50,000 or 5.2 million,
6 that's part of the bill that TSMC is going to pay for as
7 part of this project, is that right?

8 A. (BY MR. SPITZKOFF) Correct.

9 Q. Okay. And then, Mr. Spitzkoff, I think you were
10 working overnight to get some of the cost numbers. You
11 gave an overview yesterday of, you know, why
12 undergrounding generally costs more, some of the
13 construction and technical issues associated with
14 undergrounding. But we didn't have any real cost
15 numbers.

16 And again, none of this in terms of the
17 relocated line, the substations, that's not an
18 underground project, but the feeders that will serve the
19 various TSMC manufacturing plant operations, they will
20 be undergrounded. And so I think that prompted this
21 discussion about undergrounding costs and why it costs
22 more and how much more it costs. So I think you are
23 ready to address the how much more?

24 A. (BY MR. SPITZKOFF) Correct. So for a 500/230kV
25 overhead line such as the one we are dealing with, that

1 per mile cost is 4 to \$5 million. Again, with all of
2 these, there is a whole lot of factors that go into
3 cost, but it is in that neighborhood. Typical 230kV
4 double circuit is about two and a half million dollars
5 per mile. So this project, we are dealing with a
6 500/230 double circuit, four and a half million,
7 approximately, per mile. If it is double circuit 230,
8 approximately two and a half million. And that's
9 overhead construction.

10 For underground construction I am going to
11 provide you two numbers. One is per mile costs for the
12 TSMC underground specifically, and that's about
13 \$12.5 million per mile. And a typical underground 230kV
14 would be approximately \$17.5 million per mile.

15 Now, the reason why the TSMC is cheaper is each
16 of those feeders, the capacity and rating of those
17 feeders are only going to be just over 200 megawatts or
18 so, because again, they are feeders only serving the
19 load there. So it doesn't have to be our typical larger
20 standard. It is not going to have, you know, the 2,000,
21 3,000 amp as a normal line. So we are using some
22 smaller cable. And actually, for this project, we are
23 using aluminum, whereas normally we use copper cable.

24 CHMN. CHENAL: So 200 megawatts for these feeder
25 lines versus the typical 230 underground is how many

1 megawatts?

2 MR. SPITZKOFF: So our typical underground 230
3 is about 2,000 amps, which equates to about
4 796 megawatts. And if you remember yesterday, I was
5 talking about your overhead is 3,000 amps, or 1200. So
6 even there is a difference there. So it is more
7 expensive, and we also get less out of it. And so it is
8 a 2,000 amp, or, you know, just under 800 megawatt.

9 CHMN. CHENAL: So thank you. By the way, thank
10 you for getting that information. So just for me to
11 take this away, a 230/500kV double circuit, roughly four
12 and a half, 5 million a mile?

13 MR. SPITZKOFF: Correct.

14 CHMN. CHENAL: The typical 230 underground is
15 roughly 17 million.

16 MR. SPITZKOFF: Correct.

17 CHMN. CHENAL: Wow. Okay. Thank you.

18 BY MR. DERSTINE:

19 Q. All right. Thank you for that, Mr. Spitzkoff.
20 Mr. Duncan, are you ready for the good stuff?

21 A. (BY MR. DUNCAN) Yes.

22 Q. All right. We have prepared a new map, and I
23 think you are controlling that, Mr. Duncan, on your
24 computer. Okay. So this is the new imagined and
25 reshaped corridor.

1 Why don't you, Mr. Duncan, let's start by
2 describing what you have on the right screen, which is
3 the new proposed corridor configuration for this
4 project. And I see on the left screen, I believe you
5 have the map that's Exhibit A, or certainly was the map
6 to CEC 131, which described the corridor and the route
7 for CEC 131, which governed the 500/230 line that's
8 already been constructed and that we are going to
9 relocate that three and a half mile segment of. So talk
10 us through first the new corridor description, and then
11 what is important or what you want the Committee to
12 understand about how that relates to the original
13 description under 131.

14 A. (BY MR. DUNCAN) Okay, very good.

15 I want to make sure, like Mr. Turner had
16 yesterday, I attempted to enlarge the size of my
17 pointer, but for whatever reason, when I am in the PDF,
18 it does not show up largely. Is it possible for those
19 remote to see those pointers and those in the room the
20 moving hand back and forth?

21 Okay. I am seeing a thumbs up so I am going to
22 proceed using this and not the laser, if that's
23 acceptable to the Committee.

24 So I want to just start by pointing out, yes, we
25 have made some changes here to the corridor as we

1 discussed yesterday. Primarily the changes, as I
2 roughly attempted to show them yesterday, was we moved
3 the southern boundary between the western edge of the
4 start of the corridor and this point which is 1,000 feet
5 west of our proposed alignment here on the east side.
6 That is now a thousand feet north of the Dove Valley
7 Road alignment, which is the alignment that I am moving
8 along here right now, where the existing line currently
9 is in this location.

10 Q. So what you have done here in general terms is
11 you have pushed the corridor to the north on that
12 southern boundary, is that generally correct?

13 MR. DUNCAN: That is correct, yes. And then the
14 western edge has not been moved east or west, but it has
15 been extended further to the north, in this case far
16 enough north to encompass our substation siting area
17 which is shown in pink. It has now fully encompassed
18 this area that I used the technical term pointy area
19 yesterday.

20 And then at the edge here of this expanded area,
21 we bring the corridor back down and narrow it, but still
22 encompass the full width of the substation siting area.
23 And that width continues over to a point 1,000 feet east
24 of the proposed corridor. And that is now a 2,000-foot
25 corridor, which we extend all the way down to the point

1 where it interconnects with the existing line.

2 So instead of just a single 3,000-foot corridor
3 east to west, we now have a, between the western edge
4 and this alignment, which is where the added-on part to
5 the substation siting area, is approximately a
6 3,900-foot corridor. Between that some point north and
7 south that I am showing here with my pointer and the
8 eastern edge of the corridor is now a 2,085-foot
9 corridor. I know that's a really unusual number, but
10 the math works.

11 And then we have the corridor turned south, and
12 it is described as a 2,000-foot corridor -- sorry. I
13 don't know what that was, 2,000, or -- excuse me. It
14 terminates again at the point of the interconnection.
15 Once -- I am sorry.

16 Q. No, go ahead. You said you wanted to add
17 something.

18 A. (BY MR. DUNCAN) Well, I did. I wanted to, when
19 we -- I just kind of wanted to characterize once we get
20 into the actual description, which I know our team is
21 working on, I just kind of wanted to characterize this
22 is why I have the map on the left screen. And I am
23 going to have to use my laser pointer here, but --

24 Q. And let me start with the, on the left screen
25 again, this is the map that showed the corridor and the

1 substations that were permitted under CEC 131, and
2 orient the Committee to, in general, what we are seeing
3 on the map.

4 There is the TS, I think, 9 substation in the
5 upper left corner and how that was described. What I am
6 reading there in the boxes, they describe that
7 substation siting area for TS-9 just by reference to a
8 section, township, and range. And that's a very general
9 description, right?

10 A. (BY MR. DUNCAN) Yes, it is.

11 Q. Okay. That can encompass a large area.

12 A. (BY MR. DUNCAN) Yes, it does.

13 Q. And then the same for the Misty Willow
14 substation that was sited under CEC 131. Similarly you
15 can see how it was shown on the map, but then how it was
16 described. Again, it is by a section, township --
17 section, township, and range description, a very general
18 description, but with a location on the map?

19 A. (BY MR. DUNCAN) Yes, very general.

20 Q. Our approach in this case is to be much more
21 specific about describing the boundaries of our TS-22
22 substation siting area. Isn't that the approach you
23 have taken?

24 A. (BY MR. DUNCAN) Yes, it is.

25 Q. So what the Committee will see is actually a

1 boundary description of the pink TS-22 siting area in
2 addition that's included with your description of the
3 new corridor, which is just shown on the screen on the
4 right here in the hearing room. And we will -- we can
5 mark that as a stand-alone exhibit, but it is also the
6 Exhibit A to the proposed recommended opinion and order
7 that the Committee will be considering during
8 deliberations, right?

9 A. (BY MR. DUNCAN) That is correct.

10 CHMN. CHENAL: Quick question. On the left
11 screen, the map, where the Avery substation is depicted,
12 was that the only description in the CEC, including the
13 attachment, is that the only description to locate the
14 substation?

15 MR. DERSTINE: Yes.

16 CHMN. CHENAL: All right. So that is pretty
17 general.

18 MR. DERSTINE: Yes.

19 CHMN. CHENAL: Yes, Member Noland.

20 MEMBER NOLAND: Thank you.

21 However, those locations were in a corridor.
22 And that's my main concern, not the absolute specifics
23 of the site, but that it is located in the corridor and
24 just a general description of how large it is or
25 whatever else. But if you can define the whole site,

1 great. But now it is all in the corridor, and that's
2 what I care about.

3 MR. DERSTINE: Yeah. I think we have handed out
4 to members of the Committee APS Exhibit 1, which is the
5 original application to amend that started this process.
6 And attached as exhibits to APS-1 are CEC 131 as well as
7 CEC 120. So the members of the Committee, you can see
8 and, say for example CEC 131, how the corridor was
9 described and then how they reference the substation
10 within the corridor description, similar approach in
11 CEC 120.

12 So we are happy to use that general section,
13 range, township here as opposed to a lot of words which
14 are used to describe just the big boundaries, and use
15 the map that's being shown to the Committee on the right
16 screen here in the hearing room, or the more detailed
17 boundary description that we have already prepared.

18 MEMBER GRINNELL: Mr. Chairman.

19 CHMN. CHENAL: Member Grinnell.

20 MEMBER GRINNELL: I was looking at the, on your
21 mailout, Exhibit Figure 1A, and that area around the
22 Avery substation, and I was a little confused. Are we
23 grandfathering in that part of the area as well with
24 this update, or is this area around in the orange -- I
25 guess it would have been the orange -- is that

1 independent of this particular corridor or is that being
2 incorporated into this corridor?

3 MR. DERSTINE: So, Mr. Chairman, Member
4 Grinnell, the original Avery substation siting area is
5 not being modified by the amendments that we are seeking
6 from this Committee. That original Avery substation
7 siting area is a much larger area, and within which we
8 are showing that we can place the expansion from 10 to
9 64 acres, still within that orange-yellow hashed siting
10 area that was approved under CEC 120.

11 So CEC 120 approved that larger yellow or gold
12 hatched area. Avery will still be placed within that
13 original Avery siting area. We are just seeking to
14 expand the actual size of the Avery substation from what
15 was anticipated to be 10 acres at the time to now 64
16 acres, to include the additional bays and equipment
17 needed to interconnect with the TSMC's plant operations.

18 MEMBER GRINNELL: All right. Thank you.

19 MR. DERSTINE: So I think your term
20 grandfathering may be accurate, in that we are not
21 seeking to change that in any way under CEC 120. We
22 just want to clarify for the record and obtain
23 authorization from the Committee, and ultimately the
24 Commission, that Avery will be constructed as a 64-acre
25 substation as opposed to a 10-acre substation.

1 MEMBER GRINNELL: Appreciate it.

2 BY MR. DERSTINE:

3 Q. So, Mr. Duncan, you were orienting the Committee
4 to the original corridor, and I think you were
5 transitioning to an explanation of your corridor
6 description that the Committee will see in a minute. We
7 are making hard copies here to hand out.

8 But your corridor description starts with a
9 description of the Morgan to Pinnacle Peak shown, the
10 existing line shown in red in all of our map exhibits,
11 including the revised corridor description on the right,
12 because what was described in terms of the actual route
13 for the Morgan to Pinnacle Peak line varies a bit from
14 where it was actually constructed.

15 The Morgan to Pinnacle Peak line was constructed
16 within the corridor that was authorized under CEC 131,
17 but the actual location of the line within that
18 authorized corridor varied somewhat from what was
19 described in CEC 131. So you have had to change the
20 description to actually put that line where it exists
21 today in words so that, when we are describing our new
22 route for the relocated line segment, they match up.
23 Did I say that right?

24 A. (BY MR. DUNCAN) That is correct.

25 Q. Okay. Show us kind of where that is and where

1 that takes place and kind of describe the variation.

2 A. (BY MR. DUNCAN) Very good. I will.

3 So I am going to use the map here on the left,
4 and I am going to point slowly so that everyone can
5 follow. In this east-to-west alignment here, which is
6 along the Dove Valley alignment, this, the eastern
7 portion of the area that I am highlighting right now, is
8 the portion that we have been -- I guess the subject of
9 this discussion that we are taking about, the
10 realignment, but this entire segment was shown here on
11 this map as well as described in CEC 131 as being on the
12 Dove Valley alignment.

13 When it was actually built -- and I am going to
14 use my map here on the right and I will get my pointer
15 out again -- the alignment was built along the Dove
16 Valley alignment between the north-south portion here on
17 the eastern side. And this point where I have my hand
18 right now, and then the land, you can see transition
19 north still within the corridor, but was actually built
20 at the northern edge of the corridor.

21 Is everybody following so far? It is just very
22 confusing and I want to make sure you are very clear.

23 Q. So using your cursor now, you have your laser
24 pointer on the CEC 131 corridor map; you then moved or
25 and used your cursor on our new corridor map.

1 A. (BY MR. DUNCAN) Yes.

2 Q. Maybe stay with the left map with the original
3 CEC 131 map for now. The corridor map and the route
4 description showed the Morgan-Pinnacle Peak line to be
5 essentially a straight line essentially in the middle of
6 the gray corridor band. And the way it was actually
7 constructed is that it stayed within the center of the
8 corridor for a length, but then transitioned to the
9 northern edge of the corridor, is that right?

10 A. (BY MR. DUNCAN) Yes, that's how it was built.
11 That's correct.

12 Q. And that's how it is shown in red on our map on
13 the right. Our new revised corridor map shows the
14 actual location of the line as it was constructed as
15 opposed to how it was depicted in the map for CEC 131?

16 A. (BY MR. DUNCAN) That is correct. And this is
17 the reason that that text needed to be rewritten, even
18 though it is not a part of our project, is that our
19 proposed route and where we are proposing to make the
20 change ties in with the location where the line is
21 actually built, not at the location where it was
22 certificated.

23 It is, again, still within the CEC 131 corridor
24 at the time it was built, so it was built appropriately,
25 just if I had tied our proposed route alignment into the

1 description that is the existing CEC 131, they wouldn't
2 tie together because it was built differently than that
3 description.

4 CHMN. CHENAL: But to be clear, on the map on
5 the left-hand side, the line was depicted as being kind
6 of in the center of the corridor, but the corridor is
7 there for a reason. It means the line can be built
8 anywhere within the corridor. So everything was done
9 appropriately, right?

10 MR. DUNCAN: That is correct. And you can see
11 that. And, I am sorry, let me grab my pointer. Then
12 you can see here that this portion of the red line, and
13 this goes all the way to the west, is still within the
14 gray area. And that indicates it was built within the
15 corridor.

16 But I just, I want it to be clear when we get --
17 I can see Aileen is now handing out the description. I
18 am assuming I am going to be walking the Committee
19 through that, and I just want to be clear that we are
20 going to start with this section that has been rewritten
21 from CEC 131 that is not part of the project just to
22 make it -- and I wanted to provide the context as to why
23 that is done. It is because when we get to the project
24 that is our project, it needs to tie in with the
25 existing line as built.

1 Is that clear or am I confusing?

2 CHMN. CHENAL: You know what? It is going to be
3 hard exactly what you are saying when you say tie in
4 until we get that portion of the language, and then I
5 think it will become more clear.

6 Member Noland.

7 MEMBER NOLAND: Mr. Chairman, and hence the
8 reason for the corridor, so you have the flexibility.
9 It doesn't always get built exactly where you thought it
10 was going to be. And we know that because of different
11 obstructions or washes or whatever else. So I think we
12 have got it. I just, you know, I guess it just
13 signifies the reason why we need a decent corridor in
14 some areas, so you have that flexibility.

15 MR. DERSTINE: Yes. Thank you.

16 BY MR. DERSTINE:

17 Q. So we have handed out what has been marked as
18 APS-30. APS-30, in red, it indicates at the top a
19 banner, Amended Proposed ROO, Recommended Opinion and
20 Order, No. 2. So we are -- we originally had drafted a
21 proposed recommended opinion and order. We then had a
22 second version of that based on some new data and
23 information and input that created another amended,
24 Amended ROO No. 1.

25 This is Amended ROO No. 2 that has attached to

1 it the map, which is being shown on the screen here on
2 the right in the hearing room. That's Exhibit A to the
3 recommended opinion and order that the Committee will be
4 considering here today. And then attached as Exhibit B
5 to APS Exhibit 30 are the proposed new conditions for
6 the relocation of the line. Again, those conditions
7 largely mirror the recent conditions that this Committee
8 has placed on projects within its most recent case.

9 So Mr. Duncan, looking at -- if you can take us
10 to the portion of the recommended opinion and order
11 that -- under the ordering language I think is where we
12 are at. Yes. Start us out. In the ordering language
13 there is a paragraph at the bottom of page 6. And we
14 can go through this and explain the rest of these
15 changes. But the bottom of page 6, starting on line 26,
16 it says:

17 "It is further ordered that Decision 69343" --
18 that is the decision that approved CEC 131 -- "is
19 modified to permit the relocation of the affected line
20 segment" -- the affected line segment is the 3.5 mile
21 piece of the existing Morgan-Pinnacle Peak line --
22 "within a 3,000 foot wide corridor" --

23 Now, do we need to change that? Because it is
24 no longer a straight 3,000-foot corridor. It seems to
25 me we need to pick up that change, correct?

1 A. (BY MR. DUNCAN) Yes, that would need to change.

2 Q. Okay. We can just change that to corridor, but:

3 -- "approximately .5 mile to the north of its
4 current location" -- we have described, we termed that
5 the new alignment -- "by modifying the description of
6 the route and corridor of the existing Morgan to
7 Pinnacle Peak line on page 3, lines 11 to 22 of CEC 131
8 with the following language."

9 Now, this is, so this is where you are
10 essentially inserting your new description in place of
11 what was on page 3, lines 11 to 22 of 131. So am I
12 correct in understanding that the way this new indented
13 corridor description starts is the words that you just
14 described to the Committee, that is describing where the
15 line, Morgan-Pinnacle Peak line, was actually
16 constructed?

17 A. (BY MR. DUNCAN) Yes, that is correct.

18 Q. And how much of those initial paragraphs, I am
19 looking at page 7, up to what point in time does the
20 description of the existing line, where does -- I assume
21 it begins right there with corridor, Navajo Corridor,
22 State Land, at the beginning of that paragraph. How
23 long does that continue, is your description of the
24 existing line?

25 A. (BY MR. DUNCAN) The existing line description

1 is from lines 4 through line 18.

2 Q. Okay. And so looking at line 19, where it says
3 from a point that is .2 miles east of the 67th Avenue
4 alignment and 1,000 feet north of the Dove Valley Road
5 alignment, a new corridor, that's the start of your new
6 corridor description?

7 A. (BY MR. DUNCAN) That is correct.

8 Q. Okay.

9 CHMN. CHENAL: So let me just see.

10 MEMBER NOLAND: I am having trouble.

11 CHMN. CHENAL: Yes. Let me just see if I
12 understand what you just said.

13 So you are actually describing two things with
14 this language, one, the actual location of the existing
15 line, and the second matter that you are describing in
16 this descriptive language taking a number of pages, is
17 the new corridor which you went through and described to
18 us earlier today, is that correct.

19 MR. DUNCAN: That is correct.

20 CHMN. CHENAL: And page 7, lines 4 through 18,
21 is the description of the line as it actually exists,
22 and the rest of the language then deals with the
23 description of the new corridor, which is on the map on
24 the right screen, is that also correct?

25 MR. DUNCAN: That is correct.

1 MR. DERSTINE: Yeah, when I had Kevin just
2 describe the new corridor, he said, Matt, it is not that
3 simple; I have to describe the line as it was
4 constructed. Our conversation veered off from there in
5 terms of why wasn't it constructed where it was shown.
6 He said settle down, it was constructed within the
7 corridor, but I need to actually describe where it was
8 built on the map so that I can tie in the relocated line
9 segment with the actual location of the line. And once
10 we got through that, I think we were in a good place.
11 But I took a lot longer to understand the concept than
12 this Committee, so I appreciate it.

13 MR. DUNCAN: Matt would also fail my course.

14 CHMN. CHENAL: Better put your jacket on,
15 Mr. Derstine.

16 MR. DERSTINE: It won't help. It doesn't help.

17 CHMN. CHENAL: Member Noland.

18 Yeah, quit while you are ahead. That's what I
19 have got to say right now, because I think we understand
20 it.

21 MR. DERSTINE: Got it. Well, Kevin, does it
22 make sense, and members of the Committee, for Mr. Duncan
23 to kind of walk through the new corridor description in
24 general, or you have it?

25 MEMBER NOLAND: No, we got it.

1 CHMN. CHENAL: I think -- look, this is
2 confusing, the language of legal descriptions. But if
3 you are telling us that starting on page 7, line 19,
4 extending for another page, a third or whatever, that
5 that's the corridor that you explained earlier today, I
6 will take that, you know, and accept that. I don't know
7 what any other explanation is going to do to help.

8 MR. DUNCAN: I appreciate that. And I know this
9 is challenging. You commented on it yesterday how
10 difficult it is to read. It is equally as difficult to
11 write, especially in an area like this where there are
12 few points of reference. It takes extra effort to tie
13 it. But we have worked diligently to provide a
14 description to the Committee that is accurate and
15 reflective of what is shown on this map. And I
16 appreciate that. But if the Committee would like me to
17 walk through it, I am more than happy to.

18 MEMBER NOLAND: Mr. Chairman.

19 CHMN. CHENAL: Member Noland.

20 MEMBER NOLAND: In the new corridor description
21 here, do you refer to the exhibit?

22 MR. DUNCAN: I believe that overall it is
23 referred to the exhibit, but not specifically in with
24 this text.

25 MEMBER NOLAND: I think that's one thing, when

1 we are going through this, that we need to "as shown in
2 Exhibit A."

3 MR. DERSTINE: Member Noland, yes, starting with
4 this new corridor description that starts on line 4 on
5 page 7 and continues all the way over to page 9, at the
6 end of that description, there is a sentence that reads:
7 The new alignment and TS-22 substation siting area are
8 shown and described on Exhibit A to this order.

9 CHMN. CHENAL: Line 21 on page 9.

10 MR. DERSTINE: Correct.

11 MEMBER NOLAND: Line 21 on page -- I didn't get
12 that far. Thank you. Yeah, that was my only point,
13 that it should refer to the exhibit. Thank you.

14 MR. DERSTINE: And the only thing I will add, at
15 the risk of not taking Member Noland's advice, which is
16 always good advice, it really -- we do three things with
17 this description, one, describe the location of the
18 Morgan-Pinnacle Peak line, where it was actually
19 constructed. That's that first part up to the line, up
20 to line 18 on page 7. We then proceed with the
21 description of the new corridor and the realigned line
22 segment. And then there is a further indented section
23 that does the third thing, which is describe the TS-22
24 substation siting area. And that starts on page 8,
25 line 14, and continues on to page 9 up through line 4.

1 And then once the TS-22 substation siting area is
2 described, we then proceed with the description of the
3 corridor as it extends further east from the siting area
4 to the point where it then interconnects with the
5 existing line as shown on the map.

6 CHMN. CHENAL: And what is the Navajo Corridor,
7 is that the location of the existing line?

8 MR. DUNCAN: Yes. Let me point that out.

9 Excuse me.

10 There are -- Mr. Spitzkoff had a map showing the
11 north Phoenix transmission system and referred to some
12 of these lines. But basically the alignment you see on
13 the CEC 131 map here where this, the corridor is going
14 into alignment that is going from the southwest to the
15 northeast, that's a major transmission corridor that
16 this line was built as a part of.

17 CHMN. CHENAL: Okay. So then there are really
18 three items that are addressed in this legal
19 description, the line as it actually exists, the new
20 corridor which you described this morning, and within
21 that new corridor is basically a more specific area
22 which is for the TS-22 substation siting area within the
23 corridor.

24 MR. DUNCAN: That is correct.

25 CHMN. CHENAL: Okay. If we go much further than

1 that I am going to lose it.

2 MEMBER NOLAND: Yeah.

3 CHMN. CHENAL: I have got it in my head right
4 now, and it can easily go away.

5 MEMBER NOLAND: Yes.

6 MR. DERSTINE: I don't want that to happen.

7 CHMN. CHENAL: At least not before we vote.

8 Does any Committee member wish Mr. Duncan to
9 kind of go through the metes and bounds here of the
10 legal description? I don't think so.

11 Member Riggins, you look like you really are
12 anxious to do that.

13 MEMBER RIGGINS: Mr. Chairman, I am not, no
14 offense.

15 MR. DUNCAN: None taken, Member Riggins.

16 CHMN. CHENAL: Okay. I think we have that.

17 MR. DERSTINE: Okay. So APS-30 is the ROO that
18 the Committee will be considering in deliberation that
19 incorporates the new revised corridor. And I think we
20 have covered everything we need to cover on the record
21 other than seeking to admit our exhibits.

22 CHMN. CHENAL: Just one quick question.
23 Exhibit B to your Exhibit 30 are your proposed new
24 conditions?

25 MR. DERSTINE: Are the conditions that I

1 indicated would essentially follow the most recent
2 conditions from the Committee, but with a few edits.
3 And I think we have reflected those or we will speak to
4 those when we get there.

5 CHMN. CHENAL: Okay. Ms. Benally, we now get to
6 the point where we go through the exhibits. First,
7 there is something being handed out to the Committee.

8 MR. DERSTINE: What is being circulated is a
9 redline of CEC 131 which may be helpful to the Committee
10 in terms of seeing the changes to 131 that are being
11 made by the ROO.

12 MEMBER HAENICHEN: Chairman.

13 CHMN. CHENAL: Member Haenichen.

14 MEMBER HAENICHEN: What is a ROO?

15 CHMN. CHENAL: Recommended order. That is what
16 we will be voting on today as opposed to a CEC. But the
17 ROO, the recommended order, that we are voting on
18 changes the previous CECs.

19 MEMBER HAENICHEN: I understand that. Just
20 didn't know the term.

21 CHMN. CHENAL: Mr. Derstine, does the
22 recommended order that we are going to be discussing
23 today change -- it does change CEC 120?

24 MR. DERSTINE: Yeah, that -- I think we -- it
25 changes CEC 120 in the only sense of the record before

1 the Committee in approving CEC 120. There is no
2 specific language in 120 which defines the size of
3 Avery. But at the time Avery was anticipated to be a
4 10-acre substation, that was the, that estimate was
5 included in that, the CEC application for 120, and that
6 was the testimony before the Committee in that case.
7 And so just out of an abundance of caution, we thought
8 it was important to clarify the record and the fact that
9 Avery will now, in order to meet the needs of TSMC, will
10 be expanded to 64 acres.

11 CHMN. CHENAL: Okay.

12 MR. DERSTINE: Again, it is within the original
13 substation siting area, the much larger acreage that was
14 approved for Avery. It is just the actual footprint of
15 the substation is bigger.

16 CHMN. CHENAL: So there is no substantive
17 changes, if you will, to 120. It simply corrects the
18 record to make it clear that the Avery substation will
19 now occupy a larger area, the siting area will increase.
20 But the recommended order we review today will make
21 substantive changes to CEC 131, and that's the reason
22 why we were just provided with, I guess this will be,
23 APS-31.

24 MR. DERSTINE: It can be if you want to mark it.

25 CHMN. CHENAL: Is what the -- is what 131 would

1 look like with the changes, assuming the ROO is
2 approved.

3 MR. DERSTINE: That's correct.

4 MEMBER GRINNELL: Mr. Chairman.

5 CHMN. CHENAL: Member Grinnell.

6 MEMBER GRINNELL: I am in receipt by email the
7 previous discussion with exhibits and everything else.
8 And now I am looking at, scrolling down, it says
9 Exhibit APS-30. And I am seeing redline RE Papago APS
10 may request CS -- CEC 189. Do I not have the -- am I
11 looking at the wrong document that I was sent?

12 MR. DERSTINE: You are referring -- I apologize,
13 Member Grinnell. You are referring to Exhibit B on
14 APS-30?

15 MEMBER GRINNELL: Yes, proposed new conditions.
16 And I see RE Papago. We had that a couple meetings ago.
17 And then I am seeing, if you scroll down, CEC 189, and I
18 am like what am I missing here.

19 CHMN. CHENAL: I see what is going on. These
20 are proposed conditions for consideration by the
21 Committee today. These conditions, Member Grinnell,
22 were taken from previous cases, and in particular Case
23 No. 189.

24 And so what APS has done here is they have taken
25 those conditions and struck -- we are not going to

1 include any reference to the previous case, CEC 189.
2 And they are changing the name from Papago to APS. So
3 that's a redlined version showing that the conditions
4 are from a previous case with changes to adapt them to
5 this case.

6 MEMBER GRINNELL: Basically, yeah, sort of a
7 copy and paste and then edit.

8 CHMN. CHENAL: Yeah. And what we will, for your
9 reference, when we approve it today, assuming we approve
10 it, it will be a clean version. So you will not see
11 189. You will not see Papago. It will only be APS.

12 MEMBER GRINNELL: All right. Appreciate it.
13 That's for the clarity.

14 CHMN. CHENAL: Exhibits. Ms. Benally, should we
15 go through exhibits?

16 MS. BENALLY: Yes. Good morning, Chairman and
17 Committee members. We provided, Mr. Chairman, an
18 updated list of the exhibits that APS will be walking
19 through this morning. We are certainly happy to add
20 APS-31 if the Chairman so desires.

21 So APS is proposing to move APS-1 and APS-2.
22 APS-1 is the application to amend the certificate of
23 environmental compatibility for Case 120 and 131 that
24 was filed in the docket. And it will be incorporated by
25 reference as was APS-2, which was also provided to the

1 Committee this morning. And that's the supplement to
2 the application to amend the certificates, again Case
3 120 and 131, and that is APS-2.

4 So I propose -- pardon me. I move admission of
5 1 and 2, APS-1 and 2.

6 CHMN. CHENAL: Let's do this. I am going to
7 move this along for us because we will be here for a
8 long while going through a complete description. I
9 think there is plenty in the record to show what the
10 exhibits are.

11 APS-3 is witness summary of Spitzkoff. APS-4 is
12 the presentation slides of Mr. Spitzkoff. APS-5 is
13 summary of Mr. Duncan. APS-6 are the slides of
14 Mr. Duncan. APS-7 is the witness summary of Mr. Turner.
15 APS-8 are the slides of Mr. Turner. APS-9 is the
16 Figure 3A with amendments.

17 MS. BENALLY: I apologize. We are not moving
18 APS-9.

19 CHMN. CHENAL: Okay. We will strike, we won't
20 include 9.

21 APS-10 is Figure 1A, revised project vicinity
22 map. APS-11 is affidavit of publication. APS-12 is the
23 proof of delivery of transcripts to public location.
24 APS-13 is proof of website posting. APS-14 is proof of
25 service to affected jurisdictions. APS-15 is proof of

1 posting signs. APS-16 is the June newsletter, June 2021
2 newsletter. APS-17 is the postcard announcing the
3 hearing. APS-18 is a TSMC letter dated June 4th, 2021.
4 APS-19 is the City of Phoenix letter, April 2nd, 2021.
5 APS-20 is a Greater Phoenix Economic Council letter
6 dated June 2nd, 2021. APS-21 is summary of outreach
7 efforts. APS-22 were the virtual open house slides.
8 APS-23 are visual simulations. APS-24 is the
9 recommended order filed --

10 MS. BENALLY: Excuse me, Mr. Chairman. APS is
11 not moving APS-24.

12 CHMN. CHENAL: We will strike that.

13 APS-25 is witness summary of --

14 MS. BENALLY: Mr. Chairman, I apologize. APS-25
15 is also not being moved by APS.

16 CHMN. CHENAL: Are there any more that are not
17 being moved?

18 MS. BENALLY: 27.

19 CHMN. CHENAL: Okay. The rest are?

20 MS. BENALLY: Yes, 26, 28, 29 and 30.

21 CHMN. CHENAL: 26 is Figure 3B. APS-28 is
22 amended witness summary of Brian Harrison. APS-29 is
23 the Corporation Commission decision, April 10th, 2013.
24 APS-30 is the amended proposed ROO, recommended order,
25 and APS-31 is the -- I guess second amended recommended

1 order.

2 MS. BENALLY: That's what was issued this
3 morning to the Committee.

4 CHMN. CHENAL: Correct.

5 MR. DERSTINE: And then 31 will be the redline.

6 CHMN. CHENAL: Correct.

7 MS. BENALLY: And then I do have one correction.
8 I inadvertently struck APS-9. APS is moving to admit
9 that as an exhibit.

10 CHMN. CHENAL: APS-9 is Figure 3A.

11 MS. BENALLY: Yes. Thank you.

12 CHMN. CHENAL: Any objections to APS-1, 2, 3, 4,
13 5, 6, 7, 8, 9, 10, 11, 12 through 23, 26, 28, 29, 30 and
14 31?

15 (No response.)

16 CHMN. CHENAL: Hearing none, those --

17 MEMBER HAMWAY: I have a quick question.

18 CHMN. CHENAL: Yes.

19 MEMBER HAMWAY: So did Mr. Derstine's opening
20 presentation get added to Exhibit 1A?

21 MR. DERSTINE: I don't typically mark or move
22 my --

23 MEMBER HAMWAY: Okay.

24 MR. DERSTINE: -- opening slides.

25 CHMN. CHENAL: I need to make the ruling,

1 otherwise we are going to have problems.

2 MEMBER HAMWAY: I am sorry.

3 CHMN. CHENAL: The exhibits I just announced are
4 admitted.

5 (Exhibits APS-1, APS-2, APS-3, APS-4, APS-5,
6 APS-6, APS-7, APS-8, APS-9, APS-10, APS-11, APS-12,
7 APS-13, APS-14, APS-15, APS-16, APS-17, APS-18, APS-19,
8 APS-20, APS-21, APS-22, APS-23, APS-26, APS-28, APS-29,
9 APS-30, and APS-31 were admitted into evidence.)

10 CHMN. CHENAL: We have that done.

11 MEMBER HAMWAY: Okay.

12 MEMBER HAENICHEN: Chairman.

13 CHMN. CHENAL: Member Haenichen.

14 MEMBER HAENICHEN: Will the numbering be changed
15 to eliminate the ones --

16 MEMBER NOLAND: Didn't hear you, Jack.

17 MEMBER HAENICHEN: Oh, yeah. Will the numbering
18 be changed to remove -- in other words, are you going to
19 shift because you are eliminating some numbers?

20 CHMN. CHENAL: No.

21 MEMBER HAENICHEN: No?

22 CHMN. CHENAL: No. They will be admitted with
23 their numbers.

24 MEMBER HAENICHEN: Okay. All right.

25 CHMN. CHENAL: All right. Are we ready for a

1 closing statement before we begin deliberations?

2 MR. DERSTINE: Yes.

3 CHMN. CHENAL: Is there anything we need to
4 discuss before that, make sure you have covered
5 everything and there is nothing left out?

6 MR. DERSTINE: I think the record is complete.
7 Based on the comments I have heard here this morning and
8 yesterday afternoon, I think you get it.

9 CHMN. CHENAL: Probably the best closing
10 statement I have heard yet.

11 MR. DERSTINE: I will stop right there. Good
12 luck.

13 CHMN. CHENAL: And I think I just preempted you
14 from your closing statement. Oh, that wasn't your
15 closing.

16 MR. DERSTINE: I am happy to -- yeah. Shorter,
17 it can be better and oftentimes is. So I am happy to
18 end there. If you would like me to add a few more
19 words, I will.

20 CHMN. CHENAL: No, go ahead, go ahead.

21 MR. DERSTINE: All right. In my opening I
22 talked about the fact that Arizona's economy is
23 transitioning from the traditional five Cs to an economy
24 that's being increasingly driven by Ts, technology,
25 trade, and tourism. The high tech industry data centers

1 and high tech manufacturing companies are moving to
2 Arizona, and the companies that are already here -- and
3 we have a number -- are expanding their operations in
4 the state and they are bringing jobs and revenue to the
5 State of Arizona.

6 Public service corporations like APS have a duty
7 to serve new customers. Whether it is a new family
8 that's buying their first home or whether it is a
9 multi-billion dollar state-of-the-art semiconductor
10 manufacturing plant, we have a duty to serve them.

11 The difference is that high tech customers have
12 unique energy and infrastructure needs. Same duty to
13 serve, same duty to minimize the impacts of those
14 whatever facilities are required to serve that new
15 customer on people and places, residents, the biology,
16 the ecology of the State of Arizona.

17 TSMC purchased over 1100 acres near an existing
18 500/230kV line. We don't need to construct a new
19 transmission line to serve this customer. I know this
20 Committee has had cases in which we have sited and
21 sought CECs for new high capacity transmission lines to
22 serve new customers. That isn't needed in this case.
23 TSMC's location and its operations are in proximity to
24 the Morgan-Pinnacle Peak line. That line has capacity
25 to serve TSMC's operations. So that's the real benefit

1 of their location and the proximity to the
2 Morgan-Pinnacle Peak line.

3 What we lack is the connectivity to the plant
4 operations. So the needs driving the case are the TSMC
5 plant is sensitive to the electromagnetic interference
6 from a 500/230kV line that requires that we relocate the
7 three and a half mile segment of the line.

8 The other need that's driving the case is to
9 expand the Avery substation from 10 to 64 acres, and to
10 build a new TS-22 substation, again, to provide the
11 connectivity to the initial phase of TSMC's operations,
12 as well as any future expansion of those operations, as
13 well as to ensure that we maintain the reliability of
14 the system network.

15 As we mentioned in the testimony that the
16 Committee heard, APS's approach to the case, even though
17 this is an amendment of two existing CECs, was as if
18 this were a new CEC. We studied the environmental
19 impacts of relocating the three and a half mile line.
20 We studied the impacts of the new substation and
21 expanding the Avery substation. We used the same
22 approach in terms of outreach and public engagement in
23 seeking input from area residents as well as
24 stakeholders.

25 The Committee's role, a bit different than a

1 traditional new CEC operation, is to take evidence,
2 which we have done over the past couple days, issue
3 findings of fact and conclusions of law that will be the
4 next step in our proceeding, and issue a recommended
5 opinion and order ultimately for consideration by the
6 Commission on the original filed application to amend.
7 This Committee sits essentially as the trier of fact,
8 and your record and your recommendations will then be
9 presented to the Corporation Commission, and the
10 Commission will consider those at the next open meeting.

11 The amendments that we are seeking are three:

12 Authorize a new corridor to allow relocation of
13 the three and a half mile segment of line away from the
14 TSMC operations so that there is no interference with
15 their highly sensitive manufacturing process;

16 Authorize construction of the new third TS-22
17 substation. That's an amendment, because the CEC 131
18 specified two substations, or certificated two
19 substations. We now are adding a third;

20 And the amendment of the record essentially in
21 CEC 120, we just had the discussion about that there is
22 no specific language in CEC 120 to define the size of
23 Avery, but there was a fair amount of testimony on the
24 record concerning that it would be 10 acres. And that
25 was before TSMC had acquired this land and announced its

1 plant, so we need to expand Avery from that 10 acres to
2 64.

3 The corridor in the TS-22 siting area has
4 evolved and changed over time. And that's, you know,
5 that's the reality of having a project on a fast track.
6 We have one landowner, Arizona State Land. The process
7 in working with State Land in terms of our negotiations
8 over a new siting area for the TS-22 substation as well
9 as the final placement of the line, those, you know, are
10 taking place. They are ongoing and they have changed,
11 and that's what has driven some of the changes in the
12 shape of the TS-22 substation area and, to some extent,
13 driven the changes that you are considering today in
14 terms of the corridor that we are requesting from the
15 Committee.

16 As we noted, and I think, you know, Member
17 Noland said it better than I could in terms of that's
18 why we approve corridors, it allows for the final
19 placement of the line. You know, when we are before
20 this Committee we do our best to try and anticipate
21 where the line will be constructed. But things change
22 and there is more information. We get to building the
23 line, it may be in a different location than what was
24 shown on the map to a CEC, but the corridor gives the
25 applicant the flexibility to make the right decision

1 about where to place that line so long as it is within
2 the corridor. The corridor sets the boundaries for the
3 placement of the line, and it is an important tool in
4 that it allows us the flexibility to work with the
5 landowner, in this case Arizona State Land Department,
6 for the final placement.

7 I think what is important about this, and we
8 touched on it yesterday in terms of the discussions, you
9 know, with the Chairman and other Committee, changes in
10 the corridor and the TS-22 substation siting area, they
11 are not a substantial change. They are not a
12 substantial or significant deviation from what was
13 noticed. The corridor has been narrowed in places and
14 expanded in others, but the line location has not
15 changed and will not change substantially within the
16 original corridor as the corridor size has evolved.

17 As Mr. Duncan testified, ASLD's preference is
18 that the line be placed on the half section line. That
19 is likely to be where it goes. There may be some
20 deviation and change from that in terms of how we
21 ultimately drop into the TS-22 substation that may cause
22 the line to angle up as it did under CEC 131. It varied
23 from -- it moved its way to the edge of the corridor
24 band. So there may be some change, but it is not going
25 to change significantly.

1 Also, the TS-22 siting area has changed with the
2 addition of these two, to use Mr. Duncan's term, pointy
3 areas, the pointy area to the north and the pointy area
4 to the southwest. But again, that change in size of the
5 TS-22 siting area, the larger 400 plus acre area, that's
6 been set aside and noticed to the public and to
7 stakeholders about where TS-22 will be located. That
8 hasn't changed. The 80-acre TS-22 substation will still
9 be placed essentially where we had, you know, had
10 anticipated. It is still going to be in the pink box.
11 It is not going to change dramatically, has not changed
12 dramatically from where it was noticed. So whether that
13 box stays a rectangle or now has the little pointy
14 section added to that 80-acre substation within that
15 pink area, it has not changed substantially.

16 The CEC amendments are needed to serve the new
17 TSMC semiconductor plant. We have to show you need. I
18 think we have done that. The relocation of the line and
19 the substation improvements that we have discussed in
20 our testimony are compatible with the total environment
21 of this area.

22 Mr. Turner testified at length about existing
23 land use, planned and future land use plans. The area
24 of this project, again, already has an existing
25 transmission line. It is platted and planned for

1 commercial development with a cornerstone at the
2 centerpiece that is the large TSMC plant operations.
3 But there is other further commercial and industrial
4 developments that are planned for this area. So ASLD,
5 in coordination with the City of Phoenix, has plans for
6 this area. And this transmission line and the
7 relocation of the line, as well as the addition of the
8 TS-22 substation, are all compatible with those land use
9 plans. And I think, as Mr. Turner testified, there are
10 no significant environmental impacts from the
11 construction in terms of the relocation of the line or
12 the construction of the substation.

13 And so the approval of the amendments are in the
14 public interest. They balance the need with the impact
15 on the environment. The TSMC plant is an important
16 addition to the economy of the State of Arizona, the
17 City of Phoenix, and Maricopa County. And APS's ability
18 to serve this customer is dependent upon the key
19 elements that we have described and our construction of
20 those. The relocation and the substations do indeed
21 balance the impact on the environment with the need.

22 And, therefore, we ask that you approve these
23 amendments, or include in your ROO a recommendation to
24 approve the amendment that will be taken up with the
25 Corporation Commission.

1 So we thank you for your time.

2 CHMN. CHENAL: Thank you very much.

3 Any questions from the Committee?

4 (No response.)

5 CHMN. CHENAL: All right. I am going to
6 recommend we take a really short break, five-minute
7 break. We can get then what we need up on the slides --
8 excuse me, what we need up on the screens.

9 And just to remind everyone, we will start with
10 Exhibit 30, APS-30, which will be on the left screen.
11 And then we will have a mirror image of it, if you will,
12 which will become Exhibit -- let's make it Exhibit 32,
13 APS-32, which will be the document that will change as
14 we go through and incorporate any changes we make. And
15 when we finally get through that document, Exhibit 32,
16 that will become the final document submitted to me for
17 signature and filing with the Corporation Commission.
18 That's the same practice we have used, and I think we
19 all understand it by now.

20 MEMBER GRINNELL: Mr. Chairman.

21 CHMN. CHENAL: Member Grinnell.

22 MEMBER GRINNELL: Will we be able to see both
23 documents here on Zoom, or will I need -- what do I need
24 to do here to replicate what you all are trying to
25 accomplish there?

1 CHMN. CHENAL: Mr. Derstine.

2 MR. DERSTINE: Mr. Chairman, I am just -- based
3 on experience, my understanding is for the Zoom
4 participants, your suggestion was that we simply show
5 the version of the recommended opinion and order that's
6 live that we are editing rather than just show the clean
7 version and the edited version.

8 So Member Grinnell will see the edits as they
9 are taking place, but he doesn't need a dual screen just
10 to see the raw document being scrolled down.

11 CHMN. CHENAL: Right.

12 MEMBER GRINNELL: And are we going to vote on
13 each one of those as they are edited, or are we going to
14 come back to vote on those after the edits are complete?

15 CHMN. CHENAL: Both. We show as to form as we
16 propose the document paragraph by paragraph, condition
17 by condition, and then -- that's to form, and then we do
18 a roll call vote at the end to decide whether to
19 approve, the Committee approves the recommended order.

20 MEMBER GRINNELL: Thank you, sir.

21 CHMN. CHENAL: All right. Let's take a
22 five-minute break, and when we come back we will dive
23 into deliberations.

24 (A recess ensued from 10:35 a.m. to 10:55 a.m.)

25 CHMN. CHENAL: All right. Let's go back on the

1 record and begin our deliberations. I think we are
2 familiar with how this is going to work. I understand
3 Aileen is the quarterback for the changes that we will
4 make to the document, which will be the right screen.
5 And Mr. Spitzkoff is going to be controlling the left
6 screen, which is the --

7 MR. DERSTINE: I apologize. It is AV Jason and
8 not transmission Jason.

9 CHMN. CHENAL: Oh. Well, forget everything I
10 said off line then as to whether Jason is qualified for
11 it, could he handle moving the screen from top to
12 bottom. If it is AV Jason, then there is no question
13 about it.

14 I am just kidding, Mr. Spitzkoff.

15 MR. DERSTINE: We are in good hands.

16 CHMN. CHENAL: I am just kidding. Okay. So
17 let's begin. We are going to let the applicant live or
18 die by the caption and not go through that.

19 So let's go to page 2, paragraph 1. And I
20 just -- I wonder if we can get the font size to be the
21 same for both screens. So the one on the left, maybe
22 the one on the left, if we could reduce the font. And
23 maybe -- okay, that's good on the left. And maybe on
24 the right screen, if we can make it just a little
25 bigger.

1 AV TECH: I think you need to remove your task
2 bar, unless you need that.

3 CHMN. CHENAL: I think we moved the task bar on
4 the right side. All right. It will just take a second
5 here to get the document set up.

6 All right. So let's go down to page 2,
7 paragraph 1. Take a moment to review it. May I have a
8 motion to approve.

9 MEMBER HAENICHEN: So moved.

10 MEMBER NOLAND: Second.

11 CHMN. CHENAL: We have a motion and second. All
12 in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: Let's go to paragraph 2. Take a
15 moment to review it, please. May I have a motion to
16 approve.

17 MEMBER PALMER: So moved.

18 CHMN. CHENAL: And a second.

19 MEMBER GENTLES: Second.

20 CHMN. CHENAL: All in favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Let's do paragraph 3.

23 MEMBER GENTLES: Mr. Chairman, authorization to
24 clean up the grammatical errors?

25 CHMN. CHENAL: Let's have a motion and a second

1 to allow me to make nonmaterial changes to clean up and
2 scrivener's error. May I have a motion to approve.

3 MEMBER GENTLES: So moved.

4 MEMBER HAENICHEN: Second.

5 CHMN. CHENAL: All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: Thank you very much for that.

8 We are on paragraph which one now?

9 MEMBER NOLAND: 3.

10 CHMN. CHENAL: May I have a motion to approve.

11 MEMBER HAMWAY: So moved.

12 CHMN. CHENAL: Second?

13 MEMBER PALMER: Second.

14 CHMN. CHENAL: All in favor say aye.

15 (A chorus of ayes.)

16 CHMN. CHENAL: Let's read paragraph 4, please.

17 The left screen, we need to scroll.

18 MEMBER NOLAND: Mr. Chairman, I move paragraph

19 4.

20 MEMBER HAENICHEN: Second.

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

22 All in favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: Paragraph 5. May I have a motion

25 to approve.

1 MEMBER HAMWAY: So moved.

2 CHMN. CHENAL: Second?

3 MEMBER RIGGINS: Second.

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Paragraph 6.

7 MEMBER PALMER: So moved.

8 CHMN. CHENAL: May I have a second.

9 MEMBER NOLAND: Second.

10 CHMN. CHENAL: All in favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Paragraph 7, let's take a moment

13 to review. May I have a motion to approve.

14 MEMBER PALMER: Motion to approve 7.

15 MEMBER HAMWAY: Second.

16 CHMN. CHENAL: We have a motion and second. All

17 in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Thank you.

20 And let's take a moment to review paragraph 8.

21 MEMBER NOLAND: Motion to approve paragraph 8.

22 MEMBER HAENICHEN: Second.

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

24 All in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Let's review paragraph 9. May I
2 have a motion to approve.

3 MEMBER GRINNELL: So moved.

4 CHMN. CHENAL: Second.

5 MEMBER HAMWAY: Second.

6 CHMN. CHENAL: All in favor say aye.

7 (A chorus of ayes.)

8 CHMN. CHENAL: Thank you.

9 Paragraph 10, let's take a moment to review.
10 May I have a motion to approve.

11 MEMBER HAMWAY: So moved.

12 MEMBER HAENICHEN: Second.

13 CHMN. CHENAL: All right. Now, look on
14 paragraph 10, line 20. There is a paren, CEC 131
15 changes, end paren. We will want to remove all such
16 references to previous CECs. And even if I forget to
17 pick it up, if someone points it out, even if we forget
18 as the group defined it, I would ask the applicant to
19 clean that up before it comes to me.

20 MR. DERSTINE: I think, Mr. Chairman, that's a
21 term we are using in the draft to collectively refer to
22 the changes.

23 CHMN. CHENAL: My bad. I see that now. Excuse
24 me. So that should stay in. I am sorry. Excuse me.
25 We will get to that in the conditions, I think. And

1 there is where we will have to clean it up.

2 MR. DERSTINE: That's right.

3 CHMN. CHENAL: So I apologize. That's exactly
4 right. That's meant to be there.

5 Did we approve that yet, paragraph 10?

6 MEMBER NOLAND: Yes.

7 CHMN. CHENAL: Okay. Paragraph 11, let's take a
8 moment to review. May I have a motion to approve.

9 MEMBER HAMWAY: So moved.

10 CHMN. CHENAL: Second?

11 MEMBER NOLAND: Second.

12 CHMN. CHENAL: All in favor say aye.

13 (A chorus of ayes.)

14 MEMBER PALMER: Mr. Chairman.

15 CHMN. CHENAL: Member Palmer.

16 MEMBER PALMER: I may be remembering wrong. We
17 had a motion and second on 10.

18 MEMBER HAMWAY: We didn't vote on it.

19 MEMBER PALMER: I didn't think so.

20 CHMN. CHENAL: May I have a motion and a second
21 on paragraph 10.

22 MEMBER PALMER: I think you had the motion and
23 second.

24 CHMN. CHENAL: All in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Thank you. Thank you, Member
2 Palmer.

3 Paragraph 12, may I have a motion.

4 MEMBER PALMER: Motion to approve 12.

5 CHMN. CHENAL: And a second.

6 MEMBER HAMWAY: Second.

7 CHMN. CHENAL: All in favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: Let's review paragraph 13.

10 MEMBER HAENICHEN: I move 13.

11 MEMBER NOLAND: And second.

12 CHMN. CHENAL: Motion and second.

13 Let me ask the applicant. There are two, the
14 word two, T-W-O, and the word third are italicized in
15 paragraph 13. Is that what you would intend?

16 MR. DERSTINE: They don't need to be. That was
17 intended to just focus and stress the change. They can
18 revert back to normal. They don't need to be
19 italicized. It was just to kind of underscore the
20 change that 131 was specific as to two substations. We
21 are changing it to three. So --

22 CHMN. CHENAL: All right.

23 MR. DERSTINE: -- why don't we just remove -- I
24 suggest we just remove the italics.

25 CHMN. CHENAL: Let's do that. With that change,

1 all in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Okay. Paragraph 14, let's take a
4 moment to review. This is an important one, so let's
5 make sure it is accurate.

6 MEMBER NOLAND: Mr. Chairman, I move that we
7 approve paragraph 14.

8 MEMBER HAMWAY: Second.

9 CHMN. CHENAL: We have a motion and second. All
10 in favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Let's review paragraph 15. May I
13 have a motion to approve.

14 MEMBER HAMWAY: So moved.

15 CHMN. CHENAL: And second.

16 MEMBER HAENICHEN: Second.

17 CHMN. CHENAL: All in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Thank you.

20 Let's review paragraph 16. May I have a motion
21 to approve.

22 MEMBER HAENICHEN: So moved.

23 MEMBER GENTLES: Second.

24 CHMN. CHENAL: All in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Thank you.

2 Let's review paragraph 17.

3 MEMBER PALMER: Motion to approve 17.

4 MEMBER HAENICHEN: Second.

5 MEMBER HAMWAY: Second.

6 CHMN. CHENAL: We have a motion and second. All
7 in favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: Let's review paragraph 18.

10 MEMBER HAENICHEN: I move 18.

11 MEMBER HAMWAY: Second.

12 CHMN. CHENAL: We have a motion and second. All
13 in favor say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Paragraph 19, may I have a motion
16 to approve.

17 MEMBER HAMWAY: So moved.

18 CHMN. CHENAL: And second.

19 MEMBER HAENICHEN: Second.

20 CHMN. CHENAL: All in favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Paragraph 20, let's take a moment
23 to review. May I have a motion to approve.

24 MEMBER NOLAND: So moved.

25 MEMBER HAMWAY: Second.

1 CHMN. CHENAL: We have a motion and second. All
2 in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Paragraph 21, we will have to
5 fill in part of 21 at the conclusion; we will have to
6 come back and fill it in based on the vote. The date
7 will probably be today, the 28th.

8 But with those two additions to be made, may I
9 have a motion to approve the language of 21.

10 MEMBER PALMER: Move approval of 21.

11 MEMBER HAMWAY: Second.

12 CHMN. CHENAL: Motion and second. All in favor
13 say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: And paragraph 22, may I have a
16 motion to approve.

17 MEMBER HAMWAY: So moved.

18 CHMN. CHENAL: And a second.

19 MEMBER NOLAND: Second.

20 CHMN. CHENAL: All in favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Paragraph 23, may I have a motion
23 to approve.

24 MEMBER HAMWAY: So moved.

25 CHMN. CHENAL: And a second.

1 MEMBER PALMER: Second.

2 CHMN. CHENAL: All in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Thank you.

5 Paragraph 24, may I have a motion to approve.

6 MEMBER NOLAND: So moved.

7 MEMBER PALMER: Second.

8 CHMN. CHENAL: Motion and second. All in favor
9 say aye.

10 (A chorus of ayes.)

11 CHMN. CHENAL: Paragraph 25.

12 MEMBER NOLAND: I move paragraph 25.

13 MEMBER HAENICHEN: Second.

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

15 All in favor say aye.

16 (A chorus of ayes.)

17 CHMN. CHENAL: Thank you.

18 Conclusions of law, paragraph 1. May I have a
19 motion to approve.

20 MEMBER HAMWAY: So moved.

21 MEMBER GENTLES: Second.

22 CHMN. CHENAL: Motion and second. All in favor
23 say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: And paragraph 2, may I have a

1 motion to approve.

2 MEMBER PALMER: Move approval of 2.

3 MEMBER HAMWAY: Second.

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Okay. Now the fun begins where
7 we go through the order. And I will have to do this by
8 page and line number. So bear with me.

9 Under the order, page 6, lines 19 through 21,
10 may I have a motion to approve.

11 MEMBER NOLAND: So moved.

12 CHMN. CHENAL: And a second.

13 MEMBER HAMWAY: Second.

14 CHMN. CHENAL: All in favor say aye.

15 (A chorus of ayes.)

16 CHMN. CHENAL: Let's carefully review the second
17 paragraph, page 6, lines 22 through 25.

18 MEMBER HAMWAY: So moved.

19 CHMN. CHENAL: May I have a second.

20 MEMBER PALMER: Second.

21 CHMN. CHENAL: All in favor say aye.

22 (A chorus of ayes.)

23 CHMN. CHENAL: Thank you.

24 Now, the third paragraph, bottom of page 6,
25 lines 26 through page 7, line 3, we have to change some

1 of the language in that because this is a reference to a
2 3,000 foot wide corridor, and we talked about that
3 earlier. Maybe if I could ask Mr. Duncan, since this
4 relates to what he testified to, if he could recommend
5 what the foot -- how many feet wide the corridor should
6 be.

7 MR. DERSTINE: Mr. Chairman, would it be enough
8 to simply at this point, because we are being specific
9 later on in the description, to just revise on line 27
10 of page 6 to state relocation of the affected line
11 segment within a new corridor approximately, and then we
12 get to the details of that as we move down?

13 MEMBER NOLAND: Mr. Chairman.

14 CHMN. CHENAL: Yes, Member Noland.

15 MEMBER NOLAND: Well, I would also -- at this
16 point I would just refer to Exhibit A and as further
17 described, but within a corridor as shown on Exhibit A.

18 CHMN. CHENAL: Where do we refer to that,
19 Mr. Derstine, in the document?

20 MR. DERSTINE: Exhibit A is found on page 9,
21 lines 21 and 22. That's the reference after we get
22 through the description of the existing line, the
23 description of the corridor and the description of the
24 TS-22 substation site. It concludes on line 20 of
25 page 9. And then the sentence on lines 21 and 22 refer

1 to Exhibit A. But I am certainly not opposed to
2 referencing it again at the beginning on page 6.

3 CHMN. CHENAL: Okay. Do you have recommended
4 language, Mr. Derstine?

5 MR. DERSTINE: Well, so my suggestion would be
6 then it starts with on line 27 -- well, I will read it.
7 It is further ordered that Decision No. 69343 is
8 modified to permit the relocation of the affected line
9 segment within a new corridor approximately -- moving on
10 to page 7, beginning on line 1 -- .5 miles to the north
11 of its current location by modifying the description of
12 the route and corridor of the existing Morgan-Pinnacle
13 Peak line on page 3, lines 11 to 22 of CEC 131 as shown
14 on Exhibit A with the following language.

15 CHMN. CHENAL: Okay. Let's make sure the
16 language is properly changed on the right screen, which
17 will become Exhibit 32, APS-32.

18 MR. SPITZKOFF: Mr. Derstine, you may have to
19 repeat those changes.

20 MR. DERSTINE: I think the only word changes
21 are -- so bottom of page 6, line 27, Aileen, where it
22 says -- delete a 3,000 foot wide, that comes out, insert
23 the two words "a new" before corridor.

24 CHMN. CHENAL: Okay. That's in there already.
25 And then the next page.

1 MR. DERSTINE: And then on the next page --

2 MEMBER PALMER: I didn't see new in there.

3 CHMN. CHENAL: It is right after wide.

4 MR. DERSTINE: And then on line 3 of page 7,

5 Aileen, after CEC 131 insert the words "as shown on

6 Exhibit A." And I think that addresses Member

7 Noland's --

8 MEMBER NOLAND: Mr. Chairman, I move that we

9 adopt that paragraph with the revised language.

10 MEMBER HAMWAY: So moved.

11 CHMN. CHENAL: Okay. So bottom of line 6, lines

12 26 and 27, top of page 7, lines 1 through 3, with the

13 correct language you moved.

14 May I have a second.

15 MEMBER PALMER: Second.

16 CHMN. CHENAL: Motion and second. All in favor

17 say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Next, page 7, lines 4 through 27.

20 First of all, let me ask the applicant, are there any

21 changes to this language?

22 MR. DERSTINE: Ask Mr. Duncan.

23 Mr. Duncan, it is my understanding that lines 4

24 through 18 on page 7 are the description of the as-built

25 condition of the Morgan-Pinnacle Peak line, correct.

1 MR. DUNCAN: That is correct.

2 MR. DERSTINE: Okay. Are there any changes --
3 in looking at now what is shown in the draft, do you
4 have any changes or are you comfortable with the
5 language that's there?

6 MR. DUNCAN: I am comfortable with the language
7 that's there.

8 MEMBER NOLAND: Is your microphone on?

9 CHMN. CHENAL: And that was lines 4 through 18.

10 MR. DERSTINE: That's right.

11 Then Mr. Duncan, so I don't know if you want to
12 move and approve that piece.

13 CHMN. CHENAL: Sure, let's do that. We will.

14 MEMBER GRINNELL: Mr. Chairman.

15 CHMN. CHENAL: Yes, Member Grinnell.

16 MEMBER GRINNELL: I am noticing on line 16,
17 range 2 east, blah-blah-blah, 3,000-foot corridor again.
18 Does that need to be amended to reflect the previous
19 change?

20 CHMN. CHENAL: Great question.

21 Mr. Duncan -- we are letting Mr. Duncan sit down
22 before a microphone since I am clear he is going to be
23 asked a few questions here.

24 Let me just refocus Mr. Duncan, since I don't
25 think he understood where you were referring to.

1 But Mr. Duncan, if you look at line 16 on the
2 screen, you will see that there is a range 2 east and a
3 3,000-foot corridor, 1500 feet. There are numbers in
4 that line. Does that have to be changed?

5 MR. DUNCAN: No, it does not. That is referring
6 to the existing corridor, which is 3,000 foot -- or I
7 shouldn't say existing corridor, but the previously
8 certificated corridor.

9 CHMN. CHENAL: Okay. Just very fine.

10 So page 7, lines 4 through 18, may I have a
11 motion to approve.

12 MEMBER GENTLES: Mr. Chairman, what is this on
13 line 16, G&SRB&M?

14 MR. DUNCAN: If I may, it is Gila and Salt River
15 Base and Meridian. That is the grid system that our
16 coordinates are based on here in Maricopa County.

17 MEMBER GENTLES: Okay, thank you.

18 CHMN. CHENAL: Okay. Any further discussion
19 regarding page 7, lines 4 through 18?

20 MEMBER GRINNELL: I just, Mr. Chairman --

21 CHMN. CHENAL: Yes, Member Grinnell.

22 MEMBER GRINNELL: I guess maybe I am back where
23 we have amended something and eliminated a 3,000-foot
24 corridor, but here we want to leave it in. What am I
25 not understanding correctly?

1 MEMBER NOLAND: Mr. Chairman.

2 CHMN. CHENAL: Yes, Member Noland.

3 MEMBER NOLAND: Member Grinnell, they are
4 describing the old corridor, the previous corridor that
5 was built. And we haven't gotten to the new one yet
6 with the new widths.

7 MEMBER GRINNELL: All right. Thank you, Member
8 Noland.

9 CHMN. CHENAL: Any further questions?

10 MEMBER HAENICHEN: I move up to line 18.

11 MEMBER HAMWAY: Second.

12 CHMN. CHENAL: Motion and second. All in favor
13 say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Okay. Let's go to page 7, lines
16 19 through 27. Let just take those for now.

17 Mr. Duncan, let me ask you. Are you comfortable
18 that that language is correct as written?

19 MR. DUNCAN: Yes, I am.

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

22 MEMBER GENTLES: Mr. Chairman, to Member
23 Grinnell's point, so line 19 starts the description of
24 the new, I see the words the new corridor. So is that
25 correct?

1 CHMN. CHENAL: That's correct.

2 MEMBER GENTLES: All right.

3 MR. DUNCAN: This, the new text that we are
4 starting with in this area starts with the description
5 of the corridor. We go through that from west to east,
6 and then we come back to describe the actual alignment
7 west to east. So this portion is describing the
8 corridor.

9 MEMBER GENTLES: And is the TS-22 corridor or --

10 MR. DUNCAN: The TS-22 substation siting area is
11 described within this other text. It is what is tabbed
12 over a little bit further as we get into the next area.

13 But this, when you, the text -- there are two
14 different references. There is a reference to the new
15 corridor, which is talking about the hatched area on the
16 map I showed earlier. Then there is text referring to
17 the new alignment, which we will see later in this
18 section, that's referring to the actual black line that
19 we illustrated on the maps yesterday.

20 MEMBER GENTLES: Okay. That's clear as mud,
21 okay.

22 MR. DERSTINE: We are going -- I have asked Peak
23 Audio if they can, we can toggle between the new
24 Exhibit A. So maybe what we can do is, when we are
25 moving through these descriptions of the corridor,

1 Mr. Duncan, you can use your laser pointer and describe
2 what piece of the corridor is being described by each
3 block of text. I think that may be helpful.

4 CHMN. CHENAL: That would be very helpful.

5 MR. DUNCAN: No problem.

6 CHMN. CHENAL: So maybe if we can put it on the
7 left screen. We need a moment for the technical crew to
8 do that.

9 MR. DERSTINE: Jason, if you scroll all the way
10 through your document on the left, it should be there, I
11 think.

12 AV TECH: Okay.

13 MR. DERSTINE: So I know that varies the
14 practice a bit in that we are usually showing the
15 original unedited or proposed ROO on the left and the
16 edited live version on the right screen. But for this
17 particular case, it may be important, at least for this
18 portion of the -- in going through the description to
19 have the map on the left, if that's acceptable.

20 CHMN. CHENAL: Sure.

21 All right. Let me ask, Mr. Duncan. We just
22 reviewed a legal description on page 7, lines 7 through
23 18, which is where the line is actually located. Do you
24 remember that, Mr. Duncan?

25 MR. DUNCAN: Yes, I do.

1 CHMN. CHENAL: Okay. Why don't you just use
2 your laser pointer and just show us what is described by
3 the legal description we just approved, page 7, lines 4
4 through 18.

5 MR. DUNCAN: Yes, no problem.

6 Unfortunately, this map doesn't show much of it
7 in the regular map, but it does show at the inset. And
8 this distance, I am going to do my best.

9 In the inset here -- again, this is the full set
10 of CEC 131. The description that we described starting
11 in line 4 through line 18 is describing the east-west
12 portion from where it turns east off of the Navajo
13 Corridor and comes east to the beginning of our project
14 area, which I am sure I am not pointing at, but it would
15 be this point.

16 CHMN. CHENAL: But it is west of the corridors
17 that we are talking about?

18 MR. DUNCAN: It is west of all the corridors
19 that we are talking about.

20 CHMN. CHENAL: Okay. All right. Let's leave it
21 at that.

22 Now we are talking about additional language on
23 page 7, lines 19 through 28. And we are talking about
24 what is described as a new corridor. Okay? And that
25 description starts on page 7, line 19, and extends over

1 onto the following page. Show us with your pointer on
2 the map that's on the left screen where the, quote, new
3 corridor, quote, is that's described now in the document
4 we are reviewing.

5 MR. DUNCAN: Okay. This is going to be
6 torturous, but here we are. The lines 19 through 21
7 describe, from this point, describing the corridor, 3900
8 feet in width going from south to north.

9 Lines 21 and 22 describe the east-west portion
10 starting at the point we just left going east to this
11 point.

12 Lines 22 through 24 describe this point heading
13 south to narrow the corridor to this point.

14 Lines 24 and 25 describe the corridor going from
15 this point that we just left to this point 1,000 feet
16 east of the 39th Avenue alignment.

17 MEMBER NOLAND: Mr. Chairman.

18 CHMN. CHENAL: Member Noland.

19 MEMBER NOLAND: Was that the 39th Avenue
20 alignment or the 51st?

21 CHMN. CHENAL: You are looking at line 25,
22 Member Noland?

23 MEMBER NOLAND: Yeah.

24 CHMN. CHENAL: Mr. Duncan.

25 MR. DUNCAN: 25 is supposed to be the

1 39th Avenue alignment. 39th Avenue alignment is what
2 this corridor is placed upon. The 51st Avenue alignment
3 is --

4 MEMBER NOLAND: Okay.

5 MR. DUNCAN: -- here.

6 CHMN. CHENAL: So keep going, Mr. Duncan. We
7 are with you.

8 MEMBER NOLAND: We are with you.

9 CHMN. CHENAL: You are extending a thousand feet
10 east of the 39th Avenue alignment, I think is where you
11 left off.

12 MR. DUNCAN: Lines 25 through 27 describe the
13 north-south portion of the corridor. And it is
14 described the way it is, as a 2,000 foot wide corridor,
15 because it extends south of the other portion of the
16 corridor, which the measurements are based on this east
17 to west portion.

18 CHMN. CHENAL: Okay. Let's keep going then.
19 Let's go to the next page, top of page 8, and let's
20 continue with the new corridor description. Just walk
21 us through.

22 MR. DUNCAN: That completes the corridor
23 description.

24 Beginning on line 1 on page 8 we start talking
25 about the new alignment. This is the black line --

1 CHMN. CHENAL: Let me stop you right there. I
2 would like -- any questions on page 7, lines 19 through
3 27?

4 MEMBER HAENICHEN: I have a general question.
5 Perhaps I wasn't paying enough attention. What we are
6 doing here is modifying the language of that existing
7 case that has been already approved. Okay. When we
8 started this, did it say that -- my point is, when we
9 talk about new corridors and all, that would look weird
10 then in a -- in the old case, to me. Do you see my
11 point?

12 CHMN. CHENAL: I think I understand.

13 Mr. Derstine, do you want to --

14 MR. DERSTINE: Well, you know, the concept and
15 what we are faced with having to do is to modify what
16 was authorized and described in CEC 131 with a new
17 corridor just for this, to cover this three and a half
18 mile long segment --

19 MEMBER HAENICHEN: I understand.

20 MR. DERSTINE: -- that allows us to rebuild it.
21 So yes, we are essentially modifying this old CEC to
22 reflect a new corridor and reflect a new route and this
23 new substation.

24 MEMBER HAENICHEN: Okay. Stop right there. At
25 the very beginning of what we are doing now, did it say,

1 did it explain that changes are being made on such and
2 such date?

3 MR. DERSTINE: Yeah.

4 MEMBER HAENICHEN: I forget.

5 MR. DERSTINE: It did reflect that we are
6 changing just a portion of CEC 131 with this new
7 language, which is different than what is in 131, but
8 everything else will remain the same.

9 MEMBER HAENICHEN: Can we go back to that
10 language so we can read it, the very beginning of this
11 whole process.

12 CHMN. CHENAL: Let's go to page 6, starting at
13 line 19.

14 MEMBER HAENICHEN: It says to substitute. So
15 that's new, right?

16 CHMN. CHENAL: What line, Member Haenichen?

17 MEMBER HAENICHEN: On line 23.

18 MR. DERSTINE: Right.

19 MEMBER HAENICHEN: If you are substituting, you
20 are making a change. But I think there should be an
21 antecedent to this all that says, that describes the
22 fact that we are making changes in an old case. I don't
23 know how you do that, but...

24 MEMBER GENTLES: Mr. Chairman, can I just make a
25 comment as well?

1 CHMN. CHENAL: You have got to pull it a little
2 closer.

3 MEMBER GENTLES: To Member Haenichen's point, we
4 have been sitting for two and a half days, and reading
5 this is still confusing. So I wonder if -- not the
6 actual description. The description is great. But
7 perhaps there is some headers or something that would
8 help offset the sections to let us know, you know, what
9 part, as Member Haenichen is saying, has been modified
10 and what hasn't. Because it is very confusing, and it
11 might be some clarifying language or headers that might
12 be appropriate.

13 MEMBER HAENICHEN: What I might suggest is let's
14 put ourselves in the position of an individual that
15 picks up --

16 MEMBER GENTLES: Right.

17 MEMBER HAENICHEN: -- a copy. Now, this is all
18 the changes we are making, and he says wait a minute, I
19 don't understand why it is written that way. I think we
20 have to explain what we are doing.

21 CHMN. CHENAL: Okay. Remember, the findings of
22 fact that we went through described the procedural
23 background. It described the previous case and what was
24 decided. And this is typical of recommended orders; it
25 is modifying those previous orders that were entered.

1 And so we have described what those previous orders
2 were. Anyone can go to the record and pull those and
3 see what they say. And we have been provided copies of
4 them, by the way. And now this order is modifying those
5 certain specific orders, certain lines within those
6 orders with new language.

7 MEMBER HAENICHEN: I understand that.

8 CHMN. CHENAL: And I am not really sure how to
9 do it any differently.

10 But Mr. Derstine.

11 MR. DERSTINE: Well, I think what has been
12 marked as APS -- are we on 31? APS-31 is a redline. So
13 if the members of the Committee would like to look at
14 the redline, maybe that helps you understand what we are
15 doing here.

16 So what the redline is is CEC 131 that reflects
17 the changes that you are making through this recommended
18 opinion and order that is being shown on the screen.
19 And what that reflects is that we are adding language
20 and we are removing language only as to those portions
21 in which are needed to be affected in terms of
22 relocating the line and placing this new substation as
23 an interconnection to the line.

24 CHMN. CHENAL: So let me just repeat what
25 Mr. Derstine said. I just handed Member Haenichen

1 Exhibit 31. Assuming we enter this order, we are
2 changing the previous CEC and modifying the language.
3 And what Exhibit 31 is is what the CEC would now read
4 with those changes.

5 MEMBER HAENICHEN: I understand that.

6 CHMN. CHENAL: Okay. So I don't know any other
7 way to do it than this. I don't know what the headers
8 would be or what we would say.

9 MEMBER HAENICHEN: It probably doesn't even
10 matter, but I am just thinking about a new reader that
11 comes along and has been assigned to look at this
12 document of the original, of the No. 31. And I think it
13 might be confusing to read it the way it is going to now
14 be written, rewritten. But it probably doesn't matter.
15 It just confused me anyway.

16 MEMBER NOLAND: Mr. Chairman.

17 CHMN. CHENAL: Member Noland.

18 MEMBER NOLAND: I think lines 19 through, on
19 page 6, through 3 on page 7 really say what we are
20 doing.

21 CHMN. CHENAL: I agree.

22 MEMBER NOLAND: And it is complicated and
23 difficult to understand. But I think the only people
24 that are going to really look at it are either at the
25 Arizona Corporation Commission or SRP or whoever. I

1 don't think the general public is going to pick these
2 up.

3 MEMBER HAENICHEN: Okay.

4 MEMBER NOLAND: Unless they want to go to sleep
5 at night and, you know, then you would be reading all of
6 this.

7 MEMBER HAENICHEN: Okay. Well...

8 CHMN. CHENAL: I agree it is technical, but I
9 think it is accurate. And I think it says, to use your
10 words, Member Noland, I think it says what we want it to
11 say. I don't know any other way to do it.

12 MEMBER NOLAND: Me either.

13 CHMN. CHENAL: It is like a particular
14 recommended order. It does go back and order the change
15 of language of previous documents so that they will read
16 differently. Exhibit 31 is how this CEC 131 would now
17 look with these changes that are ordered by this order.
18 So...

19 MEMBER HAENICHEN: Okay. Let me ask one last
20 question, then I will get off this kick.

21 So at the end of the day when we are all done
22 with this whole process, the old No. 31 will no longer
23 be available to read as it was written initially by any
24 new reader, is that correct?

25 MR. DERSTINE: The original 131 certainly is

1 available for anyone to read. It is still a part of the
2 record of this case. But what has happened or will
3 happen through this proceeding is that original 131 will
4 be modified by this Committee's recommend opinion and
5 order, assuming you vote to approve it, and then
6 assuming the Corporation Commission decides to approve
7 what you enter or what you suggest.

8 MEMBER HAENICHEN: Okay. What confused me, we
9 have never done this before, at least in any hearings I
10 have been at, and so I just don't understand the
11 technicalities.

12 MR. DERSTINE: Mr. Chairman, Member Haenichen,
13 so if you recall the case that we did at the end of last
14 year in Tucson, that was an amendment of the Southline
15 CEC. And in that case, the CEC excluded the 65-mile
16 segment of the Southline project. We then amended the
17 Southline CEC to incorporate that, and we went through a
18 similar exercise and essentially deleted language and
19 added language.

20 MEMBER HAENICHEN: I do remember that.

21 MR. DERSTINE: What we didn't do in that case,
22 and more complicated here, we were not stripping out old
23 corridor descriptions, because they weren't included in
24 the Southline CEC, and so we are simply adding a new
25 corridor and authorization for that portion of the

1 project. Here we are having to, as Mr. Duncan has
2 testified, redescribe the line as built, redescribe the
3 new corridor to allow us to relocate this line segment,
4 and redescribe this new substation site.

5 MEMBER HAENICHEN: I get it.

6 CHMN. CHENAL: So let's recap. Let's go to
7 page 7, lines 4 through 18. We have already approved
8 that language. That resets the Navajo Corridor. It
9 depicts where the line is actually located, right,
10 Mr. Duncan?

11 MR. DUNCAN: That is correct.

12 CHMN. CHENAL: You were in the process of
13 describing the new corridor. You went from line, on
14 page 7, lines 19 through 27. If we can, put the map up
15 again on the left screen. You were -- bear with me,
16 bear with me.

17 I think you got down to here on your -- you were
18 reviewing the legal description and correlating the
19 legal description to the map. I think we got as far as
20 where my pointer is, the southeast corner of the new
21 corridor. I forget what language described that portion
22 of it, but maybe you can take us back to the language
23 and complete your description of the new corridor.

24 MR. DUNCAN: I would be happy to.

25 Lines 25 through 27 describe the north-south

1 portion of the corridor and complete the corridor.

2 CHMN. CHENAL: Keep going. Finish the corridor.

3 MR. DUNCAN: The corridor is complete.

4 CHMN. CHENAL: Okay.

5 MEMBER PALMER: It starts at 19, Mr. Chairman.

6 CHMN. CHENAL: Okay. So the new corridor is
7 described in its entirety from page 7, lines 19 through
8 what?

9 MR. DUNCAN: I am sorry, line 19 through line
10 27.

11 CHMN. CHENAL: Okay. Any further discussion on
12 the description of the new corridor as described on
13 page 7, lines 19 through 28?

14 MEMBER GENTLES: Mr. Chairman.

15 CHMN. CHENAL: Yes.

16 MEMBER GENTLES: Okay. So page 7, line 19
17 starts the description of the new corridor where it says
18 from a point that is, is that correct?

19 CHMN. CHENAL: Yes.

20 MEMBER GENTLES: Okay. So maybe there is a
21 sentence structure issue here that would make it a lot
22 clearer. So maybe, maybe line 19 should start with a
23 new corridor, and you go on into the description. I
24 think that might alleviate some, at least my confusion
25 when I am reading this. Because right there is the

1 point of demarcation for -- between the old and the new.
2 You don't really pick that up until you read it further.
3 Just a recommendation.

4 CHMN. CHENAL: Let me just make a comment here.
5 We are now in the arcane area of legal description.
6 Okay? It is not a narrative like we would do with
7 findings of fact, conclusions of law. We are in a very
8 arcane legal description, which has its own way of doing
9 things.

10 And I know Mr. Duncan spent probably a
11 considerable amount of time going through and being, in
12 an engineering sense and surveying sense, absolutely
13 precise with the manner in which this has all been
14 described. I am very reticent to go in and start
15 changing what is probably an incredible amount of work
16 to get this into a legal description. And I am a little
17 nervous about doing this at this point.

18 This is not a narration of findings of fact, a
19 description of the project. It is something a little
20 more than that. The attempt here is to take this
21 language and correlate it to the map that we see up
22 there. And if Mr. Duncan is able to say yes, this
23 language is absolutely what is depicted on the map, I am
24 hesitant to change that, but...

25 MR. DERSTINE: Mr. Chairman.

1 Mr. Duncan, does it in any way alter your
2 description to move the parenthetical at the end of that
3 first sentence starting on line 19 to the beginning, so
4 that it would read: A new corridor extends north 3,900
5 feet from a point that is 0.2 miles? Does that change
6 or alter or create confusion in your description?

7 MR. DUNCAN: No, it does not. My math is better
8 than my English.

9 CHMN. CHENAL: All right. Let's change it then.

10 MR. DERSTINE: Okay. I mean the manner in which
11 you have described it follows the way the corridor was
12 described in the description format used in CEC 131.

13 The main point is, I think to Member Gentles, if
14 we can signal what we are describing here, we could do
15 it, but without in any way altering or messing up, to
16 use the technical term, your description of the
17 beginning of the corridor and the pieces that you are
18 describing throughout the remainder of the paragraph.

19 So to ensure we are not, by starting it with
20 that phrase, take a look at it on the screen and make
21 sure that still reads accurately in describing that
22 first piece or leg of the corridor, which I understand
23 is the north-south edge.

24 MR. DUNCAN: Okay. That is accurate even as
25 rewritten.

1 MR. DERSTINE: All right.

2 CHMN. CHENAL: All right. So with the language
3 as rewritten, page 7, lines 19 through 26, any further
4 discussion? If not, may I have a motion to move.

5 MEMBER GENTLES: So moved.

6 CHMN. CHENAL: Second?

7 MEMBER NOLAND: Second.

8 CHMN. CHENAL: And a second.

9 All in favor say aye.

10 (A chorus of ayes.)

11 CHMN. CHENAL: And actually, this always happens
12 when we start making changes to the document, the
13 pagination changes between the two documents. So
14 actually, now what we are looking at on the right screen
15 and --

16 What is the exhibit number, did we give that,
17 Mr. Derstine or Ms. Benally.

18 MR. DERSTINE: We are working from APS-30 on the
19 right screen.

20 CHMN. CHENAL: Okay. APS-30 now includes
21 page 8, lines 1 and 2.

22 So may I have a motion and a second to approve
23 that language.

24 MEMBER HAMWAY: So moved.

25 MEMBER GENTLES: Second.

1 CHMN. CHENAL: All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Now, on the right screen if we
4 can scroll up -- no, I mean scroll down, you know,
5 scroll, Mr. Duncan, what is the new alignment? We would
6 like to see maybe what that is on the map.

7 MR. DUNCAN: If I may have the map on the left
8 screen, I can point it out.

9 MR. DERSTINE: While we are pulling up the map,
10 Mr. Chairman, I just want to make sure we are clear for
11 the record. So the APS-30 is the ROO that we are --
12 that the Committee is working its way through and
13 deliberating over. APS-31 is the redline that we
14 referred to. And I think ultimately the right screen
15 edited version that will be the final document from the
16 Committee's deliberations will become APS-32, if I have
17 that correct.

18 CHMN. CHENAL: And that's my understanding as
19 well. So I should have said earlier Exhibit 32, APS-32.

20 So Mr. Duncan, will you show us the new
21 alignment that you are then going to review the legal
22 description of.

23 MR. DUNCAN: Yes. We were describing yesterday
24 the, we didn't use the term new alignment, but we were
25 referring to it as the proposed route, and it is what is

1 shown in black on this map starting at the point of
2 interconnection here on the west heading east,
3 continuing up at an angle, then continuing east on the
4 half section line that's described in my testimony and
5 then continuing south to the point of interconnection
6 here on the east side. That is the new alignment.

7 CHMN. CHENAL: And then referring to Exhibit 32,
8 what page and lines describe the new alignment?

9 MR. DERSTINE: Or that portion.

10 MR. DUNCAN: It is described in two parts,
11 because the substation siting area is in the midst of
12 the description. But it would -- it begins on line 3 as
13 shown on the right screen, and that continues through
14 line number 15. Beginning at line 16 is the description
15 of the substation siting area.

16 So if we can scroll further down, I can continue
17 the -- I can find where the description continues. Keep
18 scrolling, please. At line number 7 on the right screen
19 is the continuation of the description of the new
20 alignment. And it continues through, if you can scroll
21 a little further, it continues, it continues through
22 line 18 on the right screen. And that is the
23 termination of the new alignment.

24 CHMN. CHENAL: Can you show us on the map the
25 new alignment?

1 MR. DUNCAN: Yes, I can.

2 CHMN. CHENAL: I think you just did, but --

3 MR. DUNCAN: It is the black line starting at
4 the western point where we connect to the existing line
5 heading to the north, heading east, and then heading
6 south and retying into the existing line. That is the
7 new alignment.

8 MEMBER HAMWAY: Mr. Chairman.

9 CHMN. CHENAL: Yes, Member Hamway.

10 MEMBER HAMWAY: Would it be helpful to say the
11 new alignment of the 500/230 line? Because you have got
12 the corridor and then the alignment, so I was just
13 trying to clarify that the alignment is the physical
14 electrical line that's being moved, and the corridor is
15 the physical, or, you know, the defined boundaries for
16 which all of this occurs in. So I think someone might
17 be confused on the new alignment versus the corridor, so
18 I would just put in what lines we are moving. Does that
19 hurt anything?

20 CHMN. CHENAL: I am probably a little confused.
21 Referring to language, Member Hamway, on the screen, can
22 you tell us what language you would propose and where it
23 would fit?

24 MEMBER HAMWAY: Yes. On line 7 of page 8 on
25 our -- I guess it might be 9 now. I don't see the line

1 number. But on the right-hand screen, the line 7, just
2 say the new alignment of the 500, slash, 230 -- I don't
3 see protocols, oh, yeah, proceeds; I thought it said
4 protocols -- proceeds east. So I was just saying the
5 new alignment, give the alignment of the electrical line
6 so just tie that back to (a). Does that hurt anything?

7 MEMBER PALMER: Seems to me you need to back
8 up --

9 MEMBER HAMWAY: And redefine it somewhere else?

10 MEMBER PALMER: -- the second part.

11 MR. DERSTINE: I think it is defined in
12 paragraph 8, if you can scroll up on APS Exhibit 32.

13 MEMBER HAMWAY: On paragraph 8?

14 CHMN. CHENAL: A little farther, right there,
15 line 3.

16 But it is a defined term, Mr. Derstine?

17 MR. DERSTINE: It is.

18 CHMN. CHENAL: And previous in the document it
19 is defined, new alignment is defined and it is in
20 paragraph 8.

21 MR. DERSTINE: Well, the affected line segment
22 is defined in paragraph 8.

23 MEMBER HAMWAY: Okay. If we don't need it... I
24 am just trying to make it easier.

25 CHMN. CHENAL: Okay. Time out, everyone.

1 Mr. Derstine, can you show me where in the
2 document it is defined. I can't -- my paragraph 8 says
3 something else.

4 MEMBER NOLAND: Mr. Chairman, can I just add
5 that it says the project is a double circuit
6 transmission line with one 500kV circuit and one 230kV
7 circuit and three substations.

8 MEMBER HAMWAY: Okay.

9 MEMBER NOLAND: That's the third, or second
10 paragraph under order. It is the project.

11 CHMN. CHENAL: Okay. We got a lot of thoughts
12 going right now. Let me ask Mr. Derstine where new
13 alignment is defined. Let's start with that.

14 MR. DERSTINE: I was previously referring to
15 affected line segments, which went to Member Hamway's
16 suggestion that we define the Morgan-Pinnacle Peak line.
17 That description in paragraph 8 describes the existing
18 Morgan-Pinnacle Peak line, and in particular, the three
19 and a half mile segment that needs to be relocated. So
20 that's the defined term affected line segment.

21 And then the term new alignment, let me find it.
22 So the new alignment is in the third ordering paragraph.
23 So it is the third paragraph that starts under the order
24 header: It is further ordered that Decision 69343 is
25 modified to permit the relocation of the affected line

1 segment -- again the defined term -- within a new
2 corridor approximately 0.5 mile to the north of its
3 current location. That's the new alignment term --

4 MEMBER HAMWAY: Okay.

5 MR. DERSTINE: -- where it is found.

6 MEMBER HAMWAY: Thank you.

7 Mr. Chairman, I am satisfied.

8 CHMN. CHENAL: Thank you, Member Hamway.

9 Mr. Duncan, back to you. The new alignment --
10 we defined the new corridor, number one. We, I would
11 like to see -- and we have the new alignment. And there
12 is also the siting area for the substation. And I think
13 when you went through your -- you said scroll down, you
14 were including in the new alignment the siting area as
15 well for TS-22. I was hoping that we could break those
16 two out.

17 And so let me just ask you simply to show where
18 the new alignment -- the new alignment is where the
19 power line is going to be located, correct.

20 MR. DUNCAN: That's correct.

21 CHMN. CHENAL: And the language that you
22 referred to demonstrates or shows where that is?

23 MR. DUNCAN: Yes, it does.

24 CHMN. CHENAL: And then the TS-22 substation
25 siting area begins on page 8, line 14.

1 MR. DERSTINE: 16.

2 CHMN. CHENAL: Or 16.

3 MR. DUNCAN: Yes, it does.

4 CHMN. CHENAL: Okay. And in that siting area,
5 and we know where that is, well, it is in purple on the
6 map on the Exhibit A map.

7 MR. DUNCAN: That's correct.

8 CHMN. CHENAL: And the siting area for the
9 substation is actually part of or within the description
10 of the new alignment, is that correct as well?

11 MR. DUNCAN: Yes, it is.

12 CHMN. CHENAL: All right. And so the
13 description for the new alignment and the TS-22
14 substation extends through what page and line number
15 again?

16 MR. DUNCAN: If I read it off the paper it is
17 going to be different than what is on the right screen.

18 CHMN. CHENAL: On the screen.

19 MR. DUNCAN: Then we need to scroll up, please.
20 Scroll up. I am sorry. The next page. I had -- no,
21 no. Page 8, it will be on page 8. It starts on page 8,
22 line 3, and it continues -- scroll down, please, keep
23 scrolling -- and it continues to line 18 on page 9.

24 MR. DERSTINE: And Mr. Duncan, the description
25 of the substation siting area is the further indented

1 description that's in the pages and lines you just
2 identified, right?

3 MR. DUNCAN: That is correct.

4 CHMN. CHENAL: Member Noland.

5 MEMBER NOLAND: I am sorry, Mr. Chairman, to do
6 this. But I don't see an acreage description, where we
7 have heard before that it is going to be located within
8 the 80 acres.

9 No. There will be -- it is an 80-acre size
10 substation, is that correct, within the bigger 400 acre
11 plat?

12 MR. DUNCAN: That is my understanding.

13 MEMBER NOLAND: Okay. Are we going to put that
14 anywhere, or are we just going to leave it with the
15 legal description?

16 CHMN. CHENAL: I guess we could include it as
17 part of the definition of the TS-22 substation siting
18 area.

19 MEMBER NOLAND: Mr. Chairman, we used it in our
20 deliberations. And it was in the information that has
21 been given to us.

22 MR. DERSTINE: We have those numbers. So the
23 starting -- scroll up please, Aileen, the beginning of
24 the TS -- start there, please.

25 So on line 14 of APS Exhibit 32, which is being

1 shown on the right screen here in the hearing room, we
2 can insert that the acreage the TS-22 substation will be
3 sited within --

4 What is the acreage, Mr. Spitzkoff?

5 MEMBER NOLAND: I have it written down. The
6 total pink area was 408 acres. The substation was
7 supposed to be 80 acres within that 408 acres.

8 MR. DERSTINE: The 408 acres was the original
9 rectangular space. I think now, with the addition of
10 the two pointy areas, it is now 472 acres, if I have
11 that correct. Is that right, Mr. Duncan?

12 MR. DUNCAN: 475.

13 MR. DERSTINE: 475 acres.

14 So Member Noland, the response to your
15 suggestion, we could insert that again on, beginning on
16 line -- well, it would be on line 15 of APS-32, the
17 working live version of the recommended opinion and
18 order, so that the TS -- so it could read: The TS-22
19 substation will be sited within an approximate 472
20 acre --

21 What is the right term here, Mr. Duncan?
22 Parcel? Site?

23 MR. DUNCAN: I would refer to the 80-acre area
24 as the substation, and the substation siting area as the
25 substation siting area.

1 MR. DERSTINE: Okay. So that within an
2 approximate, within the approximate -- so let's change
3 "and to the," within the approximate 472 acre, delete
4 the word "the" ahead of TS-22.

5 So now it would read: sited within the
6 approximate 472 acre TS-22 substation siting area, which
7 is described as follows.

8 MR. DUNCAN: Sorry, Mr. Derstine. One
9 correction. It is 475.

10 MR. DERSTINE: 5. I keep saying 2 and you told
11 me 5.

12 And then, Member Noland, if it is important to
13 identify that the actual substation is anticipated to be
14 80 acres, we could include that at the beginning of that
15 sentence.

16 MEMBER NOLAND: I would prefer that.

17 MR. DERSTINE: So maybe, again, going back to
18 line 14, Aileen, the TS-22 substation will be
19 approximately 80 acres and site within, okay, now I
20 think it reads.

21 MEMBER NOLAND: That's perfect. Thank you.

22 CHMN. CHENAL: Okay. That makes sense. Let's
23 scroll down to the end of the legal description. Keep
24 going. All right.

25 Now, Mr. Duncan, a quick question. Looking at

1 Exhibit 32, page 9, lines 20 through 23, you did not
2 include that within what you described as the legal
3 description for the new alignment and the substation
4 area, is that correct?

5 MR. DUNCAN: That is correct.

6 CHMN. CHENAL: Because I am going to ask for a
7 vote to approve or, you know, a motion and second to
8 approve the legal description. But what is that
9 language on line 20 through 23 if it is not part of the
10 legal description?

11 MR. DUNCAN: This is text similar to the text
12 that had been changed at the west side of the project.
13 It is not that the alignment in this case was built in
14 the wrong area, but due to our adjustment I had to make
15 a slight revision to this paragraph in terms of the way
16 the text was written. So this is not part of our
17 project or a realignment of this section, but it is just
18 simply there to reflect the text change.

19 CHMN. CHENAL: Okay. Then let's do this. I am
20 going to ask for a motion and a second, see if there is
21 any further discussion, and then we will approve it.
22 But we are going down to page 9, line 25. But let's
23 scroll up to where it starts.

24 MEMBER PALMER: Mr. Chairman, are you ready for
25 a motion?

1 CHMN. CHENAL: No.

2 Are we sure this is all that's included,
3 Mr. Duncan? We already approved the corridor and the
4 new alignment, right?

5 MR. DUNCAN: The description of the new
6 alignment begins on the right screen there on line 3.

7 CHMN. CHENAL: And are we comfortable we
8 approved everything up to line 2 on that page?

9 MR. DUNCAN: Yes.

10 CHMN. CHENAL: We have already done that. Okay.
11 And what page are we on from the bottom? I'm sorry.

12 MEMBER NOLAND: 8.

13 CHMN. CHENAL: 8. So I would like a motion to
14 approve the legal description on page 8, beginning on
15 line 3, to page 9, line 25.

16 MEMBER PALMER: I --

17 MEMBER HAMWAY: So moved.

18 MEMBER PALMER: -- so move that.

19 CHMN. CHENAL: We have a motion and a second.
20 Any further discussion?

21 (No response.)

22 CHMN. CHENAL: All in favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: All right. Now, let's scroll
25 down to -- well, let's take them one at a time.

1 Page 9, lines 26 and 27 regarding the
2 right-of-way, any further discussion? If not, may I
3 have a motion.

4 MEMBER HAMWAY: So moved.

5 CHMN. CHENAL: And a second.

6 MEMBER HAENICHEN: Second.

7 CHMN. CHENAL: All in favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: Thank you.

10 Then on page 10, again, this is on the
11 Exhibit 32, Exhibit 32, page -- or now we are on
12 page 10, lines 1 through 3. May I have any further
13 discussion.

14 MEMBER GRINNELL: Mr. Chairman.

15 CHMN. CHENAL: Member Grinnell.

16 MEMBER GRINNELL: It shall be conditioned,
17 should that say in compliance with conditions set forth
18 in Exhibit B?

19 CHMN. CHENAL: I think "on" is correct.

20 But Mr. Derstine, you are "conditioned on"?

21 MR. DERSTINE: I am comfortable with "on."

22 CHMN. CHENAL: "On," I think it is "on."

23 MEMBER GRINNELL: So moved.

24 MEMBER HAENICHEN: Second.

25 CHMN. CHENAL: All in favor say aye.

1 (A chorus of ayes.)

2 CHMN. CHENAL: And just to note, the new
3 conditions that are referenced in the language we
4 approved will be what we consider next after we consider
5 the order, because they are adopted as an exhibit.

6 Next, to page 10, lines 4 through 6.

7 MEMBER PALMER: So moved.

8 MEMBER HAMWAY: Second.

9 CHMN. CHENAL: We have a motion and second. All
10 in favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Page 10, line 7 and 8. Any
13 further discussion? If not, may we have a motion to
14 approve.

15 MEMBER HAMWAY: So moved.

16 MEMBER NOLAND: Second.

17 CHMN. CHENAL: Motion and second. All in favor
18 say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: Page 10, lines 9 through 11.

21 MEMBER HAMWAY: So moved.

22 MEMBER PALMER: Second.

23 CHMN. CHENAL: We have a motion and second. All
24 in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Page 10, lines 12 and 13. May we
2 have a motion to approve.

3 MEMBER NOLAND: So moved.

4 MEMBER HAMWAY: Second.

5 CHMN. CHENAL: All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: All right. Then we go scroll
8 down and -- okay, that's the document.

9 Now, the actual recommended order will have a
10 couple exhibits attached to it. Exhibit A is the map,
11 which is on the left screen. We have reviewed that.
12 May I have a motion to approve the map on the left
13 screen as Exhibit A to the recommended order?

14 MEMBER HAMWAY: So moved.

15 MEMBER NOLAND: Second.

16 CHMN. CHENAL: All in favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: And then we go to Exhibit B,
19 which are the conditions.

20 And now I am going to ask for another
21 five-minute break before we get into the conditions. I
22 think we will go through them very quickly, but let's
23 take a break, and just a short break, and then we will
24 finish it up.

25 MR. DERSTINE: Very good.

1 (A recess ensued from 12:07 p.m. to 12:28 p.m.)

2 CHMN. CHENAL: All right, everyone. Are we
3 ready to go back on the record and complete this?

4 I think we are on Exhibit B, conditions. So if
5 we could pull those up on the screen, Member Haenichen
6 has a question of the applicant. I think I will let him
7 ask it. I think the concern is, the question is if a
8 member of the public were to go to the Corporation
9 Commission docket and look up Certificate 131, how would
10 they know that it has been amended, in other words, by
11 looking at the docket, how would someone know that.

12 And I think the answer is because within the
13 docket for this case, this recommended order will also
14 be in the same docket under the documents for this case
15 and you would see it there. But I just wanted Member
16 Haenichen to ask his question and see what the answer
17 would be.

18 MEMBER HAENICHEN: Yeah. I finally figured out
19 what has been bothering me about all this. And I must
20 admit I didn't bring the subject up in an appropriate
21 manner.

22 But, really, I came to the realization that we
23 are working on a document that is not a CEC but that
24 impinges upon, very much on, a past CEC. And so I was
25 wondering if in the, wherever this stuff is archived,

1 presumably electronically, is there any linkage between
2 an important document like we are creating today that
3 makes significant changes to a prior effort of this
4 Committee X number of months or years ago and how would
5 a reader who stumbled upon or deliberately looked for
6 the original CEC know that it is just not correct, it is
7 not the way things are embodied in real life.

8 So that's my suggestion, that we be sure these
9 things are linked in a clear enough manner that somebody
10 who picks up the original document to read will be led
11 to the other one.

12 MEMBER NOLAND: Mr. Chairman.

13 CHMN. CHENAL: Member Noland.

14 MEMBER NOLAND: Maybe we could ask Member
15 Branum. He might know how they are linked. And here he
16 is via Zoom. That's kind of his area of expertise, I
17 would think.

18 CHMN. CHENAL: Sure.

19 Member Branum, if you could help us out with
20 that.

21 MEMBER BRANUM: Yeah, of course. Thank you,
22 Chairman.

23 The applicant probably will confirm or comment
24 on about what I am about to say, but assuming that the
25 Commission issues a decision accepting this ROO, or

1 really adopting the ROO and converting it into a
2 decision and order, the eDocket system, I would imagine,
3 would show there is essentially a tab when you pull up a
4 docket that has a list of all decisions within that
5 docket. So a member of the public could open the
6 docket, go to the decision tab, see the original
7 decision with the CEC and the original language, and
8 then could also see the most recent decision, which
9 would, I am assuming, be this one if the Commission did
10 approve the change.

11 In addition to that, there is a tab in eDocket
12 that shows the linkage or linked dockets. I am not sure
13 if, because of the changes to the two different CECs, if
14 the new decision would prompt Docket Control to link
15 those two. But as I think the Chairman mentioned
16 earlier, when this is ultimately filed with the
17 Commission, it would appear in the dockets affected.

18 So if a member of the public were to open up
19 either docket that had, you know, either one of the
20 original CECs, they would be able to see a list
21 chronologically of what filings had been made and then
22 ultimately this new ROO that the Committee would put
23 forth for the Commission and then ultimately the
24 decision.

25 So there are a couple different ways someone who

1 is extremely interested in following the proceedings
2 could go about finding this information. And we
3 typically do it all the time, you know, as members of
4 Staff at the Commission. But there is a paper trail,
5 literally and electronically.

6 MEMBER HAENICHEN: What I might suggest then --
7 thank you for that -- is that someone go back to the
8 Southline case that was brought up a moment ago, or an
9 hour ago, and do exactly that. Because the same thing
10 was done there. We made significant changes. And I
11 don't know if it was called a ROO at that time, but see
12 if, when you look that document up, there is a pathway
13 directly to the ROO.

14 MEMBER NOLAND: Mr. Chairman.

15 CHMN. CHENAL: Member Noland.

16 MEMBER NOLAND: If I may just finish, the
17 Corporation Commission's docket and Docket Control is
18 very much like a court docket. And when we went
19 electronically, every item that has happened within that
20 case is listed on a docket, and including a revision or
21 amendment. And you click on those and then it takes you
22 automatically to that particular document. It's how
23 judges and others go through a case to see what the
24 chronological list of actions have been.

25 CHMN. CHENAL: And thank you, Member Noland.

1 That's my experience. And Member Branum, I appreciate
2 that.

3 And I mean I have occasion to look at dockets.
4 And that's my experience. I get on the Corporation
5 Commission website, which frankly I think is well done.
6 It is easy to navigate to the line siting cases. I will
7 pull up whatever line siting case it is, Southline, you
8 know, whatever the case is, and there is a tab for all
9 documents, and they are all then listed in chronological
10 order with a link to the document. I click on the
11 document and voila, up it comes --

12 MEMBER NOLAND: There it is.

13 CHMN. CHENAL: -- PDF format, and it includes
14 everything that has been filed in that docket.

15 I guess it would be a good exercise, to Member
16 Haenichen's point, to go to the Southline case -- was it
17 South or SunZia -- SunZia and pull up the docket to make
18 sure that the recommended order and final decision is in
19 that docket. But I am sure it would be.

20 MEMBER HAENICHEN: If I may, that's -- I hope
21 somebody will do that. But I guess it would depend on
22 what the title -- here is a list of all these other
23 documents related to the CEC somebody looked up. Would
24 just looking at the titles of them suggest that, oh,
25 this means it was changed?

1 MEMBER NOLAND: Yes.

2 CHMN. CHENAL: There is really talented people
3 at the Corporation Commission in their docket, that
4 control their docket that know what they are doing. And
5 they are very good. So I would be willing to bet that,
6 you know, we will find that ROO in that docket and
7 someone will do that and, if there is a problem, get
8 back.

9 But Mr. Derstine or Ms. Benally, any other
10 thoughts?

11 MR. DERSTINE: I don't have anything to add. I
12 thought Member Branum explained it exactly, and Member
13 Noland. If you were to look, pull up the line siting
14 Case No. 131 within the Arizona Corporation Commission
15 docket, it would be initiated by the filing of the
16 application, the original application for the CEC, and
17 then everything that followed contained within the
18 docket up to the most recent filing.

19 So the most, you know, recent activity will be
20 our application to amend, the filing of the supplement,
21 and then the proceedings before this Committee. The ROO
22 will be found, it will be the next in the docket. And
23 then ultimately whatever the Commission's action is on
24 this Committee's recommended opinion and order will be
25 the most recent item in that docket.

1 And the only other thing to add is that, because
2 this affects two line siting dockets, what we are filing
3 here will also be filed under Case 120, and so the same
4 would be found there. And so just as we noted, as
5 Member Noland brought up, that, you know, under the
6 original CEC 131 or 120, it had an expiration date.
7 There was an application to amend that was filed, a
8 decision by the Commission that extended the term of the
9 CEC, that followed; that's found in the docket. All
10 these subsequent decisions that impact in any way the
11 original CEC or the term, or any of the terms, all
12 that's contained within the docket. And someone should
13 be able to find them working from the most recent
14 filings.

15 CHMN. CHENAL: Thank you.

16 Member Noland.

17 MEMBER HAENICHEN: Thank you.

18 MEMBER NOLAND: Mr. Chairman, people that aren't
19 familiar with dockets, it is really an index, is what it
20 is, an index of actions that have happened in that
21 particular case in chronological order, and now
22 electronically.

23 What is nice -- you used to have to go through
24 all the paper to find it, you would say, okay, well,
25 they modified this, let me get to the paper and see

1 where it is. Now you just click on it and it takes you
2 to the PDF.

3 CHMN. CHENAL: Yes, it is very intuitive. I
4 would recommend every member of the Committee get on the
5 docket and just look at an older case and just see how
6 that works. It is really, really well done.

7 Okay. Any more questions or comments on that
8 issue? If not, let's dive into the conditions. We will
9 take them one by one.

10 You will see every one of these is a reference
11 to a previous CEC. I think we discussed this. I had my
12 answer to Member Grinnell. We will just assume that all
13 the references to the prior CECs will be taken out,
14 that, you know, for example, RE Papago will be removed
15 and APS will be included, you know, and make these
16 changes throughout the conditions. Because basically
17 these conditions were taken from a previous case, but
18 they are applicable.

19 So we will take them one by one. These are all
20 basically offered by the applicant, but we are all
21 familiar with them.

22 So any question concerning the first sentence?
23 The certificate for the project changes hereinafter
24 referred to as project is granted upon the following
25 conditions. Any further discussion? If not, may I have

1 a motion to approve and a second.

2 MEMBER HAMWAY: So moved.

3 MEMBER PALMER: Second.

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Let's look at the first
7 condition. And you will note this is for the length of
8 the CEC. It is a 10-year time frame. I am not going to
9 go through each of these and call out the changes. I
10 think, you know, I did that already and those will be
11 made automatically.

12 Just point of discussion, the Commission did ask
13 that we make them for 10 years or longer if the
14 situation permits. I think the applicant testified
15 already that 10 years is fine with them for this.

16 Any further discussion on that? If not, may I
17 have a motion to approve.

18 MEMBER HAENICHEN: So moved.

19 MEMBER PALMER: Second.

20 CHMN. CHENAL: All in favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Take a moment to review
23 Condition 2. Any further discussion?

24 (No response.)

25 MEMBER PALMER: Motion to approve Condition 2.

1 MEMBER HAMWAY: Second.

2 CHMN. CHENAL: All in favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Let's look at Condition No. 3.

5 Let's see if we can see down to subpart (b) there, if we
6 could scroll and see the remainder of Condition 3.

7 Any further discussion? If not, may I have a
8 motion to approve.

9 MEMBER HAENICHEN: So moved.

10 CHMN. CHENAL: Second?

11 MEMBER PALMER: Second.

12 MEMBER GENTLES: Second.

13 CHMN. CHENAL: All in favor say aye.

14 (A chorus of ayes.)

15 CHMN. CHENAL: Let's look at Condition 4,
16 please. Any further discussion? If not, may I have a
17 motion to approve and a second.

18 MEMBER HAENICHEN: Second.

19 CHMN. CHENAL: We need a first.

20 MEMBER PALMER: Move Condition 4.

21 CHMN. CHENAL: Member Haenichen seconds. All in
22 favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: Let's look at Condition 5. Any
25 further discussion? If not, may I have a motion and a

1 second.

2 MEMBER NOLAND: So moved.

3 MEMBER HAENICHEN: Second.

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Condition 6, any further
7 discussion? If not, may I have a motion and a second.

8 MEMBER HAMWAY: I move Condition 6.

9 MEMBER HAENICHEN: Second.

10 CHMN. CHENAL: All in favor say aye.

11 (A chorus of ayes.)

12 CHMN. CHENAL: Let's review Condition 7. Is
13 there any further discussion? If not, may I have a
14 motion to approve.

15 MEMBER HAMWAY: I move Condition 7.

16 MEMBER NOLAND: Second.

17 CHMN. CHENAL: Motion and second. All in favor
18 say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: Condition 8.

21 MEMBER HAMWAY: I move Condition 8.

22 MEMBER PALMER: Second.

23 CHMN. CHENAL: Motion and second. All in favor
24 say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Thank you.

2 Condition 9, this may take a moment to review.

3 Any further discussion? If not, may I have a motion to
4 approve.

5 MEMBER PALMER: Motion to approve Condition 9.

6 MEMBER GENTLES: Second.

7 CHMN. CHENAL: Motion and second. All in favor
8 say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: Review Condition 10. Any further
11 discussion? If not, may I have a motion to approve.

12 MEMBER HAMWAY: So moved, Condition 10.

13 CHMN. CHENAL: Second?

14 MEMBER NOLAND: Second.

15 CHMN. CHENAL: All in favor say aye.

16 (A chorus of ayes.)

17 CHMN. CHENAL: Thank you.

18 Condition 11. Let's take a moment to review.

19 Any further discussion?

20 MEMBER HAENICHEN: I move 11.

21 MEMBER GENTLES: Second.

22 CHMN. CHENAL: Motion and second. All in favor
23 say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Condition 12. Any further

1 discussion? If not, may I have a motion to approve
2 Condition 12.

3 MEMBER PALMER: Move Condition 12.

4 MEMBER HAMWAY: Second.

5 CHMN. CHENAL: All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: Condition 13, any further
8 discussion? If not, may I have a motion to approve and
9 a second.

10 MEMBER HAMWAY: I move Condition 13.

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: All in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: Condition 14, any further
15 discussion? If not, may I have a motion and a second.

16 MEMBER HAENICHEN: So moved.

17 MEMBER PALMER: Second.

18 CHMN. CHENAL: All in favor say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: Condition 15, any further
21 discussion? If not, may I have a motion to approve.

22 MEMBER HAMWAY: So moved.

23 CHMN. CHENAL: And a second.

24 MEMBER NOLAND: Second.

25 CHMN. CHENAL: All in favor say aye.

1 (A chorus of ayes.)

2 CHMN. CHENAL: Condition 16, may I have a motion
3 to approve and a second, please.

4 MEMBER HAMWAY: So moved.

5 MEMBER PALMER: Second.

6 CHMN. CHENAL: All in favor say aye.

7 (A chorus of ayes.)

8 CHMN. CHENAL: 17, we are going to talk about
9 this for just a moment.

10 MEMBER GRINNELL: Mr. Chairman.

11 CHMN. CHENAL: Yes, Member Grinnell.

12 MEMBER GRINNELL: I apologize. I have thought
13 about this. I was going -- still thinking about item
14 No. 10. And I am not changing my position, but if, say,
15 a new transmission, or a new radio station wants to go
16 in, does a radio station have to comply with the
17 previous tenant, for lack of a better word, or does this
18 tenant then have to change their rules to comply with
19 the new radio station?

20 CHMN. CHENAL: Let's go to No. 10 again, if we
21 could just scroll back up.

22 MEMBER GRINNELL: I apologize.

23 CHMN. CHENAL: It is not 10.

24 MEMBER GRINNELL: It might have been 9.

25 CHMN. CHENAL: Okay. So this basically says

1 that APS will mitigate interference caused by the line.

2 MEMBER GRINNELL: If they build a new radio
3 television station in the area, who has precedent, the
4 existing tenant, the TSS, or the new radio and
5 television station? Who has to comply with whom?

6 CHMN. CHENAL: Well, I mean I will tell you my
7 interpretation of it, it is a great question, is if in
8 the operation of the project there is interference
9 that's caused, then there has to be mitigation taken.
10 And I guess if someone builds a tower after the line is
11 put in, I mean my sense is that still is operative. I
12 am not sure the applicant necessarily agrees with that,
13 but I think these are living conditions that apply, not
14 only when the line is built, but they continue. I
15 don't --

16 MEMBER HAENICHEN: Mr. Chairman.

17 CHMN. CHENAL: Sometimes that's what lawsuits
18 are about.

19 MEMBER HAENICHEN: That's my point. I mean it
20 seems to me the burden would be on the radio station and
21 people who built the thing too close that it
22 automatically was bound to cause interference. So like
23 you said, it will probably be settled with a lawsuit.

24 MEMBER GRINNELL: How can we change the existing
25 utility's situation after the fact? That would be --

1 and I know I am probably splitting hairs here, but I
2 guess it is, what we are seeing here, is that if there
3 is a new radio or television station and these utility
4 power lines interfere with them, which takes precedent?
5 And I imagine the utility would have an issue with this.

6 MEMBER HAENICHEN: Yeah. They were there first.

7 CHMN. CHENAL: Well, I guess, Mr. Derstine, you
8 can answer if you would like.

9 But really, that might be a dangerous question
10 for Mr. Derstine to answer, because he is representing
11 the utility, and to state something like that on the
12 record could be used perhaps later. And like I said, it
13 could be a lawsuit, have to decide who has precedence.

14 I don't want to put Mr. Derstine on the spot.
15 He may not agree with my interpretation of the living --
16 that these conditions continue on after construction.
17 But Mr. Derstine, if you want to answer it, fine; if you
18 don't, that's fine, too, I guess.

19 MR. DERSTINE: I guess my interpretation --

20 CHMN. CHENAL: Ms. Benally as well.

21 MR. DERSTINE: My interpretation and reading of
22 this condition, and this is not a new condition, I think
23 words to this effect that are found in 9 are in most
24 recent CECs, but my reading and interpretation of that
25 is as to existing radio station or television

1 facilities, so that if we are, in most cases, we are
2 building a new line and if that new line somehow
3 interferes with existing facilities and a radio station
4 tower, AM radio station or FM, or a television signal,
5 that we have to make some effort to mitigate those
6 effects and to reduce the interference.

7 And there are ways of doing that. I think the
8 case that this Committee had before it in Kingman dealt
9 with radio interference issues and concerns. But I
10 don't read 9 to require that the utility who has
11 constructed a line, continue to go with interference
12 from new utilities that may have been constructed too
13 close to an existing power. But I think that's an issue
14 for another day.

15 CHMN. CHENAL: Yeah.

16 MEMBER GRINNELL: All right. I just wanted to
17 clear that up in my mind just to make sure. So we are
18 not setting a precedent here, a legal precedent that is
19 binding by law?

20 CHMN. CHENAL: Yes, we are. But the
21 interpretation of how that plays out in our fact
22 scenario is something that, you know, we are not
23 equipped to decide today.

24 MEMBER GRINNELL: Okay, fair enough. Thank you,
25 sir.

1 CHMN. CHENAL: But, yeah, these conditions have
2 legal, you know, effect. And absolutely, they are a
3 requirement. And admittedly there may be different
4 interpretations. I think I have a different
5 interpretation, Mr. Derstine. But that's okay, because
6 that's, you know, that's the way this, our system,
7 works. And that's not something we are to decide. We
8 issue the conditions as best we can, and, you know, if
9 there is a, you know, if there is an issue that comes up
10 later, that's what the courts do. And the Corporation
11 Commission probably has a say in it, too.

12 Member Gentles.

13 MEMBER GENTLES: Mr. Chairman, can I just go
14 back to Condition 11. Yep.

15 So, you know, the reason why we made a push to
16 communicate a little bit more broadly via social media
17 and otherwise was to make sure the public had every
18 opportunity to understand what has occurred or what is
19 about to occur in their communities. Right? So my
20 question is: Once the decision has been made, how is
21 the public actually informed of the final decision of
22 this Committee?

23 MR. DERSTINE: Mr. Chairman, Member Gentles, I
24 think, as Mr. Duncan testified at the conclusion of this
25 proceeding, and ultimately the conclusion of the

1 follow-on proceedings before the Corporation Commission,
2 APS will mail out a postcard, and I assume will use its
3 other channels of communication to advise the public of
4 this decision.

5 MEMBER GENTLES: Okay. So in Condition 11, all
6 it basically states that needs to occur is that, on
7 milepost 297, or whatever the milepost is where that big
8 white sign is, that we post a sign that says what it
9 says in Condition 11? 297 is not accurate, but you get
10 my point.

11 MR. DERSTINE: Yeah. This one condition has
12 historically been directed to ensuring that the public
13 or others are put on notice of the construction
14 activities that will take place in the location of the
15 approved project. And so that's what it provides. And
16 then there is also the, you know, the notification
17 that's contained in the next section dealing with 12.

18 MEMBER GENTLES: Thank you.

19 CHMN. CHENAL: Okay. I think we are on 17. So
20 this is the standard provision, but you will see that,
21 in subparagraph A there, there is a word measurements
22 versus studies. I think measurements was used in the
23 last case, but I believe that the Corporation Commission
24 Staff, as in the past, requested that we use the word
25 studies instead of measurements.

1 And Mr. Derstine, I don't know if you or
2 Mr. Duncan wanted to comment on that, on studies versus
3 measurements.

4 MR. DERSTINE: I think studies is the right
5 term. And this language has gone back and forth over
6 time I think just because when Commission Staff
7 sometimes issues a letter of its position with regard to
8 a new project they include this cathodic protection
9 condition, but they haven't yet adopted or revised it or
10 updated it to include the term studies as opposed to
11 measurements.

12 So I think you have had testimony in prior
13 cases. This has been an issue that has been carried by
14 Ed Beck and Tucson Electric Power, and I think
15 Mr. Spitzkoff shares his opinion that there aren't
16 measurements that are performed, but there are studies.

17 Is that accurate, Mr. Spitzkoff?

18 MR. SPITZKOFF: Yes, sir.

19 CHMN. CHENAL: All right. So let's look, scroll
20 down to (b) of Condition 17. And you will see that
21 those changes are recommended throughout 17.

22 So is there any further discussion on
23 Condition 17 with it corrected to use the word studies
24 as opposed to measurements?

25 MEMBER NOLAND: Mr. Chairman, I move that we

1 adopt 17(a) and (b).

2 MEMBER HAMWAY: Second.

3 CHMN. CHENAL: Motion and second. All in favor
4 say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: Thank you.

7 Let's look at 18, please.

8 MEMBER NOLAND: I move Condition 18.

9 MEMBER HAENICHEN: Second.

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

12 I am looking at the date. It is December 1st,
13 2021. That's in a few months.

14 MEMBER NOLAND: 2022.

15 CHMN. CHENAL: Oh. So what is the date that is
16 being requested here?

17 MS. BENALLY: Mr. Chairman, December 1st of 2021
18 is the date that APS is proposing. APS has
19 self-certifications that we file annually in CEC cases
20 and this is the typical date. Because this is an
21 existing CEC, it will follow that same process that we
22 have been following and filing.

23 CHMN. CHENAL: Very good. So do we have a
24 motion and second for 18?

25 MEMBER HAENICHEN: Motion.

1 MEMBER NOLAND: I have a question.

2 CHMN. CHENAL: Yes.

3 MEMBER NOLAND: So it was '22 and now you are
4 making it '21?

5 MR. DERSTINE: So --

6 CHMN. CHENAL: That was a previous case.

7 MR. DERSTINE: Member Noland, that was for
8 the --

9 CHMN. CHENAL: The Papago case.

10 MR. DERSTINE: -- Papago case, which that was --

11 MEMBER NOLAND: Got it.

12 MR. DERSTINE: -- a new project and they were
13 not in the process or hadn't filed any certification
14 letters. For this case it is an ongoing case.

15 MEMBER NOLAND: Got it. Thank you.

16 CHMN. CHENAL: All in favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: Condition 19, any further
19 discussion? May I have a motion and a second.

20 MEMBER HAMWAY: So moved, 18 -- no, 19. Sorry.

21 MEMBER HAENICHEN: Second.

22 CHMN. CHENAL: All in favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: Condition 20, any further
25 discussion? If not, may I have a motion and a second.

1 MEMBER PALMER: Move 20.

2 MEMBER HAMWAY: Second.

3 CHMN. CHENAL: All in favor say aye.

4 (A chorus of ayes.)

5 CHMN. CHENAL: Condition 21, any further
6 discussion? If not, may I have a motion and second.

7 MEMBER HAMWAY: So moved.

8 MEMBER PALMER: Second.

9 CHMN. CHENAL: All in favor say aye.

10 (A chorus of ayes.)

11 CHMN. CHENAL: Condition 22, any further
12 discussion? If not, may I have a motion and a second.

13 MEMBER PALMER: Move 22.

14 MEMBER HAENICHEN: So moved.

15 CHMN. CHENAL: We have a motion and a second.
16 All in favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: And again, 23 and 24 that were in
19 the documents submitted by the applicant refer to a
20 case, a previous case, and those don't appear to be
21 applicable to this case. So unless anyone disagrees, I
22 think we could ignore those.

23 And did we do 18? I just want make sure. Yes,
24 that was the compliance letter date. So we have done
25 18.

1 So I think we have reviewed all of the
2 conditions that are proposed. So essentially, by my
3 count, we have approved as to form the recommended
4 order, which will be Exhibit 32 with the changes made.
5 We have Exhibit A to the recommended order is the map.
6 We have approved that as to form. And Exhibit B to the
7 recommended order are the conditions which we have
8 approved.

9 We have to go back and take a roll call vote,
10 and then we have to fill in the ROO, the vote, you know,
11 whatever the vote is, and verify that today's date is
12 the date that's utilized. And those are the only two, I
13 think, open-ended items left in the ROO.

14 So with that, is there any further discussion
15 regarding the recommended order, the form of the order,
16 the conditions, the legal descriptions, the maps,
17 anything before we do a roll call vote.

18 MEMBER NOLAND: Well, Mr. Chairman, we have to
19 move it before we do a roll call vote. So I would move
20 the entire document as amended with Exhibit A and B.

21 MEMBER HAENICHEN: Second.

22 CHMN. CHENAL: Okay. So yes, I just wanted to
23 know if we had any further discussion before we did
24 that.

25 But now is there any further discussion? If

1 not, are we ready for a roll call vote?

2 All right. Let's start with Member Noland.

3 MEMBER NOLAND: Thank you, Mr. Chairman. I vote
4 aye.

5 CHMN. CHENAL: Member Haenichen.

6 MEMBER HAENICHEN: Thank you.

7 As most of you know, I have a background in this
8 field, the semiconductor industry. And I realize that
9 it is extremely important to the world economy, and
10 specifically to Arizona's now that this fine company has
11 decided to make a huge major investment here. I think
12 this is almost a no brainer.

13 And I say aye.

14 CHMN. CHENAL: Thank you.

15 Member Gentles.

16 MEMBER GENTLES: Mr. Chairman, let me just
17 commend APS and AECOM for their extended public outreach
18 efforts with the use of, more effective use of social
19 media, as well as just the phenomenal open house,
20 virtual open house. That's just really fantastic. And
21 I just hope other applicants as they come before the
22 Committee, before they come, now will probably, will
23 read, will read the transcripts and hear our sheer
24 pleasure and potentially take that as a standard
25 operating procedure going forward.

1 And then secondly I would just like to say I am
2 very excited about this project. It is not too far from
3 actually my house. I am about five miles down the road,
4 been watching this thing happen, been watching this
5 whole north valley develop, and I just think this is
6 amazing.

7 So I absolutely vote aye.

8 CHMN. CHENAL: Thank you.

9 Member Palmer.

10 MEMBER PALMER: Thank you, Mr. Chairman.

11 I want to add to what has been said and also
12 just say I appreciated that TSMC came and spoke to us.
13 We have other projects where, you know, the utility was
14 here, but the people that we were doing it for didn't
15 take the time to come and talk about what they were
16 doing. And I appreciated their making the effort to
17 come and tell us a little bit about the company. That
18 meant something to me.

19 And I vote aye.

20 CHMN. CHENAL: Thank you.

21 Member Riggins.

22 MEMBER RIGGINS: Thank you, Mr. Chairman. I
23 vote aye.

24 CHMN. CHENAL: Member Hamway.

25 MEMBER HAMWAY: Thank you, Mr. Chairman.

1 I just want to thank the applicant. I think
2 this is a terrific project, and to be able to get it
3 going and, you know, get this thing built and so we have
4 a supply chain here in the United States, I just think
5 that's terrific.

6 And I vote aye.

7 CHMN. CHENAL: Member Drago.

8 MEMBER DRAGO: Yes. I vote aye.

9 And I would like to echo Member Haenichen's
10 comments. And having the experience in the
11 semiconductor industry, this company is going to make
12 not only impacts to the State of Arizona, but worldwide,
13 especially with the number of chips available today to
14 not even enable what we have the possibility to enable
15 worldwide. These chips, we are somehow impacted by a
16 chip every single day of our lives.

17 And I want to thank APS and Snell & Wilmer for
18 going through what you went through, to take a look at
19 two previous CECs, amending them, and enabling TSMC to
20 get moving on this project. So thank you very much.

21 CHMN. CHENAL: Member Branum.

22 MEMBER BRANUM: Thank you, Mr. Chairman.

23 I just want to say thank you to APS. I think
24 you moved very quickly. I know the announcement was in
25 late 2020, and it looks like you have come up, you have

1 leveraged a creative solution to modify two previous
2 CECs to essentially secure power to this site, which
3 will provide, you know, great economic benefits to the
4 state, as well as, you know, I am aware there is a U.S.
5 federal government strategic angle to this as well with
6 trying to secure the supply chain in this industry. So
7 I appreciate the testimony, how quickly this was brought
8 before the Committee.

9 And, you know, thank you all for your time.
10 And, as always, virtual attendance has been seamless on
11 my end. So thank you very much.

12 CHMN. CHENAL: Thank you.

13 Member Grinnell.

14 MEMBER GRINNELL: First of all, thank you again
15 for everybody's indulgence for my newness to this
16 Committee. It is quite an education process, to say the
17 least. And it is an Honor to serve with such good human
18 beings trying to do what is best.

19 And further, I would like to commend the IT
20 group as well. I mean it is amazing. It was almost
21 seamless. And it makes it very easy when you can't be
22 there in person to be able to do this. And maybe they
23 can share these positive things with future groups.

24 Mr. Chairman, thank you again for your
25 leadership. And I vote aye.

1 CHMN. CHENAL: Thank you.

2 I want to commend the legal team here,
3 Ms. Benally and Mr. Derstine; the person who provided
4 these beautiful baklavas, you know, for her disposition;
5 and for -- and the witnesses I think were really good,
6 Mr. Spitzkoff, Mr. Duncan, and Mr. Turner. And the
7 other staff here, the AV crew, did a very good job as
8 usual.

9 I vote aye as well.

10 We need to include that in the recommended
11 order, the vote and the date. Let me do the math here.
12 I think we have everyone, 10 to zero.

13 MEMBER HAENICHEN: Mr. Chairman.

14 CHMN. CHENAL: And then date, July 28th.

15 Member Haenichen.

16 MEMBER HAENICHEN: Maybe I am mistaken, but I am
17 not sure everybody voted. They were all
18 enthusiastically in support, but I don't think everybody
19 said aye.

20 MEMBER HAMWAY: Oh, I think they did.

21 MEMBER NOLAND: I don't think Mr. Branum did.

22 MEMBER HAMWAY: Oh, okay.

23 MEMBER NOLAND: Yes.

24 CHMN. CHENAL: Member Branum, do you want to say
25 aye?

1 MEMBER BRANUM: I vote aye. Thank you.

2 CHMN. CHENAL: You were very enthusiastic in
3 your praise.

4 Is there any question that anyone else did not
5 vote aye? Let me put it like this: Did all the members
6 vote aye?

7 (A chorus of ayes.)

8 CHMN. CHENAL: All right. So I think we are on
9 record as that. So if the applicant will get me the
10 final cleaned up version of this, we will sign it, get
11 filed in the record. And this will be a great test case
12 for Member Haenichen to get online and see if, under
13 CEC 120 and CEC 131, if this recommended order ends up
14 in both dockets, because I think that's the way it
15 should work.

16 Is there anything else we should discuss before
17 we break? I want to thank the Committee as usual for
18 their excellent participation and effort.

19 Anything else?

20 (No response.)

21 CHMN. CHENAL: If not, this meeting is
22 adjourned. Thank you, everyone.

23 (The hearing concluded at 1:08 p.m.)

24

25

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the foregoing pages are a full,
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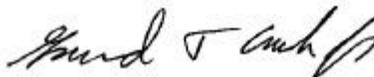
9 I CERTIFY that I am in no way related to any of
10 the parties hereto nor am I in any way interested in the
11 outcome hereof.

12 I CERTIFY that I have complied with the
13 ethical obligations set forth in ACJA 7-206(F)(3) and
14 ACJA 7-206 (J)(1)(g)(1) and (2). Dated at Phoenix,
15 Arizona, this 1st day of August, 2021.

16 

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18 COLETTE E. ROSS
19 Certified Reporter
20 Certificate No. 50658

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22 with the ethical obligations set forth in ACJA 7-206
23 (J)(1)(g)(1) through (6).

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