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BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE

In the matter of the Joint Application ) DOCKET NO.  
of Nogales Transmission, L.L.C. and ) L-00000F-17-  
UNS Electric, Inc. ("UNSE"), in ) 0246-00176  
conformance with the requirements of )  
Arizona Revised Statutes §40.360, et ) L-00000CCC-17-  
seq., for Certificates of Environmental ) 0246-00176  
Compatibility authorizing construction )  
of the Nogales Interconnection Project )  
and the UNSE Nogales Tap to Kantor ) Case No. 176  
Upgrade Project, including an )  
approximately 27.5-mile upgrade of )  
UNSE's existing 138-kV transmission )  
line from a point near the existing )  
Western Area Power Administration )  
("WAPA") Nogales Tap in Pima County )  
and the existing UNSE Kantor Substation) )  
in Santa Cruz County, a new )  
approximately three-mile 138-kV double )  
circuit transmission line in Santa Cruz) )  
County from a point near the existing )  
UNSE Valencia Substation to the )  
proposed Gateway Substation and )  
associated facilities, and a new )  
approximately two-mile 230-kV )  
transmission line and associated )  
facilities in Santa Cruz County to )  
interconnect the proposed Gateway )  
Substation to the Mexican National )  
Electric System. ) PREHEARING  
CONFERENCE

At: Phoenix, Arizona  
Date: August 29, 2017  
Filed: September 1, 2017

REPORTER'S TRANSCRIPT OF PROCEEDINGS

COASH & COASH, INC.  
Court Reporting, Video & Videoconferencing  
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By: Colette E. Ross, CR  
Certified Reporter  
Certificate No. 50658

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 OFFICE OF THE ATTORNEY GENERAL,  
5 15 South 15th Avenue, Conference Room 402, Phoenix,  
6 Arizona, commencing at 2:04 p.m. on the 29th of August,  
7 2017.

8  
9 BEFORE: THOMAS K. CHENAL, Chairman

10 APPEARANCES:

11 For the Applicant Nogales Transmission, L.L.C.:

12 EVERSHEDES SUTHERLAND (US) L.L.P.  
13 By Mr. James E. Guy and Ms. Erin Elizabeth Morrisey  
14 One American Center  
600 Congress Avenue, Suite 2000  
Austin, Texas 78701

15 For the Applicant UNS Electric, Inc.:

16 UNS ENERGY CORP.  
17 Legal Department  
18 By Ms. Megan DeCorse  
88 East Broadway Boulevard  
Tucson, Arizona 85701

19 and

20 SNELL & WILMER, L.L.P.  
21 By Mr. J. Matthew Derstine  
22 One Arizona Center  
400 East Van Buren, Suite 1900  
Phoenix, Arizona 85004

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24  
25

1 APPEARANCES:

2 For the Arizona State Land Department:

3 OFFICE OF THE ATTORNEY GENERAL  
4 By Mr. David F. Jacobs  
5 Assistant Attorney General  
6 416 West Congress Street, 2nd Floor  
7 Tucson, Arizona 85701

8 For the Arizona Corporation Commission Staff:

9 Mr. Charles H. Hains and Ms. Naomi Davis  
10 Staff Attorneys  
11 1200 West Washington Street  
12 Phoenix, Arizona 85007

13

14

POTENTIAL INTERVENORS AND PARTIES OF INTEREST:

15

16 SunZia Transmission, L.L.C.  
17 By Mr. Lawrence V. Robertson, Jr.

18 Mr. Marshall Magruder  
19 Pro Se, appearing via teleconference

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1 CHMN. CHENAL: My name is Tom Chenal. I chair  
2 the Line Siting Committee. And we are here to hold the  
3 prehearing conference with regard to the, what we have  
4 called the Nogales Transmission/UNSE project that's CEC  
5 No. 176.

6 May we have appearances, please. We will start  
7 with the people in the room. And then we will proceed  
8 to you, Mr. Magruder.

9 MR. GUY: Good afternoon. My name is James Guy  
10 with the law firm Eversheds Sutherland. We are here on  
11 behalf of the applicant, Nogales Transmission and UNS  
12 Electric.

13 MR. DERSTINE: Matt Derstine and Megan DeCorse  
14 from UNS Electric.

15 MR. JACOBS: David Jacobs with the Arizona  
16 Attorney General's Office for the Arizona State Land  
17 Department.

18 MR. ROBERTSON: Mr. Chairman, thank you.  
19 Lawrence V. Robertson, Jr. I am here on behalf of  
20 SunZia Transmission, LLC.

21 SunZia is not an intervenor in this proceeding.  
22 As of this juncture we do not anticipate making a  
23 limited appearance. But I will be attending the Siting  
24 Committee hearings and also going on such tours as might  
25 be conducted. I am in an observer capacity.

1 MR. HAINS: Thank you. Good afternoon,  
2 Chairman. Charles Hains and Naomi Davis on behalf of  
3 Commission Staff of the Utilities Division.

4 CHMN. CHENAL: All right. Very good.

5 Mr. Magruder, would you introduce yourself,  
6 please.

7 MR. MAGRUDER: I am Mr. Magruder, representing  
8 myself.

9 CHMN. CHENAL: All right. I have a checklist  
10 that I normally follow just to make sure that we have  
11 complied with the procedural order and that the, you  
12 know, logistics are in place and if there are any legal  
13 issues that we have to decide for the hearing.

14 So first I just want to confirm, Mr. Guy, that  
15 the lodging arrangements for Committee members, the  
16 court reporter have been made.

17 MR. GUY: They have.

18 CHMN. CHENAL: And that's both Nogales and  
19 Tucson?

20 MR. GUY: That's right.

21 CHMN. CHENAL: I know it is almost a rhetorical  
22 question because I have gotten, I have received the  
23 information on it. But I just want the record to be  
24 clear that, you know, there will be lodging for our  
25 members traveling to Nogales and Tucson.

1           We have some requests for, well, notices of  
2 intervention and a request for intervention. So let's  
3 address that now.

4           We have a notice of intervention by the Arizona  
5 Corporation Commission. And, by statute, they have the  
6 right to intervene since they are a state agency. So we  
7 will note that the Corporation Commission will be  
8 permitted to intervene.

9           And we have the Arizona State Land Department  
10 has filed a notice of intervention. And last I heard,  
11 they are a state agency, so they will be allowed to  
12 intervene as a matter of right.

13           Today I received a notice of intent to become a  
14 party and initial comments on the CEC application by  
15 Mr. Magruder, which I have not had the chance to review  
16 in any detail. But I will note that Mr. -- that the  
17 Committee will decide interventions that are not of  
18 right. And so the issue of whether or not Mr. Magruder  
19 will be allowed to intervene will be taken up by the  
20 Committee when we begin our hearing in Nogales next  
21 Tuesday.

22           Now, Mr. Magruder, you have indicated that you,  
23 based on what I have read in your notice of intent, that  
24 you will not be able to physically attend the hearing.  
25 I also note that the notice was filed not within the

1 required time, at least ten days before. So, you know,  
2 there is, I guess, a legal issue on the notice of  
3 intent. There is also the fact that the Committee will  
4 have to make the decision on Tuesday. And you have  
5 requested that, if you are allowed to intervene, that  
6 you would like to have the hearing continue for a period  
7 of time after next week so that you can cross-examine  
8 witnesses and such.

9 I guess these are all factors that will weigh  
10 into whether the Committee will allow you to intervene.  
11 But I will tell you it has been very difficult to find  
12 the dates for this hearing. We are basically, I use the  
13 words, crunching it in, with people's vacation schedules  
14 and such. And I don't know how likely it is going to be  
15 that this will continue past next week, assuming the  
16 hearing would otherwise be completed by the, by next  
17 week, by the end of next week. So I wanted to alert you  
18 to that possibility that we will continue -- if you are  
19 permitted to intervene, that we will hold the hearing  
20 and may very well complete it next week.

21 Now, having said that, if the Committee does  
22 vote to allow you to intervene, I suppose there are a  
23 couple options we have. Well, if they don't allow you  
24 to intervene, we can adopt your notice as a written  
25 statement, which will be, which I will make a part of

1 the record. So, at a minimum, we can do that.

2 If you are allowed to intervene, decided by the  
3 Committee, there may be a way to allow you, if your  
4 schedule permits, to appear telephonically for all or  
5 portions of the hearing. And maybe that will allow you  
6 some leeway in what you would like to accomplish by  
7 appearing in the hearing. I just throw that out. I  
8 don't know what the Committee is going to do with this.  
9 We leave it up to the Committee, I leave it up to the  
10 Committee to make these decisions. But I wanted to at  
11 least say that and see if, if the availability of having  
12 you appear telephonically would be of any benefit to  
13 you.

14 MR. MAGRUDER: Chairman, I understand the  
15 predicament that I put you in. On Tuesday I am in an  
16 airplane all day, which would not be a good time to  
17 participate. Wednesday morning, I am meeting with my  
18 Naval Academy classmates and we are going to the  
19 cemetery, placing roses on the tombstones of my  
20 classmates. And I also will pass a rose on my mother,  
21 my father, my grandfather, my grandmother, uncle and  
22 other Magruders so buried at that cemetery. So Tuesday  
23 is not a good day --

24 CHMN. CHENAL: Wednesday morning.

25 MR. MAGRUDER: Wednesday morning, excuse me.



1 And this was scheduled months ago.

2 The afternoon I will be driving to Annapolis to  
3 participate in my 55th reunion for my class at the Naval  
4 Academy. And I will be there for the rest of the week.

5 And that's my schedule for next week, which  
6 is -- I make it so it is fairly difficult to  
7 participate. I might be able to work in Tuesday  
8 afternoon. If you gave me an hour or so, I could call  
9 on the phone and possibly do that. That's about the  
10 best I think I can do and not cause my family lots of  
11 problems.

12 CHMN. CHENAL: Okay. We might be able to  
13 accommodate you. The problem is that the Tuesday  
14 afternoon -- the hearing starts at 1:00 p.m. And I am  
15 not sure the witnesses will be there. They certainly  
16 will not have testified by then. So I would suggest  
17 that if there would be a way to break out, and, again,  
18 this is all hypothetical, but if there is a way to break  
19 out, you know, Thursday or Friday -- and even Thursday  
20 morning we have a tour, I think, if I remember  
21 correctly.

22 Mr. James, we have got, or Mr. Guy, we have got  
23 tours Wednesday and Thursday morning.

24 MR. GUY: That's correct.

25 CHMN. CHENAL: Wednesday is shorter and Thursday

1 is a little longer.

2 So, Mr. Magruder, if there were a way to break  
3 away, you know, Wednesday, I know there is a time  
4 difference here of three hours, but Wednesday afternoon  
5 or Thursday afternoon or, you know, Friday morning, I  
6 will try to accommodate, you know, your predicament. I  
7 don't know if that will offer you any solace, but we can  
8 try.

9 MR. MAGRUDER: I understand. And I almost feel  
10 it is close to impossible next week, that week, to do  
11 something. That's why I have tried to respectfully  
12 request that, if the hearings continue after the 12th  
13 when I return home, that I could then participate in any  
14 such meeting, but only on the condition that the normal  
15 course of events would have something else that would  
16 bring the group together.

17 Would that make sense?

18 CHMN. CHENAL: Well, that would, sir. If the  
19 case is not completed by the end of next week, we will,  
20 I am sure we will be able to accommodate your schedule  
21 better.

22 MR. MAGRUDER: Yes.

23 CHMN. CHENAL: At a minimum, as I said, if you  
24 can't appear Tuesday afternoon by telephone, maybe there  
25 are, you know, maybe there is some way we could, if

1 there are witnesses available, allow you to ask some  
2 questions. Certainly we can treat your notice of intent  
3 to become a party and comments on the CEC application as  
4 a written statement which we can enter into the record.  
5 And if you have additional materials in light of your  
6 predicament that you would like to submit, I think, you  
7 know, my philosophy is to be as liberal as possible on  
8 creating a record, so I am sure we would accommodate you  
9 in that regard as well, so...

10 MR. MAGRUDER: Yes, I appreciate that. And I am  
11 really not trying to take up everybody's time on this,  
12 but I didn't really see the notice of the hearing until  
13 Saturday. So I am -- I didn't have a lot of lead time  
14 here because I have been out of town. And that's why I  
15 am so late. And I normally try to be very prompt and on  
16 time whenever I deal with the Commission or Line Siting  
17 Committee or any other such proceeding. And this is  
18 probably an exception to my normal practice.

19 CHMN. CHENAL: Okay. Well, we understand.  
20 Thank you for your service.

21 So let's move on with my checklist, Mr. Guy.

22 MR. GUY: Okay.

23 CHMN. CHENAL: Notice of affected jurisdictions,  
24 I notice you have filed a, you know, service.

25 MR. GUY: We have. We filed our notice of

1 effective jurisdictions, and including -- I can run off  
2 who we sent the notice to.

3 CHMN. CHENAL: Sure.

4 MR. GUY: But Pima County, Santa Cruz County,  
5 City of Tucson, City of Nogales, Town of Sahuarita, the  
6 State Land Office, Arizona Game & Fish Department, the  
7 Arizona Department of Transportation, United States  
8 Section of the International Boundary and Water  
9 Commission, Custom and Border Patrol, and the Department  
10 of Energy. Not all of those were affected jurisdictions  
11 under the definition of affected jurisdiction but those  
12 were the entities we included in our mailings.

13 CHMN. CHENAL: Very good.

14 Could you comment on the record on the posting  
15 and publishing of the notice of hearing.

16 MR. GUY: Absolutely. We arranged for  
17 publication of the notice of hearing in three  
18 newspapers, two occasions in each newspaper. The  
19 Arizona Daily Star publication appeared on August the  
20 4th and August the 5th. The Nogales International, it  
21 appeared on August 4th and August 8th, and then the  
22 Green Valley News on August 6th and August 9th.

23 In addition to that, we of course posted signs  
24 on various locations along the route. And we have taken  
25 photographs of those signs and identified them on maps.

1 And we have actually included those in some of our  
2 prefiled exhibits that were submitted yesterday.

3 I think we also placed a copy of the application  
4 in a couple of libraries, the Nogales-Rochlin Library  
5 and the Sahuarita Public Library, as well as a copy of  
6 the application with the ACC of course in the Legal  
7 Division, Utilities Division, and the Tucson office as  
8 well.

9 CHMN. CHENAL: And, Mr. Robertson, did you  
10 happen to see the notice in the Green Valley  
11 publication?

12 MR. ROBERTSON: I did, sir, in both the Daily  
13 Star and the Green Valley News.

14 CHMN. CHENAL: That wasn't meant to impeach  
15 Mr. Guy.

16 MR. ROBERTSON: I didn't take it that way. It  
17 was free advertising for those two publications.

18 CHMN. CHENAL: Very good.

19 Okay. Let's look at the agenda, make sure that  
20 that's complete and correct. And that has been filed in  
21 the docket. And I just, I normally ask if anyone has  
22 any corrections or suggestions since there is time to  
23 amend that prior to the hearing.

24 MR. GUY: We reviewed the agenda, and it was  
25 fine from the applicant's perspective.

1 CHMN. CHENAL: Okay. All right. Let's talk  
2 about the hearing itself.

3 Mr. Guy, would you just kind of summarize the  
4 logistics of the hearing process. I know we have had  
5 discussions about this and tried to accommodate a number  
6 of different interests. So why don't you just give a  
7 summary, and then we will see if there are any questions  
8 after that.

9 MR. GUY: Absolutely. So as you mentioned  
10 earlier, the hearing will begin on September 5th at  
11 1:00. And we will be holding the hearing in a  
12 conference room at the Quality Hotel Americana Nogales  
13 in Nogales, Arizona. The hearing then will go from 1:00  
14 until approximately 5:00, subject to your revising that  
15 schedule. The applicants then will provide dinner for  
16 the Committee members and themselves. And then we have  
17 some time set aside for public comment after dinner.

18 And then the next morning, on Wednesday,  
19 September 6th, starting at 9:00, we have made  
20 arrangements for a tour, if the Committee decides it  
21 would like to take a tour and see the locations near  
22 Nogales. I think that tour is scheduled to take a  
23 couple of hours if that's something we do.

24 And then we will go back to the Quality Hotel  
25 Americano Nogales after the tour and finish with the

1 hearing through the close of business on Wednesday,  
2 September 5th, I mean September 6th.

3           The next day, September 7th, we will move the  
4 hearing location to the Desert Diamond Casino & Hotel  
5 just outside Tucson, or just southern side of Tucson.  
6 But we will start, we will start there, but we will  
7 start September 7th in the morning with another  
8 opportunity for a tour if the Committee decides that  
9 would be helpful. And that tour is scheduled to take  
10 roughly from 9:00 a.m. in the morning until close to  
11 lunch. After the, after the tour, or if a tour is not  
12 taken, we will start the hearing at the Desert Diamond  
13 Casino Hotel, and it is scheduled to run, again, until  
14 roughly 5:00. And then there is an opportunity for  
15 public comment at the end of that day as well.

16           That then gets us, I believe, to Friday,  
17 September 8th now, which we will continue the hearing at  
18 the Desert Diamond Casino & Hotel. And we expect to  
19 conclude by close of business on that Friday, the 8th.

20           CHMN. CHENAL: Okay. Very good. I don't know  
21 when people are going, the out-of-town people will be  
22 going to the various hotels, but I suspect that some  
23 will do like I will do, which will be to check in the  
24 night before the hearing in Nogales and then stay Sunday  
25 night, Monday night, excuse me, Monday night and Tuesday

1 night -- Monday is a holiday -- Monday night and Tuesday  
2 night, but then, after the hearing Tuesday, I think that  
3 day, after hearing, I would move to Tucson. I suspect a  
4 lot of people would do that.

5 MR. GUY: That makes sense. And we have been  
6 coordinating with Ms. Rossmell on those kinds of  
7 arrangements. And I believe she has -- we reserved the  
8 rooms and the Committee members are making their own  
9 reservations, I believe.

10 CHMN. CHENAL: Okay. Good.

11 Now, let's talk about the status of the exchange  
12 of witness summaries or written testimony. Let's -- I  
13 know the applicant has filed, you know, testimony of the  
14 witnesses.

15 MR. GUY: What we have, Mr. Chairman, we filed  
16 yesterday and provided a copy to, electronically, to  
17 both Staff as well as the Arizona State Land Department  
18 as of toward the close of business yesterday, and then  
19 also provided Mr. Magruder a copy of that material early  
20 this morning. And what we have filed is several things  
21 we have yet to talk about.

22 But we filed a proposed tour schedule. We have  
23 also prefiled, we have actually prefiled written  
24 testimony to the extent it is helpful for the Committee  
25 members. And in addition to the prefiled written



1 testimony, we have also, each witness has prepared a  
2 PowerPoint presentation, so that we have both written  
3 form of testimony, if it is helpful, but then we also  
4 intend to provide live testimony through the  
5 presentation materials. Each of those -- the prefiled  
6 testimony has a number of exhibits attached to it that  
7 we believe is helpful.

8 In addition to that material -- I am looking at  
9 my exhibit list here that we filed yesterday. I mean I  
10 think that's basically what we have filed. We also  
11 filed a proposed form of CEC. And, as I believe we  
12 discussed in the prefiling meeting, we are actually  
13 anticipating getting two CECs for this proceeding, one  
14 for each entity, each of the joint applicants. So we  
15 have filed two proposed CECs, one for each entity.

16 We provided that information to Staff, the other  
17 parties, like I said, but we have not had a chance to  
18 really visit with those parties, you know, about whether  
19 they have any suggested changes to those. We received  
20 presentation materials, prefiled exhibits from Staff  
21 yesterday. And I believe they have proposed some  
22 proposed conditions as well similar to some of what we  
23 have proposed. So we expect that we will talk to Staff  
24 about that and come to a version that we both agree on.

25 CHMN. CHENAL: Has State Land filed any proposed

1 testimony?

2 MR. JACOBS: We have not. And we can do it as  
3 you all tell me is appropriate. I mean currently the  
4 Land Department and UNS are discussing a way to  
5 possibly, I guess hopefully, resolve the issue or any  
6 disagreements, or at least some of the disagreements. I  
7 know, I believe they are talking about this. And UNS  
8 may know more than I do about that. And I imagine it  
9 could continue until tomorrow or the next day if they  
10 can't work everything out.

11 So I mean we are drafting and prepared to file  
12 as though there, you know, there will not be an  
13 agreement, but I am not totally pessimistic either. So,  
14 at the same time, the Land Department doesn't kind of  
15 lightly intervene in these issues, so we don't want to  
16 file something if it turns out we agree. We don't want  
17 to go down that path and withdraw it. We would just  
18 rather do it if we have to.

19 So I guess we would propose filing something  
20 perhaps Thursday afternoon, if that works for people. I  
21 think that would be enough time to see if we could  
22 actually resolve it, and it would also allow us to, you  
23 know, focus the issues in if there are things we can  
24 narrow down to what the actual disagreement is, and, you  
25 know, more specific instead of more general. So that's

1 what I would propose, if it is okay.

2 CHMN. CHENAL: All right. Mr. Guy, do you have  
3 any objection to --

4 MR. GUY: We don't. I agree with everything  
5 Mr. Jacobs said. I know there is a meeting scheduled  
6 for this afternoon. And our expectations are that we  
7 will actually be able to reach an agreement on the best  
8 way to address State Land Department's issues. But if  
9 we don't, for whatever reason, and they choose to file  
10 something on Thursday, I think that's fine with us.

11 CHMN. CHENAL: Okay. All right. Because I just  
12 want to make sure that there is no -- we don't start a  
13 hearing with a lot of moving parts and a lot of moving  
14 venues and then on the fly, you know, the applicant for  
15 the first time sees you are going to bring in witnesses  
16 and they are going to testify about X, Y and Z.

17 MR. JACOBS: No, certainly. There would be --  
18 we would give full information about what we intend to  
19 do.

20 CHMN. CHENAL: All right. Very good,  
21 Mr. Jacobs.

22 Mr. Robertson.

23 MR. ROBERTSON: Just an information question of  
24 Mr. Jacobs and Mr. Guy, if I might. Is the disagreement  
25 with respect to the Nogales Tap-Kantor project or the

1 Nogales interconnection project or both.

2 MR. GUY: The former, the first.

3 MR. ROBERTSON: The first. Thank you.

4 CHMN. CHENAL: And what is, I mean, what is the  
5 nature of the disagreement?

6 MR. GUY: One or more of the alternative routes  
7 actually would go across state lands. And so  
8 essentially their interest is an affected landowner.  
9 And so we need to have conversations about whether there  
10 are changes we can make to a route to address their  
11 concerns or do we need to remove that route from  
12 consideration. We have filed multiple routes. And  
13 so --

14 CHMN. CHENAL: Sure.

15 MR. GUY: -- that's certainly on the table.

16 CHMN. CHENAL: Okay. All right. Well,  
17 hopefully it can be resolved. If it will, I assume it  
18 will be resolved in the form of an appropriate condition  
19 to be placed in the CECs, correct?

20 MR. GUY: Sure. That would be correct.

21 CHMN. CHENAL: Now, you mentioned there are  
22 going to be two CECs. We are familiar with that from  
23 the last hearing. Will the -- of course, the CECs will  
24 each address different projects or aspects of the  
25 projects, but will the conditions --

1 (Cell phone rings.)

2 CHMN. CHENAL: Uh-oh, excuse me. I'm sorry.

3 Mr. Magruder, I just want you to hear that it is  
4 right around the corner. Excuse me. We at Notre Dame  
5 have a great respect for the Naval Academy, but we still  
6 want to crush them every year that we play them.

7 MR. MAGRUDER: We did fine last year.

8 CHMN. CHENAL: I remember. I remember.

9 Well, but will the conditions be the same for  
10 both or will the conditions be different?

11 MR. GUY: They will largely be the same. And I  
12 believe what we filed, I don't know what percentage, but  
13 they are largely the same. And the additions would only  
14 be different if they merited being different. So, for  
15 example, this issue we just talked about with State  
16 Land, if that's a condition that we need to place on  
17 that entity and that project, then it obviously wouldn't  
18 apply to the other because it is just not a relevant  
19 issue.

20 CHMN. CHENAL: But do the draft CECs have the  
21 same conditions at this point?

22 MR. GUY: Yes.

23 MS. MORRISEY: In large part, Mr. Chairman --

24 CHMN. CHENAL: Sure.

25 MS. MORRISEY: Erin Morrisey. In large part,

1 the conditions do, unless to the extent that they are to  
2 accommodate certain conditions that would be  
3 necessitated by a presidential permit, so those types of  
4 measures.

5 CHMN. CHENAL: Do me a favor, if you could.  
6 Send me just an -- you know, e-mail me the conditions,  
7 the CECs to kind of reflect the differences between the  
8 two so I am not looking through each one of them to try  
9 to find the --

10 MR. GUY: That's a good idea.

11 CHMN. CHENAL: -- here is this sentence not in  
12 this one but it is in this one. It would be easier,  
13 just kind of track-change or something like that. That  
14 would be very helpful.

15 MS. MORRISEY: Absolutely.

16 CHMN. CHENAL: And just so people know, if they  
17 haven't been through these proceedings before, what we  
18 intend to do when we get to the conclusion of the  
19 hearing and after the deliberation, we actually walk  
20 through the CEC, you know, the findings of the fact,  
21 conclusions of law, summary, and then the conditions.  
22 And we work through the language, you know, condition by  
23 condition. And then we approve it as a Committee as to  
24 form. And then at the end we do a vote up or down on,  
25 you know, whether we adopt the CEC.

1           So maybe you all have been in the hearings where  
2 we have done that, but if you haven't, that's how we  
3 like to do it, and complete it by the end of the  
4 scheduled hearing. If it goes past next week, then we  
5 will have to figure out a date to do it, which won't be  
6 easy, but we will do it. But I think we are all  
7 anticipating we would be finished next week.

8           All right. So exchange of exhibits. Summaries  
9 have all been exchanged. Have exhibits been exchanged?

10          MR. GUY: Yes.

11          CHMN. CHENAL: Mr. Hains.

12          MR. HAINS: Staff has exchanged exhibits with  
13 the company but not yet with State Land or with  
14 Mr. Magruder yet. We will do that before the end of the  
15 day.

16          CHMN. CHENAL: Okay. Fine. Perfect.

17           If there are any exhibits, what would be the  
18 preference? ACC, Mr. Hains, for --

19          MR. HAINS: At the Commission we stick with S  
20 for Staff. But we have gotten used to at the Committee  
21 that it is ACC, so we are happy to leave it at that.

22          CHMN. CHENAL: What would you like?

23          MR. HAINS: ACC is fine. ACC would be fine.

24          CHMN. CHENAL: ACC is fine. We will mark you  
25 down with ACC.

1 Mr. Jacobs, SLD for State Land Department, if it  
2 goes that far?

3 MR. JACOBS: Sure. Sounds great.

4 CHMN. CHENAL: All right. I know the record  
5 shows already that the applicant and the State Land  
6 Department have been narrowing down their issues.

7 Does Staff have any legal issues regarding the  
8 application?

9 MR. HAINS: At the moment Staff does not have  
10 any legal issues with the application as presented.

11 CHMN. CHENAL: Okay.

12 MR. HAINS: Okay. I will just say we have no  
13 legal issues with the application.

14 CHMN. CHENAL: I was going to ask you what would  
15 change that, what would cause that legal issue to rise  
16 to the forefront.

17 MR. HAINS: A substantial change.

18 CHMN. CHENAL: All right. Very good.

19 I am assuming at this point there are no legal  
20 issues that we need to deal with today, that those will  
21 be dealt with at the hearing or concluded by agreement  
22 of the parties. But if there is any legal issue that  
23 you believe should be, you know, that we should bring up  
24 and discuss now, I guess now is the time.

25 MR. GUY: Mr. Chairman, I am not aware of any



1 from the applicant's perspective.

2 CHMN. CHENAL: Okay. Staff? Mr. Jacobs?

3 MR. JACOBS: Not from State Land.

4 CHMN. CHENAL: Financial arrangements with the  
5 ACC, Mr. Guy, would you comment on that, please.

6 MR. GUY: Absolutely. We, of course, many of  
7 the things such as the hotel reservations, other things,  
8 the applicants have agreed to cover. In addition, we  
9 have spoken with ACC Staff and assured them that we are  
10 also able and willing to reimburse the Committee members  
11 and others that experience costing reimbursement for the  
12 hearing.

13 CHMN. CHENAL: All right. And I know you have  
14 done these before and there has never been a hiccup in  
15 that regard. And I obviously don't anticipate one now.  
16 But I assume that the applicant will cover those costs  
17 that are incurred by the Committee and court reporter --

18 MR. GUY: Yes, we will.

19 CHMN. CHENAL: -- the normal course expenses?

20 MR. GUY: That's correct, yes.

21 CHMN. CHENAL: Now, we are going to a casino.  
22 How far would that go? Okay, I am sorry.

23 MR. HAINS: And, just to clarify, when you say  
24 with Commission Staff, you mean with the Business  
25 Office.

1 MR. GUY: I am sorry, yes, yes. Carla Bowlin is  
2 the Business person we spoke with.

3 CHMN. CHENAL: All right. I have not had an  
4 opportunity to review the proposed CEC. I don't know if  
5 any of the other -- I don't know if the Staff has  
6 proposed a CEC or any conditions other than one  
7 condition that I did read about regarding the gas lines  
8 and testing and the normal condition.

9 MR. HAINS: That is correct, Chairman.

10 CHMN. CHENAL: Okay. At the last hearing, what  
11 I tried to do is to circulate some additional conditions  
12 that I thought should have been included in the CEC in  
13 the last case and sent it out in an e-mail. And I think  
14 there is a better practice there, because I then had to  
15 file with the Commission on the docket a, you know, the  
16 e-mail that I had sent and the conditions that were  
17 attached. And while I think that's not -- I think it is  
18 proper, I think it would be better, and I think I have  
19 been kind of adopting -- this is learn as we go --  
20 adopting a different practice of I will just introduce  
21 that at the hearing itself and make it a Chairman's  
22 exhibit and then provide maybe an electronic version of  
23 it or Word version of it to the applicant.

24 Because, again, what we like to do when we get  
25 to the point where we deliberate and review the

1 conditions is we like to add to what the applicant has  
2 proposed, kind of a redline or track-change version,  
3 which shows additional conditions to be considered.  
4 And, you know, I think the Committee is at a  
5 disadvantage if I spring those on them at the last  
6 minute.

7           So I think if there is any -- what I would like  
8 to consider at this time, I think I would like to do  
9 that early on and maybe just put on the record, mark it  
10 as a Chairman's exhibit, whatever, distribute it so  
11 people have it, and provide an electronic version to the  
12 applicant to incorporate into when we get to that part  
13 of the deliberations. And I think that's just a cleaner  
14 way to do it. So that's what I am going to do. I don't  
15 know if I am going to have any, but if I do, I think  
16 that's the way we will do.

17           And I guess that's the way I propose that anyone  
18 else does it as well. We know already the condition  
19 from Staff. But if anyone else has conditions,  
20 Mr. Jacobs or any intervenors that's allowed to  
21 intervene, I think that's a cleaner way to do it.

22           Now, if State Land and the applicant can agree  
23 on a condition or conditions and if it is by  
24 stipulation, we will just put those in and that won't be  
25 a problem. We can deliberate with those as we normally

1 do.

2 MR. GUY: Okay.

3 CHMN. CHENAL: All right?

4 Having done a few of these now, we come to what  
5 is a topic that is of interest to the Committee, which  
6 is how do we describe the route of the CEC. And if you  
7 were to ask me what, how it has been done in the past, I  
8 am not sure I can tell you with clarity how it has been  
9 done. In some cases I see a metes and bounds. In some  
10 cases I see a legal description. In some cases I see  
11 basically a map, you know, and sometimes a number of  
12 pages, you know, a pretty, you know, close range map  
13 that shows the, as exactly as possible, the proposed  
14 location of the route. But this is a longer line.

15 So what might the applicant propose as to how  
16 the route will be described?

17 MR. GUY: Well, our assumption, and certainly  
18 subject to feedback from yourself and the parties, is  
19 the combination of the narrative description along with  
20 a map that's the best scale we can give you, which may  
21 be multiple pages.

22 We are not likely to do a legal description, if  
23 you will, because part of our request is actually  
24 approval of a route within a corridor. And so we don't  
25 really, we won't have a legal description of a route,

1 but we will have a map with a corridor with a proposed  
2 alignment within the corridor. And then we will have a  
3 narrative description with geographic, you know, east,  
4 quarter mile east of this location, those sorts of  
5 things. And we will try to be as precise in that  
6 description as we can be.

7 CHMN. CHENAL: This is just thinking out loud,  
8 but how precise is that? And I know that's the way it  
9 makes sense, I think, to do it in this case. But, I  
10 mean, how precise is it if you have a map and if it is a  
11 scale that's -- I mean it is not -- I don't want to  
12 suggest what the scale might be, but it seems like when  
13 the engineers go out or the surveyors go out and  
14 actually mark where you would like to put the line, I  
15 mean how, how -- with the way the map is drawn with a  
16 corridor, I mean I guess it is possible that, you know,  
17 depending on the scale, you could be off where you  
18 actually want to put it. So, I mean, how do you make it  
19 work?

20 MR. GUY: Well, the way that, and, again, the  
21 way that we did it in the one other proceeding that I  
22 had before you as Chairman is we had conditions that not  
23 only spelled out the route, the corridor, both in  
24 narrative and mapping form, but we also had conditions  
25 that required the applicants to consult with landowners

1 and discuss the location of the line and to accommodate  
2 their concerns and their desires. And I think that's  
3 consistent with what we would propose in this case, is  
4 we will be as precise as we can within the maps and  
5 narrative but then have conditions that say, you know,  
6 our engineer doesn't go out and set the lines until he  
7 has had a conversation with the landowner to address the  
8 location of the line.

9 CHMN. CHENAL: Any comment from Staff or  
10 Mr. Jacobs?

11 MR. HAINS: Chairman, from Staff, I might just  
12 say I guess it would depend. I don't know that there is  
13 one preferred way to do the description in any one -- I  
14 guess it is going to depend on the nature of the CEC  
15 requested, how congested is the area it is going  
16 through. Obviously the more congested it is the more  
17 you are going to want to fine tune it to notice people  
18 what they are in for.

19 I do think that, you know, when you are noticing  
20 or providing the description, you don't necessarily have  
21 to give the legal description of the corridor so much as  
22 a centerline. It is a centerline off which you can say,  
23 you know, 150 feet off or 200 feet in width. That is  
24 going to be the nature the corridor.

25 That said, not every situation lends itself to

1 that. If you are going through barren tracts of the  
2 middle of nowhere, as it were, where you don't have a  
3 whole lot of other people who are going to be interested  
4 in it, I think the interest is a little bit less in  
5 having a very fine tuned, you know, legal metes and  
6 bounds description, whereas, if you are going downtown  
7 Tucson, that would probably be very different.

8 CHMN. CHENAL: I think this case presents both  
9 of those.

10 MR. HAINS: As the case may be.

11 CHMN. CHENAL: It is congested in Nogales but  
12 also a relatively rural area. I mean I can just see  
13 this will be an issue. I don't have an answer but I  
14 suggest that the Committee will be interested in how the  
15 routes are defined. I just throw that out.

16 MR. JACOBS: May I add, Mr. Chairman?

17 CHMN. CHENAL: Sure.

18 MR. JACOBS: From the Land Department's  
19 perspective, I think the Department is used to, as  
20 Mr. Hains said, having a centerline with a width on both  
21 sides. And then when the actual right-of-way is issued,  
22 the precise legal description will come out then, from  
23 the Land Department's perspective.

24 CHMN. CHENAL: Sure.

25 Mr. Guy, any other jurisdictional permits that

1 will be required for this project, assuming a CEC is  
2 issued?

3 MR. GUY: Well, of course the, I don't want to  
4 characterize it as the most significant, but the one  
5 that's out there that is the most significant for the  
6 project to go forward, if you will, is the presidential  
7 permit with the Department of Energy. And that's,  
8 that's in process. They are actually waiting until a  
9 route is approved by the Committee before they would,  
10 before they finalize that because they want to know  
11 which route to finalize their assessment of. That's the  
12 main one, other than local, you know, local crossings  
13 and things like that, there are some issues.

14 I mean State Land, for example, I mean we would  
15 need to work with the right-of-way agreements and things  
16 like that if those go forward. There are conditional  
17 use permits. You know, it came up in the pre-filing  
18 conference the Custom and Border Patrol mentioned some  
19 issues. I mean there is the Roosevelt Easement right  
20 along the border, but that sets spanning that.

21 So the short answer is we have a couple of  
22 additional authorizations that we would need to  
23 finalize, but I think the Line Siting Committee CEC is  
24 the most significant at this point.

25 CHMN. CHENAL: And you mentioned Border Patrol.



1 I remember at our prefiling conference there was a  
2 representative from Border Patrol. Are you in  
3 discussions, is the applicant in discussions with Border  
4 Patrol? I think they had to accommodate, I think they  
5 had some frequency issues.

6 MR. GUY: We are. And I may have to ask  
7 Mr. Beck to give us an update on that, but we have had  
8 some discussion.

9 MR. BECK: Yeah, Mr. Chairman. We have  
10 discussed directly with the Border Patrol their  
11 concerns. We are providing language to DOE to include  
12 in their EA to address the issues they raise. And we  
13 will also have that in our -- during our hearing we will  
14 mention the issues that they raised.

15 CHMN. CHENAL: Okay. Do you anticipate the need  
16 for a condition in the CEC with respect to any issues  
17 that involve the border, Border Patrol?

18 MR. BECK: Don't foresee a need for a condition.  
19 I think we will address everything, hopefully to the  
20 satisfaction of the Committee, that we are taking into  
21 consideration. And we are designing to accommodate the  
22 issues that were raised to mitigate them. And I don't  
23 foresee the need for specific conditions other than  
24 there typically already is a condition regarding radio  
25 interference. So that is a standard condition, and we

1 already put that into our prefiling material also.

2 CHMN. CHENAL: Is, since you mentioned it  
3 earlier, is there a condition in the CEC regarding  
4 working with landowners to place the line appropriately?

5 MR. GUY: There is. We based our proposed CEC  
6 on the two most recent cases that you have been Chair of  
7 that have been approved by the Commission. So we  
8 tracked the language from those cases.

9 CHMN. CHENAL: Okay.

10 MR. MAGRUDER: This is Mr. Magruder.

11 In Case 111, which is similar to this on a  
12 border crossing, there were two conditions that were  
13 unique. And one of them was an interface agreement with  
14 CFE, the Mexican electric company, that was required to  
15 be approved before construction could begin, which I  
16 think is prudent anyway. But the two companies have to  
17 agree on how they are going to interconnect.

18 Does that make sense?

19 CHMN. CHENAL: Mr. Beck.

20 MR. BECK: Mr. Chairman, relative to that issue,  
21 part of the presidential permit process is to validate  
22 the interconnection with Mexico. And so to the extent  
23 DOE approved the interconnection through the  
24 presidential permit process, they have already addressed  
25 the reliability issues on the U.S. side.

1 MR. MAGRUDER: Okay. And the other thing that  
2 was unique was that the approval of the substation is a  
3 City of Nogales function, and this Gateway substation is  
4 vastly different than the previously approved Gateway  
5 substation. And I assume that you will have to have  
6 city approval for the substation.

7 MR. BECK: Mr. Chairman, that's true. We will  
8 need a conditional use permit for buildout of the  
9 Gateway substation. We will have to apply for that. We  
10 will do that a little bit later in the process, once we  
11 have a CEC and know that the project is going forward.  
12 And the conditional use permit we had previously has  
13 long since expired. So it doesn't apply.

14 MR. MAGRUDER: Yeah. Okay.

15 CHMN. CHENAL: Okay. Very good. Yeah, good.

16 Are there any other federal issues that are  
17 involved with this project other than with -- was it BLM  
18 or Border Patrol?

19 MR. GUY: Well, there was a -- with respect to  
20 this project, we don't expect any of the federal issues.  
21 We expect the Department of Energy to issue as part of  
22 their assessment a finding of no significant impact. So  
23 there won't be any sort of more detailed environmental  
24 analysis or record of decision, for example. We expect  
25 there will not be that sort of issue.

1 CHMN. CHENAL: Okay. All right. Well, I am  
2 almost concluded with my list.

3 The applicant will have obviously notebooks for  
4 the exhibits for the Committee members?

5 MR. GUY: We are. We are planning to do a  
6 couple of things. And, number one, we will have  
7 notebooks, three-ring binders, with all the applicant's  
8 exhibits. We will leave room for additional exhibits  
9 that could be offered in the hearing or that Committee  
10 members may want to keep track of.

11 We also are planning to provide tablets on a  
12 temporary basis, iPads or tablets on a temporary basis  
13 to Committee members during the hearing so that they can  
14 maintain all the electronic files on that tablet and  
15 have the ability to access them. We are hoping that's a  
16 little more convenient, a little bit easier to use than  
17 the three-ring binders. But we will make both  
18 available.

19 CHMN. CHENAL: And they will be preloaded with  
20 the documents?

21 MR. GUY: We will update them on a daily basis  
22 to the extent additional exhibits come in.

23 CHMN. CHENAL: How will the documents be held in  
24 the iPad?

25 MR. GUY: I think we are still working through

1 those. I know there are certain apps you can use. I  
2 mean down in the weeds a little bit is we may actually  
3 create independent G-mail accounts just for the purpose  
4 of downloading documents and saving them on them. We  
5 are still exploring what is the best app for this kind  
6 of function.

7 CHMN. CHENAL: I am looking at Yvonne, because  
8 we have been through this many times with the iPad and  
9 its ability to, you know, hold and manage documents. It  
10 is not as user friendly as you would think. I thought  
11 you had a breakthrough here, Mr. Guy, that --

12 MR. GUY: There is an app called GoodReader that  
13 works really well that allows you to save in folders --

14 CHMN. CHENAL: All right.

15 MR. GUY: -- PDFs and have multiple files open  
16 at one time.

17 CHMN. CHENAL: All right. That's nice.

18 MR. GUY: That may or may not be the one but  
19 that's one that does work.

20 CHMN. CHENAL: Now, are games downloadable on  
21 this? I have got to keep a sharp eye on some of the  
22 Committee members here. No Solitaire.

23 MR. GUY: I defer to your judgment,  
24 Mr. Chairman.

25 CHMN. CHENAL: Okay, good. All right. Does

1 anyone have any issues that we should raise? I think I  
2 am, I am -- I have concluded my list.

3 Mr. Hains.

4 MR. HAINS: Yes. Thank you, Chairman.

5 And I apologize. I didn't bring it up with  
6 Mr. Guy but I did allude to it with Mr. Derstine while  
7 we were waiting downstairs before this began. One thing  
8 we wanted to address with regard to scheduling was the  
9 possibility of a date certain for our Staff's witnesses,  
10 the presentation of those witnesses. We were hoping, if  
11 it is possible, in light of the schedule and in light of  
12 how quickly the matter may move, we didn't want to push  
13 too late, typically Staff does go last, but we were  
14 thinking possibly on September 7th, if we could lock  
15 that down as a day when Staff would present its case.

16 CHMN. CHENAL: Wednesday.

17 MR. HAINS: Thursday.

18 CHMN. CHENAL: I am sorry. Tuesday, Wednesday.  
19 Thursday in the afternoon.

20 MR. HAINS: In the afternoon.

21 CHMN. CHENAL: Because Thursday morning we will  
22 have the tour. That could consume the morning.

23 MR. GUY: Yeah. No, I think that's close to  
24 where I would have predicted Staff would fall, in any  
25 event. Either late Thursday or early Friday was sort of

1 what we were projecting. So if we need to schedule a  
2 date certain for Thursday afternoon, we can do that.  
3 And if we need to take them slightly out of order to  
4 accommodate, we could do that.

5 CHMN. CHENAL: How would you like to handle that  
6 issue? Would you like to decide among yourselves what  
7 that date should be or would you prefer that I just  
8 order now what that date, that date is?

9 MR. HAINS: If we accommodate or reach an  
10 agreement here between the parties, I think that would  
11 be fine, as long as it works with the Committee needs.

12 CHMN. CHENAL: Right. But we can always take  
13 items out of order a little. And I think this is one  
14 where it would make sense. If your witnesses are coming  
15 down, you know, we would like to accommodate them.

16 How many hours do you think you will need?

17 MR. HAINS: In terms the direct presentation, I  
18 think it is probably about 40 minutes for the two of  
19 them together. That said, I have no idea how much  
20 cross-examination there may be for either witness. But  
21 that's what I would anticipate right now based on the  
22 dry runs we have done so far.

23 CHMN. CHENAL: Do you think your witnesses would  
24 prefer to be down here Thursday afternoon or Friday  
25 morning?

1 MR. HAINS: Well, Thursday afternoon is what we  
2 suggested because we didn't want to foreclose the  
3 possibility we could be done before Friday.

4 CHMN. CHENAL: Right, okay. So --

5 MR. GUY: That's fine with us. We can make that  
6 work.

7 CHMN. CHENAL: Okay. Well, we will just say  
8 that your witnesses, we will make time Thursday for  
9 Staff's witnesses. And obviously we are talking about  
10 obviously in the afternoon because I suspect -- well, we  
11 will have a tour Thursday morning, because, as I have  
12 said, if one person wants a tour, we will do one, and I  
13 am one of those that wants a tour. So guess what? I  
14 get to call that one. So we will have the tour.

15 And if that -- so we will start up in the  
16 afternoon. And, you know, as long as we know we have  
17 enough time for your witnesses and get them on and out  
18 if they want to come back that day, we are -- they don't  
19 have to -- I am just saying Thursday, would they  
20 anticipate going back to Phoenix on Thursday?

21 MR. HAINS: That would be the idea.

22 CHMN. CHENAL: Okay. So probably earlier in the  
23 afternoon would be better than later. Maybe we pick  
24 them up first thing right after lunch and start them  
25 right away. That will give them a little more time to



1 get back.

2 MR. GUY: That's fine with me.

3 CHMN. CHENAL: And not hit the rush hour traffic  
4 from Tucson to Phoenix.

5 MR. HAINS: The consideration is much  
6 appreciated and we look forward to that. And thank you.

7 CHMN. CHENAL: Okay. So let's plan on that.  
8 And if you will agree amongst yourselves there is some  
9 leeway, that's fine, but otherwise we will just plan on  
10 having Staff's witnesses start off the afternoon session  
11 on Thursday.

12 Anything else?

13 MR. JACOBS: Mr. Chairman, I guess in that  
14 light, so the portion that the State Land Department is  
15 concerned with is primarily the Wilmot Road portion, if  
16 we have an idea when, if State Land Department's witness  
17 has to be available, when that might come up. Because I  
18 guess I was assuming only in Tucson, but am I wrong  
19 about that?

20 MR. GUY: The sequence of the hearing, the way  
21 the applicants are currently thinking to present their  
22 case probably doesn't lend itself to dividing the  
23 projects and inserting. But we could work with a date  
24 certain on any particular witness. I mean the Wilmot  
25 routing issue will probably come up as early as Tuesday

1 afternoon.

2 But just sort of in the order in presentation,  
3 what would normally happen is the applicant would  
4 present our entire case, and then typically, you know,  
5 Land Department would come right before Staff. But we  
6 can accommodate any way we need to.

7 CHMN. CHENAL: How many witnesses would you  
8 anticipate?

9 MR. JACOBS: I imagine just one and, you know,  
10 probably also 20, 30 minutes. But they would also like  
11 to hear the presentation about that stretch as well,  
12 so... And I can relate it to them. But it would be  
13 helpful to --

14 CHMN. CHENAL: Well, if it doesn't resolve  
15 itself by, you know, by agreement, Mr. Guy, if you could  
16 anticipate and give some notice to Mr. Jacobs on when  
17 you believe, you know, that portion of your case will be  
18 presented, he could have his witness there and maybe we  
19 could take that witness out of order. If it is going to  
20 be 20 or 30 minutes, we could take that witness out of  
21 order, you know, as an accommodation --

22 MR. GUY: I think that's fine. We can do that.

23 CHMN. CHENAL: -- without too much disruption.  
24 We would be focusing on one narrow issue and we would  
25 get in and get out. It is, yeah, it is hard. It is

1 difficult when you have got employees like that, and I  
2 want to accommodate them. Okay.

3 MR. JACOBS: Okay. Thank you.

4 CHMN. CHENAL: But it sounds like you are moving  
5 in a direction where that won't be necessary.

6 MR. JACOBS: I don't think so.

7 CHMN. CHENAL: Okay. Any other issues?

8 MR. GUY: The only thing we haven't mentioned  
9 that maybe there was an assumption, but just mention --  
10 it's in front of me here -- is we were expecting to  
11 present our witnesses on panels, two panels in  
12 particular. And, you know, the first panel would likely  
13 be Tuesday afternoon and finish up on Wednesday, and  
14 then the second panel would start on Wednesday and  
15 finish up probably on Thursday, was our thought process  
16 just as far as the way the hearing is likely to proceed  
17 from the applicant's perspective.

18 CHMN. CHENAL: So Tuesday would be the first  
19 panel, and finish up, if necessary, on Wednesday, and  
20 then the second panel Wednesday. Because we will have  
21 some time Wednesday because the tour is relatively  
22 short. It is only a few hours.

23 MR. GUY: Right. I think the second panel is  
24 the environmental panel. So, from a prefiling  
25 perspective, that's the bulk of the testimony. Now, if

1 there are not a lot of questions on the environmental  
2 piece, they would finish up early Thursday. But we have  
3 at least thought about them continuing through close to  
4 the end of the day on Thursday, subject to accommodating  
5 Staff's.

6 CHMN. CHENAL: So Thursday then would be the  
7 tour, would be Staff's witnesses, possibly Mr. Jacobs'  
8 Wednesday or Thursday. I am thinking Wednesday would be  
9 better just in terms of how to accommodate everybody.  
10 But then Friday would be any rebuttal maybe.

11 MR. GUY: Friday, under, I apologize, under our  
12 current thought, is testimony would finish up Friday, if  
13 needed, but then the bulk of Friday would be spent  
14 finalizing the CECs. We are allotting some time to do  
15 that.

16 CHMN. CHENAL: Now, there are two of them, and I  
17 suspect this will take a little longer than some. And  
18 if you remember, if you remember, the discussion about  
19 the route and the description of the route took a little  
20 time and where, if I remember correctly, you had your  
21 experts come back and have to prepare, I am not going to  
22 say cobble together, but prepare the maps to show where  
23 the route was. And I just want to make sure that, you  
24 know, we don't wait until the last minute.

25 And I mean we, collectively, thought you -- I

1 mean if the Committee is going to want to see this  
2 presented a certain way, I would hate to be dealing with  
3 this, you know, late Friday morning or Friday afternoon  
4 and for the first time trying to figure out, well, how  
5 we are going to put this route together.

6 MR. GUY: I think -- and that's good, good  
7 feedback and advice. And I think what our presentation  
8 would do is, early on on Tuesday, we would discuss the  
9 routing at that point, and we would at least be able to  
10 present to the Committee the kind of maps and the kind  
11 of descriptions that we are expecting to use. And so if  
12 we hear that that doesn't quite do it, it gives us a  
13 couple days to make revisions.

14 CHMN. CHENAL: And why don't you actually raise  
15 that in the course of your presentation and just remind  
16 me if I don't bring it up. That would be the perfect  
17 time to have a little discussion about that with the  
18 Committee, so that if you have to have your experts, you  
19 know, put something together, that they will have time  
20 to do it.

21 MR. GUY: Okay. We will do that.

22 CHMN. CHENAL: Okay. All right. Mr. Magruder.

23 MR. MAGRUDER: Yes, is here.

24 CHMN. CHENAL: Yes. Let's talk logistics for  
25 you, sir, if you are able to call in. Let's talk about

1 how that would occur, what numbers would be used, and  
2 let's just talk about that.

3 So I don't know, Mr. James, if, if you had  
4 anticipated that we would have a telephone, anyone  
5 appearing by phone.

6 MR. GUY: I did not, but we can make those  
7 arrangements. That's not a problem.

8 CHMN. CHENAL: I will tell you at the last  
9 hearing we actually had to have that issue. There were  
10 a few people that couldn't make it that were on the  
11 Committee. And to have of a quorum, we actually had to  
12 gerrymander a telephone, a cell phone with a microphone  
13 and an amplifier next to the telephone and the court  
14 reporter. And it worked. But it was pretty amazing.

15 But I think if we had that capability ahead of  
16 time and if you could provide maybe Mr. Magruder with a  
17 call-in number or your number so if he, if he has the  
18 ability to call in, he could call you perhaps on your  
19 cell phone and we could then bring him in.

20 MR. GUY: We will do that, yes.

21 CHMN. CHENAL: Okay.

22 MR. MAGRUDER: Mr. Chairman, Marshall Magruder.

23 I would, I think, by Thursday have a reasonable  
24 time period that I might be able to call in that would  
25 be workable with my schedule. I have to do some

1 finagling to get to that point from right here. And I  
2 will send an e-mail, if that's possible, to the  
3 principal, to the applicant's staff, and you on what  
4 would be a good time. Or maybe I will just send it to  
5 the applicant and let them work it in the schedule.

6 CHMN. CHENAL: Okay. And that would be for  
7 purposes of asking questions of the panels, is that  
8 correct?

9 MR. MAGRUDER: Yes, and mainly to -- yes, and  
10 also to answer any questions that I might have, yes,  
11 to -- oh, let's see. I have got to look at the panels.  
12 The panels I am really not -- well, let me see. I have  
13 to do a lot of work. Let me just see. When I get your  
14 schedule, I will try to respond to it in the next two  
15 days.

16 CHMN. CHENAL: All right. And you can always  
17 call the applicant's attorney, Mr. Guy, and discuss this  
18 with him.

19 MR. MAGRUDER: Okay, okay.

20 CHMN. CHENAL: Again, I have to caution you that  
21 this, it depends as to whether or not the Committee will  
22 allow intervention. But if that occurs, you know, we  
23 will accommodate you as best we can, Mr. Magruder.

24 MR. MAGRUDER: Thank you.

25 CHMN. CHENAL: So maybe exchange e-mails with

1 contact information and then, you know, we will try to  
2 do the best we can.

3 MR. GUY: We have already done that. We have  
4 exchanged e-mails and we have spoken to Mr. Magruder on  
5 the phone.

6 CHMN. CHENAL: All right. Is there anything  
7 else that we should bring up? Or, if not, I guess  
8 1:00 p.m. in Nogales?

9 MR. GUY: That sounds --

10 CHMN. CHENAL: Mr. Hains.

11 MR. HAINS: Just for thoroughness, since Mr. Guy  
12 brought it up too, I will point out that Staff was  
13 planning to present its witnesses as a panel as well. I  
14 hope that's okay.

15 CHMN. CHENAL: Sure, absolutely, absolutely,  
16 absolutely. I prefer it like that.

17 Okay. So we will see everybody in Nogales on  
18 Tuesday.

19 MR. GUY: Tuesday, 1:00.

20 CHMN. CHENAL: So if there is anything else that  
21 comes up, just let me know between now and then. But,  
22 otherwise, we will conclude the hearing now. And I will  
23 see you Tuesday.

24 (The proceeding concluded at 3:02 p.m.)

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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

3

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

10

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

14

15 I CERTIFY that I have complied with the  
16 ethical obligations set forth in ACJA 7-206(F)(3) and  
17 ACJA 7-206 (J)(1)(g)(1) and (2). Dated at Phoenix,  
18 Arizona, this 31st day of August, 2017.

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COLETTE E. ROSS  
Certified Reporter  
Certificate No. 50658

22

23

24 I CERTIFY that Coash & Coash, Inc., has complied  
25 with the ethical obligations set forth in ACJA 7-206  
(J)(1)(g)(1) through (6).

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