

1 BEFORE THE ARIZONA POWER PLANT AND LS-319

2 TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE) DOCKET NO.
 APPLICATION OF WINCHESTER) L-21256A-23-0199-00223
 5 TRANSMISSION, LLC IN)
 CONFORMANCE WITH THE) LS CASE NO.
 6 REQUIREMENTS OF ARIZONA) 223
 REVISED STATUTES, SECTIONS)
 7 40-360, ET. SEQ., FOR A)
 CERTIFICATE OF ENVIRONMENTAL)
 8 COMPATIBILITY AUTHORIZING THE)
 WINCHESTER TRANSMISSION)
 9 PROJECT LOCATED IN COCHISE)
 COUNTY, ARIZONA) EVIDENTIARY HEARING
 10 _____)

11

12 At: Phoenix, Arizona

13 Date: August 16, 2023

14 Filed: August 21, 2023

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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 Arizona Corporation Commission, 1200 West
5 Washington, 2nd Floor Conference Room, commencing at
6 9:09 a.m. on the 16th of August, 2023.

7
8 BEFORE: ADAM STAFFORD, Chairman

9 LEONARD DRAGO, Department of Environmental Quality
10 GABBY SAUCEDO MERCER, Arizona Corporation Commission
11 JON H. GOLD, General Public
12 DAVID FRENCH, Arizona Department of Water Resources
13 (via videoconference)
14 R. DAVID KRYDER, Agriculture
15 (via videoconference)
16 MARGARET "TOBY" LITTLE, PE, General Public
17 (via videoconference)

18 APPEARANCES:

19 For the Applicant:

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25

1 CHMN. STAFFORD: Now is the time set for the
2 hearing on the application for a Certificate of
3 Environmental Compatibility by Winchester Transmission,
4 LLC, Docket No. L-21256A-23-0199-00223, Line Siting
5 Case 223.

6 Let's take appearances, please.

7 MR. ACKEN: Good morning, Mr. Chairman.
8 Thank you. Bert Acken of Acken Law on behalf of the
9 applicant, Winchester Transmission, LLC.

10 CHMN. STAFFORD: All right. And I will note
11 that Members Kryder, Gold, Drago, and Mercer are in
12 attendance at this hearing.

13 Mr. Acken, would you like to make an opening
14 statement?

15 MR. ACKEN: I would, thank you. It will
16 be -- it will be brief.

17 As you can see on the screen on the WebEx and
18 in front of you, we greatly appreciate the opportunity
19 to present this project, particularly in this unique
20 forum, so I'd like -- I want to start off by thanking
21 the Chairman and the Committee for your willingness to
22 provide for the hearing officer option.

23 As you will hear today, this project is a
24 very, very late-stage development project that needs a
25 CEC very soon in order to meet in-service dates and

1 provide needed power to the region. So, again, we
2 thank you for going on this new adventure with us with
3 this hearing officer process.

4 Let me tell you a little bit about the
5 project itself. The transmission project is an
6 approximately 15-mile transmission line that is shown
7 in the hatched line on the map that you see. That is
8 marked as Slide 20. That will be in our hearing
9 presentation. The transmission line will originate at
10 the solar project. And I'll mention the solar project
11 in a little bit.

12 Thank you. Mr. Hazle is outlining the solar
13 project boundary right there that's north of I10.

14 All project facilities are located in Cochise
15 County. You see the solar project is located primarily
16 on private lands, certainly the first phase will be.
17 The transmission line is located almost entirely on
18 State Trust lands. From the project site, it heads
19 west, crosses Three Links Road twice, crosses two other
20 planned transmission lines in the area that this
21 Committee is very familiar with, SunZia and El Rio Sol,
22 before it interconnects to an existing bay within the
23 Winchester substation that you see right there in that
24 map inset that Mr. Hazle is highlighting.

25 For reference, again, you see I10 on the

1 eastern side of that map. The town of Willcox is just
2 to the east of the -- of the map. You can see in that
3 very northeast corner where he's highlighting some of
4 the community roads.

5 Next slide.

6 So about the solar project itself. It is a
7 160-megawatt solar and 160-megawatt battery storage
8 facility, again, located in unincorporated Cochise
9 County. As I mentioned at the outset, all major
10 studies are complete. Mr. Leach, one of our two
11 witnesses, will describe where the team is in the
12 development process. All local discretionary permits
13 obtained, this project is in the very final stages of
14 the interconnection process, with a start of
15 construction anticipated in 2024.

16 We are going to have two witnesses in one
17 panel, Scott Leach, sitting directly in front of me, of
18 Torch Clean Energy and Dean Hazle of SWCA, who will
19 present testimony regarding the project, the applicant,
20 which is Winchester Transmission, and its parent, Torch
21 Clean Energy, who has an extensive development
22 portfolio -- an operational portfolio, I should say, in
23 Arizona and throughout the country. We'll talk about
24 the project in detail, present a virtual tour, go
25 through the public outreach, public notice, and then

1 the factors for environmental compatibility, as well as
2 Mr. Hazle's expert opinion as to the project's
3 environmental compatibility.

4 One other thing I want to note is, we are --
5 the project has a project substation -- step-up
6 substation on the solar project site. We are not
7 requesting approval for that project substation. And
8 that is consistent with what is recent guidance --
9 relatively recent guidance from the Commission that
10 substations do not need to be sited given the statutory
11 language, only associated switchyards. That's a bit of
12 a change from what I have done in the past. But given
13 that recent guidance, we are not seeking authority for
14 the substation.

15 With that said, we are going to present some
16 testimony on that. And if the Committee disagrees and
17 believes that that should be sited, we would certainly
18 ask for that to be included in the CEC one way or the
19 other, either a conclusion of law that it's not
20 necessary or included in our CEC. So that's one little
21 nuance that I wanted to mention.

22 To orient you to our hearing materials, we
23 have several exhibits all marked WTP. WTP-1 is the
24 application itself. WTP-2 is our hearing slides that
25 will be on the screen today. WTP-3 is the summary of

1 public outreach efforts that have been conducted
2 primarily subsequent to the filing, and this is done
3 pursuant to procedural order.

4 WTP-4 is a chain of correspondence with
5 Arizona Game and Fish. This project is located close
6 to the Willcox Playa, and so there is, of course,
7 interest in resources -- biological resources
8 associated with the Willcox Playa. And so the Torch
9 team has been in extensive conversations and
10 discussions with Game and Fish, and we will present
11 testimony on that.

12 WTP-5 is the Commission Staff letter. I'm
13 happy to report this project has a system impact study
14 that was presented to Commission Staff pursuant to a
15 discovery request. And so -- excuse me. So WTP-5 is
16 that Commission Staff response letter in which they
17 state, based on Staff's review of the application, as
18 well as the applicant's response to a Staff-issued data
19 request, Staff concludes the proposed project could
20 improve the reliability, safety of the grid, and
21 delivery of power in Arizona. So we will present
22 testimony on that.

23 WTP-6 is communications with the State
24 Historic Preservation Office regarding cultural
25 resources. Mr. Hazle will testify that this project

1 will have no impact on cultural resources, but will go
2 through the correspondence and studies that lead him to
3 that conclusion.

4 I believe we're going to have like one or two
5 additional slides -- excuse me -- exhibits that we'll
6 talk through as we go due to some late-breaking
7 information that has come in that we weren't able to
8 include in that -- in that binder, so -- but we will
9 address that in our presentation.

10 So that concludes my opening remarks. We
11 think this is a great project. We think the testimony
12 will show that this is an excellently sited and nearly
13 shovel-ready project, and so we look forward to
14 presenting to you today and for the Committee's
15 review -- for the full Committee as soon as we possibly
16 can. And with that, I'm happy to get started, answer
17 any questions.

18 CHMN. STAFFORD: Thank you, Mr. Acken. Would
19 you like to call your witness panel and I'll get them
20 sworn in?

21 MR. ACKEN: Yes, thank you. Winchester
22 Transmission, LLC calls Scott Leach and Dean Hazle.

23 CHMN. STAFFORD: Mr. Leach, oath or
24 affirmation?

25 MR. LEACH: Affirmation, please.

1 (Scott Leach was duly affirmed by the
2 Chairman.)

3 CHMN. STAFFORD: Mr. Hazle.

4 MR. HAZLE: I do.

5 CHMN. STAFFORD: Oath or affirmation?

6 MR. HAZLE: Excuse me. Affirmation.

7 (Dean Hazle was duly affirmed by the
8 Chairman.)

9 CHMN. STAFFORD: Please proceed, Mr. Acken.

10 MR. ACKEN: Thank you.

11

12 WILSON SCOTT LEACH, DEAN HAZLE,
13 called as witnesses as a panel on behalf of Applicant,
14 having been previously affirmed by the Chairman to
15 speak the truth and nothing but the truth, were
16 examined and testified as follows:

17

18 DIRECT EXAMINATION

19 BY MR. ACKEN:

20 Q. Mr. Leach, please state your name, employer,
21 and business address for the record.

22 A. (MR. LEACH) Wilson Scott Leach. I work for
23 Torch Clean Energy, LLC, and my business address is
24 929 Pearl Street, Suite 300, Boulder, Colorado 80302.

25 Q. In what capacity do you work for Torch?

1 A. (MR. LEACH) I'm the chief commercial officer
2 for Torch, where I'm responsible for the development
3 and completion of our projects.

4 Q. And provide a summary of your educational
5 background and work experience.

6 A. (MR. LEACH) I have a master's of science and
7 a master's of business administration from the
8 University of Colorado and a bachelor's of arts from
9 Middlebury College. And my role and responsibility at
10 Torch is to lead the development of our projects and
11 take them from initial concept all the way through to
12 financing and construction, and that's my
13 responsibility with the Winchester project.

14 Q. Summarize the topics that you're going to
15 cover today in your testimony.

16 A. (MR. LEACH) So today I'm going to provide an
17 overview of our application, provide a summary of the
18 solar project, and then go into some detail on the
19 transmission project that we're here to present today,
20 and specifically talking about the route, the CEC
21 corridor, the right-of-way, the purpose and need of the
22 project, and then some of the transmission line
23 specifics, and then get into some of the permitting
24 that we've already achieved for the project.

25 Q. Turning next to Mr. Hazle, please state your

1 name, employer, and business address for the record.

2 A. (MR. HAZLE) My name is Dean Hazle. I'm
3 employed by SWCA Environmental Consultants. My
4 business address is 1645 South Plaza Way in Flagstaff,
5 Arizona.

6 Q. What do you do for SWCA?

7 A. (MR. HAZLE) I'm the planning team lead for
8 northern Arizona, I also serve as a project manager,
9 primarily focusing on permitting and compliance for
10 renewable energy developments, focusing on siting,
11 permitting, things of that nature. I've worked with
12 SWCA since early 2022.

13 Q. Next, provide a brief overview of your
14 educational experience and work background.

15 A. (MR. HAZLE) I have a bachelor's of science
16 in geology from Hope College in Holland, Michigan. I
17 have about 10 years of technical and management --
18 excuse me. I've held technical and management
19 positions in state government, industry, and consulting
20 over approximately a 10-year period. In my previous
21 role I was the assistant director for the Massachusetts
22 Energy Facilities Siting Board, which is that state's
23 analogue to the Line Siting Committee.

24 Q. And have you testified before the Committee
25 previously?

1 A. (MR. HAZLE) I have. I've testified in five
2 cases since 2022. The case numbers are shown on the
3 slide. Each of these cases is focused on generation
4 intertie transmission lines of varying lengths.

5 Q. And would you consider those projects similar
6 in context and scope to this project today?

7 A. (MR. HAZLE) I would. I've focused on
8 projects that are rural, like the Winchester
9 Transmission Project, and urban, and similar lengths as
10 well.

11 Q. Thank you. What was SWCA's role in this
12 project?

13 A. (MR. HAZLE) SWCA was engaged by Torch to
14 prepare the CEC application in the spring of 2023. I
15 believe we'd been working for Torch before that time as
16 well conducting preliminary resource assessments. My
17 role specifically was to prepare the CEC application,
18 including Exhibits A through J, which cover land use,
19 cultural, biological, and visual resources.
20 Additionally, we supported the public involvement and
21 public notice process for CEC hearings. I personally
22 coordinated the environmental studies and oversaw the
23 compilation of information contained in each exhibit.

24 Q. What will your testimony cover here today?

25 A. (MR. HAZLE) My testimony is going to start

1 off with a virtual route tour of the transmission
2 project. Then I'll move in and cover the public
3 involvement, describing the outreach process and public
4 notice activities leading up to the hearings today.
5 And then I'll cover each of the environmental resource
6 topics that correspond to the exhibits in the
7 application. Finally, I'll provide a statement on the
8 overall compatibility of the Winchester Transmission
9 Project.

10 Q. Thank you both.

11 Mr. Leach, this is the first time that the
12 Committee has seen Torch Clean Energy, so I'd like you
13 to take a moment and explain for the Chairman at this
14 time and for the record for the Committee who
15 Winchester Transmission, LLC and its parent, Torch
16 Clean Energy, are.

17 A. (MR. LEACH) Winchester Transmission, LLC is
18 a wholly owned subsidiary of Torch Clean Energy. Torch
19 is a privately held renewable energy development
20 company that's focused on turnkey development
21 throughout the United States. We started in 2008,
22 actually, as part of an oil and gas company in Houston,
23 but then in 2015 we became independent, focused
24 entirely on renewable energy. And we're really focused
25 on specific developments that we believe will go from

1 conceptual phase all the way through into construction
2 and really pride ourselves on bringing those projects
3 through the process into construction.

4 If you go to the next slide, we have 18
5 projects across the country, totaling about
6 800 megawatts, that are either in operation or
7 construction, and have a total pipeline of around
8 5 gigawatts. I think it's important to note that we
9 have been working in Arizona since 2014 and have seven
10 projects or phases of facilities across the state,
11 representing about 250 megawatts. Those range from
12 both public power utilities and also investor-owned
13 utilities. And as we'll get into later in the
14 presentation, there's two operating solar and storage
15 facilities currently in the state that we have
16 developed.

17 Q. Before we talk about the jurisdictional
18 facilities, which, again, are the transmission line and
19 interconnection facilities, I'd like you to provide an
20 overview of the solar project that that transmission
21 line will interconnect.

22 A. (MR. LEACH) The Winchester energy project is
23 a 160-megawatt solar photovoltaic facility with
24 160-megawatt energy storage facility. It's located in
25 Cochise County, about 3 and a half miles away from

1 Willcox. I think it's important to note that all of
2 our major studies have been completed on the project.
3 We have received all of our local discretionary
4 permits. We are in the final stages of the
5 interconnection process, and we hope to start
6 construction in 2024. And as we'll touch on later, we
7 have also started procurement of long-lead equipment
8 items specifically as it relates to the transmission
9 line.

10 CHMN. STAFFORD: What are the longest-lead
11 items?

12 MR. LEACH: Switch gear and then, behind
13 that, transformers.

14 So to jump into the solar side of the
15 project, again, it's a 160-megawatt photovoltaic
16 facility that's composed of modules, a single-access
17 tracker, central inverters, an underground distribution
18 system, and then a step-up substation. The project
19 itself is located on a combination of private land,
20 which is about 3,000 acres, and Arizona State land,
21 which is about a thousand acres.

22 One slide forward.

23 We received our special use permit from
24 Cochise County in May of -- May 10th of 2023, and then
25 we went back and got a second approval in July of 2023.

1 And we should note that the reason why we did it a
2 second time was because there was a neighbor who wanted
3 to participate in the project, and so we included that
4 neighbor in the project to have their land permitted by
5 Cochise County.

6 BY MR. ACKEN:

7 Q. Next, talk about the energy storage component
8 of the project.

9 A. (MR. LEACH) The energy storage facility is
10 going to be a 160-megawatt facility with 4 hours of
11 storage. It is designed to integrate the use of the
12 solar energy that's produced and then dispatch it when
13 the interconnecting utility, which is -- for it to be
14 dispatched. It's going to be a modular system that's
15 basically containers that are composed of lithium-ion
16 batteries, integrated inverters, and then a cooling
17 unit inside there, and then there would be also a
18 medium-voltage transformer that is similar to the PV
19 all interconnecting to the project substation.

20 And one of the key benefits here with the
21 storage for the project is that it will provide energy
22 that's dispatchable upon demand and then also will
23 provide ancillary services to the grid.

24 CHMN. STAFFORD: Quick question. Who's the
25 responding fire department for this location?

1 MR. LEACH: The City of Willcox.

2 CHMN. STAFFORD: City of Willcox?

3 MR. LEACH: Yes.

4 CHMN. STAFFORD: Have they -- do they have
5 any experience of the equipment needed to combat a
6 battery fire should one ever occur?

7 MR. LEACH: So we have reached out to them to
8 start that conversation, and that is an ongoing
9 conversation. So I can't comment at this time exactly
10 all of the equipment that they have; I'm unaware of
11 that. But in our other projects that we've done in
12 southern Arizona, we have worked through that process.

13 CHMN. STAFFORD: Okay. Good. So they're
14 aware of it and they have an idea of what to be
15 prepared for then?

16 MR. LEACH: Yes. And that will be addressed
17 later in the design process as we approach our building
18 permit with them.

19 CHMN. STAFFORD: Thank you.

20 BY MR. ACKEN:

21 Q. And you show a photograph on slide 16 that
22 says a close-up and aerial of an existing BESS at an
23 Arizona project. So you have experience operating and
24 working with local fire departments, is that correct?

25 A. (MR. LEACH) That's correct. So the project

1 that we see on the right-hand side is the Chirreon
2 energy facility that is currently owned by Trico
3 Electric Cooperative, and it was designed to provide
4 power to the Oracle area in their service territory.
5 There's a second project, a similar size, that also is
6 operating that's in the city of Marana.

7 Q. Next, talk about the status of the
8 interconnection process.

9 A. (MR. LEACH) In 2019 we started the
10 interconnection process for this project with Tucson
11 Electric Power by following their large generation
12 interconnection process, and we have gone through all
13 of the studies. 2019 we received our feasibility
14 study, in 2020 received our system impact study for
15 both the solar and the storage, and in 2021 there was a
16 draft facility study that was issued to us. That
17 facility study is being revisited for optimization of
18 design and also updating the cost, and we expect that
19 study to be completed this month, after which we will
20 then advance to an interconnection agreement with TEP.

21 CHMN. STAFFORD: And what is the projected
22 date to finalize the interconnection agreement?

23 MR. LEACH: We hope we can have that executed
24 as soon as possible, but within the next couple of
25 months.

1 CHMN. STAFFORD: Now, you filed your
2 10-year -- your first 10-year plan January 31st of this
3 year?

4 MR. LEACH: I believe that is correct, yes,
5 sir.

6 CHMN. STAFFORD: And you've already gotten
7 your system impact study completed. That's great.

8 The interconnecting utility is Tucson
9 Electric Power in this case, though, correct?

10 MR. LEACH: Yes, sir.

11 CHMN. STAFFORD: Thank you. Please proceed.

12 MR. LEACH: I think one other point that we'd
13 like to point out is that there's no network upgrades
14 needed for this project. It is just interconnecting
15 directly into an existing bay. And it will be the cost
16 of the local interconnection facilities that is needed
17 to interconnect the project and not upgrades across the
18 system.

19 CHMN. STAFFORD: Well, that's good news.

20 MR. LEACH: We think so.

21 MR. ACKEN: Mr. Chairman, we hoped you and
22 the Committee would agree.

23 CHMN. STAFFORD: I seem to recall a
24 significant discussion on this at the prior hearing.

25 MR. ACKEN: Yes. So very happy that we have

1 that, as well as the Staff letter.

2 BY MR. ACKEN:

3 Q. And maybe -- maybe now is a good time,
4 Mr. Leach, for you to reference that Staff letter. So
5 if you could turn to what's been marked as WTP-5, and
6 I'm going to ask you to confirm a couple things in this
7 letter.

8 Is this a letter dated August 8th, 2023 to
9 the Chairman, Adam Stafford, from Douglas Clark,
10 interim director of the Utilities Division?

11 A. (MR. LEACH) Yes, it is.

12 Q. And is it your understanding that this is in
13 response to the Chairman's letter requesting any input
14 that the Commission Staff might have regarding the
15 reliability of this project?

16 A. (MR. LEACH) Yes. Yes, it is.

17 Q. And if you would, for the record, I have
18 already stated it, but so we can get it into the
19 evidentiary record, read the first paragraph under
20 Conclusions and Recommendations.

21 A. (MR. LEACH) Based on Staff's review of the
22 application, as well as the applicant's response to the
23 Staff-issued data request, Staff concludes the proposed
24 project could improve the reliability, safety of the
25 grid, and delivery of power in Arizona.

1 Q. Thank you very much. Now let's talk about
2 the jurisdictional facilities, the transmission
3 project. Provide an overview of that.

4 A. (MR. LEACH) The transmission project is an
5 approximately 15-mile, 345-kV AC line that will start
6 at the project substation and proceed almost due west
7 to the Tucson Electric Winchester Substation. Just
8 before we reach the substation, it will then kind of
9 move in a southwesterly direction.

10 As mentioned earlier, 95 percent of the line
11 is located on Arizona State lands and a small
12 percentage is located on private land, which is -- that
13 small percentage is the project site.

14 The purpose of this line is to deliver
15 renewable energy into the transmission system and
16 support load growth and, importantly, peak demand,
17 especially during the summer, for Arizona-load-serving
18 entities.

19 CHMN. STAFFORD: Do you have an offtaker for
20 the energy yet?

21 MR. LEACH: We are currently under an NDA,
22 but I can comment that we have participated in two
23 competitive RFPs and have been selected and are in
24 negotiations on both of those PPAs --

25 CHMN. STAFFORD: Thank you.

1 MR. LEACH: -- to fully sell power from the
2 project.

3 CHMN. STAFFORD: So that was a yes, correct?

4 MR. LEACH: Yes.

5 CHMN. STAFFORD: Thank you.

6 MR. ACKEN: To the extent that he can,
7 subject to the NDA.

8 CHMN. STAFFORD: Right. Can't disclose the
9 identity of it, but the existence of an oftaker, yes.
10 Thank you.

11 MR. LEACH: Yes. To make it simple, yes.

12 BY MR. ACKEN:

13 Q. I'd like you now to provide some additional
14 details about the route itself that the transmission
15 line will traverse.

16 A. (MR. LEACH) The route starts on the
17 eastern-most side of the corridor where the red dot is.
18 I'll note that you can see the corridor is larger
19 north/south in that area for optimization of exactly
20 where the project substation is located, but at this
21 point we are optimizing towards an area that is in the
22 center of the corridor, so basically it would be the
23 thousand feet directly across. It then goes in a
24 westerly direction almost all the way across the Three
25 Links Road twice, at which point we cross under the

1 planned SunZia and El Rio Sol lines, and then we move
2 in a southwesterly direction into the Winchester
3 Substation.

4 Q. You mentioned the corridor. Describe, in
5 additional detail, the requested corridor and
6 right-of-way for this project.

7 A. (MR. LEACH) So the largest -- maximum part
8 of the corridor is 4,000 feet. As I mentioned, that
9 was for optimization purposes for our project
10 substation. But the majority of the corridor is a
11 thousand feet wide. We plan to have our established
12 right-of-way to be -- 90 percent of it be 150 feet wide
13 in certain places, and only 10 percent of the route be
14 250 feet wide. And the main reason for the difference
15 between the widths is a two-pole structure versus a
16 three-pole structure.

17 Q. What structures do you anticipate using for
18 the transmission line?

19 A. (MR. LEACH) We anticipate using a two-pole
20 H-frame and a three-pole tangent structure, which are
21 shown on the left-hand side and the bottom of it.
22 There is a chance that these could be steel, but our
23 current design calls for wooden poles along the entire
24 route of the line. However, there will be two A-frame
25 structures, one where we originate at the project site

1 and one where we terminate at the Winchester
2 Substation. The poles will be approximately 600 to
3 800 feet apart. The maximum height we anticipate to be
4 150 feet, but most we think are going to be 90 feet
5 tall. And then we'll have a minimum conductor
6 clearance of 30 feet.

7 CHMN. STAFFORD: Now, you're using wooden
8 poles for the majority of this line?

9 MR. LEACH: Currently we have a 30 percent
10 design set completed, and that calls for wooden poles,
11 but there is a chance that we may need steel in some
12 places.

13 CHMN. STAFFORD: Now, most of these projects
14 that I've seen, they're a steel monopole structure. Is
15 there a reason for the wood structures for this one?
16 I'm just curious. You don't typically see those for
17 these projects.

18 MR. ACKEN: I can speak to it from prior
19 cases that I've been involved. And it really depends,
20 in my experience, on the entity with whom you're
21 interconnecting. So, for example, I had a case that
22 was on the border of Pima and Pinal, also primarily
23 wooden H-frame structures because -- and again, it was
24 a 345 voltage or lower, maybe that one was even 230, as
25 opposed to a 500. So certainly 500, I think the cases

1 that I have brought, are going to be steel, but
2 anything lower than that it really depends on
3 site-specific characteristics and sometimes your
4 interconnecting utility's preference.

5 But with that intro, I'm not under oath,
6 Mr. Leach, if you could confirm or supplement, please
7 do.

8 MR. LEACH: Certainly can talk to our
9 engineering team about that current design. One of the
10 discussions that we had between the two design options
11 was a thought of a steel structure would allow a second
12 conductor to be hung in the future. But the planned
13 345 line will have enough capacity on it to allow for
14 future expansions of this project if needed, so we
15 don't anticipate a second transmission line being
16 needed.

17 CHMN. STAFFORD: Are the wooden -- are the
18 wooden structures cheaper than the steel monopoles?

19 MR. LEACH: That is also part of the case,
20 yes.

21 CHMN. STAFFORD: There you go. Thank you.

22 BY MR. ACKEN:

23 Q. All right. Thank you. Let's turn next to
24 where you're at in the development. I mentioned in my
25 opening our appreciation for the Chairman and the

1 Committee in allowing us to hold a hearing in this way,
2 given the time frames we're on. So if you could
3 explain where you're at and why it's important that we
4 move through this process expeditiously.

5 A. (MR. LEACH) So one of Torch's key
6 philosophies is to present projects to the appropriate
7 authorities when they're at the appropriate milestone,
8 and we believe this project has an advanced stage of
9 development to be ready to be presented to you all to
10 move through the process and into construction. So to
11 that extent, we have secured all of our site control
12 for the project. We have received all of our local
13 discretionary permits with Cochise County. We expect
14 to be finished with the interconnection process in the
15 coming months and have an executed interconnection
16 agreement. We have ordered long-lead equipment, the
17 switch gear, as I mentioned earlier. We have completed
18 a 30 percent design for the transmission line and are
19 starting on our 60 percent design set right now. We're
20 obviously in the CEC process here today, and we are
21 working with the State Land Department to conclude our
22 right-of-way approval in the coming months. So we are
23 targeting to have this project start construction next
24 year.

25 Q. Okay. Thank you, Mr. Leach. We will come

1 back to you at later points in this presentation.

2 Right now we are going to turn to Mr. Hazle
3 to discuss first the virtual tour that was developed
4 for the project.

5 A. (MR. HAZLE) Thank you, Mr. Acken. I believe
6 the Chairman's familiar with the format of a virtual
7 flyover tour, but, in lieu of completing a hearing near
8 the project itself where we could have the opportunity
9 to see it in person, we thought this was a useful tool
10 for this hearing format.

11 (Virtual Tour Plays.)

12 MR. HAZLE: So this is going to take us
13 through the route from west to east. Again, just to
14 orient the audience here today, the solar project is on
15 the right-hand side. I don't mean to be redundant, but
16 that's what we're showing here. TEP Winchester
17 Substation on the west, and then the requested CEC
18 corridor is highlighted in gray there. Most of our
19 maps in the application show the CEC corridor. For the
20 benefit of the flyover tour, we show the center line of
21 the corridor with the structure spacing that Torch
22 plans to use.

23 Over here on the west side of the flyover
24 tour in this view we have existing transmission lines
25 in this darker blue color and then the planned El Rio

1 Sol and SunZia lines just represented by the teal and
2 purple lines on the topography there.

3 CHMN. STAFFORD: So the blue line is which --
4 which line is that?

5 MR. HAZLE: This is an -- this is an existing
6 transmission line that connects -- that exists today
7 and connects into the Winchester Substation.

8 CHMN. STAFFORD: And what voltage is that
9 line?

10 MR. HAZLE: This is a 345-kV substation. And
11 so that line passing through is also 345, to the best
12 of our knowledge.

13 CHMN. STAFFORD: All right. And the SunZia
14 and El Rio Sol, they don't -- they bypass this
15 substation, they don't connect there at all, do they?

16 MR. HAZLE: Correct.

17 CHMN. STAFFORD: And those are 500-kV lines,
18 I'm pretty sure.

19 MR. LEACH: That's the teal line that you see
20 there.

21 CHMN. STAFFORD: Right. The teal and the
22 purple one, you said, are the two -- SunZia and the
23 El Rio Sol, right?

24 MR. HAZLE: Correct.

25 So the yellow line represents the route of

1 the Winchester Transmission Project. You can see it's
2 a pretty straightforward route tour. You know,
3 sometimes we have more complications with an urban
4 setting, but we're crossing, you know, gently
5 undulating rangeland, predominantly unimproved, used
6 for agricultural -- excuse me -- cattle grazing
7 presently. And you can see, you know, we have these
8 H-frame tangent structures where the line is just
9 marching straight ahead due west. It's slightly
10 confusing. We're actually facing east right now.

11 CHMN. STAFFORD: Yeah, because we're going
12 from the west where the substation is to the east to
13 where the solar array is, correct?

14 MR. HAZLE: Yes, that's correct. We're
15 approaching the project step-up substation.

16 As Mr. Leach mentioned earlier, there's --
17 you know, the CEC corridor we're requesting and
18 analyzed in the application, you know, expands to the
19 south here a little ways to provide flexibility with
20 where they're going to site that project substation.
21 Their current plan is to place the substation directly
22 at the end of the straight segment where we're showing
23 it here in the route tour.

24 Typical substation equipment being simulated
25 here, just representative A-frames and a transformer

1 with a control house and chain-link fence enclosing the
2 substation equipment.

3 The latter part of our route tour will focus
4 on just giving a quick preview of the key observation
5 points and visual simulations, which we'll cover in
6 more detail during the visual resources testimony.

7 This facility here, we'll cover it in the
8 recreation section, but this is a private sort of like
9 racetrack area where you could go drive your sports car
10 on a track and have fun. Private facility, but still a
11 recreation facility in the vicinity of the project.

12 CHMN. STAFFORD: How far is that from the
13 corridor?

14 MR. HAZLE: Our visual simulations say the
15 distance specifically. I think it's about a mile and a
16 half, just off the top of my head.

17 Again, we'll cover in more detail here, but
18 this just gives you a sense for the actual conditions
19 facing south. As is often the case, the transmission
20 line is in those simulations, it's just hard to see
21 against the existing landscape. And we'll provide a
22 little bit more detail on that in the Exhibit E
23 testimony.

24 BY MR. ACKEN:

25 Q. Mr. Hazle, if I could interrupt you for a

1 second. Slide 61, which shows this visual simulation
2 for recreational viewers from Inde Motorsports, says it
3 is approximately 2 miles north of the transmission
4 project. Does that sound correct?

5 A. (MR. HAZLE) That's correct.

6 Q. Thank you. Please continue.

7 A. (MR. HAZLE) Again, facing south, just kind
8 of gives another sense for the open rangeland in the
9 vicinity of the project. Again, in the latter
10 simulations here you'll get a better view of the
11 structures as they get a little closer to East Three
12 Links Road there.

13 In general, the viewsapes are open with sort
14 of, you know, low to medium height mountains on the
15 background view of the topography.

16 This location is from a ranching facility
17 near the eastern end, kind of just see the tips of some
18 of the wooden H-frame structures peeking up against the
19 tall range -- tall grass there.

20 CHMN. STAFFORD: That was a simulation of
21 what the project would look like, correct?

22 MR. HAZLE: Yeah.

23 And finally, this is one of the locations
24 where the transmission project will cross Three Links
25 Road and where it will be most visibly -- most visible,

1 obviously, for the public that drives along Three Links
2 Road. So we can see the transmission structures
3 marching off towards the east here. Those are the
4 three-pole structures that Mr. Leach described.
5 Typically they use the three-pole structures where the
6 route has to take a turn. And where it's just going
7 straight ahead, they're able to use the two-pole
8 H-frames.

9 That concludes our route tour of the area.
10 I'd be happy to back up to any specific points, if that
11 would be beneficial to the Chairman or the audience
12 here today. But again, we'll cover the visual
13 resources in more detail later on in the presentation
14 and we'll cover the land use shortly.

15 CHMN. STAFFORD: All right. Couple quick
16 questions. So you're going to cross under the SunZia
17 and El Rio Sol lines, both of them? It looked like you
18 were only going under one of them from the tour, but
19 you went through it pretty quickly. The El Rio Sol is
20 still kind of -- it's less far along than the SunZia
21 line is in terms of construction, but you've been
22 coordinating with both of those entities to -- I assume
23 you'll pass under the 500-kV line, correct?

24 MR. LEACH: If I may, yes. Yes, we will,
25 we'll pass under them, and we have started that process

1 of discussing crossing agreements with both of those
2 projects.

3 CHMN. STAFFORD: And just kind of paint a
4 picture for me. How -- what will be the clearance from
5 the ground for your line and then what will be the
6 distance between your line and the SunZia line?

7 MR. LEACH: My colleague here knows the
8 answer to that, and I can give that to you later, if
9 that's okay.

10 CHMN. STAFFORD: Excellent. Thank you.

11 MR. HAZLE: Mr. Acken, could we break for a
12 few minutes? I need to find my power cord.

13 MR. ACKEN: Yes. Well, that's a question for
14 the Chairman.

15 CHMN. STAFFORD: Yes. Let's take a
16 5-minute -- 5- to 10-minute break and come back at
17 10:00. We stand in recess.

18 (Off the record from 9:51 a.m. to 9:58 a.m.)

19 CHMN. STAFFORD: Quick follow-up question on
20 the poles before you get going again. The wood
21 structures, are they more susceptible to wildfire risk
22 and is there any wildfire risk in the area where this
23 line is going?

24 MR. LEACH: I'll give you my personal
25 comment, but I'm not a wildfire expert, on the

1 viability of those poles. But there are occasionally
2 grassland fires that whip through that area. It's just
3 rangeland. And so having gone through a lot of
4 wildfires in my time being in Colorado, it seems to me
5 low likelihood that a wooden pole would be more
6 susceptible to just a grass fire than another
7 structure, but we can get you more information on that.

8 CHMN. STAFFORD: Thank you.

9 MR. LEACH: But I can give you the follow-up
10 information on the crossing.

11 CHMN. STAFFORD: Okay.

12 MR. LEACH: When we think about crossing of
13 our -- of our line under SunZia and El Rio Sol, there's
14 two lines that we need to take into consideration: The
15 static line, that's the fiber line on top, and then the
16 actual conductor that has some sag. So you asked the
17 two heights. The height that we're concerned about
18 between us and El Rio Sol and SunZia is the fiber line,
19 and that's a 21-foot distance between SunZia and a
20 24-foot distance for El Rio Sol. And then our
21 ground -- from the ground to the conductor is 40 feet
22 to -- ground to our line and El Rio Sol crossing and
23 34 feet from the ground to our line to SunZia. And
24 that is following the NESC standard codes that's
25 required by us.

1 CHMN. STAFFORD: So what's the space between
2 your line and the SunZia line?

3 MR. LEACH: 21 feet.

4 CHMN. STAFFORD: 21 feet. Okay. And that's
5 what the standard requires?

6 MR. LEACH: Yeah. And that is not our
7 conductor. That is the fiber there.

8 CHMN. STAFFORD: Okay.

9 MR. LEACH: So two different lines. Does
10 that make sense?

11 CHMN. STAFFORD: Yeah. So how far apart are
12 the conductors then?

13 MR. LEACH: 40 feet.

14 CHMN. STAFFORD: Okay. Thank you.

15 MR. ACKEN: Let the record show he's not
16 being coached by his lawyer, who does not know that
17 answer.

18 Thank you, Mr. Chairman, Mr. Leach, for
19 getting that follow-up information.

20 BY MR. ACKEN:

21 Q. Now that we're back, Mr. Hazle, I'd like you
22 to talk about the public involvement process for the
23 project. Provide an overview of activities that were
24 conducted.

25 A. (MR. HAZLE) The public involvement process

1 had a goal of introducing the project to property
2 owners, stakeholders, and agencies to provide those
3 parties with the opportunity to learn about the project
4 and share information, questions, or input with the
5 project team. In order to achieve that goal, we set up
6 a project website with basic information about the
7 project itself, but also with a comment forum that went
8 directly to project staff.

9 Additionally, we mailed newsletters with a
10 map of the project and a basic description of the line.
11 Those newsletters included a date, time, and place for
12 a public open house that I'll cover in more detail. We
13 also used newspaper advertisements, we held an
14 in-person open house, and of course we monitored a
15 dedicated project telephone line and e-mail address.
16 Additionally, there was the requisite notice activities
17 leading up to CEC hearings. I'll cover both the
18 general open house outreach and also the CEC notice
19 activities in my testimony today.

20 Q. You mentioned the e-mail and telephone line.
21 How were members of the public able to reach the
22 project team?

23 A. (MR. HAZLE) One -- one good factor about
24 this project is that, instead of using a project e-mail
25 that just says, you know, winchester@swca.com or

1 winchester@torchcleanenergy, we actually just included
2 the direct contact information for one of the
3 developers on the project, Ms. Rachael Taylor, who's
4 here today. So this is a direct line and a direct
5 e-mail for her that the public could get ahold of the
6 project team very quickly.

7 The contact information was included in all
8 of our outreach materials. All of our outreach
9 materials also included the project website address.
10 And as I mentioned before, the project website also
11 included a comment forum where -- it's just an
12 additional way of getting ahold of the project team
13 that went directly to a Torch e-mail and would be
14 subsequently distributed to the team.

15 Q. Describe your efforts to inform the public of
16 the project, including the opportunity to participate
17 in an open house.

18 A. (MR. HAZLE) The first way we got the word
19 out about our open house was to send an open house
20 invitation newsletter to key stakeholders in the
21 vicinity of the project. Those stakeholders included
22 grazing rights lessees on ASLD land, public agencies
23 and contacts including Arizona Game and Fish and
24 Cochise County representatives. We also invited Wings
25 Over Willcox, which is an environmental organization

1 focused on birds in the area. So that was the scope of
2 the direct mailer.

3 And then additionally, we ran an
4 advertisement in the Sierra Vista Herald, which is a
5 weekly publication in the area. We ran that twice
6 leading up to the open house itself.

7 Q. Talk about the open house.

8 A. (MR. HAZLE) The open house was, in general,
9 a poster board format where interested members of the
10 public could attend and peruse the poster boards at
11 their convenience. The boards, we had about 10 of them
12 set up around the room, included much of the same
13 information that we have directly in the CEC, providing
14 an overview of the location and land use around the
15 project. We had comment forms and sign-in sheets
16 available at the open house, and representatives of
17 Torch Clean Energy were present.

18 We did not have any attendees at that open
19 house, but it was held at the Elks Lodge in Willcox in
20 the evening hours, both of those points being to make
21 it more convenient for the public to attend if they
22 were so interested in attending.

23 Q. So even though no one participated in the
24 open house, have you received public comments as a
25 result of the outreach measures you've undertaken?

1 A. (MR. HAZLE) We've received two comments
2 since the open house itself. The first was a general
3 outreach call from Wings Over Willcox expressing an
4 interest in scheduling a meeting with the Torch team.
5 The Torch team is actively coordinating to make that
6 meeting happen and provide that organization with
7 information about both the solar project and the
8 transmission line itself.

9 Additionally, on Monday we received a comment
10 from the Dos S Land and Cattle Company, which is owned
11 by Jeanne and Scott Stratton. They have a residence in
12 the area of the project and also hold grazing rights on
13 ASLD land, which the transmission project would cross.
14 Mr. Stratton's comment was generally in opposition to
15 the project.

16 When we received that on Monday, Mr. Leach
17 was able to promptly reach out to Mr. Stratton and
18 actually drove down to his ranch outside of Willcox and
19 met in person with Mr. Stratton to hear his concerns
20 and establish an open dialogue so that they could
21 address things on a one-to-one basis.

22 The comment that Mr. Stratton provided
23 through our project website is included with the public
24 outreach summary, which is WTP-3. So the full comment
25 is characterized in Table 1 of that exhibit.

1 Q. And that exhibit also includes the
2 applicant's response, is that correct?

3 A. (MR. HAZLE) That's correct.

4 Q. Mr. Leach, Mr. Hazle mentioned that as soon
5 as you received this comment you reached out to the
6 commenter. Describe your efforts and your outreach as
7 a result of that.

8 A. (MR. LEACH) I met with the Stratton family
9 yesterday morning and I brought the material that was
10 presented in the open house and presented that
11 information to them in person and listened to any
12 concerns that they had about the project. And that is
13 now an open dialogue with the Strattons to talk through
14 any concerns they might have.

15 Q. And it's your understanding that the
16 Strattons have grazing lease rights on the State land
17 that the project will cross, is that correct?

18 A. (MR. LEACH) That is correct.

19 Q. And so you intend to continue to interface
20 with them, particularly as you complete the State land
21 right-of-way process, is that correct?

22 A. (MR. LEACH) That's correct. And
23 coordinating with the State Land Department on our
24 right-of-way and any concerns that the lessee may have
25 is kind of an important point for us to work through,

1 which I'm sure is common in these types of projects.

2 Q. Any other thoughts before we move on to the
3 public notice for the project -- for this hearing
4 itself?

5 (No response.)

6 BY MR. ACKEN:

7 Q. Okay. Mr. Hazle, let's talk about what
8 notice was undertaken for this particular hearing, both
9 required by statute and procedural order.

10 A. (MR. HAZLE) Thank you, Mr. Acken. Our
11 application was filed on July 3rd, 2023. Of course,
12 filing the application kicks off the public notice
13 process, with the first step being publishing the full
14 notice of hearing in a newspaper of general circulation
15 two times within 10 days. We published in the Herald
16 Review, which is a related publication and is the
17 newspaper of record for Cochise County, on July 9 and
18 July 12. Taking a belt-and-suspenders approach, we
19 also published in the Arizona Republic on July 10, just
20 sort of appreciating the difficulties of targeting
21 publication dates in a weekly newspaper.

22 Additionally, Mr. Acken -- or, rather, the
23 docket control provided the notice to areas of affected
24 jurisdiction. The areas of affected jurisdiction for
25 this project are Arizona State Land Department and

1 Cochise County. Both of those -- receipt of
2 confirmation for both of those notices are included in
3 WTP-3 as well and already on the project docket.

4 The CEC was placed in publicly accessible
5 locations, which were identified in the notice of
6 hearing itself. For this project we coordinated to
7 have the CEC application placed at the Willcox Public
8 Library. And we confirmed that the application was
9 received and is out in the lobby, shortly after filing
10 the application, on July 5th. The screenshot thumbnail
11 on the right-hand side here is just e-mail confirmation
12 that the library received our package.

13 Additionally, we posted two public notice
14 signs for this project. The locations that we selected
15 for the public notice signs were where the transmission
16 line will cross East Three Links Road. That's where
17 the project has the most public exposure. Photographs
18 of those signs are included on the right-hand side
19 here. And again, the photographs are also included in
20 WTP-3. The sign itself includes a map of the project,
21 the case and docket number, a link to the project
22 website, and the date, time, and place of today's
23 hearing.

24 Q. Did you use social media to inform the public
25 about this hearing?

1 A. (MR. HAZLE) We did. We ran an advertisement
2 through Facebook, which also posts on Instagram. We
3 targeted the area around the transmission line itself,
4 using a 2-mile buffer around the center line of the --
5 of the route. That ad ran from July 11 to July 18 and
6 included event details again for today's hearing,
7 including the date, time, and place. The ad linked to
8 the website, where the hearing link and WebEx link are
9 available.

10 Facebook's advertising metrics indicate that
11 we reached approximately 1,100 accounts, with about
12 3,800 impressions. And the Facebook, you know, term of
13 art "impressions" basically just means a view of the
14 ad. So it appears that we had some accounts being
15 reached multiple times here with our notification area.

16 Q. And what about the project website, was that
17 updated prior to the hearing?

18 A. (MR. HAZLE) We've updated the project
19 website several times over the course of the project,
20 first updating it to include information about the
21 public open house, which I described earlier.
22 Subsequently, right after we filed the CEC application,
23 we posted a copy of the full application directly on
24 the project website. And then most recently, we've
25 posted the notice of hearing, hearing agenda, prefiling

1 transcripts and hearing exhibits, prehearing
2 transcripts and exhibits. And I think that's all of
3 the points that we've updated on the website. It's up
4 there now, and it will stay up there through the full
5 Committee's hearing. And as soon as we have details on
6 the full Committee hearing, we will post those to the
7 website as soon as possible.

8 MR. ACKEN: Mr. Chairman, we're going to
9 switch now to the environmental analysis.

10 CHMN. STAFFORD: I had a couple quick
11 questions about the land use. Looking at the maps in
12 your Exhibit A, and looking specifically at Exhibit
13 A-2a and A-2b.

14 MR. HAZLE: 2, okay, existing land use.

15 CHMN. STAFFORD: Right. Okay. So if you're
16 looking at that little blue spot there, that's a
17 residence?

18 MR. HAZLE: Are you on 2a or 2b?

19 CHMN. STAFFORD: 2a.

20 MR. HAZLE: Okay. Yeah, the blue sliver
21 there is single-family residence, low density, but for
22 practical purposes that's the Strattons' ranch house.

23 CHMN. STAFFORD: And they're aware of today's
24 hearing, obviously?

25 MR. LEACH: Yes, sir. That's who I met with

1 yesterday.

2 CHMN. STAFFORD: And then on the 2b there's
3 another section.

4 MR. HAZLE: That's correct. The blue shaded
5 area was identified as a residence. That location is
6 also a ranching facility. Sometimes it's difficult to
7 discern whether something is a permanent domicile or
8 sort of a ranch hand, you know, temporary housing
9 location. But that is also in the vicinity of the
10 project.

11 CHMN. STAFFORD: And approximately how far
12 from the line are those residences?

13 MR. HAZLE: The Strattons' ranch on 2a is
14 almost exactly 1 mile to the northern limit of the CEC
15 corridor. Again, the CEC corridor is a thousand feet
16 wide, and current plans are for the line to be in the
17 center of the corridor.

18 The latter location on East Three Links Road
19 between the two crossings, if you bear with me one
20 second, is approximately .7 miles south of the nearest
21 transmission structure. And the residence ranching
22 facility on 2b is represented by a visual simulation
23 which we'll present when we cover the Exhibit E
24 testimony.

25 CHMN. STAFFORD: Okay. But so for that --

1 the one on 2b, you weren't able to identify actual
2 people who live there, unlike the Strattons in the
3 other?

4 MR. HAZLE: Yeah. We sent open house
5 invitations to grazing lessees. If they're a grazing
6 lessee, they received an open house invitation. I just
7 don't know, off the top of my head, which -- which
8 lessee is affiliated with that location.

9 CHMN. STAFFORD: But they were notified of
10 the project?

11 MR. HAZLE: We could confirm on a break, yes.

12 MR. LEACH: I can confirm that. That
13 particular property is owned by the Klumps, and they
14 were notified as part of this project and they were
15 also notified as part of our special use approval with
16 Cochise County.

17 CHMN. STAFFORD: Okay. I'm looking at the
18 comments provided by the Strattons. It seems that --
19 it appears to me that they're more concerned with the
20 solar field than the actual line.

21 MR. LEACH: I believe that is correct. I
22 will also comment that, in having a conversation with
23 them, they were concerned about recreational vehicles
24 crossing underneath the line and it being another
25 access point that they need to guard against on their

1 leasehold. Seems like a challenge that they have out
2 in that area. So we started a discussion with them of
3 how to prevent that from just being an open double
4 track that motorcyclists and ATVs can just fly across.

5 CHMN. STAFFORD: Okay. Thank you.

6 BY MR. ACKEN:

7 Q. And those discussions would have to include
8 the landowner as well, which is State Land Department,
9 is that correct?

10 A. (MR. LEACH) That's correct. The three
11 parties will need to work together on that solution.

12 CHMN. STAFFORD: But the residences, they're
13 built on private land, not State land, correct? So
14 that chunk has been carved out from State land?

15 MR. ACKEN: And Mr. Hazle, to answer that
16 question maybe you can use Exhibit A-1a.

17 MR. HAZLE: Thank you, Mr. Acken.

18 Yes, the Stratton location and the Klump
19 ranching facility are both on private property.
20 Exhibit A-1a shows private land is sort of the gray
21 overlay, with State land as the --

22 CHMN. STAFFORD: The blue.

23 MR. HAZLE: -- blue.

24 CHMN. STAFFORD: Quick question before we get
25 into the environmental studies. It says that the --

1 Torch plans to acquire a parcel that contains a
2 residence as part of the solar project. That's neither
3 of the two we just talked about, correct?

4 MR. LEACH: That's correct. That parcel that
5 you're referencing is the second special use permit
6 that we received in July.

7 CHMN. STAFFORD: So that's what -- that was
8 the change, you taking -- you're purchasing that
9 property from that individual?

10 MR. LEACH: Yes, sir.

11 BY MR. ACKEN:

12 Q. And so is that -- within the boundaries of
13 the solar project, is that correct?

14 A. (MR. LEACH) That's within the boundaries of
15 the solar project.

16 CHMN. STAFFORD: So that -- so there won't --
17 that was the closest residence to everything, it was
18 like .7 -- what does it say -- .75 miles from the
19 transmission project. But it's closer to the solar
20 array, now it's going to be part -- that land will be
21 part of the solar facility?

22 MR. HAZLE: That residence was at the south
23 end of, I believe it's Permenter Road. You can see the
24 laser pointer on the screen here. There was a section
25 of land kind of in this, you know, west -- west of

1 Permenter Road, which I believe Torch acquired from
2 that individual and added to the project area.

3 CHMN. STAFFORD: Excellent. Thank you. That
4 answers my questions.

5 MR. HAZLE: Is that correct, Mr. Leach?

6 MR. LEACH: Yes, that's correct.

7 CHMN. STAFFORD: Thank you. Please proceed.

8 MR. ACKEN: Thank you, Mr. Chairman.

9 BY MR. ACKEN:

10 Q. So let's go back to the top, Mr. Hazle. What
11 environmental resources did your team evaluate for this
12 project?

13 A. (MR. HAZLE) We -- we investigated the
14 environmental resources that are required by each
15 section of the CEC application. So grouping some of
16 the exhibits together, we cover land use in Exhibits A,
17 B, and H of the CEC application; biological resources
18 in Exhibits C and D; visual resources in E and G;
19 cultural in E; recreation in F; and noise and
20 interference in I. And my environmental testimony
21 today is going to follow through each of these topics
22 in that order.

23 Q. Identify the study area you used to evaluate
24 those resources.

25 A. (MR. HAZLE) As we've been seeing on some of

1 the maps shown previously, we used a 1-mile study area
2 around the CEC corridor as generally the limit of our
3 environmental resources analyses. We feel that the
4 1-mile study area captures the sort of diversity of
5 landscapes that are present in the vicinity of the
6 transmission line itself.

7 Q. And to be very clear, when you say a 1-mile
8 study area, that's not 1 mile in total, but 1 mile from
9 the corridor or the center line?

10 A. (MR. HAZLE) Correct. It's a 1-mile radius,
11 not a 1-mile diameter.

12 Q. So the study area shown on that map is
13 approximately 2 miles in length?

14 A. (MR. HAZLE) Correct.

15 Q. Thank you. Let's dive into land use and
16 follow up on some of the Chairman's questions. Provide
17 an overview of jurisdiction, ownership, and land use --
18 existing land use in the vicinity of the project.

19 A. (MR. HAZLE) Again, I apologize. The
20 audience has heard this a few times. But we're in
21 unincorporated Cochise County outside the city of
22 Willcox. Blue areas on the maps on this slide are
23 State Trust land managed by ASLD. Maybe a refinement
24 to Mr. Leach's testimony is that the 5 percent -- you
25 know, the 95 and 5 percent are of the CEC corridor,

1 rather than the route itself. So the percentages would
2 change slightly for the line, as opposed to the
3 polygon. But vastly -- vast majority is ASLD land,
4 with private property solely inside of the solar
5 project boundary.

6 The existing land use in the area as shown in
7 Exhibit A-2 of the application is generally rangeland
8 with some scattered rural residences and distribution
9 utilities in the area. The distribution utilities that
10 are in the vicinity of the transmission project,
11 there's some existing 12-kilovolt single-phase lines
12 running north/south through the solar project area and
13 then more distribution lines running east/west
14 primarily along Airport Road and East Three Links Road.

15 CHMN. STAFFORD: Is that Sulphur Springs, is
16 that their distribution lines?

17 MR. HAZLE: Correct.

18 The red hatched line trending north/south
19 through the eastern portion of the line is a feature
20 called the Buffalo Soldier Electronic Testing Range.
21 That's an area managed by Fort Huachuca that's used for
22 testing what they call electronic and cyber warfare
23 capabilities. The limits of the Buffalo Soldier ETR
24 obviously extend well beyond the Fort's boundary
25 itself. And our understanding is, you know, to the

1 extent -- just based on publicly available knowledge is
2 that this area is favorable for that kind of testing
3 because it's electromagnetically quiet, you know, it's
4 very, very rural.

5 As I'll describe in the Exhibit H testimony,
6 the Torch Clean Energy team has had several meetings
7 with representatives from Fort Huachuca to describe the
8 solar project and the transmission project, and we've
9 received no feedback about the line passing through a
10 portion of the Buffalo Soldier ETR.

11 BY MR. ACKEN:

12 Q. When you say you received no feedback, would
13 it be correct to say that you received no concerns?

14 A. (MR. HAZLE) Correct.

15 CHMN. STAFFORD: You have been in contact
16 with Fort Huachuca about this?

17 MR. HAZLE: That's correct, yes.

18 CHMN. STAFFORD: Just so I'm clear, the
19 border -- which side is the range on, to the east or to
20 the west? I'm assuming it's to the east.

21 MR. HAZLE: No. It's to the west.

22 CHMN. STAFFORD: So that residence is inside
23 that area?

24 MR. HAZLE: Oh, yeah. Yeah.

25 MR. LEACH: Can I provide a little bit more

1 background?

2 CHMN. STAFFORD: Certainly.

3 MR. LEACH: We -- earlier I referenced that
4 we've done several projects in Arizona. One of those
5 projects is a hybrid wind/solar facility that is
6 located several miles away from the existing project.
7 That entire project is located within that testing
8 area.

9 This hatched area is pointing westward, and
10 it is really the northeasternmost boundary of the
11 testing area. This whole range originates at the Fort,
12 and it's a weird polygon that basically heads up all
13 the way basically to where we are and then it goes back
14 down towards the Fort.

15 We met with them in 2022, we've also met with
16 them in 2023 about our project. The solar project
17 itself is outside of the boundary. And there are
18 currently several 345-kV lines that are in existence in
19 this area. The Fort has told us they are not concerned
20 with transmission lines in the testing area.

21 CHMN. STAFFORD: Now, do they do testing on
22 things like electromagnetic pulses?

23 MR. LEACH: Yes, sir. That's my
24 understanding.

25 CHMN. STAFFORD: And the electromagnetic

1 pulses do not have an adverse effect on transmission
2 lines?

3 MR. LEACH: To my understanding, from my
4 knowledge, yes, but obviously what they are doing is
5 classified.

6 CHMN. STAFFORD: Right. Right. But I'm just
7 saying, is it not -- do we know -- do we know if that's
8 something that they do?

9 MR. LEACH: I had that conversation with the
10 Fort, asking that specific question, and they said the
11 transmission line does not impact their testing.

12 CHMN. STAFFORD: So we don't know what
13 they're testing, but whatever it is, they're not
14 concerned with the power lines?

15 MR. LEACH: The frequency of the transmission
16 line is not impacting their testing.

17 CHMN. STAFFORD: And they're not -- they're
18 not worried about whatever they're doing impacting the
19 transmission lines, correct?

20 MR. LEACH: Correct.

21 CHMN. STAFFORD: Okay. Please proceed.
22 Thank you.

23 MR. HAZLE: Maybe -- maybe a perfunctory
24 remark, but the sort of tan color inside of the 1-mile
25 study area is rangeland. That's the existing use

1 today, cattle grazing.

2 The County's zoning district is RU-4, which
3 is rural use, minimum parcel size 4 acres. A
4 transmission project is consistent with the underlying
5 zoning and does not require land use entitlements on
6 its own.

7 BY MR. ACKEN:

8 Q. How did you evaluate planned land uses in the
9 vicinity of the project?

10 A. (MR. HAZLE) We reviewed the Cochise County
11 Comprehensive Plan. As is the case with most
12 Comprehensive Plans in Arizona, they divide up the
13 category -- excuse me -- they divide up the county into
14 land use categories, which then have sort of
15 preapproved zoning districts inside each category.

16 Often we'll see transmission lines that have
17 a myriad of land use categories from the comprehensive
18 plan. In this case, we have one comprehensive land use
19 category, which is rural uses. The County
20 characterizes this category as having low rates of
21 growth, unimproved roads, large tracts of undeveloped
22 private and public lands, things of that nature. The
23 transmission project, and the solar project for that
24 matter, do not require a Comprehensive Plan amendment,
25 and the project is consistent with the current land use

1 category under the Cochise County Comprehensive Plan.

2 Q. Please continue.

3 A. (MR. HAZLE) To capture a different aspect of
4 planned land use or future land use, Exhibit H requires
5 us to identify the known existing plans of state and
6 local governments and private entities. In order to
7 identify what those plans might be, the Torch team
8 conducted direct outlook -- excuse me -- direct
9 outreach with a group of key stakeholders.

10 Those stakeholders are identified on the
11 slide here. They included Ms. Alanna Riggs from
12 Fort Huachuca, Cochise County, ASLD. And then the
13 bottom half of this table are all various utility
14 representatives, including SunZia and Southwest Power
15 Group for El Rio Sol, AEPCO, or Arizona Electric Power
16 Cooperative, Sulphur Springs, and of course TEP, who is
17 the interconnecting utility.

18 Q. As a result of that outreach, what did you
19 learn?

20 A. (MR. HAZLE) We primarily learned that there
21 are -- well, I guess we didn't -- we are aware of two
22 regional transmission lines that will pass through the
23 study area and the CEC corridor. We've talked about
24 those some already today, but they are the SunZia line
25 and the El Rio Sol transmission line. Both of those

1 are 500-kV interstate transmission lines between New
2 Mexico and Arizona.

3 Additionally, as Mr. Leach noted earlier,
4 there are some local upgrades on the TEP substation --
5 Winchester Substation itself, which technically
6 constitute a known plan of a private developer.

7 We view the transmission project as
8 consistent with all of the known plans for development.
9 And as I stated earlier, we believe the transmission
10 project is consistent with the current land use, which
11 is primarily agricultural, cattle grazing, and the
12 County's Comprehensive Plan planned land use, which is
13 to continue it as a -- as rural areas, rural land uses.
14 In summary, we believe the project is compatible with
15 both existing and planned land use.

16 Q. Thank you, Mr. Hazle. I'll let you catch
17 your breath and get a drink, if you'd like.

18 We're going to turn next to biological
19 resources, which is addressed in Exhibits B, C, and D
20 of the application. Talk first about an overview of
21 the studies that you conducted.

22 A. (MR. HAZLE) The biological assessment for
23 the CEC application happens in a two-step process. The
24 first is desktop analysis to identify what could
25 potentially be in the area. The desktop phase involves

1 pulling a list of potential species from U.S. Fish and
2 Wildlife, their IPaC report, which is the information,
3 planning, and consultation resource tool from U.S. Fish
4 and Wildlife, and then also from Arizona Game and Fish
5 Department's online environmental review tool.

6 With those reports in hand, we then move on
7 to conducting field studies in the area in order to
8 confirm the presence of the -- presence or absence of
9 habitat that are indicative of the species identified
10 in those two reports.

11 In general, the biological setting of the
12 transmission line is a semi-desert grassland
13 interspersed with small-stature trees, shrubs, cacti,
14 and patches of junifer -- excuse me -- juniper. There
15 are no broadleaf deciduous riparian habitats and no
16 indication of permanent water features in the vicinity
17 of the transmission line.

18 Q. Given that description of the existing
19 biology of the area, did you identify any areas of
20 biological wealth in the project?

21 A. (MR. HAZLE) SWCA did not identify any areas
22 of biological wealth in the vicinity of the project.
23 The nearest area of biological wealth is the Willcox
24 Playa, which is south of I10, about 2.2 miles southeast
25 of the project itself. The Willcox Playa is an

1 important site where wintering birds pause and take
2 refuge. It's sort of famous for being a place where
3 you can see sandhill cranes, it's identified by the
4 National Audubon Society as an important bird area, but
5 is outside of our 1-mile study area and outside of the
6 CEC corridor.

7 Q. And you will discuss the Playa further in
8 your testimony, some of the resources associated with
9 that, is that correct?

10 A. (MR. HAZLE) That's correct, yeah.

11 Q. Are there any special status species in the
12 vicinity of the project?

13 A. (MR. HAZLE) We look at special status
14 species generally in two categories: Bald and golden
15 eagles, which are protected under the Bald and Golden
16 Eagle Protection Act, and endangered species protected
17 under the Endangered Species Act.

18 With respect to the first, there are no
19 characteristic nesting or breeding habitats for bald or
20 golden eagles. Individuals may pass through the area,
21 but are not likely to set up nests or a home base.
22 Bald eagles prefer nesting areas with prominent perches
23 within, you know, a mile of permanent water features,
24 and golden eagles similarly prefer rugged terrain like
25 sheer cliffs and things of that nature. Neither of

1 those are present in the study area or corridor for the
2 transmission project.

3 With respect to endangered species listed,
4 the project will not impact any threatened or
5 endangered species. We completed field reconnaissance
6 and habitat analyses to confirm that there are no
7 habitat indicative for listed species in the vicinity
8 of the project. And furthermore, through the IPaC
9 process, we confirmed that the known populations of any
10 potential species are quite far from the project
11 itself. Further detail about those distances is
12 contained in Exhibit C.

13 There is one Endangered Species Act candidate
14 species, which is basically a category for the Fish and
15 Wildlife Service to kind of keep an eye on things, but
16 doesn't have protected status under the ESA, and that
17 is the monarch butterfly. There is milkweed present in
18 the vicinity of the project. That's a preferred food
19 and nesting substrate for the monarch butterfly.
20 Permanent impacts from the transmission project would
21 essentially consist of the footprint of structures.
22 And there is abundant and similar habitat in the
23 immediate surroundings of the project. Our expectation
24 is that, to the extent any individuals are present in
25 the area, they would simply shift to that adjacent

1 habitat during construction.

2 In summary, no ESA-listed species are present
3 in the vicinity of the transmission project and none
4 would be affected by the project.

5 Q. Did the team consult with Arizona Game and
6 Fish Department concerning the project?

7 A. (MR. HAZLE) We've had ongoing conversations
8 with Game and Fish through their renewable energy
9 project review coordinator. This process started in
10 April as part of Torch's SUP hearing with Cochise
11 County. Game and Fish -- well, rather, Cochise County
12 solicited a comment letter from Game and Fish as part
13 of that process, and we included Game and Fish's
14 comment letter directly in the CEC application.

15 Among the standard list of best management
16 practices and recommended mitigation measures, Game and
17 Fish did identify some concerns about the transmission
18 project's proximity to Willcox Playa and encouraged
19 Torch to use bird diverters and a newer technology
20 called the Avian Collision Avoidance System, or ACAS,
21 which uses ultraviolet light to sort of further alert
22 birds of the transmission lines' presence.

23 Promptly after receiving the comment letter
24 Torch and SWCA held a meeting with Game and Fish staff,
25 and on May 2nd submitted a formal reply letter to Game

1 and Fish. Both of those reply letters are included in
2 the CEC application. Since May, we've had ongoing
3 e-mail correspondence with Game and Fish about the use
4 of bird diverters and the ACAS system. That e-mail
5 correspondence is included in WTP-6, and I will cover
6 on subsequent slides.

7 It's important to note that the biological
8 mitigation measures that we do include in Exhibit C of
9 the application are, in large part, based on the Game
10 and Fish Department coordination and their
11 recommendations from the April 24 comment letter.

12 Q. So let's talk about that letter and Game and
13 Fish's request to consider the Avian Collision
14 Avoidance System. What did Torch do in response to
15 evaluate that potential mitigation measure?

16 A. (MR. HAZLE) Torch Clean Energy engaged a
17 specialty consulting firm called EDM International.
18 They worked directly with EDM because that firm has
19 been involved in the development of the ACAS technology
20 and has published several peer-reviewed journal
21 articles on its application and efficacy. EDM's scope
22 and mandate from Torch was to investigate the
23 feasibility of installing ACAS along the transmission
24 project here in Cochise County and to assess for them
25 whether it would be, you know, an effective way of

1 minimizing bird strikes with the transmission line.

2 EDM concluded that, because there's no
3 permanent water features in the immediate vicinity of
4 the project, the ACAS system would not provide benefits
5 beyond what regular bird diverters would for the
6 transmission project. So EDM's main conclusion was the
7 ACAS system was not warranted, but they did recommend
8 the targeted use of bird diverters.

9 Q. Go ahead.

10 A. (MR. HAZLE) I was just going to say, if the
11 audience here today is not familiar with bird
12 diverters, basically they're little reflective tags
13 that are attached to the conductors themselves and they
14 just reflect in the sunlight and, you know, are in use
15 all around Arizona and understood to be an effective
16 means of just kind of shooing birds away from the line.

17 Q. And you have referenced the EDM report and on
18 the prior slide, I guess it was Slide 55, identified
19 where that could be found. It is -- for the record,
20 I'd like you to confirm that this is Exhibit C-5a to
21 the application, which has been marked for
22 identification as WTP-1, is that correct?

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

24 Q. All right. So next I'd like you to talk
25 about their recommendation to use bird diverters. Is

1 Torch prepared to do that?

2 A. (MR. HAZLE) Yeah. Not only did EDM
3 recommend the use of bird diverters, but they
4 identified specific locations along the transmission
5 line where they would be especially effective and
6 appropriate for the project. So EDM identified three
7 sort of span lengths, structure spans.

8 Q. I believe that's on your next slide, slide
9 56.

10 A. (MR. HAZLE) Excuse me. Yes. So there's
11 three locations along the transmission line which are
12 adjacent to either stock tanks, affiliated with
13 ranching activities, or ephemeral water features that
14 are present part of the year. Those are locations
15 where the targeted use of diverters would be
16 appropriate. And Torch has communicated to Game and
17 Fish that they are planning to install bird diverters
18 in those locations and has further sought to
19 memorialize that commitment by making a modification to
20 Condition 6 of the CEC application to specifically note
21 the use of bird diverters as recommended in the EDM
22 report.

23 Q. Mr. Hazle, when you refer to this as a
24 modification of Condition 6, is it your understanding
25 that this is a modification of Condition 6 from the

1 Three Sisters CEC, the case number on it is escaping me
2 at the moment, which itself was a modification of the
3 standard CEC condition regarding Game and Fish
4 coordination, is that correct?

5 A. (MR. HAZLE) Yes.

6 Q. Thank you. Mr. Leach, I want to ask you now.
7 You see the CEC condition shown on Slide 56. Is that a
8 condition that you can support as the applicant in this
9 project?

10 A. (MR. LEACH) Yes, it is.

11 Q. Thank you.

12 CHMN. STAFFORD: Mr. Acken, I'm not seeing
13 the change to Condition 6 here. Am I looking at the
14 wrong...

15 MR. ACKEN: Oh, I'm sorry. We had wrong
16 number. That is -- thank you. That is Condition 5.
17 So let the record reflect --

18 CHMN. STAFFORD: Thank you.

19 MR. ACKEN: -- that should be referring to
20 standard condition CEC Condition 5. Thank you,
21 Mr. Chairman. I was reading the next slide, which is
22 different.

23 BY MR. ACKEN:

24 Q. Okay. To that point, let's talk about
25 additional mitigation measures for biological resources

1 that are going to be implemented for the project.

2 A. (MR. HAZLE) Using bird diverters is not the
3 only mitigation measure proposed for this project.

4 Torch would also follow the APLIC guidelines in
5 designing the power line, and mainly those are related
6 to the distance between individual conductors and
7 making sure they're far enough apart that large birds
8 couldn't span between the two conductors and
9 electrocute themselves.

10 Additionally, Torch would complete
11 pre-construction surveys for MBTA protected nests.
12 They would follow the Arizona Game and Fish
13 Department's guidelines for Sonoran desert tortoise
14 handling, would comply with the native plant law, which
15 is of special concern for this project since the entire
16 line is on State land. Torch is completing a native
17 plant inventory for the entire length of the
18 transmission line. They would follow best management
19 practices for controlling the spread of noxious weeds
20 and would follow appropriate trenching measures related
21 to providing escape routes for wildlife that may find
22 their way into a construction trench.

23 Q. In your experience, these are standard
24 mitigation measures that are implemented for all
25 projects in Arizona?

1 A. (MR. HAZLE) That's correct.

2 CHMN. STAFFORD: I note in the application
3 that the native plant inventory is planned to be
4 completed in August of '23. How close is that to
5 completion?

6 MR. HAZLE: I believe the fieldwork has been
7 completed, and the SWCA team is in the report prep
8 phase. I'd be happy to confirm on break.

9 CHMN. STAFFORD: Okay. Thanks.

10 BY MR. ACKEN:

11 Q. So sum up for us your evaluation of
12 biological resources.

13 A. (MR. HAZLE) Impacts to biological resources
14 would be minimal and, if any, would be restricted to
15 individuals. There are no Endangered Species Act
16 listed species in the vicinity of the transmission
17 project. And Torch plans to implement appropriate
18 mitigation measures that are in part based on
19 correspondence with Arizona Game and Fish, including
20 the targeted use of bird diverters. In summary, the
21 project is compatible with biological resources.

22 Q. Thank you, Mr. Hazle. Next, we are going to
23 turn to visual resources and take a deeper dive on the
24 simulations that Mr. Hazle previewed in the virtual
25 tour. Mr. Hazle, if you would, describe your analysis

1 of the project's effect on visual resources.

2 A. (MR. HAZLE) We have, I think, essentially a
3 three-step process for assessing visual resources. The
4 first step is to identify key observation points that
5 are representative of sensitive views in the vicinity
6 of the transmission project. So when we start that
7 process, our visual team is thinking about, you know,
8 what are the permanent vantage points, such as
9 residences or recreation facilities, you know, heavily
10 trafficked roads that would have an open view of the
11 project, things like -- things of that nature are sort
12 of sought out and assessed in identifying where these
13 key observation points will be along the project.

14 The next step is to go in the field and
15 photograph the existing conditions from those points.
16 And then we take those photographs and use computer
17 software to superimpose scaled models of the
18 transmission line itself into the visual settings from
19 those existing conditions photographs. I think the
20 Chairman and the audience are familiar with that
21 process, but just for the sake of coverage, that's what
22 we did.

23 The four key observation points that we
24 identified are shown on the right-hand side of the
25 screen and are generally along Airport Road or East

1 Three Links Road. One of the locations on Airport Road
2 is adjacent to that motorsports facility, which is a
3 recreation area, albeit a private facility. KOP 2 is
4 farther to the west along Airport Road and is intended
5 to represent residential views facing south. KOP 3 is
6 from --

7 CHMN. STAFFORD: Is that near -- 2, is that
8 near the -- was it the Klumps or the --

9 MR. LEACH: Strattons.

10 CHMN. STAFFORD: -- Strattons?

11 MR. LEACH: Yes, sir.

12 MR. HAZLE: KOP 2 is about a half mile to the
13 east of the Stratton driveway.

14 CHMN. STAFFORD: And it's about the same
15 distance from their residence to the line itself?

16 MR. HAZLE: The Stratton residence is about a
17 half mile south of the main County road, and our key
18 observation point is from the County road. So it's a
19 little farther out than the residential structure
20 itself.

21 CHMN. STAFFORD: Now does -- the house, is
22 the front door facing south, north, east, west?

23 MR. LEACH: The front door is facing west,
24 and there's -- their corral is facing south, and
25 there's a -- there's a window in their house facing

1 south as well.

2 CHMN. STAFFORD: I would assume they would
3 have windows facing every direction in their house.

4 MR. LEACH: That's a window facing south from
5 their house. That's a good question, though.

6 MR. HAZLE: The first key observation point
7 on the slide here is from the Inde Motorsports Ranch.
8 You can kind of see their facility on the right-hand
9 side. It's the existing conditions photo on the top
10 and the simulated conditions photo on the south. I can
11 appreciate that it's difficult to see the simulated
12 structures here, but we're about 2 miles away from the
13 transmission line itself.

14 The other factor that makes the transmission
15 line sort of difficult to discern is that Airport Road
16 has what we would call a superior viewing angle, which
17 is a fancy way of saying it's a little higher than the
18 transmission line itself. So the transmission line
19 would not be skylined against the horizon from that
20 viewing point, and it just blends in further to the
21 existing landscape because of that sort of relative
22 positioning.

23 The other feature that makes this a little
24 bit less visible is that the wooden structure --
25 two-pole transmission structures tend to have a lower

1 visual profile than sort of the stout gray steel
2 monopoles.

3 This is Key Observation Point 2, which is
4 representative of the residential properties along
5 Airport and East Three Links Road. Again, this is the
6 closest location to the Stratton residence. The
7 Strattons are a little bit farther to the west here.
8 Again, transmission structures are difficult to discern
9 from this vantage point.

10 Just for the benefit of the Committee, this
11 is a zoomed-in view of the simulated conditions. So on
12 the top is the simulated line. You can see the brown
13 structures out here on the horizon. And on the bottom
14 is a color overlay, which, of course, the transmission
15 line itself will not be red or pink, but it's just a
16 visual highlight for the benefit of the presentation.
17 And you can see those structures are out there in the
18 horizon.

19 MR. LEACH: And for reference, Mr. Chairman,
20 what you can see there on the left-hand side in the
21 horizon is the Apache Generating Station.

22 CHMN. STAFFORD: I was about to ask what that
23 was, but thank you. You anticipated my question. I
24 appreciate that.

25 MR. HAZLE: And the Strattons' view would be

1 more akin to the sort of right-hand side of this key
2 observation point. And I had prepared this
3 presentation before receiving their feedback, but we
4 did -- or, we do intend to provide an additional
5 hearing exhibit, WTP-7, which just has the same
6 approach of the zoomed-in color overlay for the
7 right-hand side of KOP 2, since that's the nearest view
8 -- or, nearest representation we would have of the
9 Strattons' view.

10 BY MR. ACKEN:

11 Q. Do you have that prepared today?

12 A. (MR. HAZLE) I do. I could show it now, if
13 that's convenient.

14 Q. Let's bring up WTP-7. And again, I want you
15 to clarify what exactly it is, if it's a zoomed-in
16 view, and how representative it would be of views from
17 the Stratton residence in light of that zoomed feature
18 that you're using.

19 A. (MR. HAZLE) Yeah. The -- it's hard to
20 quantify what degree of zoom is proportional to, you
21 know, stepping closer to the line, but zooming in is
22 sort of the best we could do between Monday and today.
23 So this is just sort of the western portion of the
24 viewshed for KOP 2. And, you know, you can see these
25 hills in the background are sort of the visually

1 dominant feature, and the transmission structures are
2 difficult to discern against that background, and the
3 hills here do kind of taper down to the west. But we
4 don't expect the transmission line to be skylined in
5 this area of the -- sort of in this portion of the
6 transmission line route.

7 Q. And the purpose of WTP-7 is to provide a
8 representative view of the project from that one
9 rancher's residence, what is it, the Swansons?

10 A. (MR. HAZLE) Strattons.

11 Q. Strattons. Is that correct?

12 A. (MR. HAZLE) That's correct.

13 Q. And in your professional opinion, it does so?

14 A. (MR. HAZLE) That's correct, yes.

15 Q. Okay. Please continue with your discussion
16 of the visual simulations.

17 A. (MR. HAZLE) The next key observation point
18 is from the Klump residences -- or, excuse me -- Klump
19 ranching facility farther to the west on East Three
20 Links Road. I didn't do the color overlay breakout for
21 this slide, but I did just kind of circle the area
22 where the transmission structures are visible in the
23 simulated conditions. Overall, we think there will be
24 a weak to moderate degree of contrast and low to medium
25 visual impacts. And the only reason it raises up to

1 medium potential impacts is because just the tips of
2 those structures would be visible.

3 Key Observation Point 4 is from East Three
4 Links Road facing to the east, and this is where the
5 transmission line would be most visible. You can kind
6 of see the three-pole turning structure that Torch
7 would use where the route takes a jog to the southwest,
8 and then the typical two-pole H-frames kind of marching
9 off towards the horizon. Again, because the
10 transmission line would be visible here, our conclusion
11 would be that there would be, you know, moderate
12 contrast and impacts, but would not draw, you know,
13 undue attention from viewers driving down East Three
14 Links Road.

15 Overall, our conclusion is that the project
16 would be compatible with existing visual resources. It
17 would be a minor feature on the horizon and generally
18 blend into the -- blend into the existing landscape.
19 The transmission project would have low visual impacts
20 to existing scenery and low impacts to sensitive
21 viewers, and overall the project is compatible with
22 visual resources.

23 Q. Thank you, Mr. Hazle. Next we will turn to
24 cultural resources, also addressed in Exhibit E to the
25 application. Describe the cultural resource evaluation

1 for this project.

2 A. (MR. HAZLE) Torch Clean Energy contracted
3 with a specialty firm known as Chronical Heritage --
4 they've recently changed their name, they were
5 previously known as Paleo West -- to do a Class III
6 cultural resources inventory of the entire transmission
7 line and actually also the entire solar project as
8 well.

9 The entire transmission line had that
10 cultural resources survey, in part, to support their
11 right-of-way permitting with ASLD. And those field
12 surveys were completed over the summer, with the report
13 being issued in early August. Chronical Heritage
14 submitted the full report to ASLD on August 14. And
15 ASLD, as part of their agency-to-agency consultation
16 process, will provide it to the Arizona State Museum
17 and to the State Historic Preservation Office as part
18 of the right-of-way issuance.

19 The cultural survey identified one eligible
20 site and several isolated occurrences along the
21 transmission line route. Isolated occurrences are
22 basically features that don't meet the Arizona State
23 Museum's definition for an eligible site and they're
24 not eligible for further study or preservation under
25 the State Historic Preservation Act.

1 There was one eligible site kind of right in
2 the transmission line route near the Winchester
3 Substation. The applicant has the limits of that site
4 clearly delineated and built into their transmission
5 line design, and they will fully span that site and
6 avoid it during construction. So there will be no
7 impacts to existing cultural resources, and 100 percent
8 of the CEC corridor has been surveyed for cultural
9 resources.

10 CHMN. STAFFORD: And that's required because
11 it's all on State Trust land, correct?

12 MR. HAZLE: That's correct.

13 The State Historic Preservation Office has a
14 required checklist for ACC SHPO consultation. We
15 prepared that consultation letter over the summer,
16 submitted it to SHPO. And, you know, in concert with
17 the Paleo West report that was submitted to ASLD, SHPO
18 basically agreed with the results of the survey and
19 requested that this site, 16:45, which was previously
20 not evaluated for listing, be -- SHPO recommended that
21 it eligible for listing. That was taken care of in the
22 Paleo West report. So SHPO's comments that they
23 provided to us have been addressed.

24 BY MR. ACKEN:

25 Q. Mr. Hazle, the correspondence with SHPO is

1 contained in Exhibit WTP-6, is that correct?

2 A. (MR. HAZLE) That's correct. That contains
3 both our consultation checklist letter and also e-mail
4 correspondence from SHPO's staff.

5 Q. So summarize your conclusions regarding the
6 project's compatibility with respect to cultural
7 resources.

8 A. (MR. HAZLE) Just to reiterate, Chronical
9 Heritage has completed a full coverage survey for the
10 transmission project. One eligible site was identified
11 and confirmed as a result of that survey. Torch plans
12 to avoid that site in designing and constructing the
13 transmission project. Therefore, the project is
14 compatible with cultural resources.

15 Q. Next let's turn to recreation, which is
16 addressed in Exhibit F, and provide your analysis.

17 CHMN. STAFFORD: Before you move on, I have a
18 quick question about Exhibit 6.

19 MR. HAZLE: Yeah.

20 CHMN. STAFFORD: The first page, it has an
21 e-mail from Caroline Klebacha?

22 MR. HAZLE: Yes.

23 CHMN. STAFFORD: It says, "We have general
24 comments for this project." What are they?

25 MR. HAZLE: If you turn to WTP-6, Page 7 of

1 20, the SHPO's comments are in that bold red text.
2 They just added a comment bubble to the end of a PDF,
3 and that was attached to their e-mail. So they're
4 saying, we look forward to the full report and please
5 evaluate Site 16:45 for listing. And again, Paleo West
6 addressed Site 16:45 and recommended it as eligible in
7 their full report.

8 CHMN. STAFFORD: Thank you.

9 MR. HAZLE: Yeah.

10 With respect to recreation resources, this is
11 something that we assessed as part of our land use
12 inventory for the transmission project, there are no
13 designated open spaces or community parks in the CEC
14 corridor, nor the 1-mile study area. As I'm sure
15 everyone is aware, State lands are generally not open
16 to the public for recreation except through a special
17 use permit, and that is also the case for the State
18 lands that the transmission project would cross.

19 The nearest recreation facility is the Inde
20 Motorsports Ranch, which we had a KOP from. That's a
21 private recreation facility related to driving sports
22 cars and would not be impacted by the project.

23 The applicant does not have any plans to
24 develop recreational aspects along the project, which
25 is one of the charges of Exhibit I that we look at in

1 the application itself. Overall, the -- excuse me.
2 Not Exhibit I. Exhibit F.

3 Overall, the project is compatible with
4 existing recreation opportunities, and that's mainly
5 based on the fact that no recreation opportunities
6 would be impacted by this project.

7 BY MR. ACKEN:

8 Q. Thank you, Mr. Hazle. And finally, your
9 discussion and analysis of noise and interference,
10 which is addressed in Exhibit I.

11 A. (MR. HAZLE) For noise and interference we
12 look at that in two general categories: Construction
13 noise and operational noise after the project is built.
14 Construction noise is temporary and would generally
15 occur during daylight hours. The transmission
16 project -- you know, equipment used for construction
17 would generate noise, but, again, the nearest residence
18 is about three quarters of a mile away from the route,
19 which would provide a good amount of distance for that
20 noise to dissipate.

21 During the project's operational phase, we
22 think about the sort of corona discharge, crackling
23 noise of the transmission line. That might be audible
24 where you're directly underneath the transmission line
25 as it crosses East Three Links Road, but would not be

1 audible from, you know, for example, the Strattons'
2 residence or other locations along Airport Road, East
3 Three Links Road.

4 The applicant provided model results for
5 electric and magnetic fields, which are included in
6 Exhibit I, that just show the anticipated field levels
7 based on the current that would be going through the
8 line both at 345 kV and given the generating capacity
9 of the line. Those model results show that the
10 electric and magnetic field levels each separately
11 would dissipate rapidly as you moved away from the edge
12 of the right-of-way. So based on those results,
13 there's a low -- there's a low potential for signal
14 interference in the area. And as the -- as we
15 previously described, we've discussed this project with
16 Fort Huachuca, and they've expressed no concerns about
17 the transmission project.

18 So our conclusion with noise and interference
19 is that the project would have low impacts and is
20 compatible with existing conditions.

21 Q. Mr. Hazle, based on all of the resource
22 analyses you conducted in support of the application
23 and your testimony today, can you provide your
24 professional opinion as to the environmental
25 compatibility of this project?

1 A. (MR. HAZLE) When looking at the total
2 environment, the project would have minimal effects to
3 existing and planned land uses, recreation, visual,
4 cultural, and biological resources. The project is
5 consistent with local zoning and land use planning
6 documents. And there is, again, a low potential to
7 impact existing environmental resources.

8 In my professional opinion, and based on our
9 analysis contained in the CEC application, the project
10 is environmentally compatible with the factors set
11 forth in ARS 40-360-06. The project is also consistent
12 with previous projects approved by the Line Siting
13 Committee.

14 Q. And you have a slide summarizing that on the
15 next slide, is that correct, slide 76?

16 A. (MR. HAZLE) Yeah, got a little ahead of
17 myself.

18 Q. No, that's fine. Is there anything on there
19 that you didn't already cover?

20 A. (MR. HAZLE) No. That concludes my
21 testimony.

22 Q. Thank you, Mr. Hazle.

23 Mr. Leach, do you have any concluding
24 thoughts for the Chairman and for the Committee, as
25 some of them are listening, and for those that will

1 review the transcript?

2 A. (MR. LEACH) Mr. Chairman, the folks here from
3 the Committee, we sincerely appreciate you all having
4 this process for us today and presenting to you. It
5 was our -- what we tried to do in this meeting today
6 was to provide you the -- demonstrate to you a very
7 mature development that's rapidly moving towards
8 construction. When we talk to our utility
9 counterparties in PPA discussions, we hear from them,
10 we want this project online as soon as possible. And
11 so we sincerely appreciate the mechanism for us to
12 accelerate our ability to apply for the CEC.

13 If we kind of think about some of the major
14 development items that any project needs to get, we
15 believe that we have either achieved those milestones
16 or we are rapidly concluding them. We have all of our
17 lands control finalized. We have achieved our local
18 permits with Cochise County. We have moved all the way
19 through the interconnection study process, and the last
20 stage should be concluded any day now, and rapidly
21 moving towards an interconnection agreement with Tucson
22 Electric Power. As mentioned, we are in PPA
23 negotiations for this project. And the last two
24 remaining items are the CEC process and finalizing our
25 right-of-way with ASLD. And so it was our effort today

1 to demonstrate a very mature project that is seeking
2 your approval to advance in this process, and certainly
3 really appreciate your time today.

4 CHMN. STAFFORD: Thank you. I have a few
5 questions for you. Some of these have been addressed
6 already, so don't be -- don't be frightened by the
7 number of tabs.

8 All right. For the use of the ACAS, that's
9 the ultraviolet system to keep birds from hitting the
10 line, you point out that the EDM determined that they
11 were -- shouldn't be necessary. The concern was, from
12 Game and Fish, with the Willcox Playa. That's to the
13 east of the project?

14 MR. LEACH: The southeast.

15 CHMN. STAFFORD: Southeast. Okay. And they
16 were interested in having those on the line, correct?

17 MR. LEACH: That's correct, yeah.

18 CHMN. STAFFORD: Do you know what avian
19 protection equipment is installed on the existing lines
20 there and what's planned to be installed on the SunZia
21 and El Rio Sol lines?

22 MR. LEACH: I do -- I do not know what is on
23 the existing 345 line that TEP owns and I'm unaware of
24 what's at SunZia.

25 MR. ACKEN: Can I follow up that question?

1 CHMN. STAFFORD: Certainly.

2 BY MR. ACKEN:

3 Q. In your discussions with EDM, are you aware
4 of the use of this technology at any other location
5 than the Platte River, where they have been using this
6 as a pilot technology?

7 A. (MR. LEACH) I am aware that there is only
8 one pilot project using this technology, so a sample
9 size of one for this technology, and it's on the Platte
10 River. So I guess that you could conclude that that
11 technology is not being used in the existing TEP 345
12 line.

13 CHMN. STAFFORD: Yeah, I didn't think it
14 would be. I'm just trying to recall if it's going to
15 be on the SunZia, but I know they go through the --
16 what's it called? I can't remember the river it
17 crosses. San Pedro.

18 MR. ACKEN: San Pedro.

19 CHMN. STAFFORD: Right. And that's the
20 habitat for the larger birds that are the primary
21 concern for -- I guess they're most at risk because
22 they're big and they're clumsy flyers, I guess I want
23 to say.

24 MR. LEACH: I'm not the expert on flying.

25 CHMN. STAFFORD: And then I think their

1 survey stated there was no Sonoran desert tortoise or
2 burrowing owls found. But if there are, you'll have to
3 comply with the requirements because it's on State
4 land, correct?

5 MR. LEACH: Yes, sir.

6 CHMN. STAFFORD: All right. And that's on
7 C-49. SWCA performed a survey and they found none of
8 the burrowing owls or desert tortoises.

9 In the paragraphs above that you say that
10 Torch will remain in compliance with the Bald and
11 Golden Eagle Protection Act and the Migratory Bird
12 Treaty Act. Can you give us a little more information
13 on what compliance with those acts entails?

14 MR. HAZLE: Compliance with the Migratory
15 Bird Treaty Act is completed through pre-construction
16 surveys for nesting birds. So if you start
17 construction during the particular nesting season for
18 the MBTA protected species -- and the sort of nesting
19 season is identified through that IPaC report that we
20 described. If you start construction during that
21 window, you have to complete surveys for nesting birds
22 within 7 days of starting construction. If you start
23 construction outside of that window, you don't have
24 that same requirement.

25 CHMN. STAFFORD: It all relates to the

1 breeding season, right?

2 MR. HAZLE: Correct.

3 CHMN. STAFFORD: So if you're constructing it
4 outside the breeding season, you don't have to
5 necessarily do anything, because they're not going to
6 be there nesting?

7 MR. HAZLE: That's correct. Usually -- and I
8 think this would be true for this project as well, that
9 applicants will survey for those burrowing owls
10 regardless just because the ground-disturbing
11 activities could collapse a bird -- could collapse a
12 burrow. So sort of the ground surveys for burrowing
13 nests are completed regardless, and then there may be
14 additional surveys that are also conducted in the event
15 that construction starts during those breeding windows.

16 MR. ACKEN: Mr. Chairman, can I follow up on
17 that one?

18 CHMN. STAFFORD: Certainly, Mr. Acken.

19 BY MR. ACKEN:

20 Q. And is compliance with the Migratory Bird
21 Treaty Act, nest surveys, addressed in proposed
22 Condition 5?

23 A. (MR. HAZLE) Yes.

24 Q. And that's something that was added
25 specifically to address that concern?

1 A. (MR. HAZLE) Correct.

2 MR. ACKEN: Thank you.

3 CHMN. STAFFORD: Turning now to Exhibit C,
4 starting on Page 53 and going forward, it's talking
5 about those ephemeral ponds. And then on Pages C-57
6 and 58 there's photographs of those ephemeral ponds.
7 My question is: What are the dates of these photos?
8 Because it's my understanding of these ponds that
9 there's -- a good portion of the year there's not going
10 to be any water in them, but in certain seasons there
11 will be. I'm just curious as to -- do we know when
12 these photos were taken? I mean, they appear to be
13 full of water or have standing water in them.

14 MR. HAZLE: I believe these photos are
15 screenshots from Google Earth. We could ask EDM, you
16 know, if they knew the vintage of the photos from
17 Google Earth, sometimes they date the aerial imagery,
18 but I don't believe that information is contained in
19 the EDM memorandum.

20 CHMN. STAFFORD: Okay. I'm assuming that
21 they're completely dry now, in August.

22 MR. HAZLE: Yeah.

23 CHMN. STAFFORD: Although, when you get the
24 little rainfall, it might have some in there. But
25 typically I'm assuming this is going to be like spring

1 and fall and wintertime, not summer, when they're going
2 to have water in them like this.

3 MR. HAZLE: Correct. And some of these
4 features that we see are stock tanks associated with
5 grazing, and those may have water in them more often,
6 you know, for purposes of supporting grazing.

7 CHMN. STAFFORD: Right. So do the grazing
8 lessees, do they put the water in it themselves for the
9 cattle?

10 MR. HAZLE: I'm not sure how that works. I
11 just know that stock tanks can be an attractant for
12 birds. That's kind of where my knowledge ends.

13 CHMN. STAFFORD: And then on Page C-69,
14 that's -- is that a picture of the Playa or are those
15 agricultural fields in that photograph to the right?

16 MR. HAZLE: Oh, so the Playa is the
17 triangular shape that's --

18 CHMN. STAFFORD: Elevated there?

19 MR. HAZLE: Correct. Yeah. It's sort of
20 rimmed by the white boundary. That's the Willcox
21 Playa. It was formerly a bombing range. Not presently
22 used for bombing, but historically has been, yeah.

23 CHMN. STAFFORD: That's interesting that the
24 only area of biological wealth anywhere near this
25 project used to be a bombing range.

1 MR. HAZLE: Correct. I believe the land is
2 still owned by the military. I'm not sure which branch
3 has management responsibilities for it. But you can
4 see, even on this map here, the Willcox Playa is --
5 starting here, you know, the edge is BLM managed, but
6 then the pink is federally managed like military land.

7 BY MR. ACKEN:

8 Q. And for the record, will you identify what
9 map you are looking at?

10 A. (MR. HAZLE) Oh, I'm sorry. I'm on the
11 witness presentation slides in WTP-2, and it's the very
12 final slide, Number 77.

13 MR. ACKEN: Thank you.

14 CHMN. STAFFORD: And you're saying that
15 yellow is the federal government controlled area?

16 MR. HAZLE: Yeah. The Willcox Playa -- I
17 mean, I guess, you know, a layperson might draw the
18 boundary differently. But the yellow landownership
19 here is Bureau of Land Management and the pink
20 ownership here is military. I guess my comment was, I
21 just don't know, off the top of my head, you know,
22 which agency within Department of Defense is
23 specifically responsible for the Playa area.

24 MEMBER GOLD: Isn't that Fort Huachuca?

25 MR. HAZLE: I could definitely check on

1 break, yeah. It would make sense.

2 CHMN. STAFFORD: I think -- okay. So Game
3 and Fish Department encourages the use of both bird
4 diverters and the ACAS system. Now, is that what the
5 Avian Power Line Interaction Committee standard is, to
6 use the ACAS, or is it diverters or is there a set of
7 criteria that they use to say, this one should be used?
8 I'm assuming that the bird diverter is kind of the more
9 common solution that seems to be pretty effective, but
10 then I think the other one is primarily for birds that
11 are at risk of collision at night.

12 MR. HAZLE: Yeah, the ACAS system is sort of
13 a nighttime prevention alert. That's the intent of it.

14 I don't think that the bird diverters, nor
15 ACAS, are part of the APLIC guidelines. APLIC
16 guidelines are focused on the conductor spacing, things
17 of that nature, and more on the transmission line
18 configuration. So bird diverters -- Torch's commitment
19 to use bird diverters goes above and beyond the APLIC
20 guidelines in that regard.

21 CHMN. STAFFORD: And then on Page C-49 the
22 Department encourages Torch to implement
23 post-construction monitoring for avian injuries. That
24 is something that the applicant intends to do, is to
25 check -- because that's the thing. Because you have --

1 I guess the risk is that the water birds that are
2 clunkier, that are at higher risk for collisions, that
3 type of thing -- that was one of the concerns, I think,
4 with the SunZia crossing the San Pedro, is that -- are
5 their flight paths to that -- in that area, are they
6 going to cross this line. It seems like there was not
7 a lot of data on that. And I think there's a page in
8 there where you note that there wasn't -- like where
9 EDM noted that there wasn't a lot of data on that.

10 MR. HAZLE: Right. Yeah, neither Game and
11 Fish nor EDM have mapped flight paths for sandhill
12 cranes. You know, Game and Fish is always interested
13 in partnering with applicants. It's just sort of up to
14 the discretion of the applicant how far to engage on
15 those topics.

16 MR. ACKEN: Mr. Chairman, I will note from
17 two prior cases, one is Three Sisters and the other
18 being SunZia, there have been discussions about flight
19 patterns from the Playa and during the daytime, and it
20 is primarily to foraging grounds north of Willcox where
21 there's actually agricultural lands. So that's where
22 it has been expected to be seen. And I think you can
23 take administrative notice of that from those prior
24 hearings. Obviously I can't testify to that, but that
25 is in the administrative records for both of those

1 hearings.

2 CHMN. STAFFORD: In the SunZia hearing?

3 MR. ACKEN: SunZia, as well as the Three
4 Sisters.

5 CHMN. STAFFORD: And Three Sisters?

6 MR. ACKEN: Yeah.

7 CHMN. STAFFORD: So just to clarify, Torch
8 is -- they will be implementing post-construction
9 monitoring, I think it says to do it quarterly to
10 see -- to document if you're having collisions with the
11 lines?

12 MR. ACKEN: I think that's a question for
13 Mr. Leach.

14 MR. LEACH: Yes. Yes, that is correct.

15 BY MR. ACKEN:

16 Q. And again, Mr. Leach, would you consider that
17 a requirement pursuant to Condition 5 as proposed,
18 which is to continue coordination with Game and Fish
19 concerning wildlife -- on other issues concerning
20 wildlife?

21 A. (MR. LEACH) Yes, I concur.

22 CHMN. STAFFORD: Okay. And then you
23 mentioned there's going to be some upgrades necessary
24 to the substation for the interconnection?

25 MR. LEACH: Are we going to be upgrading the

1 Winchester Substation?

2 CHMN. STAFFORD: Yeah. It says, on H-2, that
3 applicant is aware that, to interconnect the
4 transmission project to the local regional grid,
5 necessary interconnection upgrades are required by TEP
6 at its Winchester Substation. Can you give us kind of
7 a general idea of what -- I mean, you're still doing
8 the engineering for it, I assume. So can you give us
9 kind of a general idea of what your -- what these
10 upgrades entail that we'll be looking at?

11 MR. LEACH: Yeah, I'll try to provide the
12 best description. In the original facilities study
13 that was conducted in 2021, the design for the
14 interconnecting facilities was to build out a new bay
15 to the north in an open field of the -- in the
16 fenced-in part of the Winchester Substation. The now
17 optimized route, based on our understanding in
18 communication with TEP, is to use an existing bay that
19 is already constructed, but to put in the correct
20 equipment so that we can land our line onto it, and
21 then adjust their existing infrastructure so that it is
22 relocated to another part of the substation.

23 CHMN. STAFFORD: Well, I think that is it for
24 my questions.

25 I'm going to look to my fellow Members who

1 attended the hearing and ask them if they have any
2 questions that they would like to ask.

3 MEMBER GOLD: I have one.

4 CHMN. STAFFORD: Member Gold.

5 MEMBER GOLD: I believe you're quite close to
6 Fort Huachuca with your lines. I know you're
7 coordinating with Fort Huachuca.

8 CHMN. STAFFORD: Speak louder, please. The
9 court reporter is having trouble hearing you.

10 MEMBER GOLD: Oh, I believe they are very
11 close to Fort Huachuca and are coordinating with Fort
12 Huachuca, which is the intelligence center for the
13 United States Army. They do experiment on electronic
14 equipment, and I'm sure you have or will continue to
15 coordinate that their electronic testing will not
16 interact with your lines. I'm guessing that is
17 correct.

18 My question is: In the event of some type of
19 calamity, because Fort Huachuca would be a major
20 target, are you considering anything along those lines,
21 when you coordinate with Fort Huachuca, how that could
22 affect you?

23 MR. LEACH: Are you okay if I face this way
24 so I can -- I'll turn this way.

25 MEMBER GOLD: Fine.

1 MR. LEACH: I think in the general category
2 of those types of events with our projects and the
3 safety of the facility, that is something we take very
4 seriously because, obviously, any event like that both
5 could be problematic and traumatic for our project, but
6 also the interconnecting grid, right, at the Winchester
7 Substation.

8 And so as reflected earlier, we have been
9 going through a series of studies since 2019 to kind of
10 review all of those standards and review all of the
11 impacts that this project could have on the grid, and
12 so that has been -- in part of -- the concern that
13 you're expressing, and also the overall grid stability,
14 our ability to interconnect the project has been
15 studied in light of kind of those things. And so a
16 specific act of terrorism at Fort Huachuca, we would
17 have certain protections in place that would disconnect
18 our project from the grid to isolate it.

19 MEMBER GOLD: You have them? You --

20 MR. LEACH: We will --

21 MEMBER GOLD: -- already have considered
22 that?

23 MR. LEACH: Yeah, we will -- we will be able
24 to disconnect our project from the grid.

25 MEMBER GOLD: Fast enough to...

1 MR. LEACH: As fast as the standard currently
2 exists, right.

3 CHMN. STAFFORD: That assumes that all the
4 equipment works properly too, correct?

5 MR. LEACH: That's correct.

6 CHMN. STAFFORD: I seem to recall a
7 transformer fire --

8 MEMBER GOLD: Circuit breakers work on
9 speeds, lightning arresters work on speeds --

10 MR. LEACH: Exactly.

11 MEMBER GOLD: -- and what I'm concerned with
12 works on a faster speed, and you are aware of that?

13 MR. LEACH: So I...

14 MEMBER GOLD: What the Chairman had alluded
15 to earlier in one of his earlier comments,
16 electromagnetic pulse.

17 MR. LEACH: Yes, sir. Yes. That is
18 certainly something that we're aware of that we need to
19 be familiar with and to be aware of.

20 MEMBER GOLD: And that is something you are
21 taking into consideration with this project?

22 MR. LEACH: Yes, sir.

23 MEMBER GOLD: Okay. Thank you.

24 CHMN. STAFFORD: Thank you, Member Gold.

25 Anyone else?

1 Member Little, I see you on the screen. Do
2 you want to ask a question?

3 MEMBER LITTLE: Mr. Chairman, thank you.

4 I -- as you know, I am trying to figure
5 out the 10-year plan information as provided to the
6 Staff in -- and how it applies to the BTA. And I would
7 like to ask the applicant why they did not file a
8 10-year plan until this year, when they started
9 studying this project some time ago.

10 MR. ACKEN: Thank you, Member Little. This
11 is Bert Acken. I'd be happy to answer that, because I
12 think it's a legal question.

13 The issue of when to file a 10-year plan is
14 tied to the definition of do you have a transmission
15 line or not. You know, you don't file a 10-year plan
16 if you don't have a jurisdictional transmission line.
17 And so what you have -- what you find on the vast
18 majority of these projects is, they don't know, when
19 they go into the queue process, what transmission line,
20 if any, they're going to need. And so I can't file a
21 10-year plan unless and until I know I have a
22 jurisdictional transmission line as that term is
23 defined under Arizona statute.

24 And so that happens after the submittal of a
25 system impact study quite often. And you will see,

1 many, many projects that go into the system impact
2 study process are never before the Committee because
3 they don't have jurisdictional transmission lines.
4 They have no obligation to file a 10-year plan, and
5 that's -- and so -- but again, the trigger for the
6 10-year plan is, do I have a transmission line as that
7 is statutorily defined by Arizona law. Once I have
8 that, yes, we file a 10-year plan.

9 MEMBER LITTLE: Thank you.

10 CHMN. STAFFORD: Member Kryder, I also see
11 you on the screen. Did you have a question you'd like
12 to ask?

13 MEMBER FRENCH: Nothing from me. Thank you.

14 CHMN. STAFFORD: All right. Does the court
15 reporter need a break at this point?

16 MEMBER DRAGO: Mr. Chairman.

17 CHMN. STAFFORD: Yes. Oh, that was Member
18 French that spoke, I believe.

19 Yes, Member Kryder, I see your hand. You are
20 on mute.

21 MEMBER GOLD: He's talking, but we're not
22 hearing him.

23 CHMN. STAFFORD: Yes.

24 MEMBER KRYDER: The ranching characteristics
25 and issues that are involved here are, of course, my

1 concern. And I heard the applicant talk about
2 negotiations with the Arizona land management for that
3 Arizona land, and I was wondering if they could -- they
4 said that this looked like it was going to be complete
5 by the end of 2023, which is great news. I was
6 wondering, what are the limitations that you're
7 currently facing and is it reasonable to believe that
8 they will be negotiated successfully before the end of
9 2023? Could you speak to that, please?

10 MR. LEACH: I will touch on it, and I can
11 follow up with additional information if I mess up some
12 of the dates.

13 We have been in communication with the
14 Arizona State Land Department for quite a while on the
15 right-of-way. And so when we are forecasting when we
16 think we're going to conclude that process, it's based
17 off of working with them on a number of our other
18 projects, as well as being in constant communication
19 with the Department on this project.

20 In order for us to kind of get to that final
21 milestone with ASLD, there's a number of studies that
22 we need to perform and a survey that we need to
23 perform, which we are in the process of doing. And so
24 I can follow up with additional detail on the exact
25 next steps that we need to conclude here, but it is my

1 understanding that at this point we are holding to our
2 schedule.

3 MEMBER KRYDER: Thank you very much.

4 Obviously, I don't want to get between you and the land
5 management corporation and specifying the specifics.
6 It's just that we're now mid-August, and you had
7 indicated this was going to be complete and all ready
8 to go by the end of the year, and so we're looking at
9 five and a half months on a good day, and you're
10 telling me that you're in negotiation on other projects
11 as well. And I just am concerned that we look at this
12 and say, well, let's go forward, because you said it's
13 going to be happening by the end of 2023. But my
14 concern is, will it happen by the end of 2023 or will
15 the can get kicked up the road again?

16 MR. ACKEN: So from a legal standpoint, let
17 me take a swing at it, and then Mr. Leach can provide
18 some additional context on why his team is confident in
19 that date. And also, I might ask him to explain kind
20 of the zen of development and how you have to work
21 through various approval processes.

22 I've been siting projects before this
23 Committee for 20 years, and I've sited a lot of them.
24 And we bring projects in at different stages of
25 development, different stages of approval, and we do so

1 based on the site-specific factors of each project and
2 a level of confidence that we're going to get the
3 approvals that we need within the time frame we need
4 them.

5 Now, some of the projects that I brought
6 before this Committee have taken a lot longer than we
7 thought; others have moved very quickly. And so, you
8 know, there are projects that come in that don't --
9 that need a NEPA process and haven't started it. There
10 are projects that need a NEPA process and have
11 completed it. There's projects that need State Land
12 approval and still need to acquire it. And so -- but
13 all of that has to be coordinated by the developer onto
14 their best guess and their best -- and their
15 determination based on their experience of how do they
16 get to done.

17 And what you heard today is you've got a
18 project that -- its customers need it online as quickly
19 as possible, and two of the things they need are a CEC
20 and a State Land right-of-way. And they're going to do
21 what they have to do in order to get State Land to get
22 that approval by the end of the year. They're working
23 with them now. They're confident they can do it. The
24 other piece that we need is the CEC.

25 And what I've told Committee Members in the

1 past who have expressed some reservations about, well,
2 what happens if we go before the federal government or
3 we go before State Land. And my response to that is,
4 each one of you has your own independent role and
5 independent view and your independent voice. And so,
6 frankly, it's helpful for this applicant and other
7 applicants in their State Land negotiations to say,
8 we've got the CEC. Now all we're waiting for is the
9 final approval, because the Corporation Commission and
10 the Lite Siting Committee have already said this is a
11 good project, it's environmentally compatible, and it
12 should move forward.

13 So we want you to have your voice and not to
14 say, well, we want to wait until others have made their
15 determination. I think this body has a lot of
16 credibility in siting. I mean, that's its role. And
17 so when it speaks, I do believe State Land listens, I
18 do believe the federal government listens. And I'm
19 mentioning federal government; we don't have that here,
20 thankfully. But certainly I think it is important to
21 State Land that -- when they hear, oh, wow, this
22 project is ready, that will help us on the State Land
23 right-of-way process.

24 But with that, Mr. Leach, any further
25 thoughts you might have?

1 MR. LEACH: Yeah, I just -- I want to make it
2 kind of crystal clear that when I refer to other
3 projects, those are projects that are currently in
4 operation right now. So we have worked with State Land
5 really since 2014 to have our projects developed and to
6 get them on State land, and so our experience with ASLD
7 is what's governing a lot of the schedule that we are
8 reflecting here today.

9 MEMBER KRYDER: Okay. Basically what I heard
10 you say is, we've done a lot of this and we think we
11 can get it through by the end of the year. Quite
12 truthfully, that's a weak read, but I'll stop with my
13 questioning, because apparently you don't have anything
14 further to offer. And I understand negotiations, and
15 you can't tell what the other side is going to do.

16 But what I heard you say was that you have a
17 lot of projects that you're negotiating with the State
18 land management, you basically know how they work and
19 what they're going to need, and you have full
20 confidence that it will be finished by the end of 2023.
21 Did I hear you correctly?

22 MR. LEACH: Yes, sir.

23 MEMBER KRYDER: Thank you. I have another
24 question, then, Mr. Chairman, if I can proceed.

25 CHMN. STAFFORD: Please, Member Kryder.

1 MEMBER KRYDER: I'm following up on Member
2 Gold's questions about the Buffalo Soldier ETR. And
3 he, being a retired military officer with a fairly high
4 rank, certainly knows a great deal more about it than I
5 would. And I've never been on Fort Huachuca, and I
6 believe that Member Gold has spent a fair amount of
7 time there.

8 But I was a bit taken back when I read in the
9 documents that I have that -- I'm looking at Page H-1
10 and it says, Ms. Riggs stated that the electromagnetic
11 testing team did not identify any "conflicting plans in
12 the area of the transmission project."

13 That's great. Can you get that in writing or
14 did you get it in writing or do we have simply
15 Ms. Riggs' statement to one of your staff?

16 MR. ACKEN: It's in writing.

17 MEMBER KRYDER: Oh, I didn't see it in the
18 documents I had.

19 MR. ACKEN: We provided -- we provided an
20 excerpt. I can look at perhaps -- perhaps we can mark
21 it as WTP-8, if we can pull it today before the public
22 comment period. We may need to redact some information
23 that may be sensitive given the -- given the Base's
24 operations, but that line is in writing and I do
25 believe we can docket -- file that.

1 MEMBER KRYDER: Okay. Is there -- you have a
2 document in hand? Are we talking about 50 words or 500
3 words?

4 MR. ACKEN: Well, it's part of a larger
5 e-mail, and so I would want to go back and make sure
6 that there isn't anything that is -- that we cannot
7 docket in a public docket. So I may need to redact
8 some information, is my point.

9 MEMBER KRYDER: Many thanks. I will look
10 forward to that.

11 Following some --

12 Mr. Chairman, may I proceed?

13 CHMN. STAFFORD: Do you have more questions,
14 Member Kryder?

15 MEMBER KRYDER: I had one more question.

16 CHMN. STAFFORD: All right. Please ask it.

17 MEMBER KRYDER: Okay. This is in regard to
18 the Dos S Cattle and Land questions or material that
19 you presented. And, again, it may be that I overlooked
20 it. And so if so, please correct me, someone. But I
21 didn't see the list of their concerns. I heard you
22 state that they had concerns and you had talked with
23 them personally, and I believe I heard that someone had
24 made contact with them in the last few days. What -- I
25 represent the ranching or the agriculture in the state

1 of Arizona. And so I was wondering, what are the
2 concerns of this Dos S Cattle and Land Corporation?
3 Can you share those with us or is that not possible?

4 MR. ACKEN: No, we can share that, and it's
5 actually in the record. And what I'm going to have --
6 I'm going to have Mr. Hazle explain where it is found
7 in the record. And then just to kind of remind what
8 the record said, this was a -- or, what the testimony
9 said today is this was a comment that was received on
10 Monday. Mr. Leach then met with them Tuesday morning,
11 and so he immediately met with them.

12 So you have two things: You have the written
13 comment letter that Mr. Hazle is going to provide some
14 additional context on, and then you have Mr. Leach's
15 meeting that he provided testimony on. What we did not
16 want to do was try to paraphrase their comments, and so
17 we included them in their totality, and so they are
18 part of the record.

19 But with that in mind, Mr. Hazle, I guess I'm
20 going to ask you to paraphrase them.

21 MR. HAZLE: Mr. Kryder, Member Kryder, the
22 comment from Scott Stratton is included in Exhibit
23 WTP-3, which is a summary exhibit of public outreach
24 activities and public comments. Inside of that exhibit
25 Mr. Stratton's comment is fully included on Page 3.

1 And we have sort of the left-hand side, which is the
2 Stratton comment, and then the right-hand side, which
3 is the applicant follow-up. So I guess I can
4 paraphrase --

5 MEMBER KRYDER: Can you post that for me?
6 I'm digging through the paper that I have and -- excuse
7 me, I didn't mean to interrupt you -- but it would help
8 me to try to see if you've got a document that I can
9 actually look at. And I think it might be helpful for
10 the audience in general if we could see that.

11 MR. HAZLE: Okay.

12 MEMBER KRYDER: Okay. There we go. Great.
13 Let me just -- let me just read for a moment.

14 MR. HAZLE: Bear with me one minute. Okay.
15 I apologize. I've lost the -- can you -- probably want
16 to zoom in on that a little bit, which is
17 understandable. Okay. So here is Mr. Stratton's
18 comment on the left and the applicant's follow-up on
19 the right-hand side.

20 MEMBER KRYDER: Okay. Let me just read
21 quickly, if I might. Thank you. That's very helpful.
22 Scroll down just a bit more, if you could, please.
23 There we go. Thank you.

24 Thank you very much. That's very helpful. I
25 have no further pushback on that. Mr. Chairman, I'm

1 silent for the moment.

2 CHMN. STAFFORD: Thank you, Member Kryder.

3 With that, we are approaching the noon hour.

4 I assume you would like to give a closing, Mr. Acken?

5 MR. ACKEN: Mr. Chairman, I think I would
6 like to just give a brief one today. This is a bit
7 unique, right, because you were going to ask for
8 briefing, which is a closing in its own right. So I
9 would like the opportunity to make a quick handful of
10 comments if we could do that before the lunch. I'd
11 hate to break before that.

12 CHMN. STAFFORD: That's fine. Please
13 proceed.

14 MR. ACKEN: Okay. Thank you. Again, I want
15 to thank the Chairman and so many of the Committee
16 Members who participated today. I'm really -- as a
17 team, we're very grateful for that. As I mentioned
18 earlier, we're grateful for the opportunity to present
19 this to you now in this process.

20 I'm also grateful that so many Members of the
21 Committee came here today and were able to ask
22 questions of interest to them to help us build a robust
23 record. And I think, and I'm hopeful that you will
24 agree, that what you have before you is an excellent
25 record both with respect to environmental compatibility

1 of this project and then, of course, the need for --
2 the urgent need for it.

3 With respect to environmental compatibility,
4 you heard the testimony from Mr. Hazle that there are
5 no anticipated impacts to most of the resources that
6 are evaluated, that includes recreation, cultural. And
7 then you have your standard considerations with respect
8 to noise and interference during construction, but
9 nothing else there.

10 Biological resources. You heard the
11 testimony of Mr. Hazle, no habitat fragmentation. This
12 isn't -- the area where the transmission line is going
13 to be located is not an area of biological wealth or
14 likely to be populated by special status species on a
15 permanent basis.

16 And then when you couple both the standard
17 mitigation measures that every applicant undertakes to
18 ensure environmental compatibility, plus what this
19 Torch team has done, which I hope is understood -- from
20 my perspective, it goes well above what the standard --
21 what many applicants will bring. Listening to Game and
22 Fish -- listening to Game and Fish saying, we'd like
23 you to consider the ACAS system. Taking that and not
24 discounting it, but saying, you know what, we're going
25 to look into that and we're going to the experts.

1 We're going to get the team that actually developed the
2 technology and is using it in the pilot project and
3 we're going to ask them for their opinion. And that's
4 what Torch did.

5 And then to get that information back, to
6 make the commitments to use the bird diverters where
7 appropriate, as recommended by EDM, to provide that
8 information with Game and Fish, and as you heard
9 Mr. Leach say today, that ongoing coordination with
10 Game and Fish, will ensure protection of biological
11 resources.

12 On land use, again, this is an excellent
13 project. The nearest residences are seven tenths of a
14 mile away. This is almost entirely on State Trust
15 land, and so will provide benefits to the State Trust
16 through funding that goes to our schools, so that is
17 always a positive. And then, of course, the excellent
18 thing about this transmission line is that it is a
19 compatible use with existing grazing allottees who use
20 that area. So compatible land use, additional money
21 for the schools, all positive things.

22 With respect to public outreach and the
23 concerns of the surrounding residents, again, I
24 think -- I wish every applicant had the story to tell
25 that the Torch team does, which is: On one day they

1 hear a concern; on the next day Mr. Leach is driving
2 down to Willcox in the morning to meet with them and
3 talk with them and have those discussions, understand
4 their concerns, and start the dialogue that's necessary
5 to address them, which we do believe we can and we will
6 primarily through, again, the State Land right-of-way
7 process. So we will work with the grazing allottees
8 and the landowner, the State Trust to ensure there is
9 limited access and address their concerns about
10 trespass. So we hope that that addresses that concern,
11 but we understand, you know, it's still a concern of
12 the neighbors, and those communications will continue.

13 And then finally, on the project itself, you
14 heard the testimony from Mr. Leach about how this
15 project is ready. It is in the very late stages of
16 development; that's, again, why we're here. It has
17 almost everything it needs in order to break ground.
18 This is one of the very few remaining items, and we
19 respectfully request that you grant us a CEC so that
20 they can proceed with this project, which is -- which
21 is going to bring great value and a significant amount
22 of resources to this southern region and utilities in
23 that area that are crying out for it right now. So
24 thank you very much.

25 CHMN. STAFFORD: Thank you, Mr. Acken. I

1 believe your witnesses mentioned this earlier, but you
2 have -- the planned in-service date is 2024?

3 MR. ACKEN: That's construction start 2024.

4 CHMN. STAFFORD: And then in-service for '25?

5 MR. LEACH: '25, possibly the first half of
6 '26.

7 CHMN. STAFFORD: Okay. Thank you. Did you
8 want to -- what else do we need to address before we
9 take a break? And I think all we have to cover is the
10 briefing schedule and admission of the exhibits.

11 MR. ACKEN: Yeah, I want to move my exhibits,
12 because I forget. So if I could move Exhibits WTP-1
13 through 7, all of which have been discussed by our
14 witnesses in a prior -- I previously referenced them.
15 I'm happy to go over them again, if you'd like, for the
16 record.

17 CHMN. STAFFORD: No, that's fine. Exhibits
18 WTP-1 through 7 are admitted.

19 (Exhibits WTP-1 through WTP-7 were admitted
20 into evidence.)

21 MR. ACKEN: Thank you.

22 CHMN. STAFFORD: I understand that you may be
23 introducing the -- an Exhibit 8?

24 MR. ACKEN: Yes.

25 CHMN. STAFFORD: A redacted version of the

1 correspondence from Fort Huachuca.

2 MR. ACKEN: Thank you. And we will see if we
3 can make that happen even before the public comment
4 period this evening. I will try.

5 MR. LEACH: We can do that.

6 CHMN. STAFFORD: Now for the briefing
7 schedule. I think one round of briefs will cut it. I
8 think the transcript will be ready by Monday. I'm
9 going to base that -- because the last hearing that
10 concluded on a Wednesday, the transcripts were ready
11 the following Monday. And how much time do you need to
12 prepare your brief, Mr. Acken?

13 MR. ACKEN: Mr. Chairman, at most, a couple
14 weeks. Again, what's most important is getting this
15 heard by the Committee in a timely manner. As we
16 mentioned in the prehearing, very much we would like
17 the Committee's consideration of this at some point in
18 September. And so I would say, I will not be the
19 holdup. It's however much time you want the Committee
20 to have to review that prior to your meeting, I'll make
21 that happen.

22 CHMN. STAFFORD: All right. How about
23 September 4th?

24 MR. ACKEN: September 4th is a holiday.
25 September 1st works because --

1 CHMN. STAFFORD: The 1st? Okay.

2 MR. ACKEN: Yeah. We'll be -- we'll be
3 spending time together in another hearing then.

4 CHMN. STAFFORD: All right. So
5 September 1st.

6 Is there anything else we need to address
7 before we take a recess?

8 MR. ACKEN: I have nothing. Thank you,
9 Mr. Chairman.

10 CHMN. STAFFORD: All right. Well, the only
11 thing left outstanding, then, would be your Exhibit 8.
12 Everything else is concluded. I think maybe we come
13 back -- I think we should probably come back at 5:00,
14 and then we can tie up any loose ends and then head
15 straight into public comment at 5:30.

16 MR. ACKEN: Sounds good. Thank you.

17 CHMN. STAFFORD: With that, we stand in
18 recess until 5:00 p.m. Thank you.

19 (Off the record from 11:59 a.m. to 5:00 p.m.)

20 CHMN. STAFFORD: Now is the time for taking
21 care of loose ends. I believe we have a couple
22 additional exhibits, Mr. Acken.

23 MR. ACKEN: Thank you, Chairman. Yes. We
24 want to make sure the record is complete with
25 exhibits that were discussed and promised earlier

1 today.

2 BY MR. ACKEN:

3 Q. So the first one is already admitted and it
4 was presented on the screen. And Mr. Hazle, if you can
5 pop that up again. This was the zoomed-in simulation
6 that is representative of the view from the nearby
7 ranching residence. And Mr. Hazle, if you could, for
8 the record, remind me the name of them again.

9 A. (MR. HAZLE) That's the Strattons.

10 Q. Strattons. Thank you. I will get it third
11 try. Okay. So that is 7, and that was previously
12 admitted, but we have handed out hard copies to the
13 court reporter and the Chairman.

14 Number 8, WTP-8, is a new exhibit.

15 And I see that Member Kryder is with us.

16 Thank you, Member Kryder, for coming back and sticking
17 with us. This is an exhibit that is responsive to your
18 request for a fuller flavor of the correspondence with
19 Fort Huachuca.

20 And so for this, Mr. Leach, would you mind
21 just kind of summarizing, for the record, what this is
22 and confirm that this is an e-mail chain between Alanna
23 Riggs of Fort Huachuca and your colleagues, Rachael
24 Taylor and Sara Born, is that correct?

25 A. (MR. LEACH) That is correct. This is from

1 the folks on the Torch team.

2 Q. And there was an excerpt from this that said
3 -- that we provided earlier referencing no conflicting
4 plans in the area of the project. Do you recall that
5 testimony?

6 A. (MR. LEACH) Yes.

7 Q. And would you look at the e-mail that's dated
8 Monday, June 12th, 2023 from Alanna Riggs to Rachael
9 Taylor and Sara Born. Do you see that?

10 A. (MR. LEACH) I do.

11 Q. And do you see that full text of that e-mail
12 that includes that one excerpt in that e-mail
13 transmittal?

14 A. (MR. LEACH) Yes.

15 Q. And the rest of that e-mail trail is
16 correspondence from Rachael Taylor to Alanna regarding
17 the project and the request for input as to the Fort's
18 existing plans, is that correct?

19 A. (MR. LEACH) That's correct.

20 MR. ACKEN: So with that, Mr. Chairman, we
21 would ask the admission -- or, offer the admission of
22 WTP-8.

23 CHMN. STAFFORD: WTP-8 is admitted.

24 (Exhibit WTP-8 was admitted into evidence.)

25 MR. ACKEN: Thank you, Mr. Chairman. I

1 believe that's all the cleanup we have.

2 Obviously, Member Kryder, if you had
3 follow-up questions for our witnesses on that, happy to
4 address those.

5 (No response.)

6 MR. ACKEN: Thank you.

7 CHMN. STAFFORD: And then one more thing. We
8 had talked about the ACAS for the lines and I had asked
9 about what the status was with nearby lines, I believe,
10 and you referred us to the SunZia matter, which is Line
11 Siting Case 171, and the Three Sisters case, which is
12 Line Siting 215. We can take official notice of the
13 records in those cases and the transcripts. I reviewed
14 them on the break.

15 The Three Sisters project is using the ACAS,
16 and the SunZia is using bird diverters for the middle
17 -- for the San Pedro, but they are going to -- they're
18 looking into using the other ones for -- I think
19 they're going to deploy those at the middle Rio Grande,
20 which is described as a higher risk. And there was
21 quite a bit of discussion in the transcript of SunZia
22 about the risk for avian collision with lines primarily
23 having to do with having them travel frequently from a
24 nesting place to a feeding place directly across the
25 line.

1 MR. ACKEN: Thank you, Mr. Chairman, for
2 that. I'm glad my recollection was pretty close to the
3 mark.

4 CHMN. STAFFORD: Yes. All right. And
5 finally, the brief will be due September 1st.

6 MR. ACKEN: Yes.

7 CHMN. STAFFORD: And then -- so anything
8 further?

9 MR. ACKEN: No. Thank you so much.

10 CHMN. STAFFORD: With that, we will recess
11 until 5:30, when we will reconvene for public comment.
12 We stand in recess. Thank you.

13 (Off the record from 5:08 p.m. to 5:30 p.m.)

14 CHMN. STAFFORD: It's now 5:30. Now is the
15 time set for public comment for Line Siting Case 223.

16 I see we have a Mr. Scott Stratton on the
17 line. Can you hear me, sir?

18 MR. STRATTON: Yes, sir. I can hear you
19 fine. Thank you.

20 CHMN. STAFFORD: You're calling to make
21 public comment, sir?

22 MR. STRATTON: I beg your pardon?

23 CHMN. STAFFORD: You are calling in to make
24 public comment, correct?

25 MR. STRATTON: Yes, sir, I'd like to provide

1 some comments.

2 CHMN. STAFFORD: Please proceed.

3 MR. STRATTON: You're ready now?

4 CHMN. STAFFORD: Yes.

5 MR. STRATTON: I'm getting some feedback.

6 Maybe it's on my end.

7 My name is Scott Stratton. My family and I
8 own and operate a beef cattle operation here in Cochise
9 County. The proposed transmission line would cross,
10 east to west, about 3 and a half miles of our State
11 grazing lease.

12 I guess our biggest concern would be the
13 viewshed from our ranch headquarters. This
14 transmission line is within -- proposed within three
15 quarters of a mile of our headquarters, and it's --
16 esthetically it will make an impact. The power line
17 would be visible in the towers. And one of the
18 concerns --

19 I should note that I did meet with Scott
20 Leach, he's a principal with Torch Energy, yesterday.
21 We discussed many of our comments, issues. I thought
22 it was a productive meeting, but I wanted to echo my
23 concerns and issues here this evening.

24 Number two issue, concern would be that the
25 proposed transmission line -- at least on Torch's video

1 on their website for the project, the power line would
2 go right over one of our most reliable dirt tanks. And
3 that concerns us, just the fragmentation there, for
4 wildlife and for our animals. Cattle can be flighty to
5 new things. And, you know, they may get used to it
6 over time, but it is a concern of ours.

7 Number three would be any new roads that are
8 going to be needed in association with the construction
9 of the power line and/or maintenance. That includes
10 any new gates. So we calculated four to five gates
11 would be needed for access to the proposed power line,
12 and that's an issue because it just adds more to the
13 ranch's maintenance and, you know, checking gates,
14 making sure people close gates, keeping cattle where
15 they're supposed to be, as well as any erosion or soil
16 compaction related to the construction or maintenance
17 of the power line.

18 Again, there's potential trespass issues.
19 People are allowed to recreate and hunt on State lands
20 with a permit; although, especially in this part of the
21 world, that's not enforced. And I know that's not the
22 Commission's issue, but there is potential to add to
23 the recreation issues that we face as an operation
24 already. And then the habitat fragmentation associated
25 with new roads and OHV, more traffic on those roads.

1 Particularly for the antelope population on the ranch
2 and adjacent ranches, that would be of concern, and
3 then just any subsequent resource damage associated
4 with those new roads.

5 Four, just as a -- just being here in Cochise
6 County, close to Willcox, I just have concerns that any
7 of the power that's generated from this proposed solar
8 field -- right now it's scheduled to go out of the
9 community, even the county. I know there's some pretty
10 promising talks with local power providers that they
11 may use some of that power generated here locally. You
12 know, for now, though, it's my understanding that's not
13 a concrete deal. And, again, our concern is, you know,
14 why would we favor this project if it's benefiting
15 people outside of our community and our county.

16 And I guess the fifth concern or issue that
17 we have is, the solar field is planned to go on native
18 grassland habitat. And I understand it may not be as
19 productive as some other rangelands, but, you know, I
20 guess that's in the eye of the beholder as well if
21 that's where you ranch. I know most of it's private,
22 but there is some State land there as well. And I just
23 think that there are -- especially if the power is
24 leaving the community and the county, there are denuded
25 sites, alternate locations for that solar field and the

1 power generation.

2 Those are my comments. I appreciate your
3 time hearing me, and I'd be happy to answer any
4 questions you may have.

5 CHMN. STAFFORD: Thank you, Mr. Stratton.
6 That concludes your public comment?

7 MR. STRATTON: That's it, yes, sir. Thank
8 you.

9 CHMN. STAFFORD: Thank you very much. It's
10 been transcribed. It's part of the record now.

11 Are there any other members of the public to
12 comment on this application?

13 (No response.)

14 CHMN. STAFFORD: There's no one else on
15 there, Mike?

16 MR. VALLADAO: There's a Rachael Taylor. Is
17 that --

18 MR. ACKEN: She's --

19 MR. VALLADAO: That's part of -- okay.

20 Nope, nobody here.

21 CHMN. STAFFORD: Well, there's -- currently
22 there are no callers, and I don't believe anyone has
23 shown up to this building for comment. We will check
24 on that. Right now we'll go off the record, and we'll
25 come back on if someone is here to comment. We will

1 keep the public comment session open until at least
2 6:00 to allow people time to call in or visit us. So
3 with that, we will go off the record.

4 (Off the record from 5:37 p.m. to 5:52 p.m.)

5 CHMN. STAFFORD: We're back on the record. I
6 see we have a new caller. It says "NA" by your name.
7 Could you please identify yourself?

8 They're muted. Is that you muting them or
9 that they're muted?

10 MR. VALLADAO: We cannot unmute them. We can
11 send a request, which I did. If they're on a
12 telephone, it would be star 6 to unmute. If you're on
13 a computer, just hit the little red microphone and it
14 will unmute.

15 CHMN. STAFFORD: Hello, caller, with the name
16 NA next to the call information. You are on mute, and
17 if you are trying to speak we cannot hear you. If
18 you'd like to make public comment, please unmute
19 yourself and identify yourself.

20 MR. VALLADAO: Guess not. They're gone.

21 CHMN. STAFFORD: They didn't respond?

22 MR. VALLADAO: They did not respond.

23 CHMN. STAFFORD: Did they leave the meeting?
24 I don't see them on there.

25 MR. VALLADAO: Yes, they left.

1 CHMN. STAFFORD: Well, it appears that no one
2 else desires to make public comment at this time. I
3 guess we can go back off the record and see if anybody
4 else shows up.

5 (Off the record from 5:55 p.m. to 6:00 p.m.)

6 CHMN. STAFFORD: We're back on the record.
7 We're not seeing any new callers for public comment.

8 Mike, can you check with downstairs to make
9 sure no one has shown up physically?

10 MR. VALLADAO: Yep. Be right back.

11 CHMN. STAFFORD: Thank you.

12 MR. VALLADAO: Nobody.

13 CHMN. STAFFORD: Nobody? All right. There
14 are no more callers and no one has shown up in person
15 to make public comment.

16 Mr. Acken, is there anything else we need to
17 cover before we adjourn?

18 MR. ACKEN: Mr. Chairman, not on behalf of
19 the applicant. Again, we thank you. Thank you for
20 this process and the opportunity to present this case.

21 CHMN. STAFFORD: All right. Well, thank you
22 very much.

23 And thank you, Mr. Stratton, for your
24 comments.

25 We will close this now and then I'll expect

1 your brief by September 1st and then this matter will
2 be put on an agenda for a future meeting for the Line
3 Siting Committee to cast its final vote on the CEC.
4 With that, with we are adjourned.

5 (The hearing adjourned at 6:03 p.m.)

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1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

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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.

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

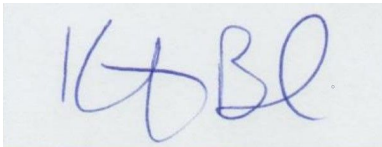
9 I CERTIFY that I have complied with the
10 ethical obligations set forth in ACJA 7-206(F)(3) and
11 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,
12 Arizona, this 18th day of August, 2023.

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15 KATHRYN A. BLACKWELDER
16 Certified Reporter
17 Certificate No. 50666

16

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

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24 GLENNIE REPORTING SERVICES, LLC
25 Registered Reporting Firm
Arizona RRF No. R1035

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