

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

3
4 IN THE MATTER OF THE)
APPLICATION OF UNS ELECTRIC,) DOCKET NO.
5 INC. AND ITS ASSIGNEES, IN) L-00000F-21-0050-00188
CONFORMANCE WITH THE)
6 REQUIREMENTS OF A.R.S.) LS CASE NO. 188
§ 40-360, et seq., FOR A)
7 CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING)
8 THE GOLDEN VALLEY 230 KILOVOLT)
(KV) TRANSMISSION LINE)
9 PROJECT, WHICH INCLUDES THE)
CONSTRUCTION OF A NEW 230 KV)
10 TRANSMISSION LINE ORIGINATING)
NEAR THE INTERSECTION OF)
11 INTERSTATE 40 AND SHINARUMP)
DRIVE (TOWNSHIP 20 NORTH,)
12 RANGE 17 WEST, SECTION 4) AND)
TERMINATING NEAR U.S. HIGHWAY)
13 93 AND MINERAL PARK ROAD AT)
THE PLANNED MINERAL PARK)
14 SUBSTATION (TOWNSHIP 22 NORTH,)
RANGE 18 WEST, SECTION 3),)
15 MOHAVE COUNTY, ARIZONA)
_____)

16
17 At: Kingman, Arizona
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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at Hampton Inn & Suites, 1791 Sycamore
5 Avenue, Kingman, Arizona, commencing at 9:20 a.m. on
6 the 28th of April, 2021.

7

8

BEFORE: THOMAS K. CHENAL, Chairman

9

MARY HAMWAY, Cities and Towns
10 JACK HAENICHEN, Public Member
JIM PALMER, Agriculture
11 PATRICIA NOLAND, Public Member
RICK GRINNELL, Counties
12 LEONARD DRAGO, Department of Environmental Quality
JOHN RIGGINS, Arizona Department of Water Resources
13 (Videoconference)
KARL GENTLES, Public Member (Videoconference)
14 ZACHARY BRANUM, Arizona Corporation Commission
(Videoconference)

15

16

APPEARANCES:

17

For the Applicant:

18

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20 400 East Van Buren Street, Suite 1900
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21

22

23

24

25

1 CHMN. CHENAL: Good morning, everyone.
2 This is the time set for resumption of the hearing on
3 CEC 188, Golden Valley. And I see that we have our
4 Committee Members both online and in person, and I
5 think we're ready to begin.

6 Is there anything we should discuss
7 procedurally, Mr. Derstine, before we begin and turn it
8 back to you for your witnesses?

9 MR. DERSTINE: When we ended the day
10 yesterday, we had a discussion about trying to
11 reformat. You ticked off our --

12 CHMN. CHENAL: Three homework --

13 MR. DERSTINE: -- homework assignments for
14 the evening. Transcon folks have been working on that.
15 We anticipate having -- being ready to turn in our
16 homework probably at the next break or at least giving
17 you an update. I think we're an hour away on the
18 spreadsheet portion of it. We're still working on the
19 sorts in the same manner that you had asked for.

20 I want to give you the heads up that we're
21 trying to play with a format; but by increasing the
22 size, it looks like it might be a 600ish-page document
23 in paper, so we'll give some thought to that. I don't
24 know that we've landed on the number yet, but it's in
25 range. It's big.

1 CHMN. CHENAL: Maybe we can have a happy
2 medium there. If we can -- if the only -- the paper
3 copy would be to file in the record. But I think for
4 the Committee Members we'd like it electronically, you
5 know, either in a way that we can format it or -- I
6 think a couple requested it in that format. Me, I
7 don't care if it's PDF or if it can be one that we can
8 manipulate ourselves.

9 But maybe the one that's paper we can keep it
10 at a smaller print for ease of filing. I mean, if
11 someone really wants to get that information, they can
12 take out a magnifying glass or request that they get an
13 electronic version of it and they can look at it
14 themselves. But I just don't know that -- 600 pages is
15 an awful lot just to file it and someone may never look
16 at it.

17 MR. DERSTINE: I think we're -- yeah, I
18 understand, and that was our comment. And Osmer Beck,
19 no relation to Edmond Beck, I think is highly skilled
20 at these kinds of things in addition to being a
21 Renaissance man and talented at drone flights and
22 visual simulations and a variety of things. But he
23 seems to be the guy that's working on trying to get it
24 in a form that's not huge but gets you the information
25 you need.

1 CHMN. CHENAL: Well, that's good. And you
2 don't have to get it by next break. If you want to get
3 it to us after the lunch break, to give yourselves a
4 little more time to get everything, that's fine, if
5 that helps.

6 MR. DERSTINE: We'll give you an update. And
7 then the next step would be how quickly we can get it
8 loaded onto the iPads so that you folks can enlarge it
9 and do what you want with it. So we're working on it.

10 CHMN. CHENAL: Okay. Very good. I think
11 it's fair to say that that's become a pretty important
12 part of the case, so it's not a wasted exercise.

13 MR. DERSTINE: Right. No, I understand.

14 And I guess I wanted to say, this is the --
15 at the end of the day yesterday we talked about it.
16 And I'm yelling at some folks about, why is this thing
17 like this? It jumps around. And it turns out maybe I
18 told them to do it that way. This is the format we
19 have used in prior cases, where we have organized the
20 comments by topic. And when you've got a case that's
21 maybe had a year or a year and a half of outreach and
22 you have 50, 60, a hundred comments, that's a pretty
23 nice way to handle it. But when you've got 11 years of
24 comments, it turned out to be a thing that's hard to
25 read and follow and digest. So we're doing what we can

1 with it.

2 CHMN. CHENAL: All right. Well, thank you.
3 I'm sure what we'll get will be very helpful for the
4 Committee.

5 All right. So if there's nothing else, we
6 should resume the hearing.

7 MR. DERSTINE: I think we're ready.

8 CHMN. CHENAL: I'm not sure who your next
9 witness will be or your line of questioning.

10 MR. DERSTINE: Jason, I think we're ready for
11 Slide 40, by my count.

12

13 ERIC RAATZ, ED BECK, AND MIKE WARNER,
14 called as witnesses on behalf of the Applicant, having
15 been previously sworn en masse by the Chairman to speak
16 the truth and nothing but the truth, were examined and
17 testified as follows:

18

19 CONTINUED DIRECT EXAMINATION

20 BY MR. DERSTINE:

21 Q. Mr. Beck, you're going to start us off on
22 Wednesday, day three, with talking about kind of what
23 initiated this project back in 2007, right?

24 A. (BY MR. BECK) That's correct.

25 Q. Please.

1 A. (BY MR. BECK) So just to give a little bit
2 of background, the timing in the early parts of this
3 project, I got a few snippets from the newspaper
4 articles. This one is from 2003 when it announces that
5 Mercator has purchased the Mineral Park Mine. And just
6 a little tidbit of information is that the mine
7 actually hired some former employees of the old North
8 Star Steel. So again, this is just -- there's a lot
9 going on in Kingman at the time of the startup of the
10 proposed project.

11 CHMN. CHENAL: What was the date of that
12 again, Mr. Beck? I'm sorry.

13 MR. BECK: It was -- July 1, 2003 was the
14 article.

15 CHMN. CHENAL: Thank you.

16 MR. BECK: So then on January 29th of 2010,
17 there was an announcement in the paper regarding Nucor
18 Steel purchasing the old North Star Steel facilities
19 and their plan to reopen that plant. So that kicked
20 off a lot of discussions between UNS Electric and Nucor
21 specifically about service to them, but then it morphed
22 into discussions about the potential to use -- or,
23 create the Harris substation that could be the
24 beginning point for the 230 project.

25 A company called Western Wind -- and the map

1 on the left -- the picture on the left doesn't really
2 go with this particular slide. But Western Wind
3 approached UNS Electric to interconnect a wind farm
4 adjacent to Nucor Steel. That wind farm, as I
5 mentioned in the flyover, has two components to it.
6 There's primarily the wind farm, and then there's a
7 small solar farm associated with that. It's
8 10.25 megawatts, and it stretches over 1,128 acres
9 directly east of the Nucor/Harris site. So that was
10 one of the pieces we had to work through or around with
11 our potential siting for a 230 project. So that will
12 address a little bit of why we've got E1 and E2 and how
13 they kind of snake through there.

14 So on the left-hand side there is a map
15 showing the wind farm site. So those little dots are
16 the actual turbine locations, and you see how they kind
17 of sit within what were the three alternatives that we
18 ended with -- which I'll talk a little bit about --
19 ended with in 2008.

20 The Mineral Park Mine goes way back to 1963.
21 Started by Duval Corporation, but purchased by Mercator
22 Minerals in 2003. They started out operating as a
23 leech operation, so just leeching copper out of the
24 materials versus milling. But in 2006 they were
25 developing their plans to add a mill to their site,

1 which would greatly increase their load, driving a need
2 for a larger delivery circuit to them.

3 On the left is just a picture of what that
4 mine site looks like kind of looking to the south,
5 southwest here. They've got their operations here,
6 their tailings on kind of the southwest corner of their
7 property there.

8 So in 2006 we were going through a lot of
9 things with Mercator Mine relative to their request for
10 service, and we did a facility study agreement to study
11 what we would need from a utility perspective to serve
12 their loads. We did -- our recommendation that came
13 out from that was it was going to need to be a 230 kV
14 circuit for the amount of load they were going to have.

15 Some more agreements. March 2007 is another
16 document we had with the mine. But in March of 2007
17 they wrote back and agreed that, yes, it needs to be a
18 230 kV line. We were arguing back and forth with them
19 initially. They were trying to argue that we could do
20 it with a 69 kV line. Finally we got the studies that
21 proved it had to be 230.

22 BY MR. DERSTINE:

23 Q. Mr. Beck, do you recall, can you estimate,
24 what was the projected load from the mine that was
25 driving the need for the 230 kV circuit?

1 A. (BY MR. BECK) I believe we were looking at
2 up to 40 megawatts of load.

3 In this letter dated March 29th of 2007, in
4 the last paragraph it states that Mineral Park will
5 accept the responsibility for permitting, engineering,
6 design, procurement, and construction of the 230 line.

7 Typically, UNSE would handle that. But as
8 I've tried to represent, there was a lot of stuff going
9 on at UNS Electric at the time. The mine had a real
10 strict or tight deadline, and they came to us and said,
11 oh, we can permit this in six months to a year.

12 And from our perspective, as UNSE, we said,
13 we'd love to be able to see how you can do that. And
14 so when they committed to do it we said, we'll let you
15 take on that responsibility. We'll work with you,
16 we'll support it, but they took the lead on it.

17 So that's where we ended up, Mercator/Mineral
18 Park would take the lead on the permitting, and even
19 design and construction of the line, and then it would
20 become a UNSE facility in the end. So it was a little
21 bit unique in that we handed that responsibility off to
22 them. We had strong oversight and involvement in the
23 process, but they were going to lead the charge.

24 Q. We're going to get -- cover in detail, you
25 and Mr. Warner, kind of the federal permitting history,

1 the two phases, the early phase, the second phase. But
2 can you just start with giving us kind of a high-level
3 overview of the permitting phases? I think you have
4 that in this next chapter.

5 A. (BY MR. BECK) Yes, I'll do that. So we've
6 kind of -- for purposes of this hearing and for the
7 Committee and historically how it happened, we have the
8 NEPA permitting in two kind of time periods. In some
9 cases in the document we've referenced a Phase 1 and
10 Phase 2. So that first Phase 1 we look at from the
11 period from 2007 to 2016; and that's because starting
12 in 2016 is when we reengaged the process, and I'll talk
13 more about that. So the Phase 2, or the second part,
14 is the period from 2016 forward to today.

15 Q. In that block, 2007 to 2016, there is,
16 however, a gap, a pause, a lag, a stall, whatever
17 adjective you want to use to talk about it. Can you
18 describe that time period where not a lot was
19 happening, if anything?

20 A. (BY MR. BECK) Yes. So I'll kind of address
21 that in these following slides. But initially, as I
22 had indicated, the mine engaged Transcon and, not that
23 it matters, but Power Engineers for the actual
24 technical design. So they hired two consultants or
25 contractors to carry the 230 kV project forward. And

1 in that process, Transcon, along with BLM, determined
2 that an EA would be required. Because we were going to
3 be crossing BLM land, BLM would have to do some kind of
4 environmental process, and they determined that an EA
5 would be sufficient for their needs, as opposed to a
6 full EIS.

7 CHMN. CHENAL: Mr. Beck, would either you or
8 Mr. Warner at some point -- I've heard the distinction
9 between the two and what triggers one versus the other,
10 but just for my curiosity I'd like someone to explain
11 that. Mr. Warner can do it later.

12 MR. BECK: Yeah, I think Mr. Warner has some
13 information later on that he'll touch on. I guess my
14 quick way of looking at it is an EA is a little bit
15 quicker, and an EIS is much longer and there's just
16 much more involved.

17 CHMN. CHENAL: I'll ask Mr. Warner.

18 MR. BECK: Yes. Good.

19 So for this project, why an Environmental
20 Assessment? Again, BLM looked at our request for a
21 grant of right-of-way across BLM lands. That was kind
22 of the first step. Transcon reached out to BLM and
23 said, we're going to be crossing some BLM land. What
24 do we need to do? And BLM came back and said an EA
25 would need to be prepared in compliance with the NEPA

1 requirements. And again, an EA assesses the
2 environmental and human resources to determine if the
3 proposed project would cause a significant effect. So
4 again, it's just the hurdle to get an EA is less than
5 an EIS, which is much more rigorous.

6 So we moved on into our first public
7 outreach, and that occurred in the latter part of 2007,
8 with a project fact sheet mailing and open house
9 meeting to discuss study area and process. Then we had
10 a second open house in February of 2008, and it
11 identified two routes, and both of those were west of
12 the Cerbat Mountains.

13 So on the left-hand screen, this was fact
14 sheet -- the fact sheet that went out for the second
15 open house. And you can see, we identified basically a
16 common route from Harris up to a point where it split,
17 and we had an Alternate A and an Alternate B, and then
18 went on up along Highway 93.

19 BLM, in the initial discussions, was
20 supportive of that. While it touched upon the Cerbat
21 Foothills Recreation Area, it didn't go right through
22 all of their trailheads and what they felt was the key
23 part up on top of the hill around Coyote Pass. So
24 again, the routes would skirt along the edge of BLM, as
25 opposed to coming through the middle of the Cerbat

1 Recreation Area.

2 So in May we had a series of further public
3 open houses. And that first night, May 6, we had
4 someone videotape the meetings. UNSE and Transcon
5 didn't. It was another group, which I'll talk a little
6 bit about in a minute. But there were 13 segments that
7 are to this day still available on YouTube, just a
8 recording of what was being done and said in the public
9 meeting.

10 And I have a segment -- there's like an hour
11 and a half to two hours of recorded video from that
12 time frame. I've got a six-minute segment that I'd
13 like to play here. I think it gives you a little bit
14 of a taste for what we were hearing from the public,
15 what drove both us and BLM relative to putting some
16 eastern alternatives in. And there's one person
17 commenting pretty strongly about his opinion of BLM and
18 whether or not they were lazy and not doing their job
19 in looking at eastern routes.

20 CHMN. CHENAL: Mr. Beck, let me just add
21 before you play -- I'm curious. This first open house,
22 where was it held? Was it in Kingman?

23 MR. BECK: We did all of our open houses in
24 the Golden Valley area.

25 CHMN. CHENAL: In Golden Valley.

1 MR. BECK: So in a school along Highway 68.
2 So you go just over the hill and drop down, and there
3 was a school in there. And so it was very handy for
4 the residents to show up.

5 CHMN. CHENAL: And were most of the people
6 that appeared at the open house, to your recollection,
7 residents of Golden Valley, as opposed to Kingman on
8 the eastern side of the mountain?

9 MR. BECK: There were some residents from
10 Kingman. The majority were from Golden Valley, because
11 leading up to that meeting all they had seen were
12 western routes. So it was their concern. I believe
13 Mr. Cunningham had commented he was at at least one of
14 those evenings of meetings, so there was at least one
15 resident from Kingman.

16 BY MR. DERSTINE:

17 Q. Just to follow up on the Chairman's question,
18 the reason -- at this stage, this early stage of the
19 permitting process, the only routes you had shown to
20 the public were western routes, and there were two of
21 them, is that right?

22 A. (BY MR. BECK) For the second open house
23 that's what we had, we had the two western routes. And
24 because of input there, we came back with basically --
25 for this series of public meetings in May, we went back

1 to the study area map and said, you know what? We're
2 not even going to put routes on this map yet. We want
3 input. So if you look at that fact sheet from that
4 time frame, it's just showing the study area. So we
5 had gone from two routes in the west to basically an
6 open study area for discussion.

7 A. (BY MR. WARNER) And let me just add, the
8 study area did depict the eastern areas the corridors
9 existed in at the request of BLM. So even though we
10 didn't have any routes chosen there, that was part of
11 the study area.

12 Q. So if I go back to this prior Slide 60, to
13 just set the stage for this six-minute video of the
14 May 2008 open house, you had a project fact sheet that
15 went out in 2007 and an open house meeting before this,
16 correct?

17 A. (BY MR. BECK) We had an open house
18 February 2008, which was our second open house, and
19 that one had the two western routes in it. And up on
20 the screen, again, is the map that preceded that open
21 house in February as Alternate A and Alternate B.

22 Q. Was there an open house in 2007, looking at
23 the first bullet?

24 A. (BY MR. BECK) Yes, there was. There was an
25 open house in 2007. Again, it had the study area. And

1 it was basically a discussion and a kickoff with the
2 public to say, we're looking to build a line out here
3 somewhere. Here are the parameters we're going to be
4 looking at. Here is the study area we're considering.
5 We're looking for comments. We want your input. There
6 will be further information coming. So there wasn't
7 really any routing in that first public open house. It
8 was just the game plan or the ground rules for how we
9 were going to move forward.

10 Then when we got to that second meeting we
11 did show two alternatives, and we heard about that.

12 So then we kind of regrouped and came back
13 for that third public open house and we did a series of
14 meetings. So because there was such public interest,
15 instead of saying we'll do one night, we did May 6, 7,
16 and 8 consecutively, three nights, to be sure that the
17 public had an opportunity to get there. Hopefully
18 across three days they would be able to get to the
19 meetings.

20 Q. So at the second open house held in
21 February 2008 the public had only seen two routes,
22 both of them west of the Cerbat Mountains. And that's
23 why you were holding these open houses in Golden
24 Valley, because that was the project. You weren't
25 looking to -- there were no eastern alternatives on the

1 table at this time?

2 A. (BY MR. BECK) That's correct. Yes. And
3 again, the school was very convenient not only for the
4 residents of Golden Valley, it was convenient for the
5 residents of the city of Kingman, and it was a good
6 venue to hold our meeting. So that was kind of the
7 reason for that selection.

8 Q. Well, go ahead and take us in the way back
9 machine to see a young Ed Beck and Mike Warner.

10 A. (BY MR. BECK) Yeah. I will caution you,
11 there are a couple of people sitting at this table that
12 look a little bit younger at that time.

13 CHMN. CHENAL: Well, just identify who they
14 are.

15 MR. BECK: See if you can guess.

16 (Video plays.)

17 MR. BECK: So again, that was about a
18 six-minute snippet. As I said, there's over an hour
19 and a half available out there. They're still on the
20 website. If you want to go see them, you can.

21 Hot button at the time was EMFs. You heard
22 the one gentleman talk about BLM, and he was pushing
23 real hard for basically the eastern alternative that
24 we're bringing forward. He was pushing the BLM in that
25 meeting, why aren't you considering across there? Why

1 aren't there some alternatives to the east? And in
2 further discussion he was talking about their corridor
3 plan and how -- I believe it was him that used the
4 words BLM is a bit lazy and they should be redeveloping
5 that plan, if needed, to allow the Cerbat mountaintop
6 basically to be utilized.

7 So UNS Electric, Transcon, and BLM all heard
8 from the public at this meeting, we would like some
9 eastern routes. And so that helped drive us in our
10 development of our routes.

11 The meeting was intended to be a typical open
12 house where we would have boards around the outside of
13 the room. We had personnel from the utility, as well
14 as Transcon, manning all those positions to meet with
15 the public, answer questions, and so on.

16 That meeting ended up being basically a
17 question-and-answer sitdown discussion. As you saw,
18 Mr. Warner was at the board taking notes. We were
19 looking -- we were getting lots of input from the
20 public. They were not satisfied to have boards where
21 they only talked to one person. They each wanted to
22 hear what the other one was saying. And we heard loud
23 and clear.

24 Now, I don't think it was in this snippet,
25 but when this guy started recording he said, oh, I

1 would estimate there was a hundred people. You'll see
2 later I've got a clip from an article that said 60
3 people. So somewhere between 60 to a hundred people
4 were in that one meeting that one evening, and we had
5 three nights of meetings that other additional people
6 showed up. So just to give a little bit of flavor of
7 what we were dealing with back then.

8 BY MR. DERSTINE:

9 Q. Mr. Beck, what are we looking at on the left?
10 What's the map?

11 A. (BY MR. BECK) On the left is the -- this
12 goes back -- we should have had Fact Sheet Number 3.
13 This is Fact Sheet 2. So this was the two A and B
14 alternatives from the previous public meeting. So
15 prior to this set of meetings in May, we had reissued a
16 fact sheet that just had a study area on it. And it's
17 in the application --

18 Q. Under Exhibit J?

19 A. (BY MR. BECK) -- in Exhibit J, yes.

20 CHMN. CHENAL: And the slide you're referring
21 to is 65?

22 MR. BECK: Correct. Yeah. The map, Slide
23 65, the left-hand screen.

24 So on the right-hand screen you'll see just a
25 couple of other newspaper photos. The first one was

1 March of 2008, and it says there were about 30 people
2 that were having a discussion with Mr. Warner. And
3 then the right-hand screen is from May 7th. Again,
4 that was a person asking about EMFs.

5 So EMFs was another hot button. As you saw
6 in that clip, someone showed up with a picture of their
7 baby and it was near and dear to them. And multiple
8 people raised the EMF issue.

9 MEMBER NOLAND: Mr. Chairman.

10 CHMN. CHENAL: Member Noland.

11 MEMBER NOLAND: Thank you, Mr. Chairman.

12 Mr. Beck, a previous hearing, the last one or
13 the one before that, you had a chart of the EMFs you
14 get from microwaves or hair dryers or so on and so
15 forth. Can you make that available to us again? I was
16 telling Member Grinnell about it, and I'd like him to
17 see that.

18 MR. BECK: Mr. Chairman, Member Noland, we
19 can do that. I think we have a slide on EMF, or it's
20 at least in the application.

21 MEMBER NOLAND: If you can point us to it,
22 that would be great. I didn't see it as I went
23 through, but I could easily have missed it.

24 MR. BECK: We'll find that. And if we
25 didn't, we'll be sure to get the information to help

1 you. Since it's on our website, we could give it to
2 you in reference that it's on the public website.

3 And just briefly, that right-hand screen is
4 the EMF chart that we were going over in that meeting.

5 MEMBER GRINNELL: Mr. Chairman.

6 CHMN. CHENAL: Yes, Member Grinnell.

7 MEMBER GRINNELL: My experience in the NEPA
8 process and EISs and going through all this over the
9 years, when we refer people to a website to study these
10 links, I would venture to guess 90 percent really don't
11 know what they're looking at, number one, and simply
12 because they're not engineers, they have other lives,
13 they do other things in their lives.

14 And one of the experiences I've had, it
15 became rather volatile because people were hearing, but
16 they weren't listening. And they were so busy being
17 angry about what was going on that they didn't have a
18 chance. And it's hard to explain to people a process
19 by referring people to sites.

20 And so I guess my question is: When these
21 people were asking you questions, were they walking
22 away satisfied with the information, not the answer
23 necessarily, but the information available?

24 MR. BECK: Mr. Chairman, Member Grinnell,
25 yes, I think they -- while they weren't necessarily

1 satisfied that the answer meant what they wanted to
2 hear, they at least I think were satisfied that we were
3 providing information, we were providing links to
4 sites. We had a multi-page EMF handout that -- in that
5 clip I mentioned that we may run out of copies just
6 because so many people showed up, we didn't expect that
7 wide a turnout, but we were going to make that
8 available.

9 A couple slides later I'm going to talk about
10 the group that kind of was behind the videoing of that.
11 And you notice there was a lady in there with not
12 necessarily a clipboard, but she had a pack of papers
13 and she was taking notes. She was kind of leading that
14 charge and coordinating for that group. And at one
15 point she said, get me the information. We'll
16 disseminate it to our group.

17 So we had handouts, we had information on
18 boards for them to see, we talked through stuff
19 individually with them. So after we had the Q and A
20 session, and even prior to the start of that kind of Q
21 and A discussion, there was some opportunity for people
22 to come up, look at the table, and talk to individuals.
23 So we were also doing that.

24 But the Golden Valley Public Awareness Team,
25 is what they were called, were really coordinating the

1 people, the public in Golden Valley to become involved
2 in this project and voice their opinions and were a
3 large driver of the turnout at these meetings and
4 getting people there.

5 Very early, in the very beginning of taping
6 this, she mentioned that we're going to disseminate
7 this information. Well, that was the purpose of them
8 videoing it, posting it to YouTube, so that all of
9 their members and all of Golden Valley or Kingman, all
10 of the people would have an opportunity to see what was
11 discussed if for some reason they couldn't make the
12 meeting. So they were really driving, you need to be
13 informed, you need to get your voice heard in this
14 process. And so that really helped -- from a company
15 perspective, it really helped get that public, if you
16 want to call it a vote, but the public input to us.

17 And typically we do these open houses, in
18 particular at TEP, and a lot of projects you have an
19 open house and you get a handful of people. And it's
20 disappointing from our perspective, because we're
21 trying to get the public involved, get that information
22 out. People don't show up, they're not interested or
23 whatever. In this case, the populous was very
24 energized to show up and give us input, and they gave
25 us input.

1 MR. DERSTINE: Member Noland, Member
2 Grinnell, the slide that we currently have in our
3 presentation on EMF and typical magnetic field levels
4 for appliances is 138, it's Right Slide 138, but we may
5 have better and different materials that we can also
6 share.

7 MR. BECK: So on May 8th of 2008 the Miner
8 had another article in the paper, and it was discussing
9 the previous -- the meeting from May 6. And as it
10 says, for more than two hours, representatives of UNS
11 Electric and Transcon fielded questions and so on, and
12 points out, quickly turned into a round table
13 discussion moderated by Transcon, Mr. Mike Warner. And
14 then it mentions here the Golden Valley Public
15 Awareness team, and this is where they said more than
16 60 people.

17 The Golden Valley Public Awareness Team
18 created a Yahoo Groups, effectively a mailbox at the
19 time. Yahoo has done away with that function; but at
20 that time, that's what they were using. So they were
21 e-mailing amongst all of their members any information
22 that came out from us. So not only did we have our
23 public outreach process, our mailing lists,
24 notifications, newspaper, whatever, they in turn had
25 their own internal communication. And they were

1 relaying -- whatever we were doing, they were making
2 sure their particular members saw and heard all of
3 that, all of the information.

4 CHMN. CHENAL: Member Noland.

5 MEMBER NOLAND: Thank you, Mr. Chairman.

6 Mr. Beck, what's changed? Why don't we have
7 that same number of people and grouping coming forward
8 now with the same exact west route included?

9 MR. BECK: I have a fear that part of it is
10 related to the fact that both BLM came out with their
11 preferred as the eastern, UNSE has filed its
12 application with the eastern as preferred, so a lot of
13 the residents of Golden Valley probably feel they were
14 successful.

15 And, you know, I know they're -- we've been
16 trying to get the word out, there was a good newspaper
17 article within the last week about this set of
18 meetings, to try and let the public know that a
19 decision hasn't been made, so everything is still kind
20 of on the table.

21 MEMBER NOLAND: Even, Mr. Beck, after you
22 have both the County and the City endorsing the west
23 route?

24 MR. BECK: Well, we had the Mayor of the city
25 endorsing the west route and the board of supervisors

1 did vote to support the western route. As you heard
2 from some members of the public in the public comment,
3 at least their feeling was that the board of
4 supervisors does not represent the residents of Mohave
5 County. Whether that's true or not --

6 So has it energized people to show up? You
7 know, this is kind of the typical turnout we're used
8 to, you don't get a lot of people showing up. That's
9 about all I can say.

10 MEMBER NOLAND: Well, those that did show up
11 were from that area, however. I think probably four or
12 five that we heard from were from that area. I think
13 it's got to do with a lot of different things,
14 including the economic downturn and a lot of people
15 that left Golden Valley, a lot of people went different
16 places, COVID. I mean, it could be any number of
17 things.

18 But I go back and I'm still a little confused
19 and I need you to clarify the City's position one more
20 time. The Mayor says west. Has the City -- and I know
21 we discussed this yesterday, but has the City Council
22 come out with a new recommendation and resolution?

23 MR. BECK: As of this point, we have not seen
24 or heard anything from the City other than what the
25 Mayor said. So internally at the City, when we brought

1 to their attention that they had passed a resolution,
2 it shocked their people. So they weren't even aware
3 there was a resolution. So I would guess that they
4 didn't figure out a way to go back and backtrack on a
5 resolution.

6 MEMBER NOLAND: Thank you.

7 MEMBER HAMWAY: Mr. Chairman.

8 CHMN. CHENAL: Member Hamway.

9 MEMBER HAMWAY: From my experience on the
10 councils, a past council can't make rules that's going
11 to force a future council into doing something. So the
12 resolution, while it exists, it's interesting, it's
13 really nonbinding, really doesn't have much umph. And
14 it's interesting, but I don't really think it has much
15 to do with today.

16 But I'm with Member Noland, I would love to
17 know how the other council members feel. I think the
18 Mayor was speaking as herself and not for the council,
19 so we still don't know what the rest of the council
20 feels.

21 MR. BECK: That is correct, Member Hamway.
22 And we did -- when we reached out to the City, I think
23 I may have mentioned the other day, we asked if they
24 would like a presentation, would they like further
25 information, would a working session, anything be of

1 assistance to them.

2 And they said, no, we have everything we
3 need. And then they indicated, we're going to send the
4 letter we sent back originally, which was the western
5 routes. And that's when we recontacted them and said,
6 oh, by the way, there was a resolution. At least keep
7 that in mind as you go through your process. And then
8 we haven't heard anything from them since.

9 So they didn't want any input from us. They
10 didn't want a presentation. They didn't want further
11 information. We would love to get in front of the
12 employees of the City, as well as the council, and say,
13 here is what we're doing and this is why we think this
14 is the best. We haven't been offered that opportunity
15 at this point.

16 CHMN. CHENAL: And didn't you say, Mr. Beck,
17 at least when you or representatives of UNSE met with
18 the town manager or administrator, that he took kind of
19 a neutral approach, noncommittal approach? Mr. Raatz,
20 didn't you testify to that the other day?

21 MR. RAATZ: Mr. Chairman, yes, that's
22 correct. He didn't voice an opinion over one route or
23 the other.

24 BY MR. DERSTINE:

25 Q. Well, I think your testimony, Mr. Raatz, was

1 that he was supportive of the project, but you didn't
2 ask for a preference, you didn't ask for a letter
3 supporting the eastern route, and there was no
4 discussion on a route preference. Did I hear that
5 right?

6 A. (BY MR. RAATZ) That is correct,
7 Mr. Derstine.

8 A. (BY MR. BECK) Okay. So the continuation of
9 that article. It was a rather long article. I think a
10 couple of other important points that came out is that
11 the Golden Valley Public Awareness Team examined the
12 project -- and this is coming from the reporter, so
13 this wasn't UNSE -- they have developed Alternative
14 Routes C, D, and E, which will be discussed at the open
15 houses. And that was per their spokesperson.

16 It's important to note that this C, D, and E,
17 that's where those routes were developed. They came
18 from that Golden Valley group. They brought them to
19 our meetings, and we started looking at them and
20 discussing with the public on maps. And those maps
21 were laid out on the table to drive people's comments.
22 Okay. You're going to comment on this project. If you
23 have some preferences, if you like some of these
24 routes, go ahead and refer to them specifically.

25 So if you did sort your way through some of

1 the 170 pages, there are references in there to, I like
2 C or D or E. That's what those routes are. You didn't
3 see them on maps that we had sent out as fact sheets,
4 because they brought that to the table for the public
5 meetings. And so in that May time frame the public
6 comments that we received that are using references to
7 C, D, and E are to routes that they brought forward and
8 put on the table and wanted the public to see and
9 comment on. And so that kind of evolved into -- at
10 least some of that is the E routes, the eastern routes
11 that we brought forward.

12 CHMN. CHENAL: So, Mr. Beck, the C, D, and E
13 that is referenced in Slide 70 right, R70, those are
14 eastern routes as opposed to western routes?

15 MR. WARNER: Yeah, let me point those out.
16 Again, they were sketches that were put together by the
17 group and then coordinated and said, hey, who likes
18 these? But the C, D, and E routes were all sort of
19 coming around on the eastern side. Some went directly
20 through the Cerbat Mountains, and then they kind of did
21 different permutations along the eastern route. So
22 that's what they more or less reflected.

23 We took those and then digested it against
24 the criteria that could be supported under an
25 environmental document and then came up with the

1 eastern routes, and I'll talk more about that later.

2 MR. BECK: But just to -- but the intent of
3 pointing this out was just as you're going through the
4 comments, and I know it's very difficult to do that,
5 but there are those references to C, D, and E, and
6 that's where that is coming from.

7 And then also quoted here is a statement that
8 was made by the field office manager for the BLM that
9 was at the meeting. And he said to them, for BLM a key
10 for the transmission line is compliance with the 1995
11 Land Management Plan. And it was the manager at the
12 time, Ruben Sanchez. And so that was important from
13 the standpoint of the BLM utility corridors. So they
14 had gone through their plan, their management plan,
15 they had developed corridors across BLM lands, and they
16 were saying that that's a strong consideration for them
17 when they route a project, is it in an existing
18 corridor, BLM corridor.

19 The western routes on the north/south portion
20 are not defined -- and Mr. Warner will talk a little
21 bit more and show you a map later. But the western
22 routes, as we go north along the edge of the Cerbat
23 Recreation Area, are not a BLM-defined corridor. The
24 only BLM-defined corridor on a north/south basis is the
25 one that goes up along our E1, E2 routes, the eastern

1 route on the common portion.

2 CHMN. CHENAL: And Mr. Beck, will Mr. Warner
3 or you get into how those BLM corridors were developed
4 and when they were developed?

5 MR. BECK: Yes.

6 CHMN. CHENAL: Because I think there was some
7 public comment, maybe from Mr. Cunningham, that
8 referenced that those were developed long ago and maybe
9 without public input or something along those lines
10 that maybe called into question the generation of those
11 corridors. So I just think a little testimony on that
12 would be helpful.

13 MR. BECK: Mr. Chairman, we will address
14 that. I believe what Mr. Cunningham referenced is that
15 his property was not on BLM, so he wasn't contacted,
16 per se. But it was a full public process, and we'll
17 talk about it.

18 BY MR. DERSTINE:

19 Q. You're going to turn over to Mr. Warner,
20 Mr. Beck, a discussion of the Resource -- BLM Resource
21 Management Plan and corridors. But were you going to
22 reference what I have in my hand and is marked as
23 Exhibit 49?

24 A. (BY MR. BECK) Yes, Mr. Derstine. If we
25 could bring what we propose to be Exhibit 49 up.

1 Q. I don't know if Jason has that.

2 A. (BY MR. BECK) So this will be specific to
3 some of the RMP issues, the Management Plan that the
4 BLM put together, but also is -- will address
5 Mr. Haenichen's -- Member Haenichen's question from
6 yesterday regarding the western studies.

7 So what you're seeing up on the screen now is
8 an excerpt from the Final EIS for the BLM RMP, and this
9 does date back to 1995 when it was finalized. The EIS,
10 I believe, was in 1993. And so I think a couple of --
11 there's a key section here. It says, "Section 503 of
12 the Federal Land Policy and Management Act requires
13 that in order to minimize adverse environmental impacts
14 and a proliferation of separate rights-of-way,
15 corridors will be used to the extent practical.
16 Designation of corridors is done in response to the
17 Western Utility Study identifying present and future
18 lines and is an attempt to keep these utilities in a
19 limited area, eliminating unnecessary and undue
20 degradation to lands."

21 Member Haenichen had asked me yesterday if
22 the western study was part of the input, and I may have
23 been referring to a different study. So there was a
24 Western Utility Corridor Study done in 1992, and that's
25 what this references to. And that was a study put

1 together by all of the utilities in the west to come up
2 with corridors throughout all of the states. They have
3 a binder of state maps that show these are the existing
4 and proposed future corridors for transmission, to get
5 them identified on all of the public plans so that they
6 would be available for use when the need occurred.

7 There was a specific line as a future
8 corridor from the Kingman area to Hoover Dam, basically
9 the Highway 93 alignment or the 69 kV of UniSource
10 electric, kind of one and the same. That was
11 identified in that western study plan.

12 So Member Haenichen, if you were referring to
13 the West-wide 365 corridors, that was not part of this
14 because that came later. But the Western Utility
15 Corridor Study was an input to the BLM process. And
16 where they reference corridor in this language, it's
17 the BLM corridor, that designated utility corridor that
18 they were developing.

19 So again, this was in '93. They did their
20 EIS process, a long, drawn-out process. I know they
21 had over 103 public comments in the document, so there
22 was extensive public outreach, they have a lot of
23 agency comments. And that all formed the basis for the
24 Final EIS, which then ultimately became their RMP plan
25 in '95 when it was finally approved. So there's just

1 an example, that EIS process, and I didn't look at the
2 dates, but it was a long-term process with BLM, and
3 then it still took another two years from the Final EIS
4 to actually finalize and adopt the plan.

5 MEMBER HAENICHEN: Mr. Chairman.

6 CHMN. CHENAL: Yes, Member Haenichen.

7 MEMBER HAENICHEN: But isn't it true that any
8 of these processes that reach out over time eventually
9 don't have validity, because there's a lot of new
10 construction of other little towns and what have you
11 that goes on, and you may need additional corridors?

12 MR. BECK: Mr. Chairman, Member Haenichen,
13 that's true. So over time, as loads develop
14 differently than planned, cities, towns, roads pop up,
15 altering potential, then plans need to adjust. But the
16 intent of that original Western Utility Corridor Study
17 was all of the utilities getting together under what
18 was called the Western Utility Group to try and
19 identify planned corridors at the major level that
20 should be on all city, county, state plans to preclude
21 limitations on using those corridors.

22 It didn't necessarily work. I mean, people
23 don't even know that Western Utility Study was done. I
24 brought it up in previous siting cases for projects,
25 and to your point, I mean, it's old information. But

1 there was a lot of money spent to create these maps to
2 identify these are the corridors that should be
3 maintained for future development. Now, do they need
4 to adjust and add to it? Yes, that's true.

5 MEMBER HAENICHEN: But what matters to us in
6 this room here today is, are we bound by any of this?
7 Are these limitations to us or is something going to
8 get shot down just because we didn't obey something
9 that was done in 1993?

10 MR. BECK: So from UNSE's perspective, the
11 risk relative to BLM is that if we're not in a
12 designated utility corridor today that's on their books
13 today. In particular, if we end up getting approved
14 for the western route we will reapproach BLM and say,
15 what do we need to do? We've had some preliminary
16 indications from at least one individual that it
17 shouldn't be a major issue. But all it would take
18 would be a member of the public showing up in front of
19 the BLM saying, you don't have a designated corridor.
20 You can't do that. And they could force the hand of
21 BLM to go back and redo their RMP plan, and that is
22 likely of enough significance that it would be an EIS
23 process. And with our experience with BLM, that could
24 easily be a 10- or 15-year process.

25 MEMBER HAENICHEN: Yikes.

1 MR. BECK: Exactly.

2 CHMN. CHENAL: Member Noland.

3 MEMBER NOLAND: Mr. Beck, do you have a slide
4 or an exhibit on the corridor from BLM that you could
5 put up with this information?

6 MR. BECK: Mr. Chairman, Member Noland, yes,
7 we do.

8 Do you know which slide it was, Mike?

9 MR. WARNER: It's just coming up. So I'll
10 walk you through that in just a second, if that's all
11 right, because I think it's in the next couple of
12 slides.

13 MEMBER DRAGO: Mr. Chairman.

14 CHMN. CHENAL: Yes, Member Drago.

15 MEMBER DRAGO: Thanks, Mr. Chairman.

16 Mr. Beck, this document, what Committee
17 Member Noland just asked for, I think it needs a
18 reference. So where is this lifted from? This is an
19 excerpt from something.

20 MR. BECK: We can get the official reference
21 to that, but it's from the Final EIS for the RMP plan
22 for the Bureau of Land Management in 1993.

23 MEMBER DRAGO: Okay. Thank you.

24 MR. BECK: And it is available on their
25 website, so we can give you that link and the title.

1 CHMN. CHENAL: And this RMP in 1993,
2 Mr. Beck, I mean, what was the area that was covered by
3 it, the entire western U.S., the Kingman area, what?

4 MR. BECK: Well, I believe it's northwest
5 Arizona.

6 Mike, do you happen to know on the RMP?

7 MR. WARNER: Yeah. I'm going to take a
8 picture of the map and then I'm going to put it up on
9 the screen and we'll use that. I'm going to take a
10 picture of the map, I have it here in paper form, and
11 I'll put it on the screen in just a second.

12 CHMN. CHENAL: And are there other RMPs in
13 the western portion of the United States in addition to
14 this one?

15 MR. BECK: The BLM, throughout their system,
16 has similar documents, yes, similar to the -- the
17 Forest Service has their plans for their forests that
18 detail utility corridors. And they have a similar
19 process where if they want to alter those corridors,
20 they have to go through a public process to get those
21 modified.

22 MEMBER HAMWAY: Mr. Chairman.

23 CHMN. CHENAL: Yes, Member Hamway.

24 MEMBER HAMWAY: So I probably have the
25 acronym wrong, but it's Biennial Transmission Plan,

1 where utilities present a 10-year range of projects
2 that they want to do. Do you have any idea what I'm
3 talking about?

4 MR. BECK: Mr. Chairman, Member Hamway, yes.
5 That's a -- well, there's a biennial analysis. So
6 every two years the Commission takes what we file
7 annually. So every year the utility has to file a
8 10-year plan, which is looking out for 10 years. And
9 then every two years they do a biennial assessment,
10 where the Commission will hire a consultant to come in
11 and review the plans and make sure they're going to
12 support the state from a transmission perspective.

13 MEMBER HAMWAY: So has this project been on
14 those plans over the last 15 years?

15 MR. BECK: It definitely has been in the last
16 few years. And I know we have some dates in the
17 application --

18 MEMBER HAMWAY: It probably doesn't matter.
19 I was just curious if that provision, the BTA or
20 whatever it's called, was running parallel to this way
21 back then. When did that come into existence and has
22 it kind of taken the place of this corridors map that
23 you're presenting?

24 MR. BECK: Member Hamway, totally different
25 things. But from a State perspective, the ACC --

1 again, we file these 10-year plans. That's been for
2 many, many years. The biennial assessment came into
3 being more recently; whether it was 2007 or '10, I'm
4 not sure. But subsequent to that, it would have been
5 within that process.

6 MR. RAATZ: And Member Hamway, just if you
7 look in the application on Page 2, there is a table
8 that shows all of the dates that this project has been
9 included in the 10-year plan.

10 MEMBER HAMWAY: Okay. Thank you.

11 CHMN. CHENAL: Member Noland.

12 MEMBER NOLAND: Mr. Chairman, Mr. Beck, now
13 I'm confused. So BLM has had this corridor that
14 everybody worked on for almost 30 years. And yet when
15 you presented the plan to the people in Golden Valley,
16 you didn't use that corridor, is that correct?

17 MR. BECK: Well, initially the discussions
18 with BLM, they felt that they probably could do an EA
19 to adjust whatever, and relatively easily, except the
20 western corridors. We never really got to the point of
21 really delving into that. They initially said that.
22 We showed those first two western corridors, got so
23 much public response to that. BLM said, well, wait a
24 minute. We need to relook at and use the corridor
25 issues. That's why in that article he was saying a key

1 to them is that RMP plan. He was driven there by the
2 members of the public who said, BLM, do your job,
3 basically.

4 So early on, yeah, we didn't lock in on the
5 corridor issue. But after that first meeting and the
6 input we got, then it became key that, yeah, we need to
7 really be looking strongly at the utility corridors.

8 As we move forward with BLM, they've studied
9 all of this stuff. They've accepted or identified
10 their preferred, which is utilizing those corridors
11 today. We didn't go to the next level with them yet as
12 to, what's it going to take if we end up with the
13 western route and what are you going to have to do to
14 either modify that plan or is there some way around not
15 modifying the plan.

16 But from our perspective, the risk is a
17 member of the public shows up and says, no, you have to
18 modify your plan. You can't build outside of
19 designated utility corridors. And BLM, as the agency
20 that they are, will likely say, yeah, you're right. We
21 need to do that. And then it opens the whole can of
22 worms of that process and is it a full EIS.

23 Now, this RMP dates back -- relative to the
24 utility corridors is 1995. There are updates to that
25 RMP along the way. Like I think right now there's a

1 process in place for something to do with burros. And
2 so they're looking to update that Management Plan
3 specifically to -- something to do with the burros.
4 I'm not sure what it is. So they do update that plan.
5 But relative to utility corridors, it goes back to that
6 date.

7 MR. WARNER: Let me add just a little bit of
8 comment to that. Early on when we were discussing with
9 BLM and at the very beginning of the project, we
10 included -- at their urging also included the study
11 area on the eastern corridors. It was important for
12 them to be able to do that as part of their analysis.
13 But they agreed that looking at the western route was
14 easier. You know, you saw some of that. It was open
15 land. It was relatively straightforward. It appeared
16 to be a place that was easier in many respects. It's
17 more complicated to build in the corridor, there's more
18 stuff there, and you saw that. And so I think that
19 they were comfortable with considering the route on the
20 left in the study phase.

21 When it came out -- and maybe it's useful to
22 start that. When it came out that there was such
23 strong feelings in opposition in the west, then they
24 were in it in full. And they said, well, if you're
25 going to come onto the BLM land, that's right, we need

1 to have it go in a corridor. And so that's where the
2 corridor started becoming the most prominent feature of
3 their efforts.

4 MEMBER GRINNELL: Mr. Chairman.

5 CHMN. CHENAL: We have a couple questions
6 pending.

7 MEMBER NOLAND: I'm not finished.

8 CHMN. CHENAL: So Member Noland, then we'll
9 go to Member Haenichen, then we'll go to Member
10 Grinnell.

11 MEMBER NOLAND: Thank you, Mr. Chairman.

12 Well, it would appear to me that they should
13 listen to their local governments and local elected
14 officials, that's one, whether the people agree with
15 those or not.

16 Number two, if you do a 500-foot corridor
17 along the west side, you could set it so that if BLM
18 did not go along with it, then you could go on the
19 other side on private land. I mean, those are options.
20 There is, you know, the fact that you want to go
21 through the BLM land towards the south there over from
22 the substation, but the rest of it could be put on the
23 section lines and adjusted, even if we had to do a
24 thousand-foot corridor, so that it could be moved off
25 and not have to go through the EA process. And that's

1 just my own opinion of that.

2 I think I really want to see this corridor
3 map. And, you know, I had never heard about this
4 before. I've only been on this Committee 12 years.
5 And we have talked numerous times about why don't we
6 adopt real corridors all the way across that local
7 governments can buy into, and that's where you put your
8 utilities. And here we are, nobody knows about it, or
9 if they do know about it they don't like it, and the
10 local governments aren't in agreement with it.

11 So now here is our decision. What do we do?
12 So there are ways to get around the whole corridor
13 issue with BLM and a lengthy tie-up with BLM, but I
14 would have to look again at how the map runs and how
15 many residences and so on along that west line if it
16 didn't go on BLM land. Thank you, Mr. Chairman.

17 CHMN. CHENAL: Yes. And I would add that if
18 that were to occur, we'd probably have to renote this
19 hearing, because it would be a material change from the
20 application. Could be. Could be.

21 MEMBER NOLAND: If we went outside of the
22 500-foot corridor.

23 CHMN. CHENAL: Right.

24 MEMBER NOLAND: Yes.

25 CHMN. CHENAL: I'm just suggesting that that

1 would be an issue.

2 If you want to comment, Mr. Beck, and then
3 Member Haenichen has a question.

4 MR. BECK: Mr. Chairman, Member Noland, our
5 issue relative to the 500-foot corridor, we'd have to
6 do the measurement, but in the very northwest corner,
7 where we're going around the Cerbat Foothills, we
8 tucked into the BLM land on that corner to be behind a
9 hill. So it's a matter of what dimension it would have
10 to be, just to point that out.

11 CHMN. CHENAL: Member Haenichen.

12 MEMBER HAENICHEN: Thank you, Mr. Chairman.

13 This question is aimed at either of you two
14 gentlemen. What can we do to avoid this whole thing
15 we're doing here, these five days, being a complete
16 exercise in futility? Is there a way that we can, for
17 example, select a corridor or a route, I should say,
18 forget the word corridor, select a route that we think
19 makes sense, and then say something like, but if this
20 is going to involve a lengthy federal process, we would
21 rather see this other corridor? Would you guys comment
22 on that, please?

23 MR. BECK: Mr. Chairman, Member Haenichen, I
24 mean, we're open to something like that. I'm not sure
25 what the Commission would say relative to that. If we

1 were directed to go out and try and get, for example,
2 one of the western routes through a BLM process and had
3 a time frame around that, say, if you can do that in a
4 year and a half, do that, otherwise revert back, I
5 think from a company's perspective we could live with
6 that. The technical legal issues of how the Commission
7 itself would deal with that once your recommendation
8 would go up to them, I don't know.

9 This whole issue of corridors and identifying
10 these for future use is something near and dear to the
11 companies, and we have been pushing -- there's
12 legislation in place that the plans are supposed to
13 incorporate these plans in utilities, but our
14 jurisdictions don't do that and they don't want to face
15 the public opposition to showing something on the map
16 that kind of identifies this as a future corridor.

17 So ideally, yeah, that would happen and we
18 would get these all coordinated so it would make both
19 of our lives much easier.

20 MEMBER HAENICHEN: Specific to this case, in
21 your opinion, is it true that there's less controversy,
22 then, if we select an eastern route?

23 MR. BECK: My opinion is that there will be
24 much less pushback from the public relative to the
25 eastern routes. We know there are a couple of

1 individual families that are concerned, we understand
2 that. We have tried to mitigate it to the extent
3 possible, as you heard, relative to Mr. Cunningham. He
4 doesn't like the eastern routes. He doesn't want the
5 eastern routes. But if the eastern route gets
6 selected, there's something he can at least live with.
7 Again, not a preference, but it's something he could
8 live with.

9 As you saw in the flyover, other than the
10 area right around Mr. Cunningham's property, and I
11 think we're going to have more testimony from
12 Mr. Warner relative to some of the residences and so
13 on, we're not really going by a lot of residences or
14 residential land on that eastern route. You look at
15 the numbers that are in the tables, Mr. Warner is going
16 to speak to that, but you go out to those wider
17 distances, where you're starting to pick up more
18 residential, the impact from the line is not great.
19 And there's already a 69 kV line for the most -- for
20 the most part along those routes.

21 So I think, again, this is why we picked the
22 eastern as our preferred. We heard the public, we
23 heard the public strongly. The overwhelming majority
24 of the public wanted us to go on the eastern routes.
25 Whether it be E1 or E2, I don't know that the public

1 necessarily cares on that, because it's kind of
2 industrial land and mountainous terrain down there.
3 There's the Nucor property and the Western Wind; and
4 other than that, there's nothing developable or very
5 well developable on that southern piece.

6 But the public definitely wanted eastern
7 alternatives to be selected. The point that was being
8 made in that one clip, and it was echoed throughout the
9 meetings, was: BLM, listen to us. BLM, consider this
10 route across basically Coyote Pass.

11 The initial point that Mr. Warner raised, BLM
12 saw the western routes initially as easier because
13 that's open, flat, nobody is out there, nobody is going
14 to be walking, hiking, anything out there. Nobody is
15 going to care. They didn't recognize that public that
16 sits out there and lives out there.

17 So their initial look was, well, we've got a
18 nice recreation area. We should just keep that for
19 recreation and not disturb it. Well, as that one
20 person said, and it was echoed again by others, BLM, we
21 don't care about that recreational area. You can still
22 go out and hike. The people that are hiking don't live
23 there 24/7. And so allow it to go across where there's
24 an existing utility already, replace that 69 line and
25 use that.

1 And so that's what drove, again, us and BLM
2 to even consider the eastern routes. And in the end,
3 BLM came to that conclusion based on all of their
4 analysis, and UNSE supports that conclusion that E1 is,
5 at least from our perspective, the preferred, best
6 route and will be the least objectionable to the
7 majority of the public. Again, you're never going to
8 please everybody. But we heard loud and clear
9 throughout the process, and very, very, very loud and
10 clear in 2007, 2008.

11 Less input '16 on, but again, the routes were
12 shaping up that the eastern routes were on the maps
13 now. And so the public had got that piece of it and
14 felt that BLM and UNSE had finally gotten it right and
15 included eastern routes. And then by the time the BLM
16 preference came out and then we made our application
17 and showed our preferred route, I think there was a
18 general just exhale by the public and, no, they haven't
19 been involved. And I think we heard it again in the
20 public comment, how many times do we have to come in
21 and tell you? We've made our statements. Don't keep
22 bringing us in to reinforce our position.

23 MEMBER HAENICHEN: Thank you.

24 CHMN. CHENAL: Member Grinnell, you had a
25 question.

1 MEMBER GRINNELL: Thank you, sir.

2 Real quick, W1, 2, 3, and 4, they are going
3 through BLM land. Are those established corridors?

4 MR. WARNER: Let's step through that now. On
5 the map -- first, you can't see it very well from
6 here -- but this is right out of the RMP. And it
7 reflects, within the Kingman resource area, all of the
8 corridors. So I'm going to point out on the map --
9 this is Map 14 in the RMP. It's located approximately
10 Page 66 of the RMP, which was established in 1993, but
11 it's still the active one.

12 Our project is right in this area. Kingman
13 is right there where you're seeing my green dot. This
14 is the 93 corridor. So you can see it goes all the way
15 up in the Kingman resource area. And if their boundary
16 of the Kingman resource area extended to Hoover Dam --
17 that's Hoover Dam right here. So you can see that
18 corridor, and it's all along 93. There's another
19 corridor right here, it's called Corridor Number 3, and
20 that's the other corridor that's on the south.

21 So now let's go to another map. Can you
22 bring up the other map that I asked you to bring up on
23 the left?

24 CHMN. CHENAL: Mr. Warner, is there any way
25 to blow that up?

1 MR. WARNER: Oh, on this one?

2 CHMN. CHENAL: Yes, so we can see the --

3 MR. WARNER: Yeah. Can you zoom in? I have
4 it depicted on our land use map, so you can see how it
5 crosses the project and the alternatives. Would you
6 like me to show that exhibit?

7 CHMN. CHENAL: I'd like to see --

8 MR. WARNER: The BLM?

9 CHMN. CHENAL: -- the BLM, because that lists
10 all of the corridors.

11 MR. WARNER: That's correct. Can you guys
12 zoom in on that image at all?

13 MR. MOELLER: It's in PowerPoint. We won't
14 be able to do it.

15 MR. WARNER: Okay. Then let me do it from
16 here, because I think I can do it with another
17 technique.

18 CHMN. CHENAL: Let's do this. Let's take our
19 morning break now. That will give folks an opportunity
20 to pull that together. We'll take a 15-minute break.

21 (Off the record from 10:38 a.m. to
22 11:14 a.m.)

23 CHMN. CHENAL: Good morning, everyone. Let's
24 resume the hearing. We had some technical issues that
25 caused a little delay, but nothing that was

1 insurmountable, and we're ready to go.

2 I think where we left off, we were talking
3 about the utility corridors as reflected in 1993
4 Resource Management Plan for the Kingman area at least.
5 And I think, Mr. Warner, you were going to try to blow
6 up the image that we had seen previously. So let's
7 turn it back to you, then, if that's okay,
8 Mr. Derstine.

9 MR. DERSTINE: Thank you, Mr. Chairman.

10 BY MR. DERSTINE:

11 Q. Before I have Mr. Warner use his pointer and
12 get into the RMP utility corridor map, Mr. Warner, I
13 just want to make sure I'm tracking and understanding.
14 There's a lot of corridor language going around in the
15 application, as well as the EA and our testimony. So
16 the -- if I'm looking at the EA, which is Exhibit B to
17 the application, and I read that, it says -- it's under
18 section 4.1.1.4, Planned and Proposed Land Use. It
19 says, "The entirety of the east Cerbat alternatives are
20 within BLM-designated utility corridors." I assume
21 that's a true statement except for where the east
22 Cerbat alternatives cross private land, is that right?

23 A. (BY MR. WARNER) Yes.

24 Q. So BLM is not in the business of and has no
25 ability to designate utility corridors crossing private

1 land, right?

2 A. (BY MR. WARNER) Yes.

3 Q. But what that statement says and what it's
4 intended to mean is that, to the extent that the east
5 Cerbat alternatives are crossing BLM land, they're
6 within a BLM corridor, do I have that right?

7 A. (BY MR. WARNER) Yes.

8 Q. Now let me talk about the west. This is
9 again in Section 4.1.1.4, next paragraph down. It
10 says, "Nearly three quarters of the west Cerbat
11 alternatives are within a BLM-designated utility
12 corridor."

13 You and I had a conversation off the record,
14 but I just want to make sure that I'm understanding
15 what you told me. And that is that there are segments,
16 certainly the long segment where the west alternatives
17 are common with the east alternatives and follow
18 Highway 93, that's a BLM utility corridor, correct?

19 A. (BY MR. WARNER) Yes.

20 Q. There is another portion of the west
21 alternatives that are within a BLM-designated corridor
22 to the south, and you're going to show the Committee
23 those on, if not this map, another map or a combination
24 of maps, right?

25 A. (BY MR. WARNER) Yes.

1 Q. But there are segments of all of the west
2 alternatives that are on BLM land but are not within a
3 BLM utility corridor, is that true?

4 A. (BY MR. WARNER) Yes.

5 Q. Okay. Good. I think I'm tracking you now.
6 And why don't you go ahead and -- well, let me just --
7 Member Noland's question was exactly the question I had
8 before we started this morning. That was: BLM is
9 saying and has said that it's a critical aspect of this
10 project that, to the extent routes are on BLM land,
11 that they are within BLM corridors, or it's important.
12 I'm not going to say critical, but important. Is that
13 right?

14 A. (BY MR. WARNER) Yes.

15 Q. But that's hard to give that with where you
16 were in May 2008 or earlier, when the two routes that
17 were on the table to the public were not in BLM
18 corridors, right?

19 A. (BY MR. WARNER) Right.

20 Q. Okay. And what I heard you say the
21 difference was is that the two routes at that time were
22 on the edge of BLM land, but the main thing is BLM
23 wasn't focused on corridors at that time?

24 A. (BY MR. WARNER) That's right.

25 Q. And so corridors weren't important until they

1 were, and they became important because the public told
2 them, BLM, you have utility corridors out there. Why
3 aren't you using them? Is that a fair characterization
4 of kind of what you heard at that May 2008 open house?

5 A. (BY MR. WARNER) With a little more
6 exuberance, yes.

7 Q. And expletives?

8 A. (BY MR. WARNER) Yes.

9 Q. Now, go ahead and use your map now and move
10 forward with -- I think what you're doing now is
11 identifying where those BLM utility corridors are under
12 the RMP?

13 A. (BY MR. WARNER) Yes. So let me zoom in on
14 Kingman and the area. Now, this was printed on paper,
15 and it's available electronically on a PDF that you can
16 download, but the granularity is because of when it was
17 done. You can see the word "Kingman" right there. And
18 then you can see this boundary here around Kingman,
19 it's a block, that's in this area. This is 93 as we
20 kind of go up here. The reason I'm using this ball is
21 because the people that are watching can see this. And
22 then this is the other corridor that we're talking
23 about right here. This is Highway 68 down here that
24 you can see right across there. Is that helpful,
25 Mr. Chairman?

1 CHMN. CHENAL: Mr. Warner, yeah. What is --
2 when you say "this is the corridor," what am I
3 supposed to be looking at? I see a lot of lines up
4 there. I see dotted lines. Are the corridors the -- I
5 see like --

6 MR. WARNER: That's right.

7 CHMN. CHENAL: -- 8, I see a 9, I see a 3 and
8 a 7. Maybe you could explain the map and then explain
9 the corridors.

10 MR. WARNER: Very good. Those numbers
11 designate the name of the corridor that they're
12 referring to in their documentation. I'll go to a page
13 that shows that in just a moment so that you can
14 cross-reference those in there by name. In some cases
15 they've been articulated specifically because within
16 the boundary of that dash line that's mottled in colors
17 dark and light, the darkness represents those areas
18 that are the BLM areas. And where they're light --

19 And let me point that out to you. So, for
20 example, we're going to look at, as an example, what
21 they call Corridor 8. The dark lines represent at the
22 time what BLM managed, and the boundary is depicted by
23 that little sort of dash line. So everything that's
24 colored in there represents the extent of the corridor,
25 and in this case the color or the shading represents

1 BLM land that's within that corridor.

2 Now, you can see that those corridor lines
3 extend beyond the BLM property, but they have no police
4 jurisdiction over -- police power over that for their
5 own purpose or management responsibility for that. So
6 it's defined by maybe some infrastructure that's there,
7 but for their purposes they only manage those mottled
8 gray areas. Is that helpful?

9 Now, let's go to the other page and take a
10 look at their specific language.

11 MEMBER GRINNELL: Mr. Chairman.

12 CHMN. CHENAL: Yes, Member Grinnell.

13 MEMBER GRINNELL: Mr. Warner, that previous
14 map you had, how does that correlate with the map we
15 see on this right screen? If you could take like 2, 7,
16 3, or the various corridors that you showed us on this
17 map, how does that actually work on the other screen?

18 MR. WARNER: All right. Let's go ahead and
19 step through that on the map on the right. So
20 beginning on the south, I think that's the first one
21 we've got, that represents the corridor that's Corridor
22 Number 3, an approximate location.

23 MR. BECK: Just to be clear, the width of
24 that line shown on there isn't specifically the width
25 of the corridor in the BLM plan. It's just a

1 representation of where that corridor is to show that
2 that path is covered by the plan. That's the intent.

3 MR. WARNER: The actual distance and the
4 width of that particular corridor is pretty wide down
5 here, so it kind of comes up to about right there on
6 the BLM land. It doesn't quite come to, on
7 Alternatives West 1 and West 2, where they join just
8 below that.

9 CHMN. CHENAL: Mr. Warner, would you be able
10 to, on the left screen, put up the map you had, and to
11 Member Grinnell's point, help maybe correlate the two,
12 maybe blow that up and show where you're talking about
13 on the left screen?

14 MR. WARNER: What we're referring to is this
15 corridor right now, is that first one that's depicted
16 in blue, in that transparent blue. So that is the
17 corridor that they're in right there. And you can see
18 the BLM parcels right there. Those are just right in
19 that area underneath that blue map and you can -- on
20 the land use status map you can see that. And then
21 this is that area.

22 CHMN. CHENAL: So let me ask a couple
23 questions. And I'm just curious. Underneath the 10
24 there's a line that kind of goes north and then east.
25 What is that?

1 MR. WARNER: That's a road.

2 CHMN. CHENAL: That's a road.

3 MR. WARNER: And they refer to it as -- and
4 that's I40 back in 1993, so that's an interstate there.

5 CHMN. CHENAL: And I'm just having a hard
6 time. I'm sorry. There's a box below the 10. Is that
7 a corridor -- is that part of the corridor?

8 MR. WARNER: No. That represents the
9 boundary of Kingman.

10 CHMN. CHENAL: So where is the corridor in
11 Kingman that you're using or you're referring to for E1
12 and E2? Where is that on the Resource Management Plan?
13 I'm not seeing it.

14 MR. WARNER: So this area through here is a
15 designated corridor for the BLM going up through here,
16 and so all of that represents a BLM corridor. So if we
17 step through the other pictures. That represents an
18 area there's no corridor on the right-hand side here.
19 This represents the area that there isn't a BLM
20 corridor. And then that represents a BLM corridor. Do
21 you have another one showing? That represents a BLM
22 corridor.

23 CHMN. CHENAL: Member Noland.

24 MEMBER NOLAND: Mr. Chairman, Mr. Warner, how
25 wide is that corridor?

1 MR. WARNER: I don't know if it says right
2 here. Let me see. They're fairly wide. Oh, here we
3 are.

4 So I'm pulling up for you, on the left-hand
5 screen, Page 66. Let me zoom in on that area that
6 depicts the numbers, and then you can see here the
7 width. So it's going to be -- most of these are a half
8 a mile on either side of the center line, or a mile,
9 1 mile in total width. And so let's see where we're at
10 with -- this identifies Highway 93. So that's a 1-mile
11 corridor, that would be a half a mile on either side.
12 And this is the Davis to Parker line. Is that the one
13 that -- let's go back to the number --

14 CHMN. CHENAL: Can you leave that there for a
15 second? I'm sorry. It's probably just me, but I'm
16 having a hard time figuring out what the corridors are
17 and transposing it in my mind on the alternative
18 routes. That's point number one.

19 Point number two, I just noticed this
20 language. Excuse me. If these are the Numbers --
21 Corridors 9, 10, and 11, they seem to be talking about
22 communication cables, water pipelines, and pipelines,
23 and that's not transmission lines.

24 So I guess my first fundamental question is:
25 What utilities are these corridors meant to

1 accommodate?

2 MR. WARNER: So using the language in the
3 next paragraph it says, "Large utility facilities would
4 be restricted to the above 11 corridors where
5 technically possible. The power line corridors are to
6 be used for aerial rights-of-way. All others are for
7 buried facilities, with the exception of Highway 93 and
8 Interstate 40, which may be used for both."

9 I think that this is a description of a
10 utility on the right-hand side of the condition of what
11 those utility corridors were designated in.

12 CHMN. CHENAL: So there's some that are
13 specifically designated for power lines, but that's not
14 9, 10, or 11, as I'm looking at the chart there.

15 MEMBER NOLAND: It's not 7 or 8 either.

16 CHMN. CHENAL: It's not 7 or 8 even.

17 MR. BECK: Mr. Chairman, those are designated
18 corridors, so they're BLM corridors. And then that
19 next explanatory paragraph says that if you're going to
20 build utilities, they want to restrict them into those
21 corridors.

22 So the corridors were driven by existing
23 either roads, water lines, power lines, so that's the
24 reference on the right-hand side. That was the driver
25 for developing that corridor. But then further they

1 said that if you're going to build utilities, build
2 them within those corridors. That's their preference.

3 CHMN. CHENAL: Right. And the next sentence
4 says, "The power line corridors are to be used for
5 aerial rights-of-way. All others are for buried
6 facilities, with the exception of Highway 93 and
7 Interstate 40, which may be used for both." So I'm --

8 MEMBER NOLAND: Mr. Chairman.

9 CHMN. CHENAL: Member Noland.

10 MEMBER NOLAND: Well, then at the bottom it
11 says, "Additions to existing lines not within corridors
12 would be permitted following compliance with the
13 National Environmental Policy Act." So what does that
14 mean?

15 MR. WARNER: You understand that properly. I
16 think that what they do is they will evaluate, on a
17 case-by-case basis, whether or not they will be allowed
18 and have an exception of being within a corridor. And
19 this comes to the Chairman's comment about, well,
20 what's the rigor between an EA and an EIS. And
21 sometimes that triggers the rigor.

22 The thing that makes it a distinction between
23 an EA and an EIS is that they cross a threshold that
24 refers to it as significant. And so the significant is
25 stratified in all the evaluation criteria that they

1 have in an environmental assessment. So biology,
2 cultural resources, socioeconomics, public input, all
3 of those kinds of things are evaluated with criteria.
4 If any one of those gets to the level of significance,
5 then it becomes an EIS. Under an EIS you can have
6 significant impacts and even -- and I'm not saying that
7 designating a new right-of-way here is a significant
8 impact, but they could accept the significance of an
9 impact under an EIS here and make that grant.

10 MEMBER NOLAND: Mr. Warner, wouldn't the
11 environmental impact also have a significant impact on
12 their decision, I mean, one part of the Cerbat
13 Mountains as compared to another and the viewsheds,
14 those types of things?

15 MR. WARNER: Let me respond in a very
16 succinct way, if I can. The different criteria that
17 bring things to an EIS level are dissected individually
18 so that they can say, for example, visual impacts. And
19 when they examine the visual impacts they have a
20 criteria that they say, well, is this a big deal or is
21 this not a big deal? And if they can determine that
22 it's not a big deal, then it stays below significance.

23 In the case of this complicated management
24 framework they've got, they're managing a big
25 recreation park on the top of the mountain, and so

1 they've got plans that were developed associated with
2 that. And they said, we want to protect this if we
3 can, and so visual is going to raise to a higher degree
4 and recreation is going to be raising to a higher
5 degree. To the extent that the introduction of a
6 transmission line there is going to influence that
7 experience that you have up there, they're going say,
8 that's a bigger deal for us in this area.

9 And so that's central to the BLM's decision,
10 you know, what are we doing to the recreation area,
11 because we're managing that for the public and we built
12 a plan around that and we went to public hearings to
13 make sure that was ensconced and protected as a public
14 asset. Then are we just going to let stuff happen up
15 there that's incongruent with what we want? And so
16 that's the threshold.

17 MEMBER HAENICHEN: Mr. Chairman.

18 CHMN. CHENAL: Yeah, I have some questions.

19 Member Haenichen.

20 MEMBER HAENICHEN: So here is my take from
21 all of this. Anything we do that is on BLM land,
22 corridor or not, is not going to be a final outcome.
23 They're going to have to approve it on top of our
24 approval, even if we go within their corridors, is that
25 correct?

1 MR. WARNER: Yes.

2 MEMBER HAENICHEN: That's a disaster.

3 BY MR. DERSTINE:

4 Q. I'm sorry. Are you telling me that if this
5 Committee approves Route E1, it has to go back to BLM
6 for --

7 A. (BY MR. WARNER) A grant of right-of-way. So
8 they'll issue their decision next. So if they approve
9 E1, then the BLM will go, okay, great, and they'll have
10 to push out the decision notice that concludes all of
11 their process that gives them the power now to issue a
12 grant of right-of-way to expand those rights-of-way
13 where it's appropriate to do so.

14 Q. But a decision approving E1 is very different
15 than -- which is BLM's preferred route, is different
16 and has different consequences than a decision by this
17 Committee that approves one of the western routes,
18 isn't that right?

19 A. (BY MR. WARNER) Yes. I would say that it's
20 perfunctory for them to go forward with the approved
21 route. If it goes back to consider one of the other
22 alternatives, they'll have to explain why it was that
23 they have decided now not to choose their preferred
24 alternative, but to choose one of the other
25 alternatives.

1 Q. And BLM, in that instance, will have to
2 evaluate whether it requires additional study or
3 whatever sort of action BLM decides internally is
4 required in order to approve something other than the
5 preferred route which is set forth in their EA?

6 A. (BY MR. WARNER) Yes. And so the mechanical
7 steps of that are that they'll meet back as a group and
8 talk about it and then they'll -- and then they'll
9 chart a pathway forward, whether that's simple or
10 complex.

11 MEMBER HAENICHEN: Are we talking possibly
12 years of time elapsed to do all this?

13 MR. WARNER: It depends on what the pivot is
14 for that meeting. If someone says, okay, we're going
15 to choose a -- we're going to choose a pathway that
16 requires us to go back out to the public -- so let's --
17 this isn't too far of a stretch, I would say. Let's
18 say that the western alternative is selected and it
19 ignites some enthusiasm from the public again because
20 there was a pathway that it was going to the right.
21 And so, you know, like any agency, there might be some
22 talk in that group setting that I talked about where
23 they say, okay, well, we're going to have to do this
24 deliberately. We want another hearing -- or, not a
25 hearing -- another public meeting and we want to send

1 out another newsletter and then we want to maybe adapt
2 the language in our Environmental Assessment. That's a
3 reasonable pathway that they could take.

4 They could take simpler pathways too. They
5 could just decide, we've evaluated these alternatives.
6 It's not our preferred alternative. But in their
7 decision they could also say, you know, we're going to
8 go ahead and issue a decision on a route that's not in
9 our preferred -- that's not our preferred route and
10 it's not in a corridor for the BLM.

11 BY MR. DERSTINE:

12 Q. Is there a difference, in looking at the
13 western routes -- again, the eastern route was adopted
14 by BLM as its preferred route in its EA. If you're
15 looking at the Western Alternatives 1, 2, 3, and 4, do
16 you have an opinion on whether or not BLM will have an
17 easier time adopting one of those as opposed to
18 another? Are there some of the western routes that
19 would be more preferable to BLM as opposed to another?

20 A. (BY MR. WARNER) I think there are, but I
21 base that on the -- on, I guess, the variables that are
22 important in making distinctions between the routes. I
23 think that -- I think the visual impacts, there isn't
24 much -- and you'll hear this in the testimony later.
25 There isn't much distinction between the differences in

1 biology and cultural resources. This is really about
2 visual and land use mostly. So I think the
3 Alternatives 1 and 2, especially 1, goes deeper into
4 the BLM land, so I would expect them to be more
5 sensitive about that. I think it also puts -- it also
6 -- when you turn that corner up there on 1 and 2 --

7 Q. Can you use your pointer, please?

8 A. (BY MR. WARNER) Yes. And remember, 1 and 2,
9 from right to left, they're the ones that are -- to the
10 right, 1, 2, 3, and 4. 1, 2, 3, and 4. So on 1, as
11 you turn that corner, there's a cluster of little homes
12 there, and they're going to have a new transmission
13 line on two sides. It's not just the visual impacts.
14 There's going to be an access road that's going to be
15 up there where there's not one right now, and so there
16 are some conditions that they may consider to be more
17 sensitive about that area.

18 Q. And you're focusing on the right screen on
19 the tan shaded area which designates a segment of the
20 western routes that are not within a designated BLM
21 corridor, is that right?

22 A. (BY MR. WARNER) That's correct.

23 I think the other areas of sensitivity are
24 just these areas when they go up here, but that's
25 common to all. When you cross through this little

1 corner of BLM right up here at the top, I think those
2 are some that the BLM is probably going to be a little
3 bit more careful about. And in the visual study I'll
4 show you the visual contrast method that gives it a
5 moderate impact, and you'll -- but it's moderate.

6 Q. So if I'm hearing you correctly, you think W1
7 and W2 will be easier -- will be harder, right, harder
8 for BLM to accept or may require greater scrutiny from
9 BLM if they were to be adopted by the Committee. Is
10 that a fair statement? Did I hear you correctly?

11 A. (BY MR. WARNER) That's my opinion, yeah.

12 Q. So that would mean that then if the Committee
13 wanted to look at routes that would be more palatable
14 to BLM if this Committee were to reject BLM's preferred
15 route of E1, that would leave 3 and 4, in your opinion,
16 to be easier for BLM to select as a second best to its
17 preferred alternative, is that a correct statement?

18 A. (BY MR. WARNER) Yes.

19 Q. But I think what that raises for me is the
20 public comment that we heard on the first night of this
21 hearing in that a number of the folks who were here and
22 raised concerns about the western routes in general,
23 but spoke specifically to their homes being aligned on
24 3 and 4. Is that your recollection?

25 A. (BY MR. WARNER) Yes.

1 Q. So even though 1 and 2 may be more palatable
2 to BLM, 3 and 4, at least based on the public comment
3 we heard, may face significant opposition and anger
4 from the folks who live in proximity to 3 and 4?

5 A. (BY MR. WARNER) Yes.

6 CHMN. CHENAL: I have some questions. The
7 EA -- the BLM decided that the eastern E1 is their
8 preferred route. But did the BLM consider the west --
9 any of the western alternatives?

10 MR. WARNER: Yes. All of the alternatives
11 are in the Environmental Assessment.

12 CHMN. CHENAL: And so what was the -- do we
13 have -- is the EA one of the exhibits?

14 MR. WARNER: It is.

15 MR. DERSTINE: It's in -- Exhibit B to the
16 application is the entire EA.

17 CHMN. CHENAL: I guess I need to look at that
18 again. What was the determination of the BLM as to the
19 western alternatives?

20 MR. WARNER: In terms of significance?

21 CHMN. CHENAL: Do they approve it, but they
22 don't -- it's not their preferred, but it's acceptable?
23 What was their determination on the western routes?

24 MR. WARNER: They have determined that none
25 of the routes have significant impacts. And

1 "significant impacts" means that they don't cross the
2 threshold to become an EIS. Now, but that's not -- so
3 that's the evaluation of their environmental stuff.

4 CHMN. CHENAL: So if they've -- and I'm
5 trying to stay with a theme here of the corridors. The
6 argument that the applicant is making, I think in part,
7 is one of the reasons we like E1 is because it follows
8 the utility corridors that have been established in
9 1993 in a plan, the Resource Management Plan. And I
10 have questions about that. Because the way I'm looking
11 at some of the language that describes the utility
12 corridors, it seems to me that there's an argument that
13 the utility corridors are not all inclusive. There are
14 certain utility corridors that, at least in the
15 comments, are for certain kinds of utility facilities,
16 and some are water, some are communication, some are
17 pipelines, and some are power lines.

18 And the way that the -- at least what we're
19 looking at right now on the screen, the utility
20 corridors that are being discussed for the Kingman area
21 with respect to this application are Corridors 9 and 10
22 maybe.

23 MEMBER HAENICHEN: You mean the BLM
24 corridors?

25 CHMN. CHENAL: Yes, the BLM corridors.

1 MR. WARNER: 7 and 3.

2 CHMN. CHENAL: 7 and 3?

3 MR. WARNER: Yes, that's right.

4 CHMN. CHENAL: Okay. 7 and 3. So 3 actually
5 is a power line corridor and 7 is a highway and --

6 MR. BECK: Mr. Chairman, there's exception
7 language down relative to Highway 93 in the paragraph
8 below.

9 MR. WARNER: It says, "All others are for
10 buried facilities, with the exception of 93 and
11 Interstate 40, which may be used for both."

12 CHMN. CHENAL: All right. So 3 and 7 looks
13 like they can be for both. So in a moment I'd like you
14 to go back and show maybe again where Corridors 3 and 7
15 are, because I wasn't entirely clear on that and I
16 would just like to see that again.

17 But apart from that, the BLM has already
18 given some sort of approval for the western routes in
19 the EA, has it not, in the sense that their preferred
20 route is E1, but they have -- I mean, I guess I'm
21 looking for what's -- their preferred route is E1, but
22 the other routes were considered, evaluated, and
23 determined not to be a significant impact. So what
24 effect does that have if we choose, for example, 3 or
25 4, given that the BLM has already considered 3 and 4

1 and has not thrown them out of hand as being
2 significant impacts.

3 MR. WARNER: Mr. Chairman, you're right. I
4 think that the reality is they've been fully evaluated.
5 Now, the question is: Is the decision -- and I think
6 what maybe you're grappling with is, is the decision
7 that they next need to make a small one or a big one?
8 And my opinion is, it's a small one that they have to
9 take. But they're the BLM, and it's hard to sort of --
10 it's hard to sort of contemplate how this next step is
11 going to go.

12 CHMN. CHENAL: But could that not also occur
13 with the preferred route, the E1?

14 MR. WARNER: Almost impossible. Because I
15 think they've already selected it as their preferred
16 alternative, and so they're ready to issue the FONSI
17 based on that, those final conclusions. They'll have
18 to come up and have other conclusions if they choose
19 another alternative. Based on the information, it's
20 already fully evaluated, but they'll have to have
21 another conclusion that they have to make on one of the
22 other alternatives.

23 CHMN. CHENAL: So to summarize -- first of
24 all, would you confirm that the utility corridors that
25 E1 would go through are located in, is it both 3 and 7,

1 Utility Corridors 3 and 7?

2 MR. WARNER: That's correct.

3 CHMN. CHENAL: And the way I'm reading that
4 now, those both look like they would accommodate power
5 lines.

6 MR. WARNER: That's correct.

7 And in their written document they refer to
8 the corridors along Interstate 40 and 93. And of
9 course when you look at the map you can see Interstate
10 40, and it doesn't have a buffer on it. It isn't
11 depicted on the map. But their expectation is that
12 that constitutes a corridor in that alignment of
13 Interstate 40 and --

14 CHMN. CHENAL: So the Corridors 3 and 7 would
15 accommodate the power lines. But I guess back to what
16 I was -- I'm trying to make sure I understand, the fact
17 that the BLM has selected a preferred route is a good
18 indication that at this point if we were to select that
19 route, it would be perfunctory for them to issue their
20 final decision adopting E1, for example.

21 On the other hand, if we went with 3 or 4,
22 for example, which you've already testified would have
23 less impact than 1 or 2, they have fully evaluated
24 those two corridors. But I think what I'm hearing is
25 that because it's not their preferred route, there is a

1 greater risk that the BLM would need to do further
2 investigation, perhaps based on public input and a
3 suggestion that it's not in a corridor and it should be
4 in a corridor, that that might prompt the BLM to have
5 to take further action, investigation, analysis, and
6 maybe a decision that would take some time before a
7 final decision could be issued?

8 MR. WARNER: Yes.

9 MEMBER HAENICHEN: Mr. Chairman.

10 CHMN. CHENAL: Yes, Member Haenichen.

11 MEMBER HAENICHEN: In what you just said I
12 think you were -- when you referred to 1 and 2 being
13 preferred by BLM, that was on the east side?

14 CHMN. CHENAL: Correct.

15 MEMBER HAENICHEN: Yeah. But then you jumped
16 to --

17 CHMN. CHENAL: No. East side. East side.

18 MEMBER HAENICHEN: But then you jumped to the
19 west in 1 and 2, you used that again.

20 CHMN. CHENAL: Well, let me say that again.
21 1 and 2 on the eastern side is the preferred BLM route.
22 If we were to select East 1 or East 2, you're saying
23 that BLM would -- probably it's perfunctory that they
24 would issue a final decision adopting that.

25 MR. WARNER: Just one clarification there,

1 Mr. Chairman. 1 is their preferred alternative, E1.

2 CHMN. CHENAL: If, on the other hand, we
3 adopt Western 3 or Western 4, even though those have
4 both been fully evaluated, there's the risk that if we
5 adopted one of those the BLM would need to go back and
6 do further investigation, which could lead to a delay,
7 substantial delay.

8 MR. WARNER: Yes.

9 MR. BECK: Mr. Chairman, just to be clear,
10 they have issued an EA, their final EA, and they were
11 ready to issue their decision giving us right-of-way
12 and approvals, and the company asked them to hold off
13 on actually doing that. So to the perfunctory issue, I
14 think you're absolutely correct. It's just a matter of
15 if this Committee and the Commission says E1, we're
16 good, they can just issue the paperwork they need to.

17 To the extent it redirects the path that
18 we're going down, they would probably have to at least
19 reissue their EA saying they've changed their mind and
20 this is their preferred and look for some public
21 comment on that.

22 But further, within the EA document, if I
23 may, there's a couple sentences that may help. In
24 their description of preferred alternatives, their
25 reason for selecting E1 is that the east Cerbat

1 alternative would be within designated utility
2 corridors, would follow or be proximate to existing
3 linear infrastructure more than the west Cerbat
4 alternatives, would be proximate to less residential
5 properties, and would have less impacts to the CFRA.

6 And that goes back to what we've talked a
7 little bit about, that recreation area, it's disturbed
8 already going across the top with E1, but on the
9 western side we're opening that up to encroachments by
10 building access roads at a minimum. And that was part
11 of the reason for going with E1.

12 So all those things would need to be
13 considered more fully. What extent they would have to
14 do any analysis would remain to be seen. And then
15 whatever public input would probably help drive that,
16 which, based on our history with the Golden Valley
17 population, they would probably be raising some issues
18 about, well, you can't do it without designating it as
19 a corridor. And there are ways potentially around
20 that. If we get a corridor wide enough to be on
21 private property, that may be a way around the BLM
22 issue, but we still have the public issue.

23 CHMN. CHENAL: That's very helpful.

24 And thank you, Member Haenichen, for
25 correcting that --

1 MEMBER HAENICHEN: You're welcome.

2 CHMN. CHENAL: -- because I did want to make
3 sure that -- and I know it was not an artful question.
4 But I'm trying to get to the heart of this, which is
5 the reason -- the effect of a -- the effect of an EA
6 that has considered routes but have not been selected
7 as the preferred route, that's kind of what I'm
8 struggling with a little. My questions were not
9 artful, but that's really the heart of what I'm asking
10 myself, what's the effect of Western 3 and 4, given
11 that they were part of the EA, even though they're not
12 the preferred route.

13 MR. WARNER: That's understandable. And
14 please understand that our role here is to help you
15 reach understanding, so your criticism of your
16 questions is unnecessary.

17 In regards to the specifics of the weight of
18 an alternative that is not selected as the preferred
19 alternative, it has been robustly studied. And so from
20 that standpoint, the step that BLM may choose to make
21 may also be simple, but we've already talked about the
22 risks.

23 CHMN. CHENAL: Yes.

24 Member Noland.

25 MEMBER NOLAND: Thank you, Mr. Chairman.

1 Mr. Beck or Mr. Warner, if Golden Valley does
2 begin to develop, and let's say they go ahead with the
3 15 or 20,000 homes there, which is the most likely way
4 that the development is going to go, how are you going
5 to get power to that area if we use the east preferred
6 route?

7 MR. BECK: For the Golden Valley area we
8 would extend our 69 kV system further and put more
9 69 kV lines in the area. And in the subdivisions
10 themselves, a lot of the facilities likely would be
11 underground.

12 MEMBER NOLAND: 69?

13 MR. BECK: Not 69, but the actual
14 distribution services within the subdivisions. But to
15 get power to those subdivisions, we would expand our
16 69 kV system.

17 MEMBER NOLAND: Would you expand it down
18 Highway 68?

19 MR. BECK: Potentially we'd add along 68 and
20 then the north/south roads west of the mountains.

21 One of the issues we heard from the public
22 too is the viewshed. And I think it was actually
23 brought up Monday evening. The people that mentioned
24 their forever homes and they bought them for the views,
25 and their views being towards the Cerbat Mountains.

1 And so our 69 would be located probably further to the
2 west, more along major arterial roads. And they're
3 shorter, so they wouldn't be as objectionable as the
4 230 line would be to the public.

5 MEMBER NOLAND: Well, I would think that the
6 people of Kingman have an equal standing on the
7 viewshed with the transmission lines going across the
8 Cerbat Mountains where we're talking about. Wouldn't
9 that be a fair statement?

10 MR. BECK: That's a fair statement. I think
11 if you look at where the line is going to be, it's less
12 of an issue relative to the backdrop of the mountain
13 and how it's going to show up. But there is some
14 potential visual impact, yes.

15 MEMBER NOLAND: Thank you.

16 MEMBER GRINNELL: Mr. Chairman.

17 MEMBER HAENICHEN: Mr. Chairman.

18 CHMN. CHENAL: Member Grinnell.

19 MEMBER GRINNELL: I hate to keep digressing
20 here. If we go with the west, just for argument's
21 sake, is there a trigger for ADEQ to come back and
22 start looking at air quality issues or any other
23 issues?

24 MR. WARNER: No, not that I'm aware of.

25 MR. BECK: We'd be covered by the typical

1 dust suppression requirements and so on, so I don't see
2 much of an issue.

3 And maybe just for reference purposes, you do
4 have the EA in your documentation. On Page 11 where it
5 talks about the preferred alternative and why they
6 selected that as their preferred, there's a little more
7 information even than what I read into the record. So
8 that may be helpful.

9 CHMN. CHENAL: What section is that,
10 Mr. Beck?

11 MR. BECK: It's 2.2.6 of the EA.

12 And Mr. Derstine, do you know which exhibit
13 it was?

14 MR. DERSTINE: The EA is Exhibit B to the
15 application.

16 MR. BECK: Okay. So the application
17 Exhibit B, Page 11 of that document, 2.2.6.

18 BY MR. DERSTINE:

19 Q. Mr. Warner, I think the point that Mr. Beck
20 made is one I want to circle back with you on. I
21 apologize for using the "circle back." I hear that a
22 lot in terms of press conferences out of Washington.
23 The point was that BLM would have issued a Record of
24 Decision, that is, its final stamp on the EA, but for
25 UNS asking BLM to hold off on that final decision and

1 await the outcome of these proceedings before the
2 Committee, correct?

3 A. (BY MR. WARNER) Yes.

4 Q. And once the BLM has issued a Record of
5 Decision approving the EA, had it done so, that's a
6 whole different issue in terms of trying to unwind or
7 change a final Record of Decision approving an EA, am I
8 right about that?

9 A. (BY MR. WARNER) Yes.

10 Q. So in terms of where we are procedurally,
11 we've done what I think this Committee has told us to
12 do and what my experience and the company's experience
13 has been over the years, and that is finish the federal
14 permitting, go through the process that we've gone
15 through with BLM, get to an EA, get to an EIS, bring
16 that document to this Committee, and have the Committee
17 consider it.

18 In some prior cases we've had a Final EIS, we
19 already have a Record of Decision on the EIS, and we
20 have found ourselves where the Committee makes a
21 decision as to a route that's different than what has
22 been finally approved in the EIS, puts us in the
23 position of never building a project because we never
24 get back to resolving that disagreement, and it's very
25 difficult. It's difficult to -- I mean, we can come

1 back to this Committee and the Commission and ask for a
2 modification or an amendment of a CEC decision in light
3 of where the federal agency came out, but it's a
4 problem.

5 And so, you know, where we are today, in
6 terms of presenting this Committee with a full EA
7 process, a fully studied project, six alternatives,
8 with BLM making its decision as to a preferred route,
9 but having not yet made or issued its Record of
10 Decision, decision of record, whatever the proper
11 terminology is, gives us some flexibility here, and
12 we're thankful to have that.

13 But it's not the case that BLM has said all
14 six of these are fine and you can go build any one of
15 them. They have issued an EA adopting a preferred
16 route, and but for our request and their grace in
17 holding off on a decision, we would have a final
18 approved route, correct?

19 A. (BY MR. WARNER) Yes.

20 MEMBER HAENICHEN: Mr. Chairman.

21 CHMN. CHENAL: Member Haenichen.

22 MEMBER HAENICHEN: This is a question for
23 Mr. Beck. Earlier in your testimony today, when you
24 were talking about the old days and how this project
25 started because of the mine, you indicated that the

1 thing that would trigger this was the argument back in
2 those days, a project of this type, was the fact that
3 the mine would need a very large load, bigger than the
4 existing facilities, and I think you mentioned
5 40 megawatts. Do you recall that?

6 MR. BECK: Mr. Chairman, Member Haenichen,
7 yeah.

8 MEMBER HAENICHEN: Okay. Now, just to give
9 the Committee an idea, now I'm flipping to the present
10 time and the argument about the Committee approving a
11 site for this line on the east side vis-a-vis the other
12 side, the west side.

13 If there was an aggressive build-out of the
14 subdivision there to the 20-, 30,000-home level, can
15 you give us an idea roughly what size load that would
16 be in aggregate?

17 MR. BECK: Let's do a little checking and
18 we'll get back to you on that.

19 MEMBER HAENICHEN: Okay. Because some of
20 these things may affect our decision-making process.

21 MR. BECK: Yeah, and that's -- it's a little
22 bit different today than it was historically also
23 because of renewables and their impact. So we'll get
24 some current information for you.

25 MEMBER HAENICHEN: Sounds good. Thank you.

1 CHMN. CHENAL: This is an interesting
2 conversation. It's important and it's enlightening for
3 me. And I thank Member Drago for this, but Table 29 of
4 Exhibit B to the application, which is the EA, sets
5 forth -- it's Table 29 -- the percent of alternative
6 within -- of each alternative, the six alternatives,
7 within a BLM-designated utility corridor. E1 and E2
8 both are a hundred percent within the BLM corridors.
9 And I'll just mention that West 3 and West 4, they're
10 both 75 percent. So that's consistent -- I'm not
11 doubting, but it's consistent with what Mr. Warner said
12 and I think Mr. Beck said that there's a lot of West 3
13 and West 4 that are in utility corridors, but not all
14 of it, whereas on the east side it is a hundred percent
15 within utility corridors.

16 Member Noland.

17 MEMBER NOLAND: Well, I'm just looking at the
18 corridor that does handle the West 1 and 2, and I
19 wonder why they put that there.

20 MR. WARNER: So West 1 and 2 follow some
21 existing lines for the west, and they are within the
22 corridor there. So one follows the road, you can see
23 that, and another one follows a 230 kV line, so it's
24 parallel to some existing infrastructure.

25 MEMBER NOLAND: Just -- but it just stops.

1 MR. WARNER: Yeah, it ends at a road that
2 goes north and then follows that north/south alignment.
3 So if I understand your question correctly,
4 Commissioner Noland -- Committee Member Noland, let's
5 look at West 4 right there. Is that the one you're
6 referring to?

7 MR. BECK: I think she said 1 and 2.

8 MR. WARNER: Oh, no. 1 and 2. I'm sorry.

9 MEMBER NOLAND: No, I'm sorry. No, I was
10 wrong. It's 4 that falls within --

11 MR. WARNER: So 4 follows -- 4 follows a
12 Western Area Power Administration transmission line
13 lattice structure and parallels that and then gets to
14 this north/south road, which is Tooman, and then
15 connects that north/south alignment. And West 3
16 follows Shinarump Road, which is another corridor.

17 MEMBER NOLAND: I understand. But if it does
18 that, why didn't they extend it up? If there's a
19 Western line there, why didn't they extend that
20 corridor north on their land?

21 MR. BECK: Member Noland, that corridor goes
22 generally east and west --

23 MR. WARNER: To Davis Dam.

24 MR. BECK: -- not quite. But it comes out of
25 the Davis Dam and comes across and ends up in Prescott.

1 So that's the Davis-to-Prescott 230 kV. And so the
2 corridor goes way beyond over this way and way beyond
3 this way. So this was only intended to highlight,
4 relative to the alternatives, what is covered by a
5 corridor, but that is not the extent of the corridor.

6 MEMBER NOLAND: I see. Thank you, because
7 that was confusing to me.

8 CHMN. CHENAL: So let me then follow up.
9 What we're looking at on the right screen -- I can't
10 see the exhibit or the page number of the slide. The
11 camera is in my way.

12 MR. DERSTINE: This will have to be marked as
13 a new exhibit. I think we're on Exhibit Number 51. So
14 we'll have to make what's being shown on the right
15 screen, which just has a Number 1 there, it will become
16 Exhibit 51.

17 CHMN. CHENAL: Okay. And then what we're
18 looking at, there's some shaded areas. Are the shaded
19 areas on the west routes, the western alternatives, are
20 those utility corridors?

21 MR. BECK: No.

22 CHMN. CHENAL: They can't be because of the
23 percentages I just read off.

24 MR. BECK: So that first corridor at the
25 bottom is an existing corridor. It's a portion of a

1 much longer corridor.

2 CHMN. CHENAL: And which one is that? That's
3 the one in blue?

4 MR. BECK: That's what's in blue towards the
5 bottom, right across the bottom of that, that covers
6 West 3 and 4.

7 CHMN. CHENAL: Okay. And then there was
8 another shaded portion of a different color that --

9 MR. BECK: So this color is to represent an
10 area that has no corridor. So we've got -- the lines
11 are on BLM property, but there's no designated corridor
12 there on BLM.

13 CHMN. CHENAL: That's how I understood it,
14 but there's no legend to show that.

15 MR. BECK: Right. We just created this on
16 the fly, so there is no legend. That's a good point.

17 MEMBER GRINNELL: Mr. Chairman.

18 CHMN. CHENAL: Yes, Member Grinnell.

19 MEMBER GRINNELL: Forgive my ignorance here,
20 but where is the power coming from for the people in
21 Golden Valley now?

22 MR. BECK: It comes out of the Kingman area
23 from the 69 kV system. So we've got 69 lines that come
24 in from the south, as well as around from the north.
25 So that is how Golden Valley is served, as well as we

1 have generation down south that I mentioned earlier,
2 the Black Mountain generating station. Plus, we have a
3 solar facility down at Black Mountain that also helps
4 to serve that load.

5 CHMN. CHENAL: Any questions from the
6 Committee? I just want to make sure if there are any
7 questions. I know we've covered a lot here.

8 (No response.)

9 CHMN. CHENAL: All right. Thanks,
10 Mr. Derstine.

11 BY MR. DERSTINE:

12 Q. I just want maybe to close this subject.
13 Take the colored sections off and walk us through again
14 the eastern routes, where they're within the BLM
15 corridor, and then the western routes, where they are
16 and are not within the BLM corridor, please.

17 A. (BY MR. BECK) Okay. On the E1 and E2, both
18 of those are covered by BLM corridors across the BLM
19 properties down in that square. As you head north
20 along the common route, wherever we cross BLM there is
21 a corridor existing. And all the way on the common
22 heading along 93, that is covered by a corridor, a BLM
23 corridor, designated.

24 Q. And where you're showing on 93, that is
25 common to all of -- at the point where it becomes

1 common to all routes, eastern routes and western
2 routes?

3 A. (BY MR. BECK) Correct.

4 Q. And that's BLM corridor?

5 A. (BY MR. BECK) Yes.

6 So now looking at the western routes, in that
7 lower segment the blue overlay represents the
8 Davis-to-Prescott corridor that runs all the way from
9 Davis to Prescott. This is just the overlay of the
10 portion that's W3, W4. So where BLM land is concerned,
11 it's within that designated corridor.

12 As we turn north with initially W3, 4, and 2,
13 I think it is -- or, all of them, actually, from this
14 point north all are common through this area on BLM
15 land, and there is no designated BLM corridor across
16 the western area of the Cerbat Recreation Area.

17 A. (BY MR. WARNER) One other portion is 1 and
18 2, as they go east/west, is not in a corridor. So you
19 see that sort of elbow there that's in the bottom of
20 that. 1 and 2 in that area are not in a corridor.

21 Q. You're saying West 1 and 2?

22 A. (BY MR. WARNER) Yes, West 1 and 2.

23 A. (BY MR. BECK) So this area, this colored
24 area -- we couldn't get away from the rectangle, so we
25 didn't extend it down -- but that area isn't covered

1 either, that little piece in there.

2 Q. And importantly, when we say the eastern
3 alternatives, East 1 and 2, are 100 percent within a
4 BLM corridor, that is except when they're crossing
5 private land, correct?

6 A. (BY MR. BECK) They're a hundred percent on
7 BLM land in a BLM-designated corridor. BLM does not
8 designate on private land. So again, it's this issue
9 of we've been pretty lax in our use of "corridor."
10 When we talk about the BLM-designated corridor, that
11 only applies to BLM land itself. So none of the
12 private is covered by that.

13 Q. And certainly at least with respect to
14 Mr. Cunningham's property, the reason we are leaving
15 BLM land is we need to get from one segment of BLM in
16 which we are in a corridor over to another segment of
17 BLM land within a corridor. But to do that, we're
18 crossing the Cunningham property and the Smith property
19 and there's some other private properties in there?

20 A. (BY MR. BECK) Right. And we tried to get
21 the shortest route and the one that avoided existing
22 platted and developed or potentially developed land.

23 A. (BY MR. WARNER) And we started by
24 paralleling existing infrastructure, and were urged to
25 depart from that and get up on the hill.

1 A. (BY MR. BECK) Just to finish the corridor,
2 again, this is common to all of the routes, but this is
3 the portion along 93. So where we hit BLM land here
4 and go north to where we hit state land, that is all a
5 BLM-designated corridor. And then there's a piece of
6 state land in here, we pick up BLM again, and that's
7 within the designated corridor, BLM corridor.

8 CHMN. CHENAL: Member Noland.

9 MEMBER NOLAND: Thank you. We've almost
10 beaten this horse to death, but not quite. What I
11 would like you to do is either point me to an exhibit
12 or come back with an approximate amount of private land
13 that is crossed utilizing E1, E2, and then the same
14 thing for the western alternatives, the amount of
15 private land. Now, I know you have residences. And
16 they're about equal, from what I can see, the closest
17 residences on either the east or the west options, and
18 I found those. But I want to know percentages of
19 private land for each of those options.

20 MR. WARNER: We'll do that.

21 MR. BECK: I believe in the land section
22 Mr. Warner will cover that.

23 CHMN. CHENAL: All right. It's 12:15. Is
24 this, Mr. Derstine, a logical break time?

25 MR. DERSTINE: It's logical and needed.

1 CHMN. CHENAL: Let's take an hour lunch
2 break, and we'll be back here at 1:15. Thanks.

3 (Off the record from 12:13 p.m. to 1:34 p.m.)

4 CHMN. CHENAL: Good afternoon, everyone.
5 Sorry we had a little delay, but there was again a few
6 matters of, I guess, getting documents sorted, things
7 like that, so the time was put to good use. So let's
8 go back on the record, continuing the hearing.

9 And Mr. Derstine, if you want to proceed with
10 your witnesses.

11 MR. DERSTINE: Thank you. Good afternoon.
12 I'm going to start -- I think I started the morning by
13 talking about our efforts to reconfigure the public
14 comment table. And so I think, with your permission,
15 we'll show up on the screen what we have done in a
16 spreadsheet format, I think, to start with, and see how
17 that looks to the Committee. And you have the ability
18 to make changes to that. And then there's separately
19 two other formats. One is just a pure chronological,
20 as I understand it. And Mr. Warner can speak to what
21 else we've done in terms of trying to reformat and get
22 you what you've asked for. But we have the ability to,
23 you know, take away columns and that sort of thing
24 using the spreadsheet, the Excel spreadsheet format.
25 And so I wanted to get your final stamp of approval or

1 direction on what new or different you wanted to see on
2 that.

3 And then we'll get back to the private land
4 ownership table that we ended the morning session
5 asking us to provide.

6 CHMN. CHENAL: One question comes to mind in
7 looking at the project. I see there's a column,
8 Mr. Warner, for preferred alternative and --
9 alternative preferred. I imagine there's some people
10 who may not have filled that out because they
11 definitely want the east or the west side but they're
12 not certain which alternative. So is there an easy way
13 to sort by those who prefer east versus west or not?

14 MR. WARNER: We can go and try to dissect
15 those that have explained a preference. But some of
16 the comments may not have -- we want to take them on
17 their value of what they actually said. So if they
18 say, I want something, then we want to be clear that
19 that's in there. Sometimes they just say a lot of
20 things and they haven't made a preference, so that's
21 left blank under those circumstances.

22 We've got a pie chart later on in the
23 presentation that takes into consideration what those
24 preferences are and shows how many have not expressed a
25 preference one way or the other, how many have

1 expressed a preference, and for what route they have
2 made an expression.

3 CHMN. CHENAL: Very good. That would satisfy
4 my question on the issue. You wouldn't have to do
5 anything further with the spreadsheet.

6 MR. WARNER: Okay.

7 CHMN. CHENAL: So let me ask the Committee
8 if -- maybe you could just do a quick explanation,
9 Mr. Warner, of what we're looking at, and the Committee
10 can ask any questions on what they like or don't like.

11 MR. WARNER: Okay. So on the left-hand
12 column of the spreadsheet that's being depicted on the
13 right-hand screen you'll see the date. That's the date
14 that the comment was made.

15 Next to that is a commenter, and that is a
16 code that's cross-referenced to our files of who it was
17 that actually made the comment. And we try to do those
18 more or less in sequence. So if you've got a low
19 number, that probably happened first, early on in the
20 process.

21 Then the next column is -- yeah, that's
22 basically a classification that we have used to help
23 aggregate some of those. So that may or may not be
24 important, but it contains information about is the
25 property area that they are commenting from in the

1 study area, for example.

2 The next column is their comment. The next
3 column next to that is some of the topics. That helped
4 us populate some of the data that we used in our
5 Environmental Assessment so we could do a pie chart
6 again and say, hey, how many were interested in EMF and
7 how many were interested in those kinds of things. So
8 it was just kind of an internal sort of aggregation so
9 that we could really sort of tease out some of those
10 differences.

11 The next one is that column that says
12 preferred alternative or an alternative if they've
13 expressed a preference.

14 CHMN. CHENAL: And were there alternatives
15 there, like E1, E2, or was it just east versus west?

16 MR. WARNER: It's a combination of all of
17 those things. The pie chart that I plan to show you
18 just goes east/west, because what we did is we tried to
19 aggregate those that seemed obvious to us about what
20 they were saying.

21 In some cases, and we talked about that
22 Golden Valley Action Committee, where they were
23 presenting their own internal preferences, they called
24 them C and D1 and D and things like that. So you'll
25 see that in there too, but those are basically east

1 alternatives that were being aggregated. So when we
2 did our pie chart, we put those in the pie chart as
3 favoring an eastern route.

4 Then the response notes was if we contacted
5 them back and made a response, that's what that is.

6 BY MR. DERSTINE:

7 Q. So one of the, I guess, decisions that the
8 Committee can make is whether or not one or more of
9 those columns are important. By deleting a column it,
10 what, shortens up the length of the table. So if we
11 took off the category, whether they're within or not
12 within the study area, that might shorten the document,
13 correct? Is that right?

14 A. (BY MR. WARNER) Yes, that's possible. I
15 would say almost categorically yes, but I'm not sure
16 how much it would shorten it, Mr. Derstine.

17 And in terms of them being out of the area, I
18 think there's -- teasing out a little bit of
19 information, some of the people that were sort of
20 leading the charge at one point might not have been in
21 the area, they may have been in Las Vegas. And so
22 you'll be able to see the change, the difference, if
23 you keep that category. I hope that --

24 Q. But the study area doesn't necessarily
25 designate Golden Valley or Kingman, it's a broader

1 study area that encompasses this entire region. Can
2 you generally describe what was the, quote, unquote,
3 study area?

4 A. (BY MR. WARNER) Yes. It basically is, I
5 want to say, within a half a mile or a mile of the
6 existing alternatives.

7 Q. And so this is -- am I correct in
8 understanding what we're showing on the right screen is
9 in Excel spreadsheet format, is that correct?

10 A. (BY MR. WARNER) Yes.

11 Q. And that goes to -- I think Member Gentles
12 said he would be happy with an Excel spreadsheet format
13 that he could do his own queries or searches with. If
14 you're comfortable with Excel, you can do that. For
15 others on the Committee who don't necessarily want to
16 do that, it's formatted currently in chronological
17 order using the fields that are currently shown on the
18 right screen, is that right?

19 A. (BY MR. WARNER) That's right.

20 CHMN. CHENAL: Let me ask the Committee if
21 there's any --

22 Member Drago.

23 MEMBER DRAGO: Yeah. Thanks, Mr. Chairman.

24 I was going to ask a question about the
25 second column. That number doesn't mean anything to

1 me. Is there a legend?

2 MR. WARNER: So what that number represents
3 is a person. And so we do have that -- it's a form of
4 redacting it so that it's not in the public records,
5 basically. So if you're interested specifically on who
6 that is, then we can provide that.

7 MEMBER DRAGO: Well, in that case, I don't
8 know that it has a lot of meaning to have it there.

9 MEMBER NOLAND: Mr. Chairman, I asked that
10 they put that there so we knew if they had commented
11 one times or two times or three times.

12 MEMBER DRAGO: So I could sort that they --

13 MEMBER NOLAND: Yeah, you could sort on that.

14 MEMBER DRAGO: See how many times that --
15 take 1, for example, how many times that person
16 commented. I see.

17 MEMBER NOLAND: Yes, over the years.

18 MEMBER DRAGO: Okay. Good. Very good.

19 Thank you.

20 CHMN. CHENAL: Member Haenichen.

21 MEMBER HAENICHEN: Mr. Chairman, but as far
22 as the anonymity part, it really doesn't serve that,
23 because later on when they respond to them, "Dear
24 Mr. Carter."

25 CHMN. CHENAL: Yeah, except for those.

1 There's always the smartest guy in the room.

2 MR. DERSTINE: There could be multiple
3 Mr. Carters out in that area.

4 MEMBER HAENICHEN: There could be.

5 CHMN. CHENAL: Member Gentles, are you -- I
6 see the blue "Gentles" box there. I know if he's -- I
7 know that this is of particular interest to him. But I
8 think this captures what he wanted, so I don't know --
9 Member Riggins or Member Branum, are you okay with
10 what's been prepared by the applicant?

11 MEMBER RIGGINS: Mr. Chairman, this is John
12 Riggins. Yeah, that works for me.

13 MEMBER GENTLES: Mr. Chairman, can you hear
14 me?

15 CHMN. CHENAL: Yes. There you are.

16 MEMBER GENTLES: Yeah. I can't see anything,
17 so I'm going to have to take your word for it.

18 MR. MOELLER: We've withheld that Excel sheet
19 from broadcast because of the personal information that
20 is on there, so it's not available on Zoom either.

21 MR. WARNER: I don't think there's personal
22 information anymore, so that sensitivity is --

23 CHMN. CHENAL: I think we're okay with
24 putting it up. There was concern about the broadcast,
25 but now you should be able to see it.

1 MEMBER GENTLES: Yeah, we see it now.

2 CHMN. CHENAL: So it can be sorted, and I
3 think it covers the areas that you were concerned
4 about, Member Gentles.

5 MEMBER GENTLES: Yeah. Yeah, that should
6 help. Absolutely.

7 CHMN. CHENAL: And the default position will
8 be the sorting of it chronologically.

9 So unless there's any objection, I think
10 that's very helpful and I thank the applicant for
11 putting that together. And if that could be sent to
12 the Committee Members --

13 MR. DERSTINE: Yeah. So procedurally, we
14 would take this Excel file, send it on to Mr. Brewer,
15 who would disseminate it out to the Members of the
16 Committee who are appearing virtually.

17 CHMN. CHENAL: Yes, I think that's the way to
18 do it.

19 MR. DERSTINE: And then we would load it onto
20 the iPads of the Committee Members who are here in the
21 hearing room, and we'd be able to do that overnight so
22 you will have that in the morning.

23 CHMN. CHENAL: And will it be loaded on in a
24 live Excel spreadsheet or would it be PDF?

25 MR. WARNER: We're capable of doing both, so

1 it's up to you.

2 CHMN. CHENAL: Then let's put it on as an
3 Excel spreadsheet, unless a Member as has a different
4 idea or preference, I should say.

5 Okay. Thank you for doing that.

6 MR. DERSTINE: I was consulting with
7 Ms. Odisho. I think everything we're loading on the
8 iPads is done by PDF. That would not give you the
9 functionality to search that on the iPad. But let us
10 do a little research and see if there's a workaround so
11 that you have the functionality of an Excel spreadsheet
12 using the iPad. We may be able to get you a link or
13 something where you could use a computer or something
14 else to do that on your own, or using the computers
15 that are in front of you if you have them.

16 Was this satisfactory to satisfy the various
17 public comment table requests, or did you -- because I
18 think you were still --

19 Mr. Warner, you were still efforting on
20 preparing a non-Excel format for the comment table. Do
21 you want to talk about that?

22 MR. WARNER: Yes. We had, pursuant to your
23 request, Mr. Chairman, yesterday, a hard copy sorted by
24 date and then another form of sorting. And so what we
25 were trying to do -- and then increase the font size

1 and things like that. So we've got a PDF that's a
2 simplified version of that that doesn't have some of
3 those comments so we could reduce some of those fields
4 so we could reduce the number of pages and you can just
5 get at the comments in chronological order in sort of a
6 hard copy. And we're prepared to send that out too as
7 well, if you'd like to do that, or if you'd just like
8 to go with the spreadsheet.

9 MEMBER GRINNELL: Mr. Chairman.

10 CHMN. CHENAL: Yes.

11 MEMBER GRINNELL: Do you have a summary of
12 how many people were selecting E1, E2 versus W1, W2?
13 Just sort of a, here is this, this, this, and this,
14 without having to digest the whole thing first?

15 MR. WARNER: Yes.

16 CHMN. CHENAL: So Mr. Warner, back to your
17 comment about the paper copy. I think we need a paper
18 copy just for filing, you know, with the Corporation
19 Commission, but I don't know if the Committee Members
20 need a paper copy.

21 MR. WARNER: Understood.

22 CHMN. CHENAL: And I don't think we do. And
23 so I don't think you need to worry about -- and the
24 font size could be a little smaller. Like I said this
25 morning sarcastically, if someone wants to look at it

1 in paper format, they can get a magnifying glass, if
2 they still make those things, and look through it or
3 contact the applicant. We can help them out if someone
4 needs to look at it, but I don't think you need to file
5 something that's 600 pages just because you want the
6 font to be Size 11.

7 MR. WARNER: Thank you.

8 MR. DERSTINE: And certainly the non-Excel
9 format that Mr. Warner mentioned will be available,
10 that certainly can and will be loaded on the iPads, you
11 folks can expand the size, but you just won't have the
12 functionality of searching as an Excel document. But
13 we'll see if there's a way to do that using the iPad as
14 well.

15 CHMN. CHENAL: Thank you.

16 MR. DERSTINE: Okay. The other matter -- I
17 think right before we broke for lunch the question was
18 from Member Noland, she wanted to see something that
19 broke down private land ownership by route. I think I
20 have that right. So that is an existing table that was
21 in the EA, and we'll pull that up on the screen and
22 direct you to it in the EA itself.

23 MEMBER NOLAND: Mr. Chairman, I have seen
24 that table, but that does not answer my question
25 because you're not using the east common portion.

1 You're using E1 and E2 and not the east common portion.
2 Do you understand what I'm saying?

3 MR. DERSTINE: No.

4 MEMBER NOLAND: Well, to me E1 and E2 --
5 okay. Wait a minute. I understand now. E1 would be
6 the minor route in the BLM land and then onto the blue
7 common portion, so that's just E1. What threw me --
8 excuse me. What threw me was the route alternatives
9 chart and colors. You call E1 and E2 one thing, and
10 then you call the common route another thing. And so
11 that is what's throwing me off with your tables.

12 MR. WARNER: Okay. That's a good comment.
13 So each of the alternatives are depicted as the full
14 length from point of beginning all the way to Mineral
15 Park. And so the data that's on that table is also
16 reflective of that, whether it's common or independent
17 from one another. Does that help?

18 MEMBER NOLAND: That does help. That's what
19 confused me when I looked at these other tables, that I
20 wasn't seeing the common area. Thank you. But it's
21 Table 27?

22 MR. WARNER: 27 on Page -- on Appendix
23 A-2-17.

24 MEMBER NOLAND: I've got it.

25 BY MR. DERSTINE:

1 Q. Do you want to speak to that? Mr. Beck, are
2 you going to walk us through that in terms of the
3 information that's presented there? And maybe you want
4 to add some color in terms of what the columns mean and
5 why they are important, if they are important.

6 A. (BY MR. BECK) Yes. So what that table
7 represents, again, by the alternative label, the E1,
8 E2, W1, W2, that is the whole route from Harris
9 substation to Mineral Park on the various alternatives.
10 The total miles of private land crossed by each
11 alternative is just indicated here. So across E1, all
12 the way between Harris and Mineral Park, it's 10.8, as
13 compared to E2, which is 11.4, and so on down the list.

14 The miles of existing UNSE transmission line
15 easement on private land, again, for each of the routes
16 is shown. So as you can see, E1, E2 had the most
17 existing transmission line on private land, which
18 ultimately would be -- a lot of it would be used for
19 the project.

20 The last column, percent of existing UNSE
21 transmission line easement on private land just in a
22 percentage, is tied to those numbers, just showing it
23 in a percentage basis.

24 CHMN. CHENAL: So Mr. Beck, for example,
25 what's the total length of E1 from the bottom to --

1 from Harris to Mineral Park?

2 MR. BECK: 16.9 miles.

3 CHMN. CHENAL: So the second column, the 7.3,
4 is part of the 10.8 in the first column?

5 MR. BECK: Yes.

6 BY MR. DERSTINE:

7 Q. So Mr. Beck, if I'm looking at those columns,
8 and let's just take the first column, total miles of
9 private land crossed by alternative, we're referring to
10 Table 27, which is on the right screen present here in
11 the hearing room, I would look at that first column and
12 I would -- well, I can see that E1, BLM's preferred
13 route and the preferred route in the CEC application,
14 crosses 10.8 miles of private land. Compared to the
15 western alternatives, it crosses more private land than
16 any of the western alternatives. W3 and W4 cross
17 approximately 9 miles of private land, with W1, W2
18 crossing approximately 7 and a half miles of private
19 land. Am I reading that correctly?

20 A. (BY MR. BECK) That is correct.

21 (Background conversation.)

22 CHMN. CHENAL: Member Gentles, do you want to
23 mute your phone?

24 MR. MOELLER: I got it.

25 CHMN. CHENAL: Okay.

1 MR. BECK: Yes. So relative to the
2 differences I think, as the Committee Members hopefully
3 saw during the flyover, there's commercial and
4 residential private land for the most part in this area
5 on the eastern alternatives. Some of it is the Nucor
6 Steel plant site, there's the Western Wind facilities,
7 we're adjacent to those, the Cunningham property and
8 other properties, which are private land ownership in
9 this area here, and a little bit up around that truck
10 stop area. Whereas on the western alignments we've got
11 long stretches that are on BLM land, and it's only a
12 small portion that is in private. So those numbers
13 represent the fact that, yes, there is a little bit
14 more private land crossed on the eastern routes than
15 the western routes, but again, there was not a lot of
16 development on that private land on those eastern
17 routes.

18 BY MR. DERSTINE:

19 Q. And then I'm trying to understand the
20 significance of the next column over, miles of existing
21 UNSE transmission line easement on private land miles.
22 So if I'm looking at just the preferred route, the
23 first column shows me that there's 10.8 miles that
24 E1 -- of private land that E1 crosses. But of that
25 10.8 miles, 7.3 of it is within an existing

1 transmission line easement, is that right?

2 A. (BY MR. BECK) That is correct, and it
3 equates to that higher percentage in the far right
4 column.

5 Q. So if I'm doing the math, which I'm not good
6 at, but if I take the 10.8 miles and subtract the 7.3
7 miles, that would give me the private land that's being
8 crossed without an existing easement or right-of-way?

9 A. (BY MR. BECK) Correct.

10 Q. And based on that math, it appears that the
11 western routes, although the crossing private land
12 totals are less, if I'm doing the math subtracting
13 Column 2 from the first column, the private land they
14 do cross is outside of an existing easement -- or, has
15 more land outside of an existing easement or
16 right-of-way.

17 A. (BY MR. BECK) It's more private land that is
18 untouched today by existing right-of-way, yes.

19 Q. Those folks don't have a transmission line
20 easement on their property already?

21 A. (BY MR. BECK) Correct. And that goes back
22 to the EA. One of the reasons for their preferred
23 route is the more opportunity to utilize existing
24 utility rights-of-way for the project.

25 Q. Mr. Warner or Mr. Beck, is there any other

1 information that you want to relay or discuss in
2 Table 27?

3 A. (BY MR. WARNER) Not for me.

4 A. (BY MR. BECK) No, I don't.

5 MR. DERSTINE: Did that address your
6 question, Member Noland?

7 MEMBER NOLAND: Well, sort of. Those numbers
8 seem off to me. I'm sorry. But W3 and 4, I don't see
9 how it could be that amount. And I'd have to really
10 know where the existing lines were in E1 or 2 that
11 we're using if we're using those or that right-of-way.
12 I assume that's what that means.

13 MR. DERSTINE: Do you have a way to address
14 Member Noland's question? She's questioning the
15 validity of the length of total miles of private land
16 crossed for W3 and W4.

17 You don't believe -- Member Noland, you don't
18 think that there are 9 miles?

19 MEMBER NOLAND: Let's look at West 1, which
20 is almost all on BLM land. The only place it isn't is
21 down near the Harris substation connect. The rest of
22 it virtually is all on BLM land. So how can that
23 compare and only be 2 miles or 1 mile less than E1 or
24 E2?

25 MR. WARNER: So Ms. Noland, let me point out

1 a couple of things. Yeah, you're right, that's -- down
2 here on the bottom is private land, and E1 follows BLM
3 here. So a little bit --

4 BY MR. DERSTINE:

5 Q. E1?

6 A. (BY MR. WARNER) Excuse me. Thank you.

7 The West 1 alternative follows BLM until it
8 joins here. Then it crosses over into private land
9 here, so this is private.

10 A. (BY MR. BECK) So just for the record, that
11 was West 1, right?

12 A. (BY MR. WARNER) Did I say that?

13 A. (BY MR. BECK) I think you said E1.

14 Q. Then I corrected it.

15 A. (BY MR. WARNER) Yeah, West 1. So West 1
16 crosses over Highway 40, then gets onto BLM property.
17 But then as you come up here and it joins the common
18 route, much of that common route is on private ground,
19 and so that's included in that total.

20 MEMBER NOLAND: And I don't really care about
21 that. What I care about is from where it joins from
22 the east and the west, and to me that's the core of
23 what we're talking about, not along 93.

24 MR. WARNER: Okay. So what we'll do is we
25 can build another table that subtracts out that portion

1 and then provide that for you so that you can see the
2 comparison between those two alternatives just until
3 they join the common point. So that's a simple
4 mathematical thing. We'll have that in a few minutes.

5 MEMBER NOLAND: That would be great. Thank
6 you.

7 MR. DERSTINE: And do you want that done for
8 all the routes, where you're subtracting out the common
9 private and you're just looking at the non-common
10 private land ownership?

11 MEMBER NOLAND: Yes.

12 MEMBER HAMWAY: Mr. Chairman.

13 CHMN. CHENAL: Member Hamway.

14 MEMBER HAMWAY: Just so that I understand, so
15 on E1 there is 3.5 miles of private land that needs to
16 have acquired a right-of-way?

17 MR. BECK: Member Hamway, that's correct.

18 MEMBER HAMWAY: Okay. So is the 3.5 miles --
19 I don't want to ask a private question, but I'm trying
20 to get a sense on the Cunningham property. They
21 currently have a 69 kV line, correct?

22 MR. BECK: That is -- well, again, just to be
23 clear on the record, it's a 69 kV designed line, but
24 it's operating at a distribution voltage today.

25 MEMBER HAMWAY: Okay. So I guess my question

1 is, on the 67.6, is there -- are they eliminated from
2 that 3.5 miles because they already have a utility
3 corridor on their property?

4 MR. BECK: They should not be. These should
5 represent the alignment, our preferred alignment or the
6 alignment that we're looking at in particular on any
7 one of these. So only if it's basically a co-location
8 or replacement would it be reflected in that number.
9 So the Cunningham 69 kV right-of-way isn't added or
10 subtracted into that number.

11 BY MR. DERSTINE:

12 Q. So if we were not to follow the Cunninghams'
13 preference of putting the line over the ridge or the
14 mesa, but instead followed the existing 69 kV
15 right-of-way, it's not energized as 69 kV, but there is
16 an existing right-of-way there, then I assume that the
17 second column for E1, that number would go up?

18 A. (BY MR. BECK) It should go up slightly, yes.

19 Q. By the length of the distance that we would
20 be within the existing UNSE right-of-way on the
21 Cunningham property?

22 A. (BY MR. BECK) Correct.

23 Q. But the number in Column 3, the 7.3 miles for
24 E1, reflects the fact that we're not following that
25 right-of-way, which would have been an option, but

1 following the Cunninghams' preference, we're going over
2 the ridge?

3 A. (BY MR. BECK) Correct.

4 MEMBER HAMWAY: Okay. Thank you.

5 BY MR. DERSTINE:

6 Q. Mr. Warner, we were in your RMP and corridor
7 presentation. Is there more you want to talk about on
8 the Resource Management Plan or corridors or have we
9 covered it?

10 A. (BY MR. WARNER) I think we've covered it.
11 If you feel like you don't properly understand it,
12 please fire the questions out and I will try to
13 respond.

14 Q. No, I think we -- it's an important topic, I
15 think we spent time on it, but I think it's critical
16 that the Committee understands where are those
17 corridors, when we say that a hundred percent of E1 is
18 within the BLM corridor, what that means. It means on
19 BLM land E1 is within a corridor designated by the RMP.
20 And so I think we conveyed that information, so I
21 appreciate it.

22 CHMN. CHENAL: Can we see L73 and L74, just
23 to see if there's anything in there that will assist
24 us?

25 MR. WARNER: Were these maps what you wanted

1 to examine?

2 CHMN. CHENAL: Yeah, just to see if there's
3 anything that you need to comment on in terms of land
4 use or anything. Maybe there isn't.

5 MR. WARNER: These dark blue lines represent
6 the corridor.

7 MEMBER NOLAND: Which corridor?

8 MR. WARNER: That's the corridor that follows
9 93. And then when it crosses BLM, that's where they
10 have BLM-designated corridors.

11 BY MR. DERSTINE:

12 Q. So Slide 73, that would be the western end of
13 the route. And you're showing the corridor up at -- is
14 that near the terminus of the line at Mineral Park
15 substation?

16 A. (BY MR. WARNER) That's correct. Central,
17 where you see the placard that says 93, that's the
18 highway. And you can see the little dark line that
19 runs adjacent to that, and then there's a little box
20 and a call-out here that says, "Planned Mineral Park
21 substation." This is Exhibit A-4 that's found in the
22 planned land use section of the land use section.

23 Q. And then Slide 74, is that the bottom half of
24 that map? I guess it's a bottom and a top land use
25 map.

1 A. (BY MR. WARNER) Again, this is depicting the
2 many colors of the planned land use from all of the
3 aggregation of all the plans that are there. And
4 again, those dark blue lines represent what are planned
5 land use activities for the corridor. So the corridor
6 is along 95 -- excuse me -- along 93. And where
7 there's BLM land, in this particular exhibit I think
8 it's a green area. In the central is a parks and open
9 space declaration that happens to align itself with BLM
10 property, and it shows that that corridor goes through
11 there.

12 CHMN. CHENAL: Where does it show that,
13 Mr. Warner?

14 MR. WARNER: Right here. So here -- this
15 line right here that I'm following with my cursor is
16 93. The dark black line are the alternatives. This
17 alternative is the east common alternative there that
18 follows that and jags back and forth across that. And
19 then the blue line on either side is where the corridor
20 is depicted through those areas.

21 MEMBER NOLAND: Mr. Chairman.

22 CHMN. CHENAL: Member Noland.

23 MEMBER NOLAND: Mr. Warner, would you please
24 say what corridor it is, if it's a BLM or if it's the
25 application corridor?

1 MR. WARNER: Yes.

2 MEMBER NOLAND: Thank you.

3 MR. WARNER: Okay. So the BLM corridor is
4 depicted here as it crosses through and adjacent to
5 Highway 93.

6 Down on the southern end -- let's go down
7 there for just a minute. Down on the southern end you
8 can see the western alternatives that I'm depicting
9 with a green line here, and they cross through this
10 mottled color. And the BLM corridor in their RMP, this
11 is depicted by this -- by this blue line again. And in
12 their RMP this is that Davis-Prescott line that runs
13 through there and it's Corridor Number 3. Along
14 Corridor -- the roadway up to Hoover Dam, 93, that
15 corridor is Corridor Number 7.

16 CHMN. CHENAL: So where is 3 again?

17 MR. WARNER: 3 is this wider one here. It's
18 2 miles in width. It's on the southern area and covers
19 the bottom portion of those alternatives as they cross
20 through federal land.

21 MR. BECK: Mr. Chairman, if I may, just for
22 the record, in the EA, 3.1.4.1, those two utility
23 corridors are called out. BLM refers to the one on the
24 southern portion, as Mr. Warner indicated, as the
25 Davis-to-Prescott corridor, which is 2 miles wide. The

1 one that is along Highway 93 and also along I40, they
2 refer to as the Highway corridor, and that is a
3 1-mile-wide corridor.

4 CHMN. CHENAL: And where is that, Mr. Beck,
5 again?

6 MR. BECK: It's 3.1.4.1 of the EA. And that
7 is in the application, I believe, as Exhibit B.

8 CHMN. CHENAL: 3.1.4.1.

9 MR. BECK: Yeah, 3.1.4.1. And electronically
10 it's on Page 22.

11 MEMBER GRINNELL: Mr. Chairman.

12 CHMN. CHENAL: Yes, Member Grinnell.

13 MEMBER GRINNELL: The blue lines are the
14 corridors, correct? And they cross not only public
15 land, but they cross private land in many areas, am I
16 correct?

17 MR. WARNER: Yeah. The way that they're
18 depicted in the BLM plan, they don't make a distinction
19 about the drawing of those lines across private land.
20 There was an expectation, and has been for many years,
21 that that would be adopted by the local government. In
22 some cases they have done that; in some cases they have
23 not. And so -- and in this particular case, I don't
24 believe that we found either, in the County or in the
25 City, that they had designated the parameters of that

1 corridor in the way that we've depicted them here,
2 which is reflected in the BLM documentation.

3 MR. BECK: And just as a reminder, this is
4 from the federal EIS process where they were doing
5 environmental studies for the whole corridor. So they
6 probably covered all of the environment, whether it was
7 on BLM land or not. Then it becomes the issue of what
8 BLM has jurisdiction over.

9 And just to clarify also for the record, on
10 the second bullet up there, the RMP federal EIS final
11 was in 1993. It wasn't adopted, by Record of Decision,
12 until 1995. Not that it matters, but just to make sure
13 the record is clear. So there was a two-year delay
14 just in issuing the Record of Decision on that
15 particular project. And so they've finished a Final
16 EIS. You would assume, okay, they just have to rubber
17 stamp it. Well, it took them two years to do that.

18 CHMN. CHENAL: So this is really for
19 Mr. Warner. I just want to remind the Committee, one
20 of the factors that we are supposed to consider under
21 A.R.S. Section 40-360.06(A)(1) is existing plans of
22 this state, local government, and private entities for
23 other developments or in the vicinity of the proposed
24 site. So that's one of the factors is the plans.

25 And I think you address this, Mr. Warner.

1 We've talked about the BLM corridors. But to your
2 knowledge, are there any other plans that might be
3 applicable, for example, the City of Kingman or Mohave
4 County or general plans, land use plans, anything that
5 might, you know, favor utilities being placed in a
6 certain area versus another area?

7 MR. WARNER: They haven't declared that, nor
8 have they done the opposite.

9 CHMN. CHENAL: Okay.

10 MEMBER HAMWAY: So Mr. Chairman, in their
11 general plans that they update every 10 years, there
12 are no utility corridors specified in the county or the
13 city of Kingman?

14 MR. WARNER: There isn't one now.

15 MEMBER HAMWAY: Well, this is a 10-year
16 thing. They have an opportunity here. They can update
17 that.

18 MEMBER NOLAND: Yeah, you tell them that.

19 MR. WARNER: Yeah, I think -- and just let me
20 make one other remark. You know, this last Department
21 of Energy attempt to try to identify corridors across
22 the United States, they made it clear to the federal
23 agencies that their expectation, after coming out of
24 that program, is if they didn't have them, they better.
25 So they identified that. And they also alerted the

1 local governments that it was their expectation that
2 they also adopt them. But again, local governments
3 have the opportunity to make the choice when they're
4 ready to do that.

5 The lines depicted here represent what the
6 BLM did, what the BLM charged everybody with in the
7 area. Said, we're going to set out where we think
8 these things go and we're going to connect them all and
9 show you where that is. Now, I'll leave that to the
10 responsibility of the local jurisdictions to take up
11 the torch and to continue to put that in their plans.

12 MEMBER HAMWAY: So what happens to a private
13 property when BLM arbitrarily draws these lines over
14 somebody's property? I think Mr. Cunningham mentioned
15 it's a taking when you connect two BLM corridors and
16 there's a private land in the middle. I mean, is that
17 a taking? And does that private land immediately
18 become a utility corridor just by default? And if he
19 doesn't want to participate, is there condemnation
20 efforts?

21 MR. WARNER: So let me just speak about the
22 process, and I won't take up the legal permutations of
23 whether or not it's a taking or not. But the BLM, when
24 they do many things, they -- their primary interest is
25 what is on the public land. But there's a clause in

1 NEPA that's called connected action, and this is
2 something that I'm sure Committee Members, especially
3 the ones that have been here a long time, understand.
4 And that is, when something is happening on the BLM, it
5 may affect something that's not happening on the BLM,
6 right. So if I -- if I mandate that I'm going to build
7 a line in this location, then just outside the BLM I've
8 just automatically made that necessary.

9 The policy of the BLM is to be deferential to
10 what is happening in other areas so that they can align
11 those things as best as they can. They've also made it
12 a requirement to study robustly what happens on private
13 ground or other agencies' land when they take that
14 primary position under NEPA so that the robust study
15 can analyze those impacts. And they factor that in to
16 the impacts that they perform as part of their study.

17 In regards to the participation of the
18 public, they expect a robust dialogue with the public
19 that occurs. And that's part of the documentation
20 that's built in there so that people that don't want
21 something to happen, they don't have -- or, they can
22 say what they want to do.

23 Now, one other detail, and this is an
24 important one. They aren't going to tell where that
25 alignment is going to go on the city. So let's take

1 the RMP, for example. If the City disputes that
2 location of that particular line that was drawn by the
3 BLM and is in part of -- that's part of their EIS, then
4 they can adjust it on their own and it doesn't affect
5 the BLM's stance because they're in control of it. In
6 the same way that if a private landowner is being
7 negotiated with in this study and they move that, the
8 BLM will -- if it doesn't affect the study in great
9 detail, they will allow that without going through a
10 protracted process because it's not on their property.
11 Does that make sense?

12 MEMBER HAMWAY: Yes. Thank you.

13 CHMN. CHENAL: Member Noland.

14 MEMBER NOLAND: Thank you, Mr. Chairman.

15 I think the biggest thing that concerns me
16 here is this was developed 25 years ago and this area
17 was a whole different ballgame 25 years ago, and I just
18 have some real issues with it. And if you look at the
19 southern BLM corridor, it impacts and would impact a
20 lot of private ownership if, in fact, we were to use
21 this as an extension from the BLM land.

22 And it's a 2-mile-wide BLM corridor? If I
23 were the people that came in here --

24 MEMBER HAMWAY: I'd be mad.

25 MEMBER NOLAND: -- I'd be really upset about

1 that and I don't know -- I mean, that's why I think
2 people were very upset early on with the west area and
3 when they figured out, if they did, that there was a
4 BLM corridor.

5 I don't know. I'm just -- I'm stumped by
6 this, I have to tell you. I am really stumped. But
7 one thing you said is if local entities want something
8 in a different area, then BLM might consider that, is
9 that what you said?

10 MR. WARNER: If another entity came out with
11 a plan that was a local government plan that adjusted
12 from what we depicted in the RMP, we would have
13 displayed that. And the BLM would have no control over
14 that, and nor do they have control over any of the
15 private land.

16 MEMBER NOLAND: I understand that. But they
17 still have laid this out 25 years ago, and most places
18 update their plans on a 10-year basis and do a general
19 plan and land and all of that. BLM has not done that,
20 and I think that's a disservice, I truly do. So not
21 your problem. That's our problem with BLM. But it's
22 also my problem with following their suggested
23 corridor.

24 MR. BECK: So Mr. Chairman, Member Noland, I
25 hear what you're saying. That Prescott-to-Davis

1 corridor was based on the fact that there was an
2 existing 230 line that probably dates back to the '30s.
3 And they put a 2-mile-wide corridor with the whole
4 intent of trying to put all utilities into that
5 corridor so the public would know, well, this is where
6 it's going to happen. It's this 2-mile width.

7 Likewise, on Highway 93, that was somewhat
8 informed by comments submitted by our predecessor,
9 which was Citizens Utilities, which specifically asked
10 that that Highway 93 corridor be available for a
11 utility line of, interestingly enough, 230 kV from a
12 point at Hilltop substation 15 miles north of Kingman.
13 So it's basically the same alignment we're trying to
14 put in now. It was a totally different project. They
15 were looking at a potential resource up in the Cerbat
16 Mountains, probably right behind the mine location. So
17 that was part of the information that was provided to
18 BLM as they were creating that RMP process.

19 So again, I understand your concern about the
20 impacts to these corridors, but also, at least from the
21 BLM perspective, they're trying to drive utilities to
22 these locations so that not only would the utilities
23 know, but the public should be aware, there's a
24 corridor there and likely going to have utilities in
25 it.

1 And the update issue, I understand that.
2 There's been some updates to the RMP, but it's not to
3 the utility piece, it's to other portions.

4 MEMBER HAMWAY: Mr. Chairman, when did this
5 BLM corridor map come in to be part of the discussion?
6 Was it as early as 2006? I mean, has this map been up
7 there since 2006?

8 MR. WARNER: Yes.

9 MEMBER HAMWAY: Oh, it has?

10 MR. WARNER: Yeah. The corridor discussion
11 was part of the initial discussion that we had with
12 BLM, and that actually helped us define the study area
13 in the very first door opening. I think what they
14 expected, though, is because of some of the
15 complications that you're wrestling with, they expected
16 that maybe it would be easier to do it in the west.

17 And I think the public called them out and
18 said, hey, you're being lazy here. Use your corridor.
19 You've got one.

20 And in that meeting that you saw the video
21 clip, Ruben Sanchez was there, and so he heard some of
22 those comments. And after that meeting he said, you're
23 right. We need a serious alternative on the east, and
24 we're going to take that up.

25 MEMBER GRINNELL: Mr. Chairman.

1 CHMN. CHENAL: Yes, Member Grinnell.

2 MEMBER GRINNELL: Forgive my ignorance here,
3 but you have two substations down here in the south,
4 okay. In your original project for this, the concept
5 developed around the mine way up the highway on 93, is
6 that correct?

7 MR. BECK: Correct.

8 MEMBER GRINNELL: Is it feasible -- am I just
9 being unrealistic here? What if you took and built a
10 substation at the end of the blue line and just ran it
11 right up Highway 93 and eliminated the loops around
12 Kingman and Golden Valley?

13 MR. BECK: Well, again, the basis for our
14 wanting to build the Mineral Park substation and have
15 230 to that is to shorten that distance all the way up
16 to the Hoover Dam area. And ultimately, I see 230
17 going all the way up to Hoover Dam.

18 MEMBER GRINNELL: Well, I understand that.
19 But I guess my question is: You say that the power
20 runs from the south to the north, or does it run from
21 the north to the south?

22 MR. BECK: We import it at what we call
23 Hilltop and Griffith, which have been shown on previous
24 maps. So we would have to find that slide, but we
25 import to those two points. Hilltop is somewhere over

1 in this vicinity here, and then Griffith is down this
2 direction. So those are the two major points on the
3 Western system. So one of them is on this
4 Davis-to-Prescott 230 kV line, and then Griffith is
5 down here on another circuit. And so Western brings --
6 all of the resources that we import from the Phoenix
7 area and elsewhere come into those two points, and then
8 we take it from there and distribute it throughout
9 Kingman and Golden Valley. So we're trying to get
10 another point on the Western system that can be another
11 outlet for that power from Western to go up to the
12 north.

13 MEMBER GRINNELL: Can you build a substation
14 at the junction where Shipp Road roughly -- where
15 there's State Department land up there, build a
16 substation there to be able to accommodate the need for
17 the 230 kV up to the mine or the planned Mineral Park
18 substation?

19 MR. BECK: So here is the Griffith and the
20 Hilltop import points. So you're saying build a
21 substation --

22 MEMBER GRINNELL: Where is 93? Okay. You've
23 got Hilltop right there.

24 MR. BECK: Right.

25 MEMBER GRINNELL: Couldn't you just begin

1 your 230 line there, without having to impede Kingman
2 and Golden Valley? Couldn't you start that at a
3 starting point there, or is that unrealistic?

4 MR. BECK: Well, whether we start there or we
5 start at Harris, they're still going to come up through
6 the 93 area.

7 MEMBER GRINNELL: Right. You've still got to
8 go up 93, because eventually it's going to get up to
9 the planned Mineral Park substation.

10 MR. BECK: Correct.

11 MEMBER GRINNELL: I guess my question is: Is
12 it feasible to build a 230 kV line from down there and
13 for now eliminate the Kingman or the Golden Valley
14 loops? Do you see what I'm saying here?

15 MR. BECK: Well, our need is to get 230 up to
16 this point. So if we build another substation here,
17 we're still building that line there.

18 MEMBER GRINNELL: But that's -- how much is
19 that impeding on Kingman and Golden Valley?

20 MR. BECK: Basically the only thing it would
21 do is bypass Mr. Cunningham's property, and then you'd
22 go through kind of downtown Kingman.

23 MEMBER GRINNELL: That's what I was trying to
24 figure out.

25 MR. BECK: Okay. Sorry. Yes.

1 MEMBER GRINNELL: I was just trying to see if
2 there was an alternative to be able to bring in -- but
3 apparently that's not the case.

4 MR. BECK: Right. And then we'd have to
5 start all over because we'd have to renotice --

6 MEMBER GRINNELL: No, I understand. But I'm
7 just looking at this because we're just...

8 MR. BECK: Yeah, appreciate it.

9 CHMN. CHENAL: Does the Committee have any
10 further questions?

11 (No response.)

12 CHMN. CHENAL: I'd asked those two maps be
13 put up, so thank you for that. And then I think you
14 were going to get into your next area, Mr. Derstine,
15 expand route alternatives.

16 MR. DERSTINE: Right.

17 BY MR. DERSTINE:

18 Q. We're going to get back to, I think, telling
19 more of the history and the chronology of the
20 permitting for the project. We left off with the
21 May 2008 public meeting, and that drove the discussion
22 around corridors and the importance of utilizing BLM
23 corridors.

24 And so this next section is headed -- it's
25 Slide 75, Jason, we'll just advance one -- expand route

1 alternatives. So I think what you're going to talk
2 about is, as a consequence of the May 2008 public
3 meeting and what you heard at that public meeting,
4 there was an effort to put more route alternatives on
5 the table. Do I have that right?

6 A. (BY MR. BECK) Yes, that's correct.

7 Q. Okay. Why don't you proceed?

8 A. (BY MR. BECK) So the Fact Sheet 3, which
9 went out prior to our May meetings, basically showed
10 the study areas, but it added the concept of utilizing
11 the existing utility corridors that were along 93 to
12 the north, as well as the piece coming out of Harris in
13 an easterly direction for the very early part of E1 and
14 E2.

15 I'm not sure. Did we cover the thank you
16 this morning? So this was the thank you from the
17 Golden Valley Public Awareness Team thanking the
18 company, as well as others who participated in that
19 meeting. And as you can see, their group, which
20 they're referring to that Golden Valley team, providing
21 many ways for future events and for the public to
22 become involved.

23 So I briefly mentioned previously, we've had
24 to coordinate with the wind farm that was being
25 developed while we were trying to start this project

1 out. We had radio tower issues, and then we had
2 landowner issues. We got to a point, after the May
3 meetings, where we added the routes that are on the
4 eastern side. And as I mentioned earlier, the
5 references to C, D, and E in those previous articles
6 were those alternatives that the Golden Valley group
7 brought forward to the company. So we started to
8 include those on the maps.

9 We did a bunch of outreach with agencies.
10 And in particular, the City of Kingman was very
11 concerned about the route going up 93. They saw
12 Highway 93 as their gateway into or out of Kingman.
13 And they had some early visuals put together by one of
14 their employees that, as I mentioned the other day,
15 depicted basically a picket fence look. They did not
16 like that at all, and they were adamant they didn't
17 want this project going up 93.

18 We met with the City officials, the council,
19 we took them out in the field on field trips, we did
20 working sessions. We created visual simulations to
21 show them, this is really what it's going to look like,
22 not what you had seen previously. And a result of all
23 of that process, the City got on board that that
24 Highway 93 alternative was good for the city and
25 acceptable, and in fact, more than acceptable, and they

1 wrote their resolution here. Now, granted this is an
2 old resolution. There's the issue of whether it's
3 applicable or not. But it said that they support the
4 eastern route, and they didn't bring up the western
5 routes as an alternative. So that's what we were
6 moving forward with.

7 In that time frame, a lot of things were
8 happening with the mine, with how we were serving the
9 mine, and also the public input and analysis that was
10 done. Well, by November we had narrowed it down to the
11 alternatives that we were going to take forward in our
12 process.

13 We created Fact Sheet Number 4. We sent it
14 out to the project mailing list in November of 2008.
15 In that map we introduced eastern routes. So you'll
16 see there's basically two western routes, I think it's
17 effectively W1 and 2 right here, skirting along the
18 edge of BLM or further into BLM and then up along the
19 edge of BLM. And then we had kind of three
20 alternatives coming up on the east side at that time,
21 the two that are E1 and E2 today, and then another just
22 little difference right in that area. We sent that out
23 to the public.

24 And then about that time frame, Mercator told
25 Transcon and UniSource that they were backing off on

1 the project. What had happened in the meantime, they
2 had approached the company and said, for cash flow
3 purposes we need to get our initial operation up and
4 running, the milling portion. What can we do as an
5 interim step? Knowing 230 is the ultimate answer, is
6 there something we can do?

7 UniSource built a direct feed 69 kV line,
8 paid for fully by the mine, to allow them to get
9 started and get to about half of their load. They
10 started operating that way. They decided that they
11 were going to put a generator on site, and so they went
12 ahead and put a generator on site. At that point they
13 basically said, we don't need the 230 anymore. We're
14 backing off of that project.

15 But we were at the point, at the end of 2008,
16 where Transcon had put together the Draft EA for the
17 BLM. It was ready to be handed off to the BLM to do
18 their public process and finalize it at the time that
19 basically the mine said, we're done paying for this.

20 UniSource didn't have a driving need at that
21 time frame to continue the project. We said, let's
22 kind of put this on hold. We've got all the work
23 product that we can utilize later. And so then that
24 became that interim period where not much was done.

25 And so we moved forward to 2016 -- actually,

1 in 2015 we looked back and said, we've got a full
2 process, public process that was done, we've got a
3 Draft EA out there. Let's get the BLM to go ahead and
4 finalize the EA. We hired Transcon directly, brought
5 BLM into the process, and restarted the process. And
6 so that's when we get kind of to Phase 2 of the
7 project.

8 Q. The thing I think I missed in that is, why
9 did you restart the process? I mean, it wasn't just
10 the fact that you had something in writing, a Draft EA
11 that was ready to go. There was a reason, right?

12 A. (BY MR. BECK) Right. We decided to go
13 forward with the project because there was the
14 long-term need up in the area north of Kingman, all the
15 way up to Hoover, and even throughout the lower part in
16 Kingman, to get a 230 line to support future load
17 growth and future interconnection requests that we
18 might get along that path. And so that's what drove us
19 in 2015 to say, let's go back and get that finalized
20 and get that done.

21 Subsequent to that, then, we did a saturation
22 study that validated that need. We'll talk a little
23 bit more about that. But this was kind of the
24 transition.

25 We had that lull from roughly 2008 up until

1 2015 where there was minimal work being done on the 230
2 project. It wasn't totally dead, but there was not
3 much going on with it. And so we had that big gap in
4 process.

5 So we recognized, in 2016, we would have to
6 do some more public outreach, but it was kind of in the
7 hands of BLM at that time. Because we had taken that
8 EA and said, here, take this and start with it and go
9 finalize it. And because they had different staff that
10 didn't have the history, they did a lot of looking at
11 that EA, and the typical BLM process extended on and on
12 and on. And in fact, the company had to push, through
13 our representatives, to put a little bit of pressure on
14 BLM to actually get them to work on the project,
15 because they kept putting it to the back burner. So
16 even though we had said, we want to finalize this, get
17 it done, it was -- every time we had a meeting it was,
18 well, we'll get to that next week. We'll get to that
19 next week. And that went on for a couple of years.

20 Q. So your Slide 84, the next in this chapter,
21 just kind of -- the bullets track what you just said in
22 terms of the project need was confirmed in a load
23 saturation study, and then that prompted UniSource to
24 look back at what had been done and had kind of been
25 put on the shelf going back to 2008, is that right?

1 A. (BY MR. BECK) Yes, that's correct.
2 Basically we had -- you know, in 2008 our position was
3 we were done because we had a -- you know, from a
4 construction perspective, it was shovel ready. We had
5 an EA draft that was ready to just be finalized, go
6 through the EA process at the BLM. So we just wanted
7 to take that and move it on forward.

8 Q. And so that EA that was ready in 2008, we
9 just dusted that off and handed it to BLM in 2021 and
10 it was ready to go, or did you do something else? Was
11 there more study work done? It's a facetious question.
12 I know there was more that was done.

13 A. (BY MR. BECK) Well, yeah, there was a whole
14 processed developed. BLM went through their public
15 process, UniSource used up some of our own public
16 process, outreach, meetings, and so on, and I think
17 we've got slides to cover kind of that Phase 2.

18 Q. That's what we're going to talk about in this
19 next phase of the project, 2016 to 2021, right?

20 A. (BY MR. BECK) Right.

21 Q. Mr. Warner, are you going to be taking over
22 for 2016 to 2021 or Mr. Beck?

23 A. (BY MR. WARNER) I think Mr. Beck is doing a
24 great job, but I'll just jump in when he needs me.

25 Q. Jump in as needed, please.

1 A. (BY MR. WARNER) I guess I would add,
2 Mr. Beck, when you go through that, you might identify
3 how the Western 3 and 4 got added to the mix at the
4 first step, or maybe I could cover that.

5 A. (BY MR. BECK) I'll let you cover that.

6 A. (BY MR. WARNER) Okay. So when the project
7 was initiated again after -- in the time frame of 2016,
8 of course there were meetings held with the BLM and
9 there was a re-examination of what was on the table.
10 And what they asked to do is to extend two alternatives
11 to the south, one following Shinarump Road a little bit
12 further and then one following the 230 or --

13 Is it a 345, 230 kV line?

14 A. (BY MR. BECK) 230.

15 A. (BY MR. WARNER) -- the Western Area Power
16 Administration's 230 kV line and to align that up with
17 Tooman Road. And so those were added at that time.
18 Everything else kind of remained in place.

19 I think one of the things that wasn't touched
20 on in Mr. Beck's comment is we also had some
21 discussions with the wind farm. And we had some fluid
22 alternatives that went from the BLM land on E1 and E2
23 that sort of went out into that private land that's
24 just east of E1 and E2 that's right here. And we
25 effectively dropped those -- dropped those alternatives

1 by the time we got back to the BLM in the 2016 time
2 frame.

3 Other microadjustments that were made were by
4 that time we had also adjusted the line to avoid --

5 Are you touching on this later, the KAAA?

6 I know we touched on it previously, but it
7 was -- the line was adjusted to miss the KAAA tower at
8 that time too, and so -- going up to the end of that.
9 So that was all done in that time frame.

10 A. (BY MR. BECK) So we started with some public
11 outreach in 2017 --

12 CHMN. CHENAL: Excuse me. Member Haenichen
13 has a question.

14 MEMBER HAENICHEN: Mr. Warner, what was the
15 nature of your discussions with the wind farm?

16 MR. WARNER: Well, you know, we had -- they
17 sent some correspondence in writing, and they basically
18 had a plan and they had a lot of different sites
19 located. And we met with them to see if we could dance
20 between them, and they basically gave us a categorical
21 no, it would be a problem. And Mr. Beck and I actually
22 went into California to talk to them at their corporate
23 headquarters at one point, but I think it -- bottom
24 line is, they basically said, this is going to cost us
25 millions of dollars if you even come close to our

1 turbines. And so it was easier to stay on the BLM
2 property, so that's what we did.

3 MEMBER HAENICHEN: What is their plan for
4 that project? I mean, what kind of load are they going
5 to serve? Is it going to have storage?

6 MR. BECK: So it is an operating plant. It's
7 about -- I think it's 10.25 megawatts, 10 of which is
8 wind. The offtaker is UNS Electric. We have a
9 purchased power agreement for Western Wind, so we take
10 all of their renewable production. There's no storage
11 associated with it today. It's the Western Wind, LLC,
12 I believe is the name of the company.

13 And so at the time that they were developing
14 that and laying out their turbine locations, there was
15 the basics. Well, we don't want your poles hitting
16 our -- or, our windmills hitting your poles or vice
17 versa. We don't want the wires in the way of our
18 facilities. And then they actually went further and
19 said, if you put transmission towers in front of our
20 wind farm, there's the potential to disturb the flow
21 and reduce our output. So that was the discussions we
22 were having with them on how we could maneuver and
23 locate so that we weren't affecting the flow of air
24 towards their turbines, we weren't impacting their
25 access or their physical use of their sites. So those

1 are the things we were working with them on.

2 MEMBER HAENICHEN: Is there any known
3 experimentation that's been done on the blockage by
4 towers of the wind flows? They're flimsy little --

5 MR. WARNER: We didn't do any on this
6 project. I think we had options, and so we just pulled
7 back and said, we're not going to --

8 MEMBER HAENICHEN: They were intransigent,
9 they didn't want to talk about it?

10 MR. WARNER: That's right.

11 MR. BECK: Basically that's true. And part
12 of the issue is, you're breaking up the laminar flow of
13 wind and it's going to have some impact, but I don't
14 think true studies have been done to really show what
15 that impact would be specifically to a transmission
16 pole that's put 50 feet or 100 feet or whatever
17 upstream from that. But they had the property, they
18 had control of it. I think it was 1,250 acres. And so
19 they were the landowner, and we had to deal with them.

20 MEMBER HAENICHEN: I understand. Now, has it
21 been a good experience for your company to buy that
22 intermittent energy?

23 MR. BECK: Yes, we've got a lot of wind.
24 It's not one of our best resources, but it's an
25 adequate resource. So as I mentioned the other day,

1 there's -- the best wind resources right now are over
2 in the eastern half of New Mexico.

3 MEMBER HAENICHEN: New Mexico, yeah.

4 MR. BECK: Which TEP just bought a big
5 project over there.

6 Arizona wind is second to that. It's a lower
7 level, it doesn't have as high a capacity or output.
8 But in Arizona, the Kingman area was one area that had
9 decent wind. So it's been good for us, but again --
10 they're put up on that ridge where they get the
11 constant winds, so it's a good location. So it has
12 been good for us.

13 MEMBER HAENICHEN: Thank you.

14 CHMN. CHENAL: Mr. Beck, are those the ones
15 that we see to the southwest?

16 MR. BECK: Yes. And you saw them in at least
17 one of the pictures we put up. They were off in the
18 distance. They're directly south of the Cunningham
19 property and directly east of the Nucor/Harris
20 substation.

21 CHMN. CHENAL: Member Hamway.

22 MEMBER HAMWAY: So the radio towers, are they
23 in the BLM corridor? And was that deliberate or just
24 kind of coincidental? And is that the kind of
25 infrastructure that would normally be routed to that

1 type of corridor?

2 MR. WARNER: The quick answer is, it's
3 probably not part of that infrastructure that the BLM
4 would have. They have different kinds of plans that
5 affect communication facilities that are very specific
6 to that, so corridors aren't necessarily that place.

7 The first part of your question is, is it in
8 the BLM corridor. It's not on BLM land, and so --

9 MEMBER HAMWAY: Well, I know it's not on the
10 land.

11 MR. WARNER: It's within that area that we
12 depicted in the blue, yes. It's within that blue
13 corridor that was depicted in the plan. That's
14 correct, it is there.

15 MR. BECK: So again, March 2017 we sent out a
16 fact sheet to reinvolve the public, reinform the public
17 about the project. We announced the modifications to
18 the east Cerbat alternatives so that -- as I had
19 mentioned, in November of 2008 we had basically three
20 alternatives down in the E1, E2 kind of joint area. We
21 reduced that down to just the two. So that newsletter
22 was announcing that and also showed the modifications
23 on the western routes.

24 We had further public outreach in 2019, with
25 Fact Sheet Number 7 posted to our website in June. And

1 again, these -- the dragging out of time was because
2 BLM was not acting on the application. It was like
3 pulling teeth to get them to do anything. Their
4 project manager was close to retirement, and it's -- so
5 he was close to retirement and we really had to push.
6 And in fact, we had to bring political pressure to
7 bear. And when it came down from above, all of a
8 sudden then they started to react.

9 CHMN. CHENAL: And it was a real retirement,
10 as opposed to the Ed Beck type of retirement, right?

11 MR. BECK: Yes, apparently it was. Yes.

12 MR. WARNER: So let me just add. On that
13 newsletter, it's Exhibit J-6, one of the purposes of
14 that particular newsletter was to summarize some of the
15 findings. There's a nice table there that reflects
16 some of those concerns that were laid out in the
17 scoping, and so you'll see a pie chart that depicts --

18 CHMN. CHENAL: Which one is that again,
19 Mr. Warner?

20 MR. WARNER: This is Exhibit J-6, fact sheet
21 March 2017.

22 CHMN. CHENAL: J-6, is that --

23 MR. WARNER: In the application.

24 CHMN. CHENAL: Application. So it's Exhibit
25 J-6 to the application.

1 BY MR. DERSTINE:

2 Q. And is that Fact Sheet Number 6?

3 A. (BY MR. WARNER) That is Fact Sheet Number 7.
4 Am I right?

5 So on the back you'll see that, and you can
6 see a pie chart that depicts some of the concerns that
7 were expressed at that time. So you can see there was
8 a continuation of a lot of interest in the largest bar,
9 which is the alternatives.

10 A. (BY MR. BECK) So just for the record, I
11 think it was Fact Sheet Number 6 noted on our website,
12 March of 2017.

13 A. (BY MR. WARNER) Oh, that's right. Fact
14 Sheet Number 6. I'm sorry.

15 A. (BY MR. BECK) So then we had further
16 outreach in 2020. And again, this is being driven by
17 BLM. They were in charge of the EA process at this
18 point, and these are the timelines they laid out for
19 outreach to the public.

20 So in 2020, Fact Sheet Number 8 was posted to
21 the UNS website in July again providing a project
22 update. We mailed a postcard to residents in the study
23 area in August of 2020 just to keep them informed, to
24 announce that there was the review period for the Draft
25 EA.

1 Then in 2021 there was a project newsletter
2 in January, which was an announcement of an open house.
3 We were into the pandemic, and so this was a virtual
4 meeting held in February of 2021.

5 A. (BY MR. WARNER) So let me take these next
6 couple of slides here.

7 So the big question is, what did we learn?
8 What did we learn during this next phase? And I think
9 the big messages were we learned that there was
10 consistent interest in the alternatives. So what you
11 see here in the comment summary slide on the right,
12 from 2016 to 2021 there was 124 comments being made.

13 And this was, I think, tabulated a week or so
14 ago, so we've got a little bit of an adjustment to
15 these numbers that we'll refine in a little bit. But a
16 week or so ago, this is the numbers.

17 32 of the comments favored the east routes,
18 13 the west, and 79 of them did not express one
19 preference or the other.

20 Go to the next slide, please.

21 These are the breakdowns of 2007 and 2010.
22 Out of 331 comments that were accumulated in writing or
23 voiced on the phone lines or sent by e-mails, 81 of
24 those expressed preference for the eastern routes, nine
25 expressed preference for the western routes.

1 MEMBER NOLAND: Mr. Chairman.

2 CHMN. CHENAL: Member Noland.

3 MEMBER NOLAND: Wouldn't that be safe to say
4 that they preferred anything but the western route?

5 MR. WARNER: That was sometimes the case,
6 absolutely.

7 MEMBER NOLAND: Well, there wasn't an eastern
8 route at that point that you were showing in 2007 to
9 '10.

10 MR. WARNER: By the time these -- when these
11 comments were -- when these comments were made, we only
12 tried to identify those that made a preference for
13 something that was in the east or in the west. So that
14 aggregated -- you're right. If they didn't express a
15 preference, then we didn't include it in this numbering
16 system, except for in the totals.

17 MEMBER NOLAND: Well, my point, though,
18 Mr. Warner, is that you didn't have an eastern route
19 being displayed at that point in time, you just had a
20 western route. So what those people were saying was,
21 anything but in my backyard on the western route.

22 MR. BECK: Member Noland, just to clarify
23 that, starting in May of 2008 there were eastern
24 routes, whether they were labeled C, D, or E, they were
25 the some of the eastern routes. So we were getting

1 comments, starting in May of '08, east versus west. So
2 yeah, the 2007 to 2008 -- we could subtract out 2007 to
3 2008. But a lot of those comments relative to the west
4 or the east route started in May of 2008 and carried
5 forward.

6 MEMBER NOLAND: Where was the map of that? I
7 didn't see that. I just saw the western route.

8 MR. BECK: Well, again, that map was hand
9 drawn at the May meetings with the public. And that
10 Golden Valley group came forward and said, here, we
11 think this C, this D, and this E you should consider.
12 And they were drawn onto a map. All of the
13 participants in those meetings saw those and commented
14 on what were on the maps in the meeting. And we had
15 comment forms right at the meeting. We said, hey, we'd
16 like you to sit down at the table, if you can, and just
17 fill out your preferences. So some of that comment
18 came right there, some of it was follow-on e-mail based
19 on what they saw at that meeting.

20 MR. WARNER: So in that series of three
21 meetings -- let's show the map that was there. That's
22 in the application under J-3, it's labeled April 2008,
23 and that's the map that was there. I think we've -- I
24 think we've shown this one before. This is Fact Sheet
25 Number 3. Yeah, Fact Sheet Number 3.

1 MEMBER HAMWAY: So what's the exhibit number?

2 MR. WARNER: J-3.

3 BY MR. DERSTINE:

4 Q. Can I stop you there and have you just back
5 up a second? Take a look at J-1 and let's walk through
6 the fact sheets and the chronology, please.

7 So the fact sheet shown on J-1 is
8 August 2007. The map associated with that -- I don't
9 see that there's -- well, I'm asking you the question.
10 Are there any routes shown on Fact Sheet Number 1 from
11 August 2007?

12 A. (BY MR. WARNER) No. This shows the study
13 area that is on the east and on the west that possible
14 routes could be developed from.

15 Q. Now let's turn to Fact Sheet Number 2,
16 please, J-2 in the application.

17 A. (BY MR. WARNER) This depicts alternatives
18 that were derived over the period of time between the
19 fact sheets.

20 MEMBER NOLAND: I'm having trouble finding
21 that in my -- can you put it on the screen, please?

22 MR. WARNER: Yeah, let's do that. Let's just
23 take a minute and see if we can do that.

24 MR. BECK: It's the second page of J-1.

25 MR. WARNER: This is the map that's

1 associated with --

2 MR. DERSTINE: Well, let them find it.
3 They're looking for it.

4 MEMBER NOLAND: On our iPads we don't have
5 the map. I put my hard copy away.

6 MEMBER PALMER: It's on my iPad. I don't
7 know why it isn't on yours.

8 MEMBER NOLAND: I'm sure it's operator error.
9 Got it. Okay.

10 MR. BECK: So the first fact sheet that was
11 sent out, J-1 is the -- has the map that's shown on the
12 left-hand screen right now. That basically shows the
13 study area. And the purpose of that first fact sheet
14 and the public meeting associated with that was just to
15 make the public aware we were looking to do a project
16 in this area and we're looking for comments. We did
17 not show any routes. We had not predefined anything at
18 that point. It was strictly a study area and we're
19 interested in your input.

20 So then we moved on to Fact Sheet 2, which is
21 from January of 2008, and that's shown up on the left
22 screen. And you'll see we had two alternatives there,
23 B and A. So we only had western routes on a map at
24 that time, and that's what we went to the public with.
25 And we got input: You're not looking far enough, you

1 should be looking east.

2 And so we kind of regrouped, we had
3 discussions with BLM. And by April of 2008, we created
4 Fact Sheet Number 3. And again, we just went into that
5 meeting -- this was announcing the May meetings and
6 we're soliciting input from the public. And we showed,
7 again, just a study area, no alignments, no routes on
8 there. We said, come tell us what you think.

9 At that meeting on May 6th, the Golden Valley
10 Public Awareness Team showed up in mass with some ideas
11 on -- for routes to go on a map. I don't recall if
12 they actually had a map, but they definitely sat down
13 with pen and pencil and drew on our maps and said, we
14 think you should look at this, this, this. And that's
15 where the C, D, and E came to be in our process, and
16 the public commented on what they saw in those meetings
17 on those maps.

18 And so again, when you look in the public
19 comment section, you're going to see these references
20 to C, D, and E. Without that context, it's confusing.
21 But it was related to those things that were brought
22 forward by the public in that public meeting.

23 MEMBER NOLAND: Mr. Beck, Mr. Chairman.

24 CHMN. CHENAL: Sure, Member Noland.

25 MEMBER NOLAND: Mr. Beck, have you heard from

1 them during this process?

2 MR. BECK: Not directly. So at the time,
3 they had formed a Yahoo group that they called that
4 Golden Valley team and they were communicating through
5 that. Subsequently, I think it was two or three years
6 ago, Yahoo did away with their group function. I don't
7 know that that group transferred to anything else or if
8 they still exist.

9 MEMBER NOLAND: So you haven't heard from
10 them as an organized group during these last hearings
11 and leading up to our public comment the other night?

12 MR. WARNER: No, we haven't heard.

13 MEMBER NOLAND: Thank you.

14 MEMBER HAENICHEN: Mr. Chairman.

15 CHMN. CHENAL: Member Haenichen.

16 MEMBER HAENICHEN: Mr. Beck, help me recall.
17 The C, D, and E, how close were they to the E1 and 2?

18 MR. WARNER: Let me see if I can show you a
19 couple of things here.

20 MR. BECK: Let's see if he has something that
21 references those, but I think they're very close to.

22 MR. WARNER: Yeah. I think in general what
23 they tried to do is -- we talked about criteria with
24 them. We said, hey, we want you to use things like
25 existing infrastructure, those are going to be more

1 favorably accepted by the analysis and things like
2 that. So I think they teased out some alternatives
3 that went east and tried to go through that jumping
4 back and forth across I40, for example. They also had
5 alternatives that went more deep into the Cerbat range,
6 you know, trying to go directly through and avoid some
7 of the complications that were along Highway 93.

8 After we gathered that information back, we
9 digested it and tried to come up with alternatives that
10 would meet the criteria, the siting criteria, that we
11 knew by reputation or professional expertise would be
12 effective in getting a line permitted.

13 MEMBER HAENICHEN: So at the end of the day,
14 who proposed E1 and E2?

15 MR. WARNER: Well, it was certainly a
16 collaboration. I think that when we went through that
17 process it was iterative with the BLM and with
18 UniSource in trying to identify what was suitable.
19 Also, Mr. Cunningham was very much a part of that, in
20 helping us derive that. And also the radio tower was
21 helpful in determining some of those routes and our
22 interactions with the wind farm.

23 MEMBER HAENICHEN: Thank you.

24 MR. BECK: Mr. Chairman, Members of the
25 Committee, on the right-hand screen Transcon has put up

1 a map, and this one is E. So this was what came out of
2 the process as an E route. So this was identified as
3 D1 in our processes. And this was identified as their
4 C route. So we took this as input to the process and
5 went back and Transcon massaged all of this information
6 to come up with the routes that actually ended up in
7 our newsletters. So while these were not specific
8 routes that we used ultimately, they're very close to
9 the routes that we ended up with after analysis.

10 CHMN. CHENAL: But C is a western route, is
11 it not?

12 MR. WARNER: That's correct.

13 MEMBER HAENICHEN: And what was the time
14 frame of this?

15 MR. WARNER: This would have been post May of
16 2008, towards the second half of the year.

17 CHMN. CHENAL: Member Grinnell.

18 MEMBER GRINNELL: We're seeing where the
19 valley folks, Golden Valley folks, have been their own
20 little army of opposition here to the west. How much
21 input have you gained from the industrial areas, the
22 residential areas that more parallel the east side?
23 What kind of positive, negative input have you received
24 from that audience?

25 MR. WARNER: Well, let me speak to the ones

1 that have been most interested. Certainly the wind
2 farm, we've already talked about that being very
3 interested and influential in helping us derive those
4 alternatives.

5 For commercial uses, they've been mostly
6 silent. And I think part of that is that the line on
7 an existing infrastructure is typically not
8 incompatible with what they're doing. The exceptions
9 to that, of course, are things that you've already
10 heard, which is the radio towers. They're concerned
11 about that.

12 MEMBER GRINNELL: Residents?

13 MR. WARNER: So the eastern routes, with the
14 exception of the property owners that are in the
15 vicinity of Mr. Cunningham, there's no houses over
16 there. So that area doesn't have a lot of people
17 weighing in on that, with the exception of those that
18 are related to Mr. Cunningham's property. But they're
19 active and they're engaged, and so they're very much a
20 part of that and have been very important in us
21 defining where that route goes through that area.

22 In regards to the corridor that's central in
23 95 -- or, 93, rather, most of the -- most of the
24 comments, and I'm just generalizing here, most of the
25 comments of concern that seem to be route driven seem

1 to be more vocal in the open areas in Golden Valley,
2 not necessarily on the corridor itself, I would say.

3 MEMBER GRINNELL: Thank you.

4 MR. BECK: Again, I think that is partially a
5 result of, as Mr. Warner said, the co-location or the
6 existing facilities that are there. They recognize
7 they're there. While these will be a little bit
8 bigger, again, if they're in an industrial area, it's
9 compatible and they don't see real issues with it. So
10 I think, for the most part, the public is not getting
11 involved on the east side.

12 A couple of residents who are very concerned
13 have shown up here, but we're not seeing a whole lot
14 from that east. And the numbers are pointing that the
15 people on the west are the ones that are showing up and
16 commenting, or at least commenting in our process.

17 MR. WARNER: Now, what you will notice too,
18 if you go back to C that show on the right-hand side,
19 that exhibit that has that map --

20 Can you show me the Alternative C that was
21 depicted on there? Let's zoom in on the bottom of that
22 near Shinarump Road on the bottom.

23 You can see how the dash line represented the
24 line that we had before, but you can see that was very
25 much a part of the design of what W1 became.

1 MR. BECK: And again, it was tucking this a
2 little bit further back into the BLM property.

3 MR. WARNER: And where it continued, the BLM
4 told us not to do that, because that would really
5 ignite the possibility of having a corridor, so stay on
6 the edge. So we didn't keep that as the alternatives.

7 BY MR. DERSTINE:

8 Q. So getting back to your pie chart, Member
9 Noland's comment was, when you're cataloging and
10 totaling the comments regarding route preference for
11 the early phase, 2007 to 2010, there was a period of
12 time in which you didn't have any eastern routes,
13 right?

14 A. (BY MR. WARNER) That's right.

15 Q. And if there were comments in 2007 and early
16 2008, they would be commenting generally that I don't
17 like your western alternatives or I don't want a route
18 on the west, go to the east, would that be captured in
19 that pie chart?

20 A. (BY MR. WARNER) Yes.

21 Q. And then if you look to -- so Fact Sheet
22 Number 2 only presented those two western alternatives.
23 That's what drew the anger and the cry from the Golden
24 Valley folks, correct, that was the Fact Sheet Number 2
25 dated January 2008?

1 A. (BY MR. WARNER) That's correct.

2 Q. Then by the time we get to the Fact Sheet
3 Number 3, April 2008, that's just you're going back --
4 you took the routes off the table and you just showed
5 general --

6 A. (BY MR. WARNER) Can you display that on the
7 left, my iPad?

8 A. (BY MR. BECK) Yeah, we basically went back
9 to a blank slate for solicitation of input from the
10 public. So we didn't go in with a predefined route
11 that they would target. It was more to create the
12 dialogue of, what do you think would work? What's
13 best? What would work for you as a populous? And not
14 specific to Golden Valley, but to anybody that showed
15 up. So we did have some Kingman residents show up. So
16 the intent was to get as much input as we could on what
17 the public wanted to see for a project that we needed.
18 And while there were a few of the public that disputed
19 the need for the project, generally there was an
20 understanding that the project had a value and a need.
21 And it came down to, not in my backyard, basically.

22 Q. And so by Fact Sheet Number Four, J-4,
23 November 2008, I'm not seeing routes that are called
24 W1, 2, 3, 4, and E1 and 2, but I'm seeing dotted black
25 lines that appear to be very close to the routes that

1 we're presenting as E1 and E2, W1, 2, 3, 4, is that
2 right?

3 A. (BY MR. WARNER) Yes. And the reason we
4 moved a little ways away from the study area is we
5 wanted people to have an understanding that the
6 refinement of the center line was starting to happen,
7 and we didn't want to ignite fear in other people that
8 were being influenced in areas west of those areas.
9 And so it seemed prudent to depict center lines.

10 Q. So using your pie chart again for this time
11 period, the first phase of this project, by
12 November 2008 there were routes presented, but you're
13 saying your comments, your 81 comments, although
14 they're not identified as E1, E2, W1, W2, W3, W4, your
15 pie chart in green captures those that preferred a
16 preference -- or, indicated a preference for an eastern
17 route as opposed to a western route?

18 A. (BY MR. WARNER) Correct.

19 Q. And then by the time we got to Fact Sheet J-5
20 in June 2016, the map still looks very similar. We
21 don't have E1, E2, we don't have the Ws yet, right?

22 A. (BY MR. WARNER) That's right. So that map
23 is depicted on the left-hand side, and you'll notice
24 the distinctive difference here that I zeroed in on
25 where there's been some refinements. You can see that

1 this area that was -- formerly had those alternatives
2 that went through the wind farm have been deleted. And
3 you can see that we are squarely on top of that ridge
4 now, although this is not a good exhibit for showing
5 the topography in that area. By this time, it had been
6 moved to avoid that tower, that radio tower that's at
7 the base of the Cunningham property.

8 Q. And by the Fact Sheet Number 6, March 2017,
9 we still don't have the east and west route labels, but
10 we have colors showing a common alignment and east
11 Cerbat alternatives in green and west Cerbat
12 alternatives in purple. Am I looking at that
13 correctly?

14 A. (BY MR. WARNER) That's correct. And it was
15 at this time that the BLM asked for these areas to be
16 added to the alternatives, and so that gets us the six
17 alternatives that we're currently operating with now.

18 A. (BY MR. BECK) And Mr. Derstine, if you go to
19 the next page, you'll see the detail where they are
20 labeled by East 1, West 1, so on.

21 Q. Yeah. Then there's more detailed maps broken
22 out into kind of a map plate which do have the E1, E2,
23 and the W1 through 4?

24 A. (BY MR. WARNER) Yes.

25 Q. So is that the first time that the public

1 would have been given a newsletter that uses the
2 current labels that we're using to identify route
3 alternatives, March 2017, Fact Sheet Number 6?

4 A. (BY MR. WARNER) Yes.

5 Q. But again, your chart, 2007 to 2010, captures
6 route preference for the time period in which there
7 were no -- captures the time period in which there were
8 no eastern routes, where we only had western routes,
9 then also captures the time period in which there were
10 a dotted black line on the paper that showed very
11 similar to the routes we have today in terms of eastern
12 and western routes. But the work that you did in
13 preparing the pie chart on Slide 90 captures that --
14 those differing preferences for routes?

15 A. (BY MR. WARNER) Yes.

16 MR. DERSTINE: Is this a good time to take a
17 break?

18 CHMN. CHENAL: I was going to ask. I didn't
19 want to interrupt the flow there, but this would be a
20 good time for a 20-minute afternoon break. We've been
21 going at it pretty hard. So let's come back in 20
22 minutes.

23 (Off the record from 3:18 p.m. to 3:51 p.m.)

24 CHMN. CHENAL: Folks, good afternoon. Let's
25 resume the afternoon session. I see we have the

1 Members of the Committee in person and I believe
2 online. At least I see Member Riggins, Branum, and
3 Gentles in their windows. I see Member Riggins live.

4 Okay. Anything procedurally we need to cover
5 before we get back to it, Mr. Derstine?

6 MR. DERSTINE: No, I don't think so. I think
7 we're going to get through some of the public outreach,
8 cover what was left in the second phase of the
9 permitting process. That includes some of the outreach
10 that was done specifically for the CEC hearing that's
11 included on the remaining slides in this chapter.
12 We'll cover that.

13 And I think we have -- should have a sample
14 of the legal description that I want to share with the
15 Committee before we end today, just so you have a look
16 at what we're working on and make sure it meets the
17 Committee's expectations in terms of how a route would
18 be described, whatever route is selected.

19 CHMN. CHENAL: Good. Good idea.

20 BY MR. DERSTINE:

21 Q. So Mr. Warner, we left off, I think, on -- I
22 was on -- walked you up to Fact Sheet Number 6. And
23 that's the one that really broke out the eastern
24 alternatives and the western alternatives and had a
25 series of maps. Again, these are in Exhibit J to the

1 application, and the application is UNS Exhibit 1.

2 So let's go back to the fact sheets. I'm
3 looking at Fact Sheet Number 7, that's June 2019. And
4 maybe on the right screen we can pull up -- I'd like to
5 maybe backtrack a little bit so we're on Fact Sheet
6 Number 7.

7 If you can go back to Slide 87, Jason, on the
8 right.

9 So Fact Sheet Number 7 says it was posted to
10 the UNSE website in June of 2019. The reason that one
11 didn't go out by mail, can you talk to that briefly?

12 A. (BY MR. WARNER) Yeah. I think the main
13 reason was it was a minor modification, and I think BLM
14 thought it was perfunctory in terms of circulating it.
15 It had a minor adjustment that's depicted here on the
16 eastern route. And it was moving down highway --
17 Interstate 40, as depicted in that purple line, and
18 crossed at a new location where there was an existing
19 UNS Electric line that crossed in that same location.
20 So it wasn't material. And I think that they thought
21 that it was just a matter of completing the record, and
22 so posting it was all that was necessary, but
23 additional public meetings were unnecessary.

24 Q. So the next major outreach activity or at
25 least fact sheet that went out was -- is that Fact

1 Sheet Number 8?

2 A. (BY MR. WARNER) Yes.

3 Q. And that was July 2020. That, again, looks
4 like that one just -- well, 8 was posted to the
5 website, UNSE website, July 2020, provided a project
6 update. Was there more -- what was the focus of Fact
7 Sheet Number 8?

8 A. (BY MR. WARNER) This one was just a
9 precursor to basically say, we're about done. And this
10 one is, as you can see by the date, in July 2020. I'm
11 showing on the exhibit thing, on the exhibit cover
12 page.

13 And then if you'll notice under project
14 permitting, and I'll bring up some of that language a
15 little lighter, it says, "The Draft EA is expected to
16 be completed in mid-2020." And so this was posted to
17 their website as a matter of information just prior to
18 them sending out cards of the availability, to the
19 mailing list, that the EA was available for review. So
20 this happened just a few weeks before that.

21 Q. And that second paragraph under project
22 permitting in Fact Sheet Number 8 goes on to indicate
23 that the Arizona Corporation Commission must approve a
24 Certificate of Environmental Compatibility for the
25 project before it can be built, and talks about how the

1 company will bring an application before this
2 Committee, right?

3 A. (BY MR. WARNER) Yes.

4 Q. Now, the next outreach is shown as the
5 newsletter, January 2021. Tell me a bit about that.
6 It looks like that's more directed to the hearings
7 before this Committee, is that correct?

8 A. (BY MR. WARNER) That's correct.

9 Q. And it publicized the virtual public open
10 house that occurred on Tuesday, February 9th, 2021?

11 A. (BY MR. WARNER) Yes.

12 Now, Mr. Derstine, just one thing that
13 happened between these two is also the mailing, which
14 was a small card that went out to all of the -- all of
15 the people in the mailing list, which constituted about
16 3,500 people. And so that was circulated just after
17 the previous newsletter.

18 Q. So it was just after Fact Sheet Number 8?

19 A. (BY MR. WARNER) Yes.

20 Q. And that postcard essentially announced that
21 the Draft EA was available to be reviewed on the BLM
22 website --

23 A. (BY MR. WARNER) Yes.

24 Q. -- and requested comment?

25 A. (BY MR. WARNER) Yes.

1 Q. And did that generate a fair number of
2 additional comments?

3 A. (BY MR. WARNER) Some, yes.

4 Q. I'm trying to get an understanding. In the
5 pie chart on Slide 89 that you already touched on,
6 that's what you used to summarize the total number of
7 comments that expressed a preference. The pie chart on
8 Slide 89 is the public comments for the period of 2016
9 to 2021. Do you know the cutoff date? I mean, does
10 that capture up through today?

11 A. (BY MR. WARNER) Not quite today. I think it
12 was probably somewhere in the neighborhood of the first
13 part of last week.

14 Q. And do you know if we've received any
15 comments since the first part of last week?

16 A. (BY MR. WARNER) We have. And I don't know
17 how many off the top of my head. It's in the
18 neighborhood of five or six.

19 Q. And those would be in addition to the public
20 comment that the Committee actually heard here as part
21 of this hearing?

22 A. (BY MR. WARNER) Yes. And they will be
23 included in the tabulation that we discussed earlier in
24 the hearing with the Excel spreadsheet. So those will
25 be part of that spreadsheet as well.

1 Q. So the Excel spreadsheet that we reviewed on
2 the screen and that we're going to load on the iPads
3 and I am now told will be searchable on the iPads in
4 Excel format, that will include at least comments
5 through yesterday or the day before?

6 A. (BY MR. WARNER) Yes.

7 Q. You've got a few more slides here after your
8 chart on Slide 90. Do you want to speak to that, those
9 remaining slides?

10 A. (BY MR. WARNER) Yeah. I think in Section
11 2.2.6 in the EA, and Mr. Beck already summarized the
12 language from there, but this sort of closes the door
13 in some respects on the BLM's analysis where it said
14 that the eastern alternatives would be within a
15 designated utility corridor and this is the rationale
16 that they used for determining that it was the
17 preferred alternative. It would follow or be proximate
18 to existing linear infrastructure more than the western
19 alternatives and would have less impacts onto the
20 Cerbat Recreation Area.

21 Q. What I don't see on your bullets on Slide 91,
22 which -- well, the Slide 91 shows -- I assume
23 summarizes kind of the rationale or the reasoning of
24 BLM for selecting E1 as the preferred, am I reading
25 that right?

1 A. (BY MR. WARNER) That's correct.

2 Q. What I don't see on Slide 91 is reference to
3 the public comment and expressions of preference
4 between the western routes and the eastern routes. Did
5 that have any impact or was that a factor that BLM used
6 in selecting the E1 as the preferred route?

7 A. There is some language about -- which I will
8 read in just a second so that we can get it on the
9 record. The sentence reads, "This is the
10 environmentally preferred alternative for the following
11 reasons. Both east Cerbat alternatives would be within
12 designated utility corridors, would follow or be
13 proximate to existing linear infrastructure more than
14 the Cerbat alternatives, would be proximate to less
15 residential properties, and would have less impact to
16 the Cerbat Foothills Recreation Area.

17 While there are some resources which would be
18 affected more from the E1 east Cerbat alternative than
19 some of the other west alternatives, in considering all
20 impacts to resources, the E1 east Cerbat alternative
21 would have less impacts than the others. This analysis
22 considers unavoidable adverse impacts that would be
23 anticipated from the alternative routes. Of primary
24 consideration are effects to land use and
25 socioeconomics."

1 Q. And what you read us, do you think that that
2 indicates or that encompasses the public comments that
3 BLM received throughout the process, the permitting
4 process for the project?

5 A. (BY MR. WARNER) Yes.

6 Q. And I think we're ready to transition away
7 from federal permitting to the CEC application itself,
8 the document that's before the Committee. Just take a
9 second to kind of summarize what's presented to the
10 Committee in the CEC application. I think we're
11 starting on your Slide, there it is, 93.

12 A. (BY MR. WARNER) Yes, thank you. The CEC was
13 filed on March 16th, 2020. The applicant chose to
14 bring forward all of the alternatives in the EA into
15 the CEC application. UNSE selected E1 as their
16 preferred alternative for the reasons that have been
17 discussed throughout the day. The application itself,
18 we're going to go through and discuss the routes again,
19 just touch on those, and then we're going to go through
20 the exhibits that are necessary to meet the filing of
21 the CEC. Land use will be the first one we discuss.

22 Let's go to the next slide.

23 So let me just summarize again what the --
24 where the routes are. So on your left-hand side you'll
25 see a map depicting --

1 I'm not sure that's the one I'm expecting.

2 That's the one I'm expecting.

3 So I'm going to talk about the west Cerbat
4 alternatives. Again, leaving Harris substation --
5 we're going to talk about the West Alternative 1 first.
6 Leaves the Harris substation, goes down to McConnico
7 substation. Heads west across the I40 corridor, and
8 follows an existing Western Area Power Administration
9 transmission line. Departs from that and continues
10 along Shinarump Road, and then goes north just before
11 getting to the western edge of the BLM directly north.
12 Goes through the foothills of the -- or, the Cerbat
13 national -- or, Cerbat Foothills Recreation Area and
14 then continues on north on the edge of the BLM
15 property. Then turns west on the BLM property to
16 Tooman Road. At that point, that's the -- it joins all
17 of the western alternatives and continues on to Mineral
18 Park.

19 Western Alternative Number 2 begins also at
20 the Harris substation and follows that same alignment,
21 but continues along Shinarump Road just a little bit
22 longer and then turns north to align itself with the
23 western edge of the Cerbat Foothills Recreation Area.
24 And then tucks back behind a knoll and is common to the
25 Western Alternative Number 1. And Number 1 and 2 are

1 common in that area Tooman Road. Again, once it gets
2 to Tooman Road it's common to all the western
3 alternatives all the way up to Mineral Park substation.

4 Western Alternative Number 3 stays along
5 Shinarump Road and then turns north to align itself
6 with the western-most portion of the BLM property,
7 which happens to be Tooman Road. Crosses over private
8 property there and then joins on BLM property at the
9 same location where 1 and 2 are joined, and then stays
10 on BLM property common to all the other western
11 alternatives.

12 Western Alternative Number 4 starts at Harris
13 substation again, is common there, and then departs
14 from the rest by following the Western Area Power
15 Administration transmission line and then angles up to
16 join approximately where Tooman Road is and intersects
17 the common alternatives.

18 Let's go to the next slide.

19 The eastern alternatives. Alternative 1,
20 again, the preferred alternative from the BLM and the
21 one that's selected as the preferred alternative for
22 UNS, leaves Harris substation and crosses to the west
23 across the private ground, and there's a railroad line
24 there. And then enters BLM property and, I'm going to
25 call it, dances through the mountains, because that's

1 essentially what we did when we were out there to try
2 to keep the profile low. And then emerges from BLM
3 property near where the railroad is in the base of
4 where Highway 66 crosses, and then stays up on the hill
5 just a little bit and then crosses over Highway 66 to a
6 hill on the other side. Bisects Mr. Cunningham's
7 property and another large property owner on the other
8 side. And then goes parallel to existing
9 infrastructure in this area, there's a power line
10 that's there, and then crosses at a location where
11 there's an existing power line across Interstate 40.
12 Goes behind some industrial areas, and then stays on
13 the existing alignment for that remaining portion that
14 goes through the Cerbat Foothills and then joins the
15 other alternatives in common.

16 The area where all lines are common is just
17 south of Highway 68, and that's where all the
18 alternatives continue on to Mineral Park on an existing
19 co-located 69 line.

20 Q. So the statute that requires the filing of a
21 CEC application for a project, a transmission line
22 project, that meets the statutory definition of a
23 transmission line and the rules of procedure before
24 this Committee establish certain requirements for the
25 content and the exhibits contained in a CEC

1 application. We're going to go through that content.
2 You're going to carry much of it, Mr. Warner, because
3 Transcon did the bulk of the environmental studies, but
4 some of that will be covered by Mr. Raatz and Mr. Beck.
5 But we're going to start with land use, and I think
6 you're going to cover existing and planned land use.

7 A. (BY MR. WARNER) Yes. So depicted on the
8 right -- sorry. I'm getting my notes together.
9 Depicted on the right screen is the land status map
10 that is in the application as Exhibit A-3. It's also
11 A-3 of the EA in, I guess, Exhibit B.

12 The yellow represents the BLM parcels in the
13 area and the blue represents the -- represents the
14 state land.

15 Let's go to the next slide.

16 CHMN. CHENAL: Mr. Warner, does any of the
17 proposed routes touch state land?

18 MR. WARNER: Yes.

19 Go to the previous slide and I'll point that
20 out.

21 There's a couple of places where it touches
22 it. You can see on the right-hand slide that there's
23 an area -- I'm trying not to get the court reporter in
24 the eyes -- but right at the bottom of the map depicted
25 there, you can see that it bisects a state land parcel.

1 And where that is -- I'll remind you. Remember where
2 that trailer park was that's got a very narrow
3 right-of-way that goes right through it and then
4 there's the So-Hi substation that's right there
5 adjacent to it that we showed in the overflight? Once
6 you cross past that substation, you're in state lands.

7 CHMN. CHENAL: Very good. It's going to come
8 up in the conditions, why I'm going to add Arizona
9 State Land to certain -- to the notification
10 conditions.

11 Yes, Member Palmer.

12 MEMBER PALMER: Mr. Warner, on that last
13 slide it looks like it touches or skirts state land up
14 at the end of the project. Is that -- does it actually
15 enter state land there or just --

16 MR. WARNER: No, I think it's on BLM there.
17 Although, I should say that the corridor is probably on
18 -- the 500-foot corridor would be on state lands, yeah.

19 BY MR. DERSTINE:

20 Q. Will you just back up in terms of just
21 reference your slide. So it's Slide 97 that references
22 the land ownership. That land ownership is
23 designated -- the private ownership I assume is in
24 white, Arizona State Land is shown in blue, and the BLM
25 land is shown in the yellowish mustard color, depending

1 on what kind of mustard you like.

2 A. (BY MR. WARNER) Let's go to the next slide.
3 There's another spot. Okay. You can see right here on
4 this next slide, which is a continuation of the
5 southern portion of the same map, it's basically the
6 land status map that has the same colors that
7 Mr. Derstine pointed out, and there's another section
8 right here where there's an existing right-of-way that
9 goes through there and an existing 69 kV line. So
10 that's another portion of that area.

11 CHMN. CHENAL: Of state land?

12 MR. WARNER: Of state land. And you may
13 recall on the overflight where we turned and there were
14 some trailers there and there was some conversation
15 about, hey, these trailers, it looks like it might be
16 on state land as a maintenance yard or something like
17 that. And that's in that location. This is the
18 location where all of the alternative -- all the
19 alternatives become common, but not common on state
20 land. They're just off of state land when they become
21 common. So this portion of state land would only be on
22 the E1 and E2 alternatives. And I think that's all the
23 state land pieces.

24 So let's go to the next slide.

25 I'm going to give you just a quick overview

1 about the things that we've observed in the context of
2 each of these maps. The next thing we observed is this
3 is the existing land use. Now, the existing land use
4 is really the heart of where we're at with how the
5 property is being used and what it's being used for.

6 And so you can see here that we have a lot of
7 undeveloped range land, native desert areas. That's
8 pretty characteristic of the area. You saw that in the
9 aerial photographs, that there's rural residential.
10 Now, let me describe that a little bit. In the western
11 area out here some of those areas have already been
12 platted for homes, but they're empty in some cases, but
13 they have acreages assigned to them and they have roads
14 that are depicted out there that are not yet built.
15 Tooman Road, for example, doesn't go all the way up
16 along the BLM right-of-way, it's not going through yet,
17 but it's been platted to do that. So those are
18 examples of things that are not quite built yet, but
19 they are being planned, which we'll touch on in a
20 minute. But for existing land uses, it's sparse.

21 The commercial zones are typically located
22 down in this area and on the southern area where
23 there's more light industrial and industrial uses.
24 When I say that, I'm looking at existing land use
25 Exhibit H-2, and that southern portion is the lower

1 portion of I40 where things like Nucor Steel are and
2 some other warehousing kind of facilities.

3 Then as you go north, that area, it's the one
4 referred to as gasoline alley and that historic area
5 along Highway 93, there's a lot of concentration of
6 commercial and different kinds of uses, mixed uses,
7 that are sort of consolidated around that central
8 corridor. I think what we observed in our observations
9 is that the area in Kingman that develops over the
10 years is around those road areas, and especially around
11 here. So we have more infrastructure, more commercial
12 areas down in this area, and as you go out it's less.

13 Depicted in green is the Cerbat Foothills
14 Recreation Area. The trails we'll talk about later,
15 they're on top, but that green area crosses both sides
16 of the roadway. And so the alternative -- the eastern
17 alternatives cut through that along what we have been
18 referring to as the BLM corridor along 93.

19 Let's go to the next.

20 BY MR. DERSTINE:

21 Q. Before you leave that slide, I just was
22 curious. Will this project have any impact on the wild
23 burro processing center?

24 A. (BY MR. WARNER) No.

25 Q. What is the wild burro processing center?

1 A. (BY MR. WARNER) That's an area that they
2 have -- the BLM has on their property. It's located
3 down here on the western alternatives. And in the
4 past, they have brought burros in there to manage and
5 get homes for, figure out what they're going to do. As
6 many of you long residents in Arizona know, burros have
7 been a challenge for the BLM. And so this was the area
8 that they collected them and managed them. It hasn't
9 been active for a while. We're not sure what's going
10 to happen with their new programs, but it shouldn't
11 affect them.

12 This is the planned use map. It has a whole
13 bunch of different patterns that depict the kinds of
14 land use that are part of comprehensive plans or master
15 plans that have been developed in the county and in the
16 city. It captures anything that we know has been done.
17 And so you can see that what we're finding there is
18 there are a lot of undeveloped lands along these
19 routes, especially as you exit out of Kingman.

20 And so there's patterns that cities and
21 counties like to have as sort of a place holder, and
22 those are those rural development kinds of general
23 holding patterns and minimum density residential when
24 there are actually plats that are put in. And so
25 you're going to see some of those patterns.

1 This hatched pattern represents the public
2 lands, the BLM in this particular case. So you can see
3 that depicted here. And you can see also the Arizona
4 State Lands is just a stippled color. I like the land
5 status map with the mustard colors better. But it is
6 on this map so you can see how they manage -- what
7 those things are being managed for.

8 Out here it's relatively open, and then when
9 you get down here you can see a mustard-colored minimum
10 density residential. And if you remember, that's at
11 the location where we saw the RV park, again, and the
12 So-Hi substation. And so that area that's depicted in
13 that mustard color has that kind of use associated with
14 it, and there is clusters of homes that are down in
15 that area.

16 Let's go to the southern map. This map is
17 almost infinitely more complicated. Again, the green
18 area is shown as parkland, and it combines some of the
19 city parklands, their uses, with the BLM parcels.
20 There's a city park, for example, down in this area
21 just right where the area turns and the city has a park
22 there. It's convenient to some of the other trailheads
23 that they cross over and get up on top of this area.
24 And we'll talk about that more on the recreation slides
25 when we get to that section.

1 You can see here that there is, you know, a
2 cluster of different kinds of things. You've got light
3 industrial in the lower part of here where all of the
4 alignments are starting from. So both the eastern and
5 the western alternatives are captured in this area
6 where we're referring to that as light industrial in
7 the planning documents. And then the western
8 alternatives, they cross over this orange area, which
9 is general commercial. That's along Highway 40. So
10 they anticipate that -- quite honestly, that northern
11 portion is quite impractical to build as it's a
12 difficult area. Obviously it's zoned that, but that
13 would be a challenge for them.

14 And then continues on. I think this map you
15 can start to see some of those roads that are depicted
16 in that tan color and you can see the pattern. Some of
17 those roads do not exist yet, but those are platted,
18 and so you can see the development that they're
19 expecting in that area through the plans.

20 Q. So the two planned land use slides you're on,
21 I guess, the southern or the bottom portion of Exhibit
22 A-4 to the application, that's planned land use. And
23 these are on your slides for, I guess, 100 and 99 --
24 or, 100 and 101, right?

25 A. (BY MR. WARNER) Yes.

1 CHMN. CHENAL: Member Hamway.

2 MEMBER HAMWAY: I'm just looking at Exhibit
3 -- really the first -- I guess it's Exhibit 3, the
4 first time you really show the study area, and it looks
5 like you've kind of outlined your study area with the
6 BLM corridor. Was that deliberate? And if you did
7 that and you knew the corridor was there, why didn't
8 you run the line up the corridor the first time back in
9 2008?

10 MR. WARNER: Yeah. So the very first -- the
11 very first time we initiated the project, we knew that
12 that corridor was there and so we wanted to capture it
13 as part of the study area. When you're initiating a
14 BLM study, their regulations require them to consider
15 alternatives. And certainly if there's a corridor
16 there, we would get a lot of criticism in the analysis
17 if it wasn't captured as part of the analysis. So
18 that's the reason it was in the study area.

19 We talked to them explicitly about whether or
20 not a western alternative would constitute, in their
21 minds, and this is a preapplication meeting, so we're
22 just talking among folks, whether that would bump it to
23 an EIS, which is a threshold that we want to know
24 before we get started with an overall process, if they
25 feel like they can respond to that. They said, if you

1 stay on the western edge, then we're probably going to
2 be okay. But those western alternatives captured
3 private ground too. And so we knew that if it became a
4 difficult thing for them, being on private ground may
5 be the solution to stay outside of the -- outside of
6 that corridor.

7 So then we also talked to them about whether
8 or not they wanted us to depict an alternative corridor
9 along 93 right from the beginning, and they said no.
10 They said, we want you to go west, if you can, because
11 it's in -- it's in the Cerbat Foothills Recreation
12 Area. And so if you can go over there, that would best
13 serve us. That changed in the course of the public
14 outreach, and then everything swung back the other way.

15 MEMBER HAMWAY: So the BLM would rather have
16 a utility line running through their recreation area,
17 just to keep it in the corridor, rather than on the
18 west side where it would just be an alignment on their
19 property, on their land?

20 MR. WARNER: That's correct. And the
21 rationale for that is, when they go through a Resource
22 Management Plan it's quite specific about how they
23 intend to use their land, because the public weighs in
24 on those kinds of things. And so having that kind of
25 determination on the plan is routine, we want you here,

1 we don't want you there.

2 And so they were called out on it, I guess is
3 the best way to say it, and said, you know, you've got
4 to be in the corridor. And they acknowledged that, and
5 that's why they moved back the other direction.

6 MR. BECK: Mr. Chairman, Member Hamway, just
7 relative to that issue, early on the BLM, as Mr. Warner
8 has indicated, they were kind of looking for the easy
9 way out. And they thought that putting --

10 MEMBER HAMWAY: BLM? When you say "they,"
11 you're talking about BLM?

12 MR. BECK: BLM was looking for an easy way
13 out. And they thought that by proposing western routes
14 that were just along the edge of the recreation area,
15 nobody would care and they could handle it through a
16 relatively minor process for BLM.

17 What they didn't recognize is there was going
18 to be such a public outcry. And that started in May of
19 2008, actually in February of 2008, but really
20 culminated in May when there was some raised voices
21 about BLM basically saying, well, we don't think it
22 makes sense to put this through a high-volume
23 recreation area with all these trails.

24 And the public said, it's already disturbed,
25 and we don't care about the hikers, was some of the

1 actual language they used. We could care less about
2 them.

3 So that's what pushed BLM to start
4 considering to the east. Once they did that and they
5 were going to put something up through kind of the
6 central part of their recreation area, then they
7 recognized, well, if we're going to do this, we better
8 stick to our corridor process or we're going to get in
9 trouble with that. So that kind of drove them to then
10 go to their designated corridors for the utilities.

11 CHMN. CHENAL: Mr. Beck, it's recreation on
12 both sides, isn't it, or is it not? On the west side
13 is it recreation as well there?

14 MR. BECK: Yes. It's all called a recreation
15 area, it's just that there are developed trails up on
16 the top along Highway 93. And on the west it's less
17 accessible, not that people can't go hiking there or
18 whatever, but there's no developed roads into those
19 areas.

20 MEMBER HAMWAY: Just one more comment. So
21 the fact that the BLM went on the west side in the
22 beginning and kind of just ignored their own utility
23 routes, I'm just -- I find that interesting that they
24 are now, you know, oh, it must be in the utility
25 corridor, but in the beginning they were willing to

1 ignore their own routes.

2 MR. WARNER: Yeah. And I think this is an
3 iterative process, and it's important to remember that.
4 I think that the BLM is deliberative as part of that
5 exercise. And so when you start with a particular idea
6 and you've got a study area, you define that study area
7 with a rationale that makes sense for the thing that
8 you're trying to achieve. And then you develop
9 alternatives. And those alternatives suddenly adjust
10 as you start to do research on them and figure out,
11 well, that didn't make any sense, you know, because now
12 we're discovering Montezuma's Castle or whatever it is.

13 So that deliberative process is pretty
14 organic in the early stages, so I wouldn't characterize
15 it as uncommon. It is a big shift for the history of
16 what went on, but I think it's quite natural to have
17 that kind of a shift in the early phases. It's quite
18 organic.

19 CHMN. CHENAL: It sounds like Kingman has
20 gone through that same iterative process.

21 Before I forget, I've got to ask this
22 question again. I think you've addressed it at some
23 point. But I'm a little mystified by Kingman's
24 position; of course, it's not clear really. I mean, at
25 first they wanted it on the east side, and now the

1 Mayor came the other night and said she wanted it on
2 the west side. But at least the arguments I've heard
3 partially in favor of the east side is that it would
4 allow for -- you know, to connect like to various parts
5 of Kingman where there could be high-load users that
6 could interconnect or connect more easily, gasoline
7 alley becoming electric alley, you know, things like
8 that. So one would think that it would be a benefit to
9 Kingman to have the line on the east side, it would be
10 more conducive to the growth and the needs of Kingman
11 as it grows and its needs increase. Why west?

12 MR. BECK: Mr. Chairman, I fully agree with
13 that, and that's why we were rather dismayed with the
14 fact that they didn't let us come in and at least
15 present to them what the value of having it on the
16 eastern route would be and having a discussion to even
17 discuss it. They basically closed the door and said,
18 we don't need anything.

19 So I don't know what to say about that. You
20 know, it would be nice if they at least had the
21 dialogue. And if they ended up saying the western
22 route, that's their position, which is fine. But to
23 not even talk about it -- and point-blank we said, we'd
24 like to come in and talk to you and give you the
25 background on this. And they said, no, we don't need

1 it.

2 MEMBER HAMWAY: Mr. Chairman, who did you say
3 that to? Was it the City Manager? Was it the Mayor?
4 Was it individual council members? Was it staff? I
5 mean, I find that unusual that a council member would
6 not want to be updated.

7 MR. BECK: It was our governmental affairs
8 person to whoever handles the equal position on the
9 City side.

10 BY MR. DERSTINE:

11 Q. Well, we're missing a little bit of the
12 history and the dialogue. So you initially, 2007,
13 early 2008, had a letter from the City of Kingman in
14 which they indicated that they opposed your development
15 of eastern routes, correct?

16 A. (BY MR. BECK) Well, they preferred the
17 western route, yes.

18 Q. Preferred the western route. And then there
19 was a working group, a tour, there was a significant
20 amount of stakeholder outreach with the City of
21 Kingman, which resulted in the 2008 formal resolution
22 from the City that's an exhibit in this case, right?

23 A. (BY MR. BECK) That's correct, yes.

24 Q. And then in February of this year, Mr. Raatz,
25 you met with the City Manager, correct?

1 A. (BY MR. RAATZ) Virtually, correct.

2 Q. Virtually. And in that conversation, the
3 City Manager for the City of Kingman expressed support
4 for the project, right?

5 A. (BY MR. RAATZ) That is correct.

6 Q. And you didn't have a discussion about a
7 route preference, you didn't bring it up, he didn't
8 bring it up?

9 A. (BY MR. RAATZ) That is my recollection.
10 Correct.

11 MEMBER HAMWAY: Can I ask a question then?
12 So did the City Manager know what route you were
13 recommending, or was he just, yes, we want the power?

14 MR. RAATZ: Mr. Chairman, Member Hamway, he
15 did. During the presentation we gave him, we did state
16 that our preferred alternative would be E1.

17 BY MR. DERSTINE:

18 Q. And he didn't say, no, horrible decision, go
19 to the west?

20 A. (BY MR. RAATZ) That is my recollection.
21 That is correct.

22 Q. Would you recall if he did that?

23 A. (BY MR. RAATZ) I think so, yes.

24 Q. I think you would.

25 A. (BY MR. RAATZ) That is correct. Yes.

1 Q. And so then what we have is the next series
2 in these events is Jen Miles appearing as Jen Miles,
3 who also happens to be the Mayor of Kingman, at public
4 comment saying that she supports the western routes,
5 right?

6 A. (BY MR. RAATZ) That is correct.

7 A. (BY MR. BECK) Mr. Derstine, there was the
8 interim outreach by our governmental affairs group to
9 their governmental affairs group. So that occurred
10 just prior to her showing up.

11 Q. But that outreach from our governmental
12 affairs to her governmental affairs group happened as a
13 result of Mr. Cunningham advising us that the City of
14 Kingman was going to submit a letter opposing the
15 eastern route. We never got that letter. And what we
16 got was Jen Miles showing up at public comment,
17 correct?

18 A. (BY MR. BECK) Correct.

19 MEMBER HAENICHEN: Mr. Chairman.

20 CHMN. CHENAL: Yes, Member Haenichen.

21 MEMBER HAENICHEN: Isn't there a way to get
22 these people to make up their mind and reiterate their
23 position? Is it dangerous to do that? Why don't you
24 do something about it?

25 MR. DERSTINE: Well, if we made a mistake

1 here, we failed to go back to the City of Kingman and
2 ask them about their resolution and if they still stood
3 behind their 2008 decision to support the eastern
4 route.

5 But we had a meeting with the City Manager,
6 as Mr. Raatz indicated. There has been a significant
7 amount of outreach. And all these fact sheets that
8 you've seen have gone to the City of Kingman, they've
9 gone to Mohave County. They understood the route
10 preference that came out of the EA from BLM. And so
11 this wasn't a mystery or some surprise that somehow UNS
12 was selecting the same route that BLM had selected, and
13 that was part of the discussion and the presentation to
14 the City Manager.

15 So what's happening behind the scenes or
16 what's going on in Mohave County and what's happening
17 at the City of Kingman, I have no idea, but we only
18 know the facts that I just presented.

19 MEMBER HAENICHEN: Okay. Let me be blunt
20 then. What do you suggest we do as a Committee, east
21 or west? I mean, with conflicting points, we're at a
22 loss for what to do. What do you suggest?

23 MR. DERSTINE: I think you have to take into
24 account all that we know and what we're hearing from --
25 I mean, I wouldn't -- my view, a City resolution,

1 whether it's from 2008 or whatever the year is, that
2 hasn't been -- you don't have an official action from
3 the City of Kingman that's contrary to that. I think
4 what's happened is the current, you know, current City
5 officials may not have been aware of the resolution
6 until we pointed it out to them when we were alerted by
7 Mr. Cunningham that the City was presenting a letter in
8 opposition to the eastern route.

9 We then reached out, through our governmental
10 affairs, I'm told, and said, that's interesting, but,
11 you know, you had a resolution in 2008. Are you coming
12 out with a different resolution? And then we heard
13 nothing and they didn't want to talk about it any
14 further. And I think that they were unaware possibly
15 of the 2008 resolution until we alerted them of it.

16 MEMBER HAENICHEN: Yeah, but you alerted them
17 to it. So it seems to me if they want to change their
18 mind they should nullify that resolution.

19 MR. DERSTINE: That seems to me too.

20 CHMN. CHENAL: I don't think, Member
21 Haenichen, we're bound by the City of Kingman's
22 resolution or by the position taken by the Mayor. It's
23 of interest, but I don't think we're bound in any way
24 by it.

25 I learned a long time ago, I guess, that when

1 things, on their face, don't make sense, one possible
2 reason is politics. And when you have the supervisor
3 of the county come in and take a position contrary to
4 the people that live in the unincorporated areas in the
5 county, she's against their position, and you have the
6 Mayor of Kingman, who the City would benefit by having
7 the line go to the east, and she takes the position
8 that she thinks it ought to go to the west, I mean,
9 politics is obviously working behind the scenes.
10 That's certainly my working assumption at this point on
11 that point.

12 But I don't think we're bound by any of that,
13 and we make the best decision based on the evidence we
14 have.

15 MR. DERSTINE: That's right. More data
16 points for the Committee to consider in making your
17 decision.

18 BY MR. DERSTINE:

19 Q. So you were on planned use -- planned land
20 use. Anything else you want to -- you think is
21 important to disclose in terms of existing planned --
22 land use plans of city government, federal agencies,
23 private?

24 A. (BY MR. WARNER) The only thing I would add,
25 and it's not depicted on the map, is the area on the E2

1 alternatives doesn't have any platted or planned uses
2 out there at the time along the alignment. And so it's
3 still, I guess, in this holding pattern that's light
4 industrial.

5 Let's go to the next slide.

6 This is the zoning map. And for those of you
7 that are familiar with zoning maps, it is really the
8 anchor, it's really what you can do, it's what you can
9 apply for and immediately go after, right, and build
10 and develop. So you can see here that the agricultural
11 residential area consumes a lot of the area around
12 Kingman, and so that's kind of the holding pattern in
13 the zoning map there. We have some commercial areas,
14 and most of those are confined down in this area. You
15 can see that pinkish color down there, highway
16 commercial, and then you can see also some colors up
17 along the gasoline alley area, the intersection of I40
18 and 93. And that's really the concentration of those
19 areas.

20 CHMN. CHENAL: Mr. Warner, is this a
21 combination -- this is the zoning of Kingman. But the
22 area we're looking at is outside of -- includes inside
23 and outside of Kingman city limits.

24 MR. WARNER: That's correct.

25 CHMN. CHENAL: So it's a combination of --

1 MR. WARNER: The county and the city, that's
2 correct.

3 Okay. And so you can see that the City of
4 Kingman also has this recreation open space zoned
5 within their city. Some of that is BLM land, of
6 course, and we've seen that, but they do actually have
7 a park here as well. Some of the totals of how much in
8 the study area are there are depicted on the slide on
9 the right.

10 Let's go to the next slide.

11 Here is where we're talking about housing
12 counts. So on the right you're going to see a series
13 of tables that are updates to tables that were
14 presented in the application. And the upshot is this,
15 that the numbers changed in a small degree and not
16 importantly in terms of who has more or who has less.
17 They -- it's complicated to count houses, and you could
18 see that on some of the -- on some of the flyovers. Is
19 that a house or is that a trailer or is that two homes?
20 And so when we did the counts again, they adjusted one
21 or two numbers on the ones that are close and a little
22 bit more as you went further away. But I want to
23 concentrate, so we can get the big picture first, and
24 then allow you to ask questions so we can descend into
25 the details.

1 On the map on the left you can see the
2 500-foot corridor, and I want to draw your attention to
3 these little triangles that are here depicted. And I'm
4 going to talk about the western alternatives on the
5 southern end along Shinarump Road first. These are the
6 houses that are in close proximity to the corridor. We
7 can see those. And I'm not exactly sure why we don't
8 have a -- why up in this area some of those that we
9 measured that appeared to be fairly close aren't within
10 that 250-foot distance. But apparently, they didn't
11 make the cut in this aggregation. But you can see just
12 a few here.

13 This is where the cluster is as you go up
14 here. You can see that the cluster of homes for both
15 alternatives are up near where the alternatives
16 intersect one another and they're common to one another
17 and they join in commonality. So just below that, on
18 the western alternatives, there's more clusters of
19 homes down in that area and then of course along that.

20 Now, when you move over towards Kingman you
21 can also see another cluster, and that's co-mingled
22 with some of that industrial area too, and we looked at
23 some of those houses from the aerial in the
24 fly-through.

25 So that's how these homes are concentrated.

1 Nothing out there along Tooman Road to speak of, and
2 those are the western alternatives, and really nothing
3 on the eastern alternatives until after you cross and
4 you're common with the existing alternative.

5 Now, the numbers on the right you can see
6 within a hundred feet. This map depicts 250 feet,
7 which is basically the corridor. So it's just a
8 characterization of what the corridor is expected, and
9 I'm only using that for purposes of trying to help us
10 understand the big picture. And then on the right,
11 this represents the numbers that are more closely
12 tabulated and marched off according to Google Map and
13 taking figures. So you can see E1, E2, 14. You can
14 see the other alternatives that are, you know, one
15 more.

16 Let's see another slide here.

17 Okay. And then you can see this number of
18 residential structures, distance from the center line
19 here, a hundred feet, eight, nine. So between the two
20 alternatives, not a significant difference in those
21 that are close, either on the eastern or on the western
22 alternatives that you see.

23 Okay. Let's go to the next slide.

24 And again, this slide is a little different
25 and it's divided in -- I'm going to have to walk you

1 through this, because it's a little more complicated.
2 The numbers that are depicted in this hundred-foot
3 distance, you'll see on the left there's an eight and
4 an eight. And then what that means is that there are
5 eight homes, and all eight homes are in an existing
6 alignment. So all eight homes are adjacent to an
7 existing alignment that is going to be co-located on.
8 And so when you go down here, you can start to see that
9 variation.

10 And of course this next column is just the
11 opposite of that, in other words, do I have any homes
12 in a new alignment, and that says zero.

13 CHMN. CHENAL: Mr. Warner, I'm a little
14 confused on that one, existing versus new. Is it
15 because the 69 kV is going to be --

16 MR. WARNER: Yeah, let me walk you through
17 it.

18 CHMN. CHENAL: I probably need to see a
19 picture.

20 MR. WARNER: I know I've gone through this a
21 number of times and I said, oh, well, it's clear after
22 I've read it about five times. So let me see if I can
23 get you there faster than it takes me.

24 So the way that this is depicted is that --
25 let me go again to the first one. Eight over eight

1 means that there are eight homes, and that those eight
2 homes are adjacent to an existing line.

3 CHMN. CHENAL: Right.

4 MR. WARNER: The next column says there are
5 eight homes total, that's the total number that it
6 represents on the right, but it says that there is no
7 new alignment being proposed, in other words, there's
8 no -- for an area that doesn't have an existing
9 alignment, there aren't any of those eight homes that
10 are going along an existing alignment. It is, in
11 effect, just the alternative way of expressing the same
12 thing. I'm not sure --

13 CHMN. CHENAL: I'll be as polite as I can,
14 Mr. Warner. Maybe you need an alternative explanation
15 for this.

16 MR. WARNER: I feel the same way.

17 MEMBER GENTLES: Yeah, because I don't get
18 that at all.

19 MEMBER NOLAND: Mr. Chairman, it's late in
20 the day, but I still don't get what you're saying.

21 MEMBER HAENICHEN: Well, shouldn't it be
22 eight and zero instead of zero, eight?

23 MEMBER GENTLES: That's what I would think.

24 MR. WARNER: I agree with that.

25 CHMN. CHENAL: Maybe you could show on a --

1 MR. WARNER: So let's go over to the --

2 CHMN. CHENAL: What houses are not going to
3 be located on the new alignment that are located next
4 to the existing alignment?

5 MR. WARNER: Yeah, let's just take a look at
6 this map on the left and we can use that to sort of
7 tell the story. This is an existing -- I'm pointing to
8 the eastern alternatives. The eastern alternatives --
9 and you can see some of these homes that are depicted
10 there along that alignment. And then if you follow
11 that all the way to Mineral Park, all of those homes
12 that are depicted there within 250 feet by the triangle
13 are adjacent to an existing alignment, in other words,
14 there's already a power line there. And so that's what
15 that table is trying to convey. There are no homes in
16 this area from McConnico substation going up there that
17 are not -- where there is -- where new line is being
18 proposed, where they're not following an existing
19 alignment. So the new alignment is not going by any
20 homes, that's what that table is intended to convey.

21 So over here on the western alternatives, if
22 you move over to the right -- or, as you move down the
23 list, you can see that some of those houses that are
24 clustered up here on the top in particular, there's no
25 existing power line there. There's no existing

1 alignment up in those areas.

2 And so you'll see the number rise that says,
3 I've got a new alignment over here and I've got nine
4 homes in total and three of them are not going to be
5 paralleled by an existing -- are not going to -- three
6 of those homes don't have an existing alignment there
7 already.

8 That was a long explanation. Did it help at
9 all?

10 MEMBER HAENICHEN: That doesn't make sense to
11 me, because that column doesn't say anything about an
12 existing alignment. It just says new alignment. So
13 those numbers with the slashes between them should be
14 related to a new alignment, which is the new
15 transmission line that we're proposing, is that
16 correct?

17 MR. WARNER: That's correct. So that -- so
18 when it says "new alignments," those three would be
19 associated with a new alignment. And why there's a
20 nine there is, I think, redundant and confusing, so I
21 agree with that.

22 CHMN. CHENAL: Oh, it's not confusing at all.
23 When our quantum physics, Member Haenichen, says he's
24 confused, I feel like I'm in good company.

25 MEMBER HAENICHEN: Oh, no, I won't say it.

1 MEMBER GRINNELL: Mr. Chairman.

2 CHMN. CHENAL: Yes.

3 MEMBER GRINNELL: I think I've got it. It's
4 scary, but I think I've got it. You have a total of --
5 we'll go to W1. You have a total of nine homes. Seven
6 of them are being impacted by the current 69 kV line.

7 MR. WARNER: Yes.

8 MEMBER GRINNELL: Two additional homes will
9 be impacted by the --

10 MR. WARNER: That's right.

11 MEMBER GRINNELL: And that's how it adds and
12 subtracts.

13 MEMBER NOLAND: Still makes no sense.

14 MEMBER HAENICHEN: Could I ask a question of
15 Mr. Derstine?

16 MR. DERSTINE: Don't ask me anything.

17 MEMBER HAENICHEN: You're representing the
18 applicant, is that right?

19 MR. DERSTINE: Yes, I am.

20 MEMBER HAENICHEN: Is that correct?

21 MR. DERSTINE: Yes.

22 MEMBER HAENICHEN: Is it the position of the
23 applicant that they prefer E1?

24 MR. DERSTINE: Yes.

25 MEMBER HAENICHEN: Thank you.

1 MR. DERSTINE: And that's set forth in the
2 CEC application.

3 MEMBER HAENICHEN: Oh, I understand. But I
4 want to get it in the record, because that could
5 change, you know, like all these other things have
6 changed.

7 MR. DERSTINE: My daughter could show up and
8 say that she supports something else.

9 MEMBER HAENICHEN: She might.

10 MR. DERSTINE: Yeah.

11 BY MR. DERSTINE:

12 Q. Yes, the tables are confusing, Mr. Warner.
13 They're in some ways helpful, but not so much. But I
14 think it is important, because one of the issues that
15 has been raised by Mr. Cunningham in his limited
16 appearance and some of their prior comments on the EA,
17 and that has been mirrored by the language in Mohave
18 County's letter, is that the eastern routes have
19 greater impact to residences, right?

20 A. (BY MR. WARNER) Right.

21 Q. And that's why we're talking about this,
22 residential impacts of the alternatives?

23 A. (BY MR. WARNER) That's right.

24 Q. Now, Mr. Cunningham uses the within a
25 thousand feet figures. Because if I look at -- and not

1 this table. Not H-7. Go back to one of the prior
2 tables. Go back to the first one even. Okay. Is this
3 one worth looking at? Because we're looking at
4 recreational vehicles and mobile homes adjacent to the
5 transmission line, in addition to residences. Is this
6 worth looking at, spending time on?

7 A. (BY MR. WARNER) I think it's part of the
8 story. And so in this particular case, and as you
9 observed, some of the homes that were out there may
10 have been recreation homes. And the BLM was interested
11 in tabulating that so that they can get a handle on,
12 even though they can move, get hooked up to a car, what
13 is that. So that's what this story intends.

14 Let's go to the next slide.

15 Q. Well, wait. Let me hold you there.

16 A. (BY MR. WARNER) Oh, sure.

17 Q. So H-2, in that sense, would be the most
18 comprehensive in that it's using permanent residences
19 along with recreational vehicles and mobile homes
20 adjacent to the transmission line. That's what table
21 H-2 captures, right?

22 A. (BY MR. WARNER) That's correct.

23 Q. So if I look at within a hundred feet, E1 and
24 E2 are equal to or better by a house than the western
25 alternatives, am I reading that right?

1 A. (BY MR. WARNER) That's correct.

2 Q. So if I look at then within 500 feet of the
3 alternatives, E1 and E2 are impacting approximately
4 somewhere around five more houses than W1 and W2. And
5 W3 and -- W3 is -- it's impacting 53, so E1 and E2 is
6 preferable to W3 if you're looking at 500 feet. W4 is
7 equal to E1 and E2 in terms of the number of houses
8 that are within 500 feet of that alternative. Am I
9 reading that right?

10 A. (BY MR. WARNER) That's correct.

11 Q. Okay. So a push at 500 feet, they're all
12 pretty close.

13 At a thousand feet, E1 and E2 -- your house
14 count is 141 for E1 and E2. And W1, W2, W3, W4 look a
15 lot better, they're impacting a lot less houses. I
16 mean, there's 80 houses within a thousand feet on W1
17 and W2, 95 houses within a thousand feet on W3, and 88
18 as to W4, within a thousand feet of the W4 alternative.

19 So at a thousand feet, using that as a
20 decision point and a way to grade these alternatives, I
21 would say I agree with the Cunninghams and Mohave
22 County that the western routes are all better than the
23 eastern route. Is that a fair statement?

24 A. (BY MR. WARNER) That's correct.

25 Q. Okay. So why shouldn't I -- is the thousand

1 feet a valid measure of impacts of a transmission line?

2 A. (BY MR. WARNER) Well, to put it into
3 perspective, you know, you're crossing the highway to
4 collect houses in some of these areas. So a thousand
5 feet constitutes -- when you're doing it from a land
6 use standpoint, you're trying to evaluate what is the
7 impact associated with direct impacts, those that are
8 encumbered by something or those that are potentially
9 inconvenienced as a result of having it in their
10 immediate proximity versus those that have a diminished
11 economic or some other inconvenience when it comes to
12 land use by being further west.

13 Q. Will I be able to see a transmission line
14 from a thousand feet away, from my house if I'm a
15 thousand feet away?

16 A. (BY MR. WARNER) In Golden Valley you could,
17 but it's really challenging in areas where houses start
18 to develop. You know, you're almost never going to be
19 able to see a transmission line within a thousand feet.

20 Q. And if I'm grading the routes at a thousand
21 feet, is that column showing a thousand feet on either
22 side of the center line, so it's really a 2,000-foot
23 capture of house counts, or is it 500 on ether side?

24 A. (BY MR. WARNER) Yes, it's a thousand feet.

25 CHMN. CHENAL: On both sides?

1 MR. WARNER: On both sides. I'm sorry. On
2 both sides. 2,000 feet.

3 BY MR. DERSTINE:

4 Q. So if my house is 999 feet away from
5 alternative E1, I'm within that 141 total?

6 A. (BY MR. WARNER) Yep. Yes.

7 CHMN. CHENAL: Member Haenichen.

8 MEMBER HAENICHEN: I think we're missing a
9 point here. It's logical that anything -- when you're
10 talking about the eastern routes, there's going to be
11 more homes close to the line than there are on the
12 other side simply because there's more -- those homes
13 have been around a heck of a lot longer than the new
14 development on the other side.

15 But now if you're willing to project in your
16 mind 10 years from now, that western area is going to
17 be developed with primarily residential. There's going
18 to be thousands and thousands of homes there. So
19 there's a lot more chance for this problem on that
20 side, in my opinion.

21 MEMBER HAMWAY: The west.

22 MEMBER HAENICHEN: Yeah.

23 MEMBER NOLAND: Mr. Chairman.

24 CHMN. CHENAL: Member Noland.

25 MEMBER NOLAND: But alternately, if you have

1 it in place and they still move there, it's in place
2 and they made that choice. So that's the balancing
3 act.

4 MEMBER HAENICHEN: That's a good point.

5 CHMN. CHENAL: Mr. Derstine, let me ask a
6 question. It's 5:00. We've hit this point of
7 diminishing returns, I think, with this, given that
8 it's been a long day. It might help tomorrow if we
9 come back fresh and Mr. Warner gives a little narrative
10 explanation and doesn't really -- we don't have to look
11 at that chart, but you can kind of verbalize what it's
12 intended to show. And I think we'll be more receptive
13 tomorrow to listening to that in an explanation that
14 you might want to try out a few times on people and
15 then pick the one that works the best and try it again.
16 Because I'm sure there's some information in there
17 that's valid that you're trying to convey, so I want to
18 hear it and I want to understand it, but I think it's
19 kind of late in the day to do that.

20 MEMBER HAMWAY: Mr. Chairman, I appreciate
21 this chart, because those are the numbers that were
22 referenced in the public outreach -- or, in the public
23 comment, the 141 and the 80. So I appreciate you
24 putting this up so now I understand where those numbers
25 come from.

1 CHMN. CHENAL: Right. And this is -- the
2 exhibit we're looking at is from the CEC, Exhibit H,
3 Page H-6. I was referring to the one that we had a
4 little fun with a few minutes ago. And I think there's
5 probably information in there that we really should
6 learn what it means, it's just a little too late in the
7 day, I think, to do that. But tomorrow I think we
8 could do it fresh.

9 MR. DERSTINE: I agree with you a hundred
10 percent. Can I just close with --

11 BY MR. DERSTINE:

12 Q. You typically don't see a house count going
13 out a thousand feet from the center line in either
14 direction. Is there a reason why a thousand feet was
15 used?

16 A. (BY MR. WARNER) I think that that was a
17 determination in consultation with the BLM. But
18 usually it has to do with the possibility of other
19 resources being affected, like visual, what is it that
20 it's really possible for us to see within a thousand
21 feet, and then that becomes sort of the mark of
22 demarcation.

23 MR. DERSTINE: Thank you. We'll revisit it
24 tomorrow.

25 CHMN. CHENAL: And do you have simulations at

1 a thousand feet?

2 MR. WARNER: Yes, we do.

3 CHMN. CHENAL: So we'll see those tomorrow?

4 MR. WARNER: Yes.

5 CHMN. CHENAL: Let's see if we can make every
6 effort to finish tomorrow. I mean, I think we will --

7 MR. DERSTINE: We will.

8 CHMN. CHENAL: -- based on the number of
9 slides. And then we'll do our deliberations Friday
10 morning, I think would be a good plan.

11 And so if there's anything else we have to
12 discuss, let's discuss it. If not, we'll adjourn for
13 the evening and we'll meet everyone back here tomorrow
14 at 9:00 a.m. and I look forward to finishing up
15 tomorrow.

16 MR. DERSTINE: Thank you.

17 CHMN. CHENAL: Thanks, everyone.

18 (The hearing recessed at 5:03 p.m.)

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25

1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

3

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

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

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

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25
KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

1 I CERTIFY that Coash & Coash, Inc., has
2 complied with the ethical obligations set forth in ACJA
3 7-206(J)(1)(g)(1) through (6).

4

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COASH & COASH, INC.
Registered Reporting Firm
Arizona RRF No. R1036