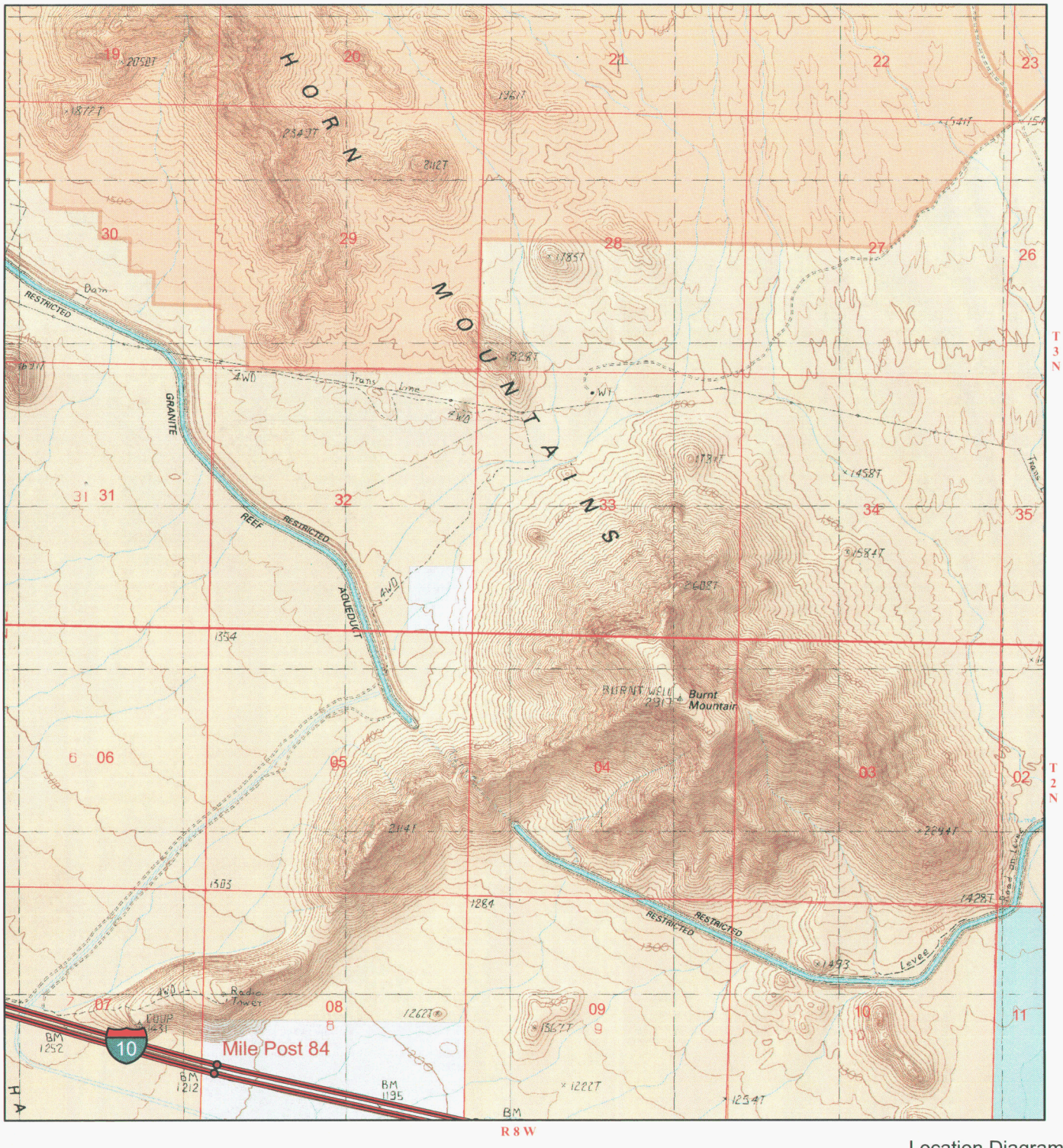
L-00000A-06-0295-00130

PART 2 OF 2
BAR CODE # 0000064950

To review Part 1 please see:

BAR CODE #0000064949

State of Arizona - Burnt Mountain Area, Big Horn Mountains



Land Ownership Legend

- Private Lands
- State Lands
- Bureau of Land Management (BLM)
- BLM Wilderness Area

1:34,000

0 0.25 0.5 0.75 1 1.25 1.5 Miles

Contour Interval = 50 feet

N W E S

Location Diagram

United States Department of the Interior
Bureau of Land Management
Arizona State Office

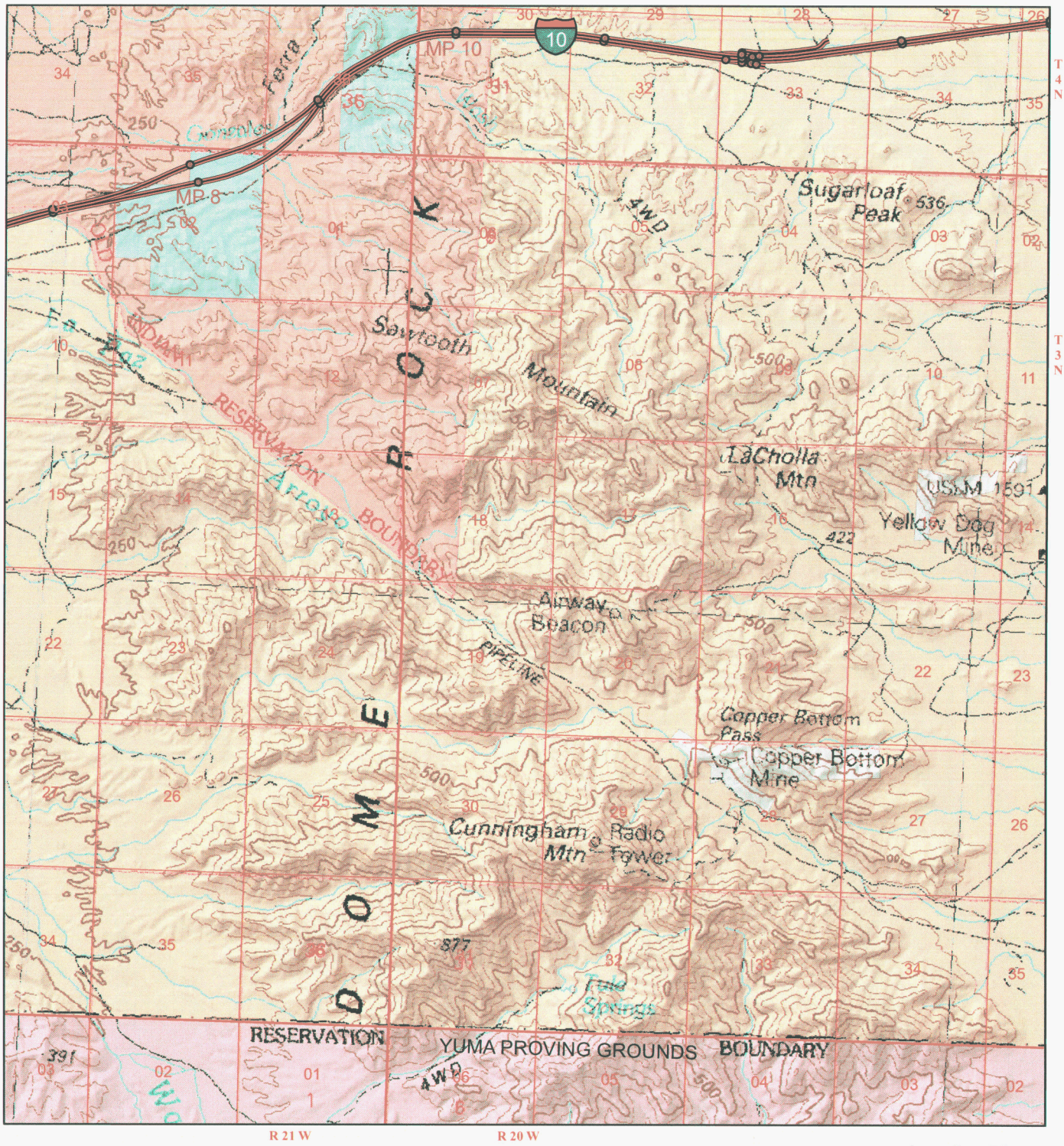
Map created on Oct 26, 2006

EXHIBIT
S-31
admitted

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

State of Arizona - Copper Bottom Pass



Land Ownership Legend

- Private Lands
- State Lands
- Bureau of Land Management (BLM)
- Yuma Proving Ground - Military
- Indian Lands

1:60,000

0 0.5 1 1.5 2 2.5 3 Miles

Contour Interval = 50 meters (164 feet)

N W E S

Location Diagram

United States Department of the Interior
Bureau of Land Management
Arizona State Office

Map created on Oct 26, 2006

EXHIBIT
S-32
admitted

CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

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IN REPLY REFER TO

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE
2400 VALLEY BANK CENTER
PHOENIX, ARIZONA 85073

February 1, 1980

Grant of Easement for
Electric Power Transmission Line Right-of-Way

Pursuant to Section 501 of the Act of October 21, 1976, 43 U.S.C. 1761, and the authority vested in the undersigned officer by Bureau Order No. 701 of July 23, 1964 (20 F.R. 10526), as amended, and subject to valid existing rights, there is hereby granted to Southern California Edison Company, hereinafter referred to as Grantee, an easement for a right-of-way over, across and upon the public lands and reservations of the United States within the State of Arizona for an electric power transmission line.

The easement hereby granted is for only those portions of a 500 KV electric power transmission line crossing Federal lands in Arizona within the Palo Verde - Devers transmission corridor designated as Attachment A hereto, excepting those segments of the easement crossing the Kofa National Wildlife Refuge. The total transmission line extends from the Palo Verde Nuclear Generating Station near Phoenix, Arizona, to the Devers Substation near Palm Springs, California, covering approximately 230 miles.

The easement is granted in advance of a centerline survey being established showing the location of the tower sites, access roads, construction and equipment yards, and other ancillary facilities. Grantee will be required to file a formal map in accordance with the regulations contained in 43 CFR 2802.1-5 within 60 days of beginning of construction of the line.

The width of the right-of-way hereby granted is 160 feet, being to the extent of 80 feet on each side of the centerline of Line.

Use of the easement for additional transmission lines or for other purposes is prohibited unless separately approved by the Department of the Interior.

This grant is limited to a term of Fifty (50) years, and may be renewed subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.

This grant reserves to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way, easements, or permits for compatible uses over, under or adjacent to the land involved in this grant.

EXHIBIT
tabbies
S-33
admitted

Any transfer or assignment of this easement to another entity must be approved by the Authorized Officer prior to the transfer.

An annual charge for the use and occupancy of public lands under the authority of this grant will be determined by the Authorized Officer in accordance with the provisions of 43 CFR 2802.1-7. Charges shall be paid by Grantee to the Authorized Officer annually or in five-year increments, in advance of the rental period. The rental rate will be established by fair market value appraisal in accordance with 43 CFR 2802.1-7, and will become due and payable upon demand.

This grant is subject to Grantee executing the attached wheeling stipulations required by the Department of Energy and made a part hereof.

As a condition to the grant of this right-of-way and related facilities, the holder shall reimburse the United States for all reasonable administrative and other costs heretofore or hereafter incurred directly or indirectly by the Department of the Interior for: (1) processing applications filed by the holder in connection with the right-of-way granted by this document, including preparation of environmental impact statements and other special studies; and (2) in inspection and monitoring the construction, operation, maintenance, and termination of all or any part of the right-of-way and related facilities.

Receipt is hereby acknowledged by the Department of the sum of $503,015.00, which has been paid to the United States by the holder at the time of execution of this document. This sum represents the amount of the costs referred to in the preceding paragraph, which were incurred by the Department through January 31, 1980.1/

The holder shall hereafter pay in advance to the United States such sums as the Secretary shall determine to be required to reimburse the Department for the costs, referred to above, to be incurred by it subsequent to January 31, 1980.

This grant is made upon the express condition that each of the terms and conditions hereof and appended hereto shall be fully complied with by Grantee, and by accepting this grant, Grantee agrees and convenants to fully comply with each said term and conditon, and to make timely payment of charges. Failure of Grantee to comply with

1/ Subject to any change in financial status at time of issuance of formal grant.

said terms and conditions shall be cause for cancellation of this grant.

UNITED STATES OF AMERICA

BY Mario L. Lopez

Mario L. Lopez, Jr.
Chief, Branch of Lands and
Minerals Operations

County of Maricopa)
State of Arizona)

Before me, Martha C. Perez, a Notary Public in and for the County of Maricopa, State of Arizona, on this 1st day of February, 1980, personally appeared Mario L. Lopez, Jr., Bureau of Land Management, Phoenix, Arizona, to me known to be the identical person who executed the foregoing instrument and acknowledged to me that he executed the same as a free and voluntary act and deed for the uses and purposes set forth therein.

Martha C. Perez
Notary Public

My commission expires: May 25, 1982

ACCEPTED FOR
Southern California Edison Company

Robert E. Underwood
Vice President

County of LOS ANGELES)
State of CALIFORNIA)

Before me, Vera Montemayor, a Notary Public in and for the County of Los Angeles, State of California, on this 7th day of April, 1980, personally appeared R.E. UNDERWOOD, to me known to be the identical person who executed this instrument, and acknowledged to me that he accepted this easement for the uses and purposes set forth therein.

OFFICIAL SEAL
VERA MONTEMAYOR
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires Aug. 15, 1983

Vera Montemayor
Notary Public

My commission expires: Aug 15 1983

EXCERPTS FROM THE MINUTES OF THE BOARD OF DIRECTORS MEETING HELD ON APRIL 1, 1921

RESOLVED, that the President and any Vice-President be and each of them hereby is authorized and empowered to make, sign, execute and deliver, for and on behalf of this Company and as its act and deed, any and all options, deeds, permits, licenses, stipulations, contracts, bonds and other instruments between this Company and the Federal Power Commission or any duly authorized officer or representative thereof, and between this Company and the Secretary of Agriculture, or any duly authorized representative of such Secretary, and between this Company and the Secretary of the Interior, or any duly authorized representative of such Secretary.

I, R. D. GORMAN, Assistant Secretary of SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution of the Board of Directors of said corporation, duly adopted at a meeting of said Board of Directors held on the 1st day of April, 1921; that said resolution has never been repealed or rescinded, and the same is now in full force and effect.

WITNESS my hand and the seal of said corporation this [illegible] day of [illegible], 19[illegible].

Assistant Secretary
SOUTHERN CALIFORNIA EDISON COMPANY

TERMS AND CONDITIONS OF GRANT

A. Definitions:

As used hereinafter, the following terms have the following meanings:

"Authorized Officer" means the State Director of the Bureau of Land Management or his delegate, the Compliance Officer.

"Line" means the 500 KV Transmission Line, the subject of this right-of-way grant.

"Grantee" means the Southern California Edison Company, and any other company which, at any time, owns or operates the Line.

"Natural Resources" means all remains of natural origin including wildlife, vegetation, fish, geologic remains, paleontological fossils and remains, soil aesthetics, and open space values.

"Cultural Resources" means those fragile and nonrenewable remains of human activity, occupation, and endeavor as reflected in district, sites, structures, artifacts, objects, ruins, works of art, architecture, and natural features that were of importance in human events.

B. General Stipulations

1. This grant is issued subject to approval of surveys showing centerline and location of tower sites, access roads, construction and equipment yards, and other ancillary facilities.

2. Additional "site specific" stipulations may be added when final location of ancillary facilities is approved.

3. Construction may not begin without final approval by The Arizona Siting Committee on those portions in Arizona which deviate from the route previously approved by the Siting Committee.

4. Liaison

a. Grantee shall designate a representative for field operations who shall be the sole field representative of Grantee and Grantee's contractors in dealings with the Authorized Officer; said representative shall be empowered on behalf of Grantee and Grantee's contractors, subcontractors, and agents

to communicate with the Authorized Officer and to receive and comply with all communications and decisions of the Authorized Officer.

b. Grantee shall keep the Authorized Officer informed of any change in the named Grantee and/or responsible representative, contractors, subcontractors, or agents, for field operations during construction of the Line and related facilities.

c. Grantee shall keep the Authorized Officer informed of its principal place of business and of the names and addresses of the principal officers at all times during the term of this grant; including those of contractor, subcontractor(s) and agents.

5. Authorized Officer Responsibilities

a. The Authorized Officer may, at any time, inspect the on-site construction and maintenance activities of Grantee in connection with the Line. Official representatives of State and other Federal agencies may also inspect such activities if necessary to the performance of official duties which relate to the Line to ensure compliance with laws and regulations under their jurisdictions. If the Authorized Officer finds that the terms and conditions of the Grant are not being complied with, construction may be halted until the Grantee complies.

b. For purposes of information and review, the Authorized Officer may call upon Grantee at any time to furnish any or all data related to preconstruction, construction, and maintenance activities undertaken in connection with the Line.

c. Except where the approval of the Authorized Officer is required before Grantee may commence a particular operation, neither the United States nor any of its agents or employees agrees, or is in any way obligated, to examine or review any plan, design, specification, or other document which may be filed with the Authorized Officer by Grantee pursuant to these terms and conditions.

d. The absence of any comment by the Authorized Officer or any other employee of the United States with respect to any plan, design, specification, or other document which may be filed by Grantee with the Authorized Officer shall not be deemed to represent in any way whatever any assent to, approval of, or concurrence in such plan, design, specification, or other document or of any action proposed therein.

6. Preconstruction Conference

a. Before construction begins, the Grantee's representative

will establish a suitable date with the Authorized Officer for a preconstruction conference. At the conference the Grantee will present a complete plan of operation, including but not limited to:

Construction sequences, methods and equipment to be used in all phases.

Location and extent of surface disturbing activities (including pulling stations) connected with each construction phase and restoration plans therefor.

b. The Authorized Officer will make a timely response, pointing out modifications, needs, and actions required to protect resource values and to facilitate construction activities consistent with the right-of-way grant, terms of the grant or subsequent amendments thereto.

c. All construction personnel will be given a preconstruction briefing by the grantee's authorized field representative on the stipulations and conditions, as set forth in the right-of-way grant.

7. Modifications and Suspension

a. During the preconstruction and construction periods, the Authorized Officer may require Grantee to make such modification of the Line as he deems necessary to protect or maintain stability of geologic materials, fish and wildlife habitats, cultural resources, the environment, and the public interest, without liability or expense to the United States.

b. The Authorized Officer at any time may issue a written decision suspending any construction or maintenance activity of Grantee in connection with the Line which, in the judgment of the Authorized Officer, immediately threatens serious or irreparable harm to life (including wildlife and aquatic life), property, or the environment. In the event the Authorized Officer determines that Grantee has failed or refused to comply with any provisions of this grant or any permit issued by the Department of the Interior in connection with the Line, and after due notice including a reasonable time to rectify the problem, he may issue a written decision suspending any or all of Grantee's construction activities under said grant and permits. Grantee shall not resume such suspended activities until given written authorization to do so by the Authorized Officer. Any dispute arising under this grant shall be decided by the Authorized Officer.

c. Any decision or approvals of the Authorized Officer which are required herein to be in writing may, in emergencies, be issued orally with subsequent confirmation in writing as soon thereafter as possible, not to exceed 72 hours.

8. Appeals

Decisions of the Authorized Officer shall be effective upon receipt thereof by the Grantee unless specifically otherwise provided in any decision. The regulations of the Department of the Interior relating to hearings and appeals, 43 CFR Part 4, are applicable to all appeals.

If an appeal is taken, notice of the appeal must be filed in the office of the Authorized Officer who made the decision (not the Board of Land Appeals). The notice of appeal must give the serial number or other identification of the case and must be transmitted in time to be filed in the office where it is required to be filed within thirty (30) days after the Grantee is served with the decision from which he is appealing. To avoid summary dismissal of the appeal, the Grantee must comply with all applicable terms of the regulations in 43 CFR Part 4.

9. General Requirements

a. All valid rights existing on the date of the grant will be honored.

b. Grantee agrees and consents to be bound by the regulations set forth in 43 CFR 2800 and regulations to be promulgated by the Secretary of the Interior pursuant to Public Law 94-579.

c. The right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States;

d. Grantee shall survey and clearly mark the centerline of the right-of-way. The exterior limits shall be clearly marked in an approved manner when required by the Authorized Officer or his delegate. All activities directly or indirectly associated with construction or maintenance must be conducted within the limits of the right-of-way, unless otherwise authorized by permit.

e. As provided by 43 CFR 2851.2-1(c)(6)(ii), Grantee shall locate, design and construct the Line and related facilities,

including access roads, consistent with the criteria jointly established by the Secretary of the Interior and the Secretary of Agriculture and set forth in the publication entitled "Environmental Criteria for Electric Transmission Systems". Representatives of Grantee and Grantee's contractors shall confer with the Authorized Officer at such times before, during, and after construction of the Line as the Authorized Officer may request for the purpose of ensuring compliance by Grantee with the terms of this subsection and/or modifying construction methods to lessen the damage to the environment resulting from construction of the project.

f. All surveying access along the proposed line will use existing roads as much as possible with no roads bladed or cut without proper permits allowing for such construction.

g. Grantee shall construct and maintain the Line in conformity with the descriptive and technical data heretofore furnished the Bureau of Land Management in connection with Grantee's application for the Line, including mitigation measures committed to by the Grantee or BLM in the Final Environmental Statement.

h. If, at any time thereafter, Grantee wishes to reconstruct, significantly remodel, or relocate any portion of the right-of-way hereby granted, or any of the improvement thereon, the prior written approval of the Authorized Officer must be obtained. No such approval will be given unless the request is fully justified by Grantee and is authorized by law. Where necessary, Grantee shall make application under appropriate regulations.

i. With regard to the location, construction and maintenance of the Line: (1) Grantee shall ensure full compliance with the terms and conditions of this grant by its agents, employees and contractors (including subcontractors), and the employees of each of them; (2) unless clearly inapplicable, the requirements and prohibitions imposed upon Grantee by these terms and conditions are also imposed upon Grantee's agents, employees, contractors, and subcontractors, and the employees of each of them; (3) failure or refusal of Grantee's agents, employees, contractors, and subcontractors, or their employees to comply with these terms and conditions shall be deemed to be the failure or refusal of Grantee; (4) Grantee shall require its agents, contractors, or subcontractors to include these terms and conditions in all contracts and subcontracts which are

entered into by any of them together with its agents, employees, contractors, and subcontractors and the employees of each of them shall likewise be bound to comply with these terms and conditions.

j. Unforeseen conditions arising during the term of this grant may make it necessary to revise or amend these terms and conditions to protect the environment and the public interest. In that event, Grantee and the Authorized Officer shall agree as to what revisions or amendments shall be made. If they are unable to agree, the Secretary of the Interior shall have final authority to determine the matter.

k. Grantee shall be responsible for filing relinquishment(s) for any unused portions of the right-of-way; said relinquishment(s) shall be accompanied by survey maps, etc., consistent with the requirements of the original application.

l. Upon termination or relinquishment of the right-of-way, Grantee shall remove all equipment and improvements. Grantee shall restore the land, so far as it is reasonably possible to do so, to its original condition to the satisfaction of the Authorized Officer.

m. Grantee shall comply with applicable Federal and State laws and regulations issued thereunder, existing or hereinafter enacted or promulgated, affecting in any manner construction, operation, maintenance, or dismantling of the Lines.

n. Grantee shall abate any condition existing with respect to the Line that causes serious and irreparable harm or damage to any person or property.

o. Grantee acknowledges and agrees that the grant of this right-of-way shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or disposal by the United States of the lands affected thereby, and that he agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the right-of-way not actually occupied or required by the project, or the full and safe utilization thereof, for necessary operations incident to such management, administration or disposal.

p. Grantee shall make separate application, under applicable statutes and regulations, for additional authorizations to use or occupy Federal lands or natural resources thereon (including, but not limited to sand and gravel) in connection with the Line.

10. Liability

Grantee shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way by the Grantee. Grantee shall be held to a standard of strict liability for any activity or facility within a right-of-way or permit area which the authorized officer determines prevents a foreseeable hazard or risk of damage or injury to the United States. The Grantee or its subcontractors will be held liable as a result of injury, loss of life or damage to property in connection with construction, operation, maintenance or termination of right-of-way grant. Strict liability is not imposed for damage or injury resulting primarily from an act of war or the negligence of the United States. To the extent consistent with other laws, strict liability shall extend to costs incurred by the United States for control and abatement of conditions, such as fire or oil spills, which threaten lives, property or the environment regardless of whether the threat occurs on areas that are under Federal jurisdiction. The maximum limitation shall not exceed $1,000,000 for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which the damage or injury occurred.

In any case where strict liability is imposed and the damage or injury was caused by a third party, the rules of subrogation shall apply in accordance with the laws of the jurisdiction in which the damage or injury occurred.

Grantee shall be fully liable for injuries or damages to third parties resulting from Grantees activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred.

Grantee shall fully indemnify or hold harmless the United States for liability, damage or claims arising in connection with the Grantee's use and occupancy of the rights-of-way.

All owners of any interest in, and all affiliates or subsidiaries of Grantee except for corporate stockholders, shall be jointly and severally liable to the United States in the event that a claim cannot be satisfied by the Grantee.

The provision in this section for a remedy is not intended to limit or exclude any other remedy.

11. Construction Requirements

a. At least 10 days in advance of beginning construction activities on the public lands, the grantee shall submit a

timetable of construction to the Authorized Officer. (If construction is to begin upon receipt of the permit, the grantee shall immediately contact the District Manager to advise him of the immediate construction, and to discuss the timetable of construction.)

b. In the construction, operation, and maintenance of the Line, Grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin, and shall require an identical provision to be included in all subcontracts.

c. The Grantee will assume all liabilities including, but not limited to, road location, soil and geologic stability, design, operations thereto, and maintenance thereafter. The Grantee shall be responsible and liable for identifying, prior to construction, all activities that may jeopardize human welfare or equipment that can be rectified through coordination with the Authorized Officer.

d. The Authorized Officer reserves the right to approve, disapprove, limit, or specify given type of motorized equipment to be used within the right-of-way per se, or access roads, for the purpose of construction, restoration or maintenance. Grantee's needs to utilize specific equipment in specific areas within any given segment, as identified in the Plan of Operation, must be identified and justified in writing to the Authorized Officer for approval.

e. Grantee shall do everything reasonably within its power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near the lands to be occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires. The nearest Bureau of Land Management district office will be notified immediately of any fires noted on public, State, or private lands during the term of this right-of-way grant.

f. Grantee shall repair such roads, fences, and trails as may be destroyed or damaged by construction work and shall build and maintain necessary and suitable crossings for all roads, trails, and fences that intersect the works constructed, maintained, or operated under this grant.

g. Grantee will consult with the Authorized Officer 72 hours in advance on any need to modify or deviate from the submitted application and Plan of Operations concerning any project elements; no preconstruction, construction, post-construction or maintenance activities shall commence on public lands or lands

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that may have archaeological, cultural, or paleontological values, without prior approval of the Authorized Officer.

h. Within 90 days after completion of construction or after all restoration stipulations have been complied with, whichever is later, proof of construction, on forms approved by the Director, shall be submitted to the Authorized Officer.

i. Only certified employees shall use explosives or explosive materials and the transportation and use of explosives shall be in compliance with local, State and Federal regulations.

12. Roads and Access Requirements

a. Grantee shall permit free and unrestricted public access to and upon the right-of-way for all lawful and proper purposes, except the areas designated as restricted by Grantee with the consent of the Authorized Officer in order to protect the public safety or facilities constructed on the right-of-way.

b. During construction, Grantee shall regulate public access and vehicular traffic as required to facilitate construction operations and to protect the public, wildlife, and livestock from hazards associated with the project. Grantee shall provide warnings, flagmen, barricades, and any other safety measures that may be required by the Authorized Officer.

c. Where required by the Authorized Officer, Grantee shall close spur roads and specified portions of the main access road upon completion of construction.

d. Water-bars will be constructed in roadways where determined necessary by the Authorized Officer.

e. Public land areas used for temporary access roads, equipment storage, and other construction activities shall be restored by Grantee to the satisfaction of the Authorized Officer.

f. Design standards for the permanent access roads shall be as stated in the Palo Verde-Devers Final Environmental Statement unless otherwise approved by the Authorized Officer.

g. Grantee will not blade existing roads unless approved by the Authorized Officer.

13. Air Quality and Noise

a. Dust control measures, such as daily watering, will be implemented on roads and disturbed areas within 1 mile of

populated areas, during periods of heavy vehicular traffic, and in areas identified as powdery soil conditions.

b. Equipment repair areas and construction yards to be located on public lands will be at least one-half mile from the nearest residence or business to reduce impact on local residents due to night repair operations, noisy equipment and helicopters.

14. Use of Pesticide and Disposal of Waste Material

a. The Grantee shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides and other toxic substances (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this grant. The Grantee shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1980, deadline for a fiscal year 1981 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this Grant.

b. All petroleum wastes (generally resulting from equipment and vehicle field servicing) will be contained and hauled away to approved disposal areas by the Grantee.

c. During construction and within 90 days following completion of construction, Grantee shall remove or dispose of all waste, litter, and debris caused by its activities in a manner satisfactory to the Authorized Officer.

15. Geology and Mineral Resources

a. Tower sites will not be located on existing fault scarps or known faults.

b. The Line will be located to avoid impacting any active mining operations.

16. Vegetation

a. Upon final approval of the route of the Line, the appropriate "site specific" stipulations may be added to correspond to those areas discussed in Chapter 4 under "Unique Habitats" section of the ES (Pages 4-3 through 4-5).

b. The applicant will be required to purchase Arizona protected plants which cannot be avoided on public lands administered by BLM. The plants will be appraised by BLM and sold to the applicant at fair market value for his disposal in accordance with Arizona State Law. Grantee will notify the Arizona Commission of Agriculture and Horticulture at least 30 days in advance of construction.

c. The Authorized Officer may require vegetation in certain areas be cleared by hand tools. Scalping of top soil and removal of low growing vegetation will not be allowed on tower and pulling sites unless approved by the Authorized Officer.

17. Wildlife

a. The Grantee or its contractor will construct one additional big game watering facility for each existing one within 300 yards of construction in bighorn sheep habitat. These facilities are to be similar to the existing ones and sites will be approved by the Authorized Officer.

b. Construction will cease during January, February and March in the mountainous areas adjacent to sheep lambing grounds. Any new roads developed through these areas will be blocked to prohibit vehicular travel during the lambing period.

c. Grantee shall take all necessary precautions to protect wildlife species. By advance written notice from the Authorized Officer, key wildlife areas may be closed to construction activities for specified periods of time to protect designated wildlife species. No firearms shall be allowed on the project under any circumstance(s), and employees shall be instructed to refrain from needlessly harming wildlife.

d. The Grantee, its contractors or employees are requested to report to the district biologist observations of any threatened or endangered animals, through the Grantee's biologist.

18. Land Use and Ownership

a. Grantee shall develop a plan acceptable to the Federal

Aviation Administration for marking the transmission line in aircraft traffic areas, such as new airports and over the Colorado River.

b. If necessary, induced voltage on conductive objects (such as fences, gates, cattleguards and other metal objects or structures) will be kept at safe levels through grounding or other appropriate corrective measures.

c. Where the access road crosses an existing gas pipeline the Grantee will provide additional surface material to maintain at least 5 feet of cover or requirements as specified by the owner.

d. The Grantee shall protect all survey monuments, witness corners, reference monuments and bearing trees against destruction, obliteration or damage during operations within the right-of-way. If any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the Grantee shall hire the appropriate County Surveyor or a registered land surveyor to reestablish or restore at the same location the monuments, corners, or accessories using surveying procedures in accordance with the Manual of Instructions for the Survey of the Public Lands of the United States, and shall record such survey in appropriate County records. The Authorized Officer may prescribe in writing additional requirements for the protection of monuments, corners and bearing trees.

e. Through Copper Bottom Pass and the Pass between Burnt Mountain and the Bighorn Mountains the Grantee will be required to either, (1) construct double-circuit towers upon granting of the right-of-way, or (2) agree to replace the single-circuit towers with double-circuit towers on the same alignment if a second major transmission line is needed.

19. Visual and Recreation

a. At highway crossings, towers are to be placed at the maximum feasible distance from the roadway.

b. Grantee shall provide for the protection and enhancement of aesthetic values in the planning, construction and maintenance of the Line. Tower and support facilities will be constructed of galvanized steel or have nonreflective finishes that harmonize with their natural setting or as otherwise approved by the Authorized Officer.

c. Nonspecular conductors and light color insulators will be used throughout the transmission line.

d. The Authorized Officer may require any additional reasonable measures he deems necessary to protect the aesthetic values in critical areas.

e. Construction will be curtailed during heavy recreational use periods, including major holidays on the areas and for the periods outlined on page 4-9 of the ES.

20. Cultural Resources

a. Prior to construction and all other surface-disturbing activities, the Grantee will conduct an intensive survey and inventory of paleontological, archaeological, historical, and cultural sites within areas to be occupied by the right-of-way, the access roads, staging areas and all other ancillary facilities. Institutions and individuals conducting such work must possess a Federal Antiquities permit and be approved by the Authorized Officer. The responsibility for, and cost of, such inventory shall be that of the Grantee. The results of the survey and inventory shall be provided to the Authorized Officer for his approval and recommendations for future action.

b. Upon approval of the project research design and intensive inventory report by the Authorized Officer, the Grantee shall prepare, or have prepared by a qualified professional, a mitigation plan derived from the findings of the intensive inventory. The plan will be subject to approval by the Authorized Officer and may include avoidance of cultural or paleontological sites, mitigative data collection, site specific control of access and construction, monitoring recommendations and salvage excavation.

c. Should evidence of previously undiscovered archaeological, historical, or paleontological materials be exposed by ground disturbance during construction, the Grantee shall suspend construction activities in the immediate area, leave the materials intact and notify the Authorized Officer immediately.

The Authorized Officer shall engage a qualified professional, to inspect and evaluate the discovery within two (2) working days. Avoidance measures, monitoring by a qualified professional, or salvage operations, if judged necessary by the Authorized Officer, shall be implemented by the Grantee and shall be completed and approved by the Authorized Officer, prior to resuming construction in the area. The responsibility for, and the cost of, such avoidance, monitoring, or salvage operations shall be that of the Grantee.

d. The Authorized Officer may require the relocation of Line, temporary access roads, or temporary facilities or work areas, if any, where relocation would avoid or decrease damage or destruction to archaeological, historical and/or paleontological values.

e. When necessary to relocate proposed Line, access roads, or temporary facilities or work areas, as a result of survey, on-site avoidance decisions, or Grantee's approved request for relocation, Grantee will resurvey the proposed new locations for archaeological, historical, and paleontological remains and the results shall be provided the Authorized Officer prior to construction. Any mitigation deemed necessary by the Authorized Officer will be completed prior to construction.

f. Vehicles and equipment will be confined/operated only in specified areas receiving prior clearance by the Authorized Officer. Off-road travel by employees will not be allowed except in areas previously approved by the Authorized Officer. Travel in these cases will be confined to the routes flagged. Driving and other activities will not be allowed in or near areas flagged as archaeological sites. In areas where the access roads are not in the right-of-way, travel and work will be confined to the access roads.

g. Paleontological resources (petrified wood and any others) shall be removed from the limits of the right-of-way to a location as directed by the Authorized Officer or his delegate.

h. Archaeological salvage excavation, whether it be conducted during preconstruction mitigation or as an emergency operation during construction, will be the chosen mitigation measure only when the Authorized Officer and an archaeologist on his staff can fully justify salvage excavation as a last resort, and when the Grantee can demonstrate that no other possible measure can be employed to preserve the site and the site data in their original condition and context as found.

i. Collection or disturbance of artifacts and other archaeological, historical, and paleontological materials on or off the right-of-way by the Grantee, his representatives, or employees will not be allowed. Offenders will be subject to prosecution under the appropriate State and Federal laws.

j. The above stipulations pertain to all cultural resources located within the area of a project's/undertaking's potencial environmental impact and will be afforded like identification, evaluation, protection, and/or mitigation measures, including resources on non-Federal lands.

21. Miscellaneous

Within ninety (90) days of completion of construction of the Line, Grantee shall submit a maintenance plan to the Authorized Officer for approval. The plan shall specify the types and frequency of recurring activities to be conducted by Grantee within and along the right-of-way. Either party may request that the maintenance plan be updated to meet changing conditions. Amendments and revisions of the maintenance plan shall be approved by the Authorized Officer.

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Attachment A

Palo Verde - Dovers Transmission Corridor Designation

Gila and Salt River Meridian, Arizona

T. 1 S., R. 6 W.
sec. 4, NW¼;
secs. 5, 6;
sec. 7, N½;
sec. 8, N½;
sec. 9, NW¼.

T. 1 S., R. 7 W.
sec. 1;
sec. 2, NE¼.

T. 1 N., R. 6 W.
sec. 31, S½;
sec. 32, S½;
sec. 33, SW¼.

T. 1 N., R. 7 W.
sec. 5, SW¼;
secs. 6, 7, 8;
secs. 16, 17;
sec. 20, E½;
sec. 21;
sec. 26, SW¼;
secs. 27, 28;
sec. 33, NE¼;
secs. 34, 35, 36.

T. 2 N., R. 7 W.
sec. 31, SW¼.

T. 1 N., R. 8 W.
sec. 1, NE¼;

T. 2 N., R. 8 W.
sec. 2;
sec. 3, E½;
sec. 11;
sec. 13, W½;
sec. 14;
sec. 23, E½;
sec. 24, W½;
sec. 25;
sec. 26, NE¼;
sec. 36.

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T. 3 N., R. 8 W.
sec. 26, SW¼;
sec. 27, S½;
sec. 28, S½
sec. 29, S½;
sec. 30;
sec. 31, NE¼;
sec. 32, N½, N½SE¼;
secs. 33, 34;
sec. 35, W½.

T. 3 N., R. 9 W.
secs. 19 through 30, inclusive.

T. 3 N., R. 10 W.
secs. 19 through 30, inclusive.

T. 2 N., R. 11 W.
sec. 5, NW¼;
sec. 6, NW¼.

T. 3 N., R. 11 W.
sec. 21, S½;
sec. 22, S½;
sec. 23, S½;
sec. 24, S½;
sec. 25, N½;
sec. 26, N½
sec. 27, N½;
secs. 28, 29;
sec. 30, SE¼;
secs. 31, 32;
sec. 33, NW¼.

T. 2 N., R. 12 W.
secs. 1, 2, 3;
sec. 4, S½;
sec. 5, S½;
sec. 6, S½
sec. 7, N½;
sec. 8, N½;
sec. 9, N½;
sec. 10, N½;
sec. 11, N½.

T. 3 N., R. 12 W.
sec. 36, SE¼.

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PHOENIX, ARIZONA

T. 2 N., R. 13 W.
sec. 1, S½;
sec. 2, S½;
sec. 3, S½;
secs. 7, 8, 9, 10;
sec. 11, N½;
sec. 12, N½.

T. 2 N., R. 14 W.
secs. 9, S½;
sec. 10, S½;
sec. 11, S½;
sec. 12;
sec. 13, N½;
sec. 14, N½;
sec. 15, N½;
secs. 16, 17, 18.

T. 2 N., R. 19 W.
sec. 1, S½;
sec. 2. S½
secs. 3, 4;
sec. 5, N½.

T. 3 N., R. 19 W.
sec. 31, S½;
sec. 32, S½;
sec. 33, SW¼.

T. 3 N., R. 20 W.
sec. 18, S½;
secs. 19, 20;
sec. 27, S½;
sec. 28;
sec. 29, NE¼;
sec. 33, NE¼;
secs. 34, 35, 36.

T. 3 N., R. 21 W.
sec. 9, SE¼;
sec. 10;
sec. 11, W½, SE¼;
sec. 12, SW¼;
sec. 13;
sec. 14, N½;
sec. 15, N½;
sec. 16;
sec. 17, SE¼;
sec. 19, SE¼;
sec. 20;

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sec. 21, NE¼;
sec. 29, NW¼;
sec. 30.

T. 2 N., R. 22 W.
secs. 2, 3, 4.

T. 3 N., R. 22 W.
sec. 25;
secs. 35, 36.

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PHOENIX, ARIZONA

Form ASO 2850-1
43 CFR 2851
Rev. 2/22/79

Devers-Palo Verde 500 kV T/L

In connection with right-of-way application A 9878 , applicant agrees that the right-of-way, if approved, will be subject to the regulations contained in 43 CFR 2800, including but not limited to the terms and conditions of Subpart 2851.1-1(a)(5) as set forth below, and subsequent amendments and revisions thereof.

WHEELING STIPULATIONS

(1) In the event the United States, pursuant to law, acquires the applicant's transmission or other facilities constructed on or across such right-of-way, the price to be paid by the United States shall not include or be affected by any value of the right-of-way granted to the applicant under authority of the regulations of this part.

(2) The Department of Energy shall be allowed to utilize for the transmission of electric power and energy any surplus capacity of the transmission facility in excess of the capacity needed by the holder of the grant (subsequently referred to in this paragraph as "holder") for the transmission of electric power and energy in connection with the holder's operations, or to increase the capacity of the transmission facility at the Department's expense and to utilize the increased capacity for the transmission of electric power and energy. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(a) When the Department desires to utilize surplus capacity thought to exist in the transmission facility, notification will be given to the holder and the holder shall furnish to the Department within 30 days a certificate stating whether the transmission facility has any surplus capacity not needed by the holder for the transmission of electric power and energy in connection with the holder's operations and, if so, the amount of such surplus capacity.

(b) Where the certificate indicates that there is no surplus capacity or that the surplus capacity is less than that required by the Department, the authorized officer may call upon the holder to furnish additional information upon which its certification is based. Upon receipt of such additional information the authorized officer shall determine, as a matter of fact, if surplus capacity is available and, if so, the amount of such surplus capacity.

(c) In order to utilize any surplus capacity determined to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the holder's transmission facility in a manner conforming to approved standards of practice for the interconnection of transmission circuits.

Form AS0 2850-
Rev. 2/22/79

(d) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate protective equipment to insure the normal and efficient operation of the holder's transmission facilities.

(e) After any interconnection is completed, the holder shall operate and maintain its transmission facilities in good condition; and, except in emergencies, shall maintain in a closed position all connections under the holder's control necessary to the transmission of the Department's power and energy over the holder's transmission facilities. The parties may by mutual consent open any switch where necessary or desirable for maintenance, repair or construction.

(f) The transmission of electric power and energy by the Department over the holder's transmission facilities will be effected in such manner as will not interfere unreasonably with the holder's use of the transmission facilities in accordance with the holder's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the transmission facility which has been provided at the Department's expense.

(g) The holder will not be obligated to allow the transmission of electric power and energy by the Department to any person receiving service from the holder on the date of the filing of the application for a grant, other than statutory preference customers including agencies of the Federal government.

(h) The Department will pay to the holder an equitable share of the total monthly cost of that part of the holder's transmission facilities utilized by the Department for the transmission of electric power and energy, the payment to be an amount in dollars representing the same proportion of the total monthly cost of such part of the transmission facilities as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the holder's transmission facilities bears to the total capacity in kilowatts of that portion of the transmission facilities. The total monthly cost will be determined in accordance with the system of accounts prescribed by the Federal Energy Regulatory Commission exclusive of any investment by the Department in the part of the transmission facilities utilized by the Department.

(i) If, at any time subsequent to a certification by the holder or determination by the authorized officer that surplus capacity is available for utilization by the Department, the holder needs for the transmission of electric power and energy in connection with its operations the whole or any part of the capacity of the transmission facility theretofore certified or determined as being surplus to its needs, the holder may request the authorized officer to modify or revoke the previous certi-

Form ASO 2850-1
Rev. 2/22/79

fication or determination by making application to the authorized officer not later than 36 months in advance of the holder's needs. Any modification or revocation of the certification or determination shall not affect the right of the Department to utilize facilities provided at its expense or available under a contract entered into by reason of the equitable contract arrangements provided for in this section.

(j) If the Department and the holder disagree as to the existence or amount of surplus capacity in carrying out the terms and conditions of this paragraph, the disagreement shall be decided by a board of three persons composed as follows: The holder and the authorized officer shall each appoint a member of the board and the two members shall appoint a third member. If the members appointed by the holder and the authorized officer are unable to agree on the designation of the third member, he shall be designated by the Chief Judge of the United States Court of Appeals of the circuit in which the major share of the facilities involved is located. The board shall determine the issue and its determination, by majority vote, shall be binding on the Department and the holder.

(k) As used in this section, the term "transmission facility" includes (a) all types of facilities for the transmission of electric power and energy and facilities for the interconnection of such facilities, and (b) the entire transmission line and associated facilities, from substation or interconnection point, of which the segment crossing the lands of the United States forms a part.

(l) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the holder and the Secretary of the Department of Energy or his designee.

* * * *

The holder does not, by executing this stipulation, waive any rights which it might otherwise have to contest the validity or legal enforceability of the regulations, or any portions thereof, pursuant to which the right-of-way herein was granted, or the right of the Secretary to require the execution of this stipulation as a condition to the granting of said right-of-way.

Form ASO 2850-1
Rev. 2/22/79

This stipulation, or the parts thereof that are affected, shall be deemed to have been rescinded, without affecting the terms of said right-of-way grant in any other respect, in the event that there should be a final judicial determination (after all appellate proceedings, including certiorari, have been exhausted or the time therefor has expired) by a court of competent jurisdiction in a proceeding (by holder or others, wherever and whenever brought) in which the United States or the Department of Energy is a party, that the regulations pursuant to which this stipulation was entered into, or any pertinent part thereof, are invalid or legally unenforceable, or that the execution of this stipulation, or any part thereof, cannot lawfully be required by the Secretary as a condition to the granting of said right-of-way.

4/9/80
Date

Signature of Authorized Officer

Vice President
Title

Case # 34
Exhibit B-1

ENVIRONMENTAL REPORT

APRIL 1977

Devers-Palo Verde
500 KV Transmission Line

SCE
Southern California Edison

EXHIBIT
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admitted

either in part or in total, is not considered to be a feasible alternative to the proposed overhead transmission system.

9.1.6.2 Direct Current

Underground direct current transmission systems have received little developmental consideration to date. However, this type of system would have some problems similar to those encountered with AC underground systems (Section 9.1.6.1). While reactor stations would not be required, the underground direct current system would necessitate a converter-inverter station at the terminal points of the line.

An underground direct current transmission system is not considered to be a viable alternative to the proposed overhead transmission system.

9.1.7 ALTERNATIVE TRANSMISSION LINE STRUCTURES

Current design plans indicate need for only one 500 kV transmission line for SCE to obtain its share of the power to be generated by PVNGS. However, unknown factors such as SCE's participation in future generating units at Palo Verde or other utilities finding a need to connect a 500 kV line to the Palo Verde Station would indicate the possible future need for more than one transmission line on the proposed right of way.

Most of the area traversed by the preferred and alternate routes for the proposed transmission line include remote

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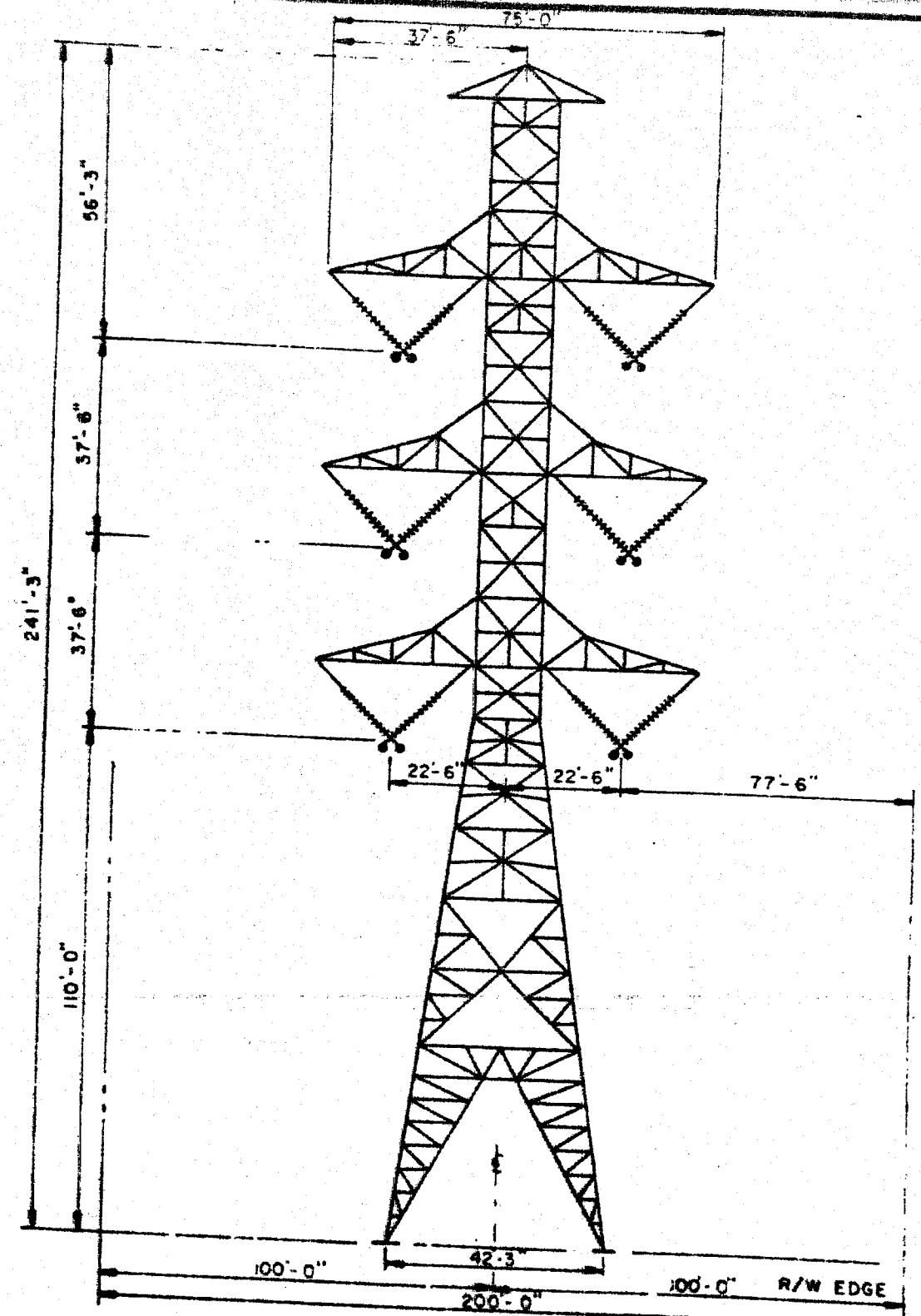
desert regions where the future construction of other lines in the same corridor would not prohibit or destroy existing land use. However, certain areas such as the Copper Bottom Pass in the Dome Rock Mountains just east of the Colorado River near Blythe, California may pose a problem to the environment if more than one line is necessary at some future date.

If the situation arises during the approval stages of this project, that construction of more than one line on the proposed corridor is eminent, then SCE as an alternative would propose a multiple-circuit structure such as that shown on Figure 9-2 through areas of limited space, such as that encountered through the Copper Bottom Pass area.

The main advantage of using such a structure is the opportunity of constructing more than one line of the same voltage on the same amount of right of way as required for a one single circuit line, 200 feet in this case. Two single circuit 500 kV lines would require a 330-foot right of way width using single circuit construction.

The main disadvantages of a double or multiple circuit structure are appearance, reliability and cost. The multiple circuit structures will be taller (241 feet) than the proposed single circuit structures (140 feet), and can be seen for longer distances than the smaller single circuit structures. More importantly, the multiple circuit structures containing



Location PALO VERDE NUCLEAR PROJ.

TYPICAL 500KV
DOUBLE CIRCUIT
STRUCTURE

Southern California Edison SCE

FIGURE 9-2

more than one line of a high voltage will be less reliable than two structures separated by 130 feet in case of accidents, such as fire or aircrash.

The 1976 costs for single circuit 500 kV construction is approximately $230,000 per mile while double circuit construction is approximately $700,000 per mile.

Based on knowledge to date, there will be no need to construct another 500 kV transmission line on the proposed right of way. Therefore, a multiple circuit structure, although a feasible alternative, is not preferred over single circuit structures.

9.1.8 ALTERNATE TELECOMMUNICATIONS SYSTEM

The alternate telecommunication system, presented in Figure 9-3, will involve construction of new facilities on Cunningham Mountain and the Chuckwalla Mountains. The new Chuckwalla facility would be the same as that proposed for the preferred system (Section 1.3.10).

Cunningham Mountain will be a new facility constructed adjacent to existing users. This facility would include a prefab building, an 85 foot tubular or lattice steel tower, emergency generator and fuel tanks. Power for this site would be provided by constructing approximately 7 miles of distribution line. Power on Cunningham Mountain at present is supplied by diesel generators located approximately 1000 feet below the peak and extending to the existing facilities by an overhead pole line. An access road exists to this site.

DEPARTMENT OF THE INTERIOR

DRAFT
ENVIRONMENTAL STATEMENT

Proposed

PALO VERDE-DEVERS POWER TRANSMISSION LINE

Arizona State Director

EXHIBIT
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S-36
admitted

SUMMARY

Draft (X) Final ( ) Environmental Statement

Department of the Interior, Bureau of Land Management
U.S. Nuclear Regulatory Commission

1. Type of Action: Administrative (X) Legislative ( )

2. Brief Description of Action: The proposed action is the construction of a single-circuit 500 kV transmission line from the Palo Verde Nuclear Generating Station near Buckeye, Arizona, to Southern California Edison Company's Devers Substation near Palm Springs, California. The proposed line would cross lands in private and State ownership, Indian Reservations and Federal lands administered by the Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service and U.S. Army, varying between 235 and 265 miles (378-426 km) long, depending on route selected. The proposed action includes upgrading one substation, adding two telecommunication sites and upgrading several others and construction of new access roads as needed.

3. Summary of Environmental Impacts: The proposed action will result in:

- an increment of damage to the soil and vegetation between 1,742 and 1,915 acres (705-790 ha), depending on route.
- disruption of wildlife habitat along the length of the transmission line, both directly during construction and indirectly by opening new road access.
- visual impacts of varying degrees, including visual impacts to between 6 and 10 wilderness study areas and one proposed wilderness area, depending on route.
- beneficial impacts to the economy of the area and the various taxing jurisdictions.
- permanent and temporary disruption of agricultural operations along 14 to 22 miles (22-35 km) of the transmission line.

4. Alternatives Considered:

a. No action
b. Delay of construction
c. Upgrading existing transmission lines
d. New methods of transmission
e. Limiting consumption of electricity
f. Alternate routes.

5. Comments Have Been Requested from the Following:

See attached list.

6. Date Draft Statement Made Available to EPA and the Public:

July 1978.

IMPACTS OF A SECOND 500 kV TRANSMISSION LINE

As noted in chapter 1 under the heading INTERRELATIONSHIPS, an application has been filed with NRC for a license to construct two additional generating units at PVNGS. If the license is approved, there is a high probability that a second 500 kV transmission line would be required to transmit power to California.

In the absence of a firm proposal concerning the design of the second line, it is not possible to quantify the impacts in detail. The impacts can only be addressed in generalities. There are perhaps four methods of adding a second 500 kV line:

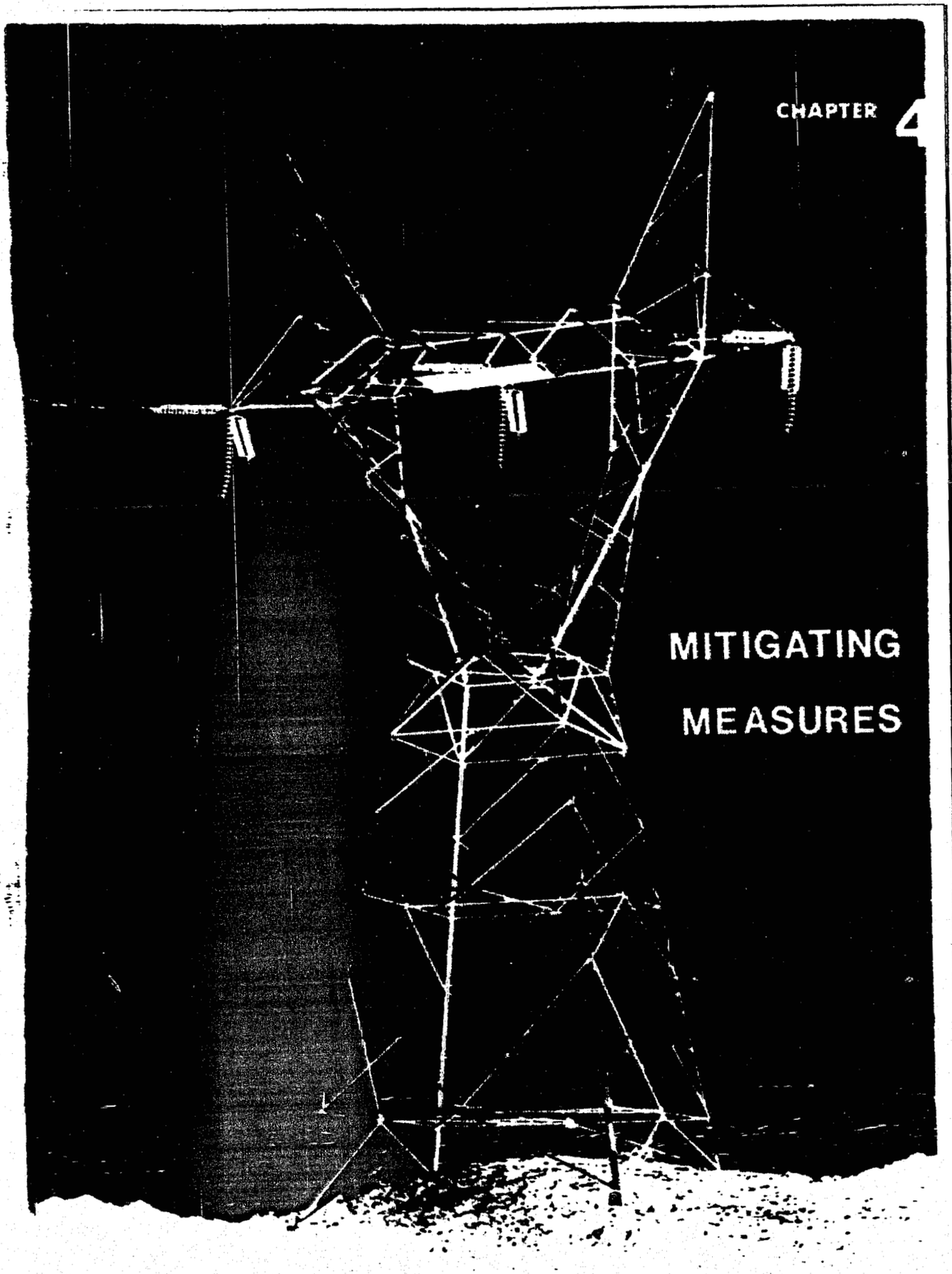
1. Using double-circuit towers for the full length;
2. A second set of towers constructed immediately parallel to the first line;
3. Using an entirely new corridor; or
4. Some combination of the three above.

In the double-circuit method, the impacts associated with surface disturbance or occupancy would be nearly identical to those identified in the remainder of this chapter for a single 500 kV line. The major differences would be in the form of construction costs and visual impacts, since the towers would be considerably taller and heavier to support two 500 kV circuits.

Assuming that the same main access road would be used for construction, the impact of a second line immediately paralleling the first line would probably be less than double the impact of a single line. In some cases, such as visual impact and archaeology, it is possible that the cumulative impact of two lines would be more than twice the impact of a single line.

Using an entirely different corridor would result in an entirely different set of impacts which may have no relationship to the impacts identified in this statement.

The fourth method (a combination of the first three) is probably the most likely to be used. Due to the expense involved in double-circuit construction (nearly three times the cost of single-circuit, according to the applicant), the utilities would probably prefer to construct a parallel line. However, in restricted areas, such as narrow mountain passes or urban areas, it may be necessary to use double-circuit towers or deviate from the original alignment. In this case, the impacts could vary considerably, depending upon the amounts and locations of double-circuit construction or new alignment proposed.



CHAPTER 4

MITIGATING MEASURES

CHAPTER 4

MITIGATING MEASURES

INTRODUCTION

If a right-of-way is approved, Federal, State and local government agencies will issue permits for the powerline construction across areas under respective jurisdictions. Each government agency involved is obligated by laws and regulations to require measures that will mitigate environmental impacts. Specific measures to mitigate impacts must be real, committed and enforceable.

BLM requested each authorizing agency (letter dated January 6, 1978 in appendix) to define specific mitigation measures which will be required of the applicant. These measures will be incorporated by BLM into the right-of-way grant. Only those agencies which responded are mentioned below.

The California and Arizona BLM State Directors will appoint compliance officers with full authority to interpret and enforce stipulations included in the right-of-way grant.

Prior to the beginning of construction, the applicant will present a complete plan of operation to State BLM Directors and other authorizing agencies. SCE shall agree to the regulations, mitigation measures, and other stipulations included in the grant of right-of-way.

Preconstruction conferences will be held in each State with SCE and its contractors, where all authorizing agencies will explain stipulations in necessary detail to protect the environment and arrive at a mutual understanding of all mitigation measures.

MITIGATION MEASURES BY FEDERAL AGENCIES

BUREAU OF LAND MANAGEMENT

General Measures

The primary mitigation measures to be employed by the BLM are:

1. If BLM decides to grant SCE a right-of-way [illegible] next step is to select from a combination of proposed, alternate and/or subalternate

routes the best overall transmission line route. This decision will be based on a study of all resources and interests for each alternate and subalternate route.

2. Once a route is selected, the applicant will cooperate with BLM in decisions concerning the final location of (a) the centerline within the 2-mile-wide corridor, (b) each individual tower site, and (c) all other areas where surface will be disturbed, including access roads, construction and equipment yards, pulling stations, and other ancillary facilities.

The latter measure will provide mitigation for site-specific resources by placement of construction areas at a distance which will reduce or eliminate impacts.

Air Quality and Noise

Air Quality

Watering of roads and disturbed areas to control dust will be required as directed by the BLM authorized officer. Generally, watering will be required on roads and disturbed areas within 1 mile (1.6 km) of residences or other populated areas. Also, watering of roads will be required during periods of heavy vehicular traffic. Areas containing silty and loamy Argids, Orthids and Fluvents soils will produce large amounts of dust when the surface layer is destroyed or disturbed. These areas will require watering daily to control dust. Areas in the corridors with high potential for dust are shown by mileposts in figure 3-1 "Summary of Potential Fugitive Dust", chapter 3.

Noise

Equipment repair areas and construction yards will be located at least one-half mile (.8 km) from the nearest residence or business. This measure will reduce impact on local residents due to night repair operations, noisy equipment and helicopters. It is unlikely that noise from these activities could be completely isolated from urban areas.

Water Resources

No dumping of oil waste, toxic materials, solid or liquid waste will be allowed. Wherever possible, major drainages should be spanned, and access roads will be properly built in flood prone and flash flood areas

to avoid erosion and gullying. Caution will be exercised in the location of batch plants and pulling yards to avoid drainages during the rainy months of July, August, December and January.

Topography

Construction on steep slopes in mountainous areas will be avoided, and natural corridors will be used whenever possible. Tower pads and access roads on slopes will be designed to avoid erosion.

In restricted areas such as narrow canyons and mountain passes, the applicant will be required to either (1) construct double-circuit towers upon granting of the right-of-way, or (2) agree to replace the single-circuit towers with double-circuit towers (on the same alignment) if a second major transmission line is needed.

Geology and Mineral Resources

Tower sites are not to be located on existing fault scarps or known faults. The line will be located to avoid impacting any current underground or open-pit mining operation.

Soils

The necessary measures to effectively reduce soil impacts are included in chapter 1, as prior commitments by the applicant.

Vegetation

Vegetation mitigation is presented under General Habitats, Unique Habitats and Protected Species.

General Habitat Types

SCE has established general procedures for vegetation mitigation in chapter 1.

Unique Habitats

Brenda Route

Mesquite Wash Milepost 50

Towers will be placed at habitat periphery to span a maximum area.

048.0001.0005

DEPARTMENT OF THE INTERIOR

FINAL
ENVIRONMENTAL STATEMENT

SOUTHERN CALIFORNIA EDISON COMPANY

Proposed

500 kV PALO VERDE-DEVERS POWER TRANSMISSION LINE
PALO VERDE GENERATING PLANT, ARIZONA
TO
DEVERS SUBSTATION, CALIFORNIA

Prepared by:
U.S. Department of the Interior
Bureau of Land Management
Arizona State Office
Phoenix, Arizona

Director, Bureau of Land Management

EXHIBIT
tabbies
S-37
admitted

IN REPLY REFER TO

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE
2400 VALLEY BANK CENTER
PHOENIX ARIZONA 85073

Enclosed is the Final Environmental Statement for a 500 KV Transmission Line from the Palo Verde Generating Plant, Phoenix, Arizona, to the Devers, California Substation.

The Yuma District of the Bureau of Land Management prepared the environmental statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969. The document describes and analyzes impacts which would result from a proposed transmission line, along with alternatives to that plan.

Thank you for your interest in this Environmental Statement.

Sincerely,

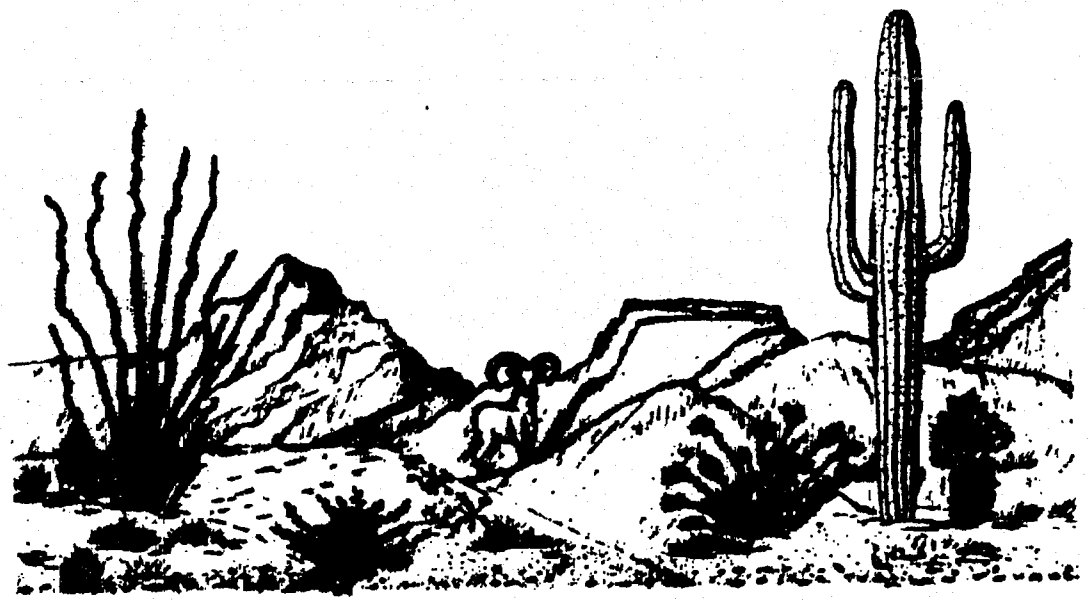
Acting State Director

045-0001-000

ARIZONA CORPORATION COMMISSION
RECEIVED
MAR 3 1980
Director of Utilities

FINAL ENVIRONMENTAL STATEMENT

PALO VERDE-DEVERS 500KV TRANSMISSION LINE



Prepared by

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
AND
U.S. NUCLEAR REGULATORY COMMISSION

048.0001.0005

CHAPTER 4

MITIGATING MEASURES

INTRODUCTION

If a right-of-way is approved, Federal, State and local government agencies will issue permits for the powerline construction across areas under respective jurisdictions. Each government agency involved is obligated by laws and regulations to require measures that will mitigate environmental impacts. Specific measures to mitigate impacts must be real, committed and enforceable.

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Prior to the beginning of construction, the applicant will present a complete plan of operation to State BLM Directors and other authorizing agencies. The applicant shall agree to the regulations, mitigation measures, and other stipulations included in the grant of right-of-way.

Preconstruction conferences will be held in each State with the applicant and its contractors, where all authorizing agencies will explain stipulations in necessary detail to protect the environment and arrive at a mutual understanding of all mitigation measures.

MITIGATION MEASURES BY FEDERAL AGENCIES

BUREAU OF LAND MANAGEMENT

General Measures

The primary mitigation measures to be employed by the BLM are:

1. If BLM decides to grant the applicant a right-of-way permit, the next step is to select from a combination of proposed, alternate and/or

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subalternate routes the best overall transmission line route. This decision will be based on a study of all resources and interests for each alternate and subalternate route.

2. Once a route is selected, the applicant will cooperate with BLM in decisions concerning the final location of (a) the centerline within the 2-mile-wide corridor, (b) each individual tower site, and (c) all other areas where surface will be disturbed, including access roads, construction and equipment yards, pulling stations, and other ancillary facilities.

The latter measure will provide mitigation for site-specific resources by placement of construction areas at a distance which will reduce or eliminate impacts.

Climate

There will be no mitigating measures concerning the climate.

Air Quality and Noise

Air Quality

Watering of roads and disturbed areas to control dust will be required as directed by the BLM authorized officer. Generally, watering will be required on roads and disturbed areas within 1 mile (1.6 km) of residences or other populated areas. Also, watering of roads will be required during periods of heavy vehicular traffic. Areas containing silty and loamy Argids, Orthids and Fluvents soils will produce large amounts of dust when the surface layer is destroyed or disturbed. These areas will require watering daily to control dust. Areas in the corridors with high potential for dust are shown by mileposts in figure 3-1 "Summary of Potential Fugitive Dust", chapter 3.

Noise

Equipment repair areas and construction yards will be located at least one-half mile (.8 km) from the nearest residence or business. This measure will reduce impact on local residents due to night repair operations, noisy equipment and helicopters. It is unlikely that noise from these activities could be completely isolated from urban areas.

Water Resources

No dumping of oil waste, toxic materials, solid or liquid waste will be allowed. Wherever possible, major drainages should be spanned, and access roads will be properly built in flood prone and flash flood areas

048.0001.0005

to avoid erosion and gullying. Caution will be exercised in the location of batch plants and pulling yards to avoid drainages during the rainy months of July, August, December and January.

Topography

Construction on steep slopes in mountainous areas will be avoided, and natural corridors will be used whenever possible. Tower pads and access roads on slopes will be designed to avoid erosion.

In restricted areas such as narrow canyons and mountain passes, the applicant will be required to either (1) construct double-circuit towers upon granting of the right-of-way, or (2) agree to replace the single-circuit towers with double-circuit towers (on the same alignment) if a second major transmission line is needed.

Geology and Mineral Resources

Tower sites are not to be located on existing fault scarps or known faults. The line will be located to avoid impacting any current underground or open-pit mining operation.

Soils

The necessary measures to effectively reduce soil impacts are included in chapter 1, as prior commitments by the applicant.

Vegetation

Vegetation mitigation is presented under General Habitats, Unique Habitats and Protected Species.

General Habitat Types

The applicant has established general procedures for vegetation mitigation in chapter 1.

Unique Habitats

Brenda Route

Mesquite Wash - Milepost 50

Towers will be spaced at the maximum distance to span the widest possible habitat. Towers will be positioned outside or very near the periphery of the habitat, if possible.

IN REPLY REFER TO

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ARIZONA STATE OFFICE
2400 VALLEY BANK CENTER
PHOENIX, ARIZONA 85073

5100 (911)
A9878

Enclosed for your review and comment is the draft environmental statement for a 500 kv transmission line from the Palo Verde Generating Plant, Phoenix, Arizona to the Devers, California substation.

The statement is based on information from Bureau of Land Management and other sources, including information supplied by and in consultation with Federal, State, and local agencies, and interested private organizations and individuals. The purpose of the statement is to disclose in advance the probable environmental impacts of the proposed action and its alternatives, and to assure that these factors are considered along with economic, technical, and other considerations in the decisionmaking process.

We would appreciate receiving your comments on the environmental impacts of the proposed action. The comment period will run for 45 days after notice is printed in the Federal Register by the Environmental Protection Agency. Public hearings will be held and details of these hearings will be advertised. Comments received after the 45-day review period will be considered in the subsequent decision process, even though they may be too late for inclusion in the final environmental statement.

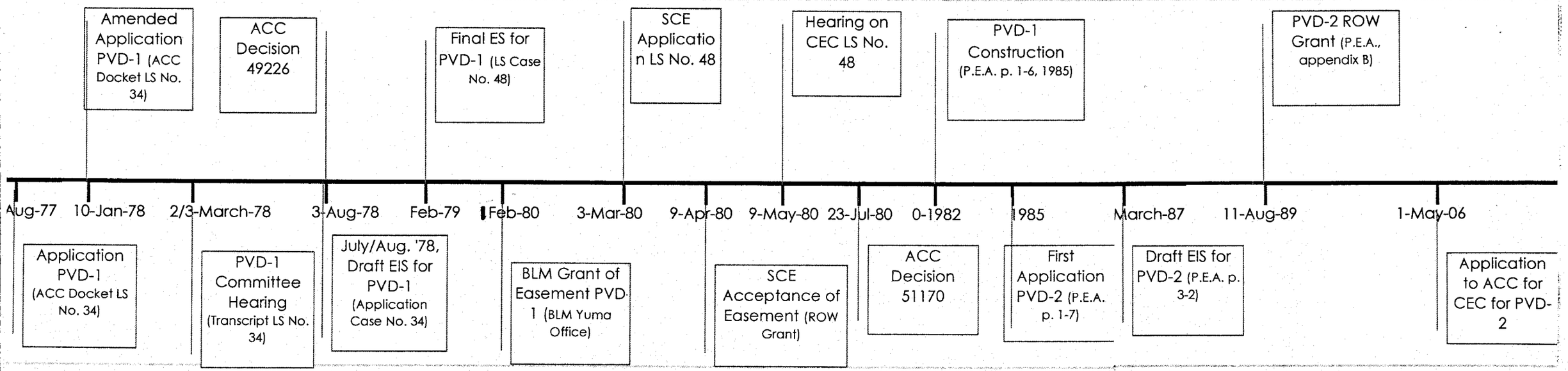
Your comments should be sent to:

Bureau of Land Management
Arizona State Director (911)
2400 Valley Bank Center
Phoenix, Arizona 85073

Sincerely,

State Director

Palo Verde-Devers I and II Timeline



EXHIBIT

S-39

admitted

Before the

POWER PLANT AND TRANSMISSION LINE

SITING COMMITTEE OF ARIZONA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY, in conformance with the requirements of Arizona Revised Statutes Section 40-360, et seq., for a Certificate of Environmental Compatibility for the Arizona portion of one 500 kv transmission line between the Palo Verde Nuclear Generating Station (under construction) near Wintersburg, Arizona, and the Devers substation (existing) near Palm Springs, California.

CASE NO. 34

Phoenix, Arizona
March 2, 1978

APPEARANCES:

SNELL & WILMER, by STEVEN M. WHEELER, and TOM P. GILFOY, Attorneys for Southern California Edison Company;

BURCH, CRACCHIOLO, LEVIE, GUYER & WEYL, P.A., by FRANK HAZE BURCH, Attorneys for Tonopah Valley Association;

JAMES H. GREEN, JR., Attorney for Harquahala Valley Association and Harquahala Valley Environmental Association;

MARK M. GRUMLEY
Court Reporter

EXHIBIT
S-40
admin notice

Before the

POWER PLANT AND TRANSMISSION LINE

SITING COMMITTEE OF ARIZONA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY, in conformance with the requirements of Arizona Revised Statutes Section 40-360, et seq., for a Certificate of Environmental Compatibility for the Arizona portion of one 500 kv transmission line between the Palo Verde Nuclear Generating Station (under construction) near Wintersburg, Arizona, and the Devers substation (existing) near Palm Springs, California.	CASE NO. 34

At: Phoenix, Arizona

Date: March 2, 1978

VOLUME I

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COURT REPORTERS
PHOENIX, ARIZONA

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The Power Plant and Transmission Line Siting Committee of Arizona convened at Rooms N-9 and N-10, Phoenix Civic Plaza, Phoenix, Arizona, on the 2nd day of March, 1973, Mr. Thomas P. Prose, Designee of Chairman Bruce E. Babbitt, The Attorney General, presiding.

THE CHAIRMAN: This meeting of the Power Plant and Transmission Line Siting Committee will please come to order.

May we have your attention, please? Will the meeting come to order, please. Excuse me, would you take your seats, please, so the meeting can come to order.

My name is Thomas Prose and this is a meeting of the Power Plant and Transmission Line Siting Committee.

It is a statutory duty of this Committee to determine whether or not to issue a Certificate of Environmental Compatibility to applicants who desire to locate power plants or transmission lines in Arizona.

Southern California Edison has applied for a Certificate to locate a 500 kv transmission line between Palo Verde Nuclear Generating Station and Devers substation. The Committee will

consider that application today at this hearing.

This case is designated as Case No. 34 before the Committee.

My name is Tom Prose. I am an Assistant Attorney General. I am the representative of The Attorney General and I am the Chairman of this Committee by statute. It is my duty to make rulings on matters of law, matters of evidence, matters of procedure. It is the Committee's duty to decide the issues here today and vote on whether or not to issue the Certificate.

At this time, I would like to have the Committee Members identify themselves for the record. I would like them to state on whose behalf they are here. If they represent themselves as a public member, please so state. We will start to my left. Identify yourself, sir, please.

MR. ARLO LEE: Arlo Lee.

THE CHAIRMAN: Mr. Lee, you are a public member, is that correct?

MR. ARLO LEE: Right.

MR. ARTHUR LEE: Arthur Lee. I represent the Arizona Association of Counties.

MR. LEWIS: Orme Lewis, Jr., public member.

MR. WOOD: Dave Wood, public member.

MR. FISH: Bill Fish, designee for Andrew L.

Bettwy, State Land Commission.

MR. CARR: I am John Carr, for Robert Jantzen, Director of the Arizona Fish and Game Department.

MR. ROTTA: Ken Rotta for Ernie Garfield, Arizona Corporation Commission.

MR. WURBS: Martin Wurbs for Wes Steiner, Executive Director of the Arizona Water Commission.

MR. JOHNSON: Clint Johnson, designee for Brent Brown, Office of Economic Planning and Development.

THE CHAIRMAN: The Office of Economic Planning and Development, sir?

MR. JOHNSON: Yes.

MR. GILBERT: Don Gilbert, Arizona Atomic Energy Commission.

MR. VEGORS: Wally Vegors, representing Mike Ramnes, Arizona State Parks.

THE CHAIRMAN: This hearing was noticed for this time and date and place. Does the applicant have evidence of publishing appropriate notices that they can introduce into the record at this time?

MR. WHEELER: Yes, Mr. Chairman. I might note that my name is Steven M. Wheeler, of the law firm of Snell & Wilmer in Phoenix, Arizona, and along with Mr. Tom Gilfoy, from the Southern

California Edison Legal Department, we will be representing the applicant in this proceeding.

Mr. Chairman, I would like the record to note that proper notice was published in the following newspapers: The Palo Verde Times, The Avondale Westsider, The Parker Pioneer, The Arizona Republic, The Yuma Daily Sun, and The Buckeye Valley News.

THE CHAIRMAN: Are there any objections to the notice that was published by any member of the Committee or any party?

(No response.)

THE CHAIRMAN: It is so ordered that notice was properly published and accepted and put into the record at this time.

At this point, we will recognize and determine who will be the parties to this proceeding. One of the first groups to apply for intervention was the Tonopah Valley Association. The application was filed by Mr. Frank Haze Burch. Is Mr. Burch present?

MR. BURCH: Mr. Chairman, I am present and we are ready to proceed.

THE CHAIRMAN: Are there any objections to the intervention by this group?

(No response.)

THE CHAIRMAN: It is ordered that the Tonopah Valley Association is hereby party to this proceeding.

Next, the Harquahala Valley Association and the Harquahala Valley Environmental Association are represented by attorney Mr. Green. They have timely and properly applied for intervention. Also, the Tonopah Valley Irrigation District applied for intervention.

MR. GREEN: Excuse me, Mr. Chairman, I think you mean the Harquahala Valley Irrigation District.

THE CHAIRMAN: Excuse me, I'm sorry, Harquahala Valley Irrigation District. Just with regard to the two associations at this time, Mr. Green, are you present and are your parties here?

MR. GREEN: I am James H. Green, Jr. I am present representing the entities that you have mentioned, Mr. Chairman.

THE CHAIRMAN: I will not rule on the irrigation district and the propriety of whether or not they could or could not be a party to this proceeding, but, pursuant to our agreement prior to the beginning of the hearing, it is my understanding that all interests can be represented by you with the two remaining parties, is that

correct?

MR. GREEN: That is correct, and I think that you had further indicated, Mr. Chairman, that the issue of the irrigation districts being parties to proceedings of this kind has been one that has been raised in the past and the ruling on which has been reserved in the past on other hearings. On that basis and the basis that you have stated, we are prepared to proceed.

THE CHAIRMAN: Absent any objection from any Committee Members, we will recognize those two associations as parties and represented by Mr. Green. Are there any objections?

MR. GREEN: Mr. Chairman, as indicated by you in our earlier informal preliminary conversation, however, should it appear at some time that the interests of Harquahala Valley Irrigation District could not be adequately and fairly represented by the parties who otherwise will be appearing through me, I then would respectfully request the Commission to have the Chairman reconsider that ruling.

THE CHAIRMAN: If it becomes an issue later on, you will be entitled to a ruling, Mr. Green.

MR. GREEN: Thank you, sir.

THE CHAIRMAN: There have been numerous

additional applications to intervene and I think I have most of them in order. Let me read them off in order, if I may. Mr. Don Begalke has requested intervention, Captain O'Brien, The Eagle Water Company, the Arizona Rangers Pistol & Rescue Team, Harquahala Ranches, the Ranch Cattle Management Company, Harquahala Lions Club, the Harquahala Ranches Home Owners and Property Owners Association, Harquahala Valley Saddle Mountain Women's Club, Harquahala Valley 4-H Club, Friends of the Earth, Incorporated, Mr. Kevin Dahl, and Barto B. Price. It is my understanding that Mr. Dahl has withdrawn his request to intervene at this time, so his request will not be considered.

I have reviewed each of these applications for intervention and I find that none of them meet the requirements under the rules or the law for intervention pursuant to A.R.S. 40-360.05, Paragraph A, Subsections 2 and 3, for some or all of the following reasons:

The applicant did not file 25 copies of a Notice of Intent to be a Party ten days prior to the scheduled hearing pursuant to Rule 14-3-204 of the Rules of this Committee;

The request for intervention did not recite the interests in the Notice of Intent to be

a Party pursuant to the same above-mentioned rule;

Most, if not all, of the above-mentioned applicants for intervention are groups, corporations, or organizations. They were not represented by an attorney and, as far as I know, they are not represented by an attorney as required by the Rules of this Committee and the laws of the State of Arizona; finally, none of the above fell within the provisions of A.R.S. 40-360.05, Paragraph A, Subsections 2 and 3.

Therefore, it is ordered denying intervention on that basis.

I have also considered the above-mentioned applications for intervention pursuant to A.R.S. 40-360.05, Paragraph A, Subsection 4. Subsection 4 allows this Committee or the Chairman to recognize anybody as a party to this proceeding at any time. It is clear to me that the legislature's intent in drafting this statute was that those individuals who qualified to intervene pursuant to Subsections 2 and 3 of the statute should be parties if they properly apply and, absent extraordinary circumstances, all other applications should only be treated as limited appearances. I am prepared to rule on this and my ruling will

be to reject these applications for intervention. However, before I rule, I will entertain any motions or objections to that ruling by any party or any Member of the Committee. Starting to my left, are there any questions, motions, or objections?

MR. LEWIS: Mr. Chairman, I have a question.

Mr. Chairman, during my short tenure on the Committee, we have entertained witnesses as parties before under Subsection A4, as you stated, and to that end, I feel that it might be appropriate, assuming it is not dilatory, that any representative of the so named groups be permitted to approach the podium and address the Committee before we get into the formal hearing on the subject case to make such a plea, but if it is the sense of the Committee that it becomes dilatory, perhaps we can move on.

MR. JOHNSON: Mr. Chairman, I would like to endorse those statements.

THE CHAIRMAN: Any other comments?

MR. ROTTA: Mr. Chairman, the only comment I wanted to make is if there are other reasons for denying, that's fine, but strictly on the basis of the 25 copies, the hearing notice that went out does not specify that and people that came

and asked for a copy of the notice could not have been advised that 25 copies are necessary.

THE CHAIRMAN: Well, the notice doesn't recite all the requirements of the statutes and the rules, but the rules and the statutes still prevail, sir. However, I think Mr. Lewis' suggestion is well taken.

The individuals that I named, the associations or individuals, if any of them want to be heard at this time on their request to intervene, please identify yourself.

MR. GREEN: Mr. Chairman, excuse me, this is Jim Green speaking, representing the Harquahala Valley Association and the Harquahala Valley Environmental Association.

THE CHAIRMAN: Yes, Mr. Green.

MR. GREEN: I may say, Mr. Chairman, for the benefit of the Committee and yourself and those present that there are some who are members or officers of some of those entities whom you have now read who may and plan to be a part of the testimony which we will present here on behalf of the Harquahala Valley Association or the Environmental Association. They know who they are, and I would not want them to be required at this time to speak under the present decision of the

Chairman. I direct these comments only as to those. Any others, of course, about whom I have no knowledge, are excluded from what I am saying.

THE CHAIRMAN: Well, is it my understanding then that at least some of these organizations and people, you have communicated with them and you have worked out some arrangement to represent their interests or communicate their interests?

MR. GREEN: Not as attorney and I do not represent them as an entity. They, however, are in some cases members of the associations I do represent and will speak through that vehicle.

THE CHAIRMAN: Fair enough. I assume that those people know who they are. Are there any other individuals who wish to address the Committee at this time on the subject of intervention as a party?

MR. PRICE: My name is Barto Price and I would like a few words.

THE CHAIRMAN: Okay, Mr. Price.

MR. WHEELER: Mr. Chairman --

MR. PRICE: I have been out in the valley for --

THE CHAIRMAN: Excuse me, someone is trying to get my attention.

MR. WHEELER: Yes. This is Mr. Wheeler. Do

I understand that this discussion at this time is solely with regard to whether or not the individuals and groups you listed are to become parties to the proceeding itself, not for the purpose of ascertaining their position in this matter or hearing evidentiary testimony?

THE CHAIRMAN: That's correct. You should limit your remarks to your request for intervention. You should not make any statements on the subject of the merits of this case.

MR. PRICE: When will we have a chance to intervene?

THE CHAIRMAN: Well, we are going to decide, sir, whether or not you have the right to intervene right now. If you are given that right, then you can make your remarks later on. If you are not recognized as a party, you will not be given an opportunity to make any remarks. I would like you to address yourself to the question of whether or not you should be allowed to intervene. Who do you represent, first?

MR. PRICE: I represent the owners of some 1,200 pieces of property in the valley up there, the Harquahala Valley.

THE CHAIRMAN: Are you an attorney at law, sir?

MR. PRICE: No, sir.

THE CHAIRMAN: In that case, I cannot listen to you with regard to representing other individuals. I will hear you with regard to whether you want to intervene on your own behalf, sir.

MR. LEWIS: Objection, Mr. Chairman. In all due respect, the Committee previously has made rare exceptions to this, and the fact that he is not an attorney and does not statutorily have the right in law t· represent those alleged property owners, I still think that you can't preclude him from stating his request in their behalf tu intervene, as to how it came to pass, how the petition of these property owners got before him, and so forth. I mean I beg to differ with the Chairman's strict interpretation of the statutory intent that this hearing be a strict legal hearing as opposed to being an airing of a matter amd giving the public the opportunity within some restraints to speak to the issues. If indeed he does validly represent 1,200 people, to preclude him from addressing the body and arguing his right to intervene I think is wrong.

THE CHAIRMAN: Are there any other comments by the Committee Members on what Mr. Lewis just said?

MR. JOHNSON: Mr. Chairman, I would concur with his remarks.

THE CHAIRMAN: Any other comments?

(No response.)

THE CHAIRMAN: Do the parties wish to address themselves to that question?

MR. BURCH: Speaking for the Tonopah Valley Association, Mr. Chairman, we have no objection to anyone who is a late arrival, so to speak, speaking for themselves. I would be somewhat concerned about the bona fides of anyone who says they represent 1,200 property owners without knowing some foundation for that statement. If they will show that, then I would waive any objection. If they can't show that, then I would certainly not want the Committee burdened with that kind of a presentation. As to any individual who is here and wants to be heard, I have no objection to that person speaking.

MR. GREEN: Mr. Chairman, Mr. Green for the associations that I am here representing, and I have no objection at all to this gentleman or any others who have an expressed desire by the Members of the Committee to be heard to be heard for whatever their testimony does contain.

THE CHAIRMAN: Any other comments?

(No response.)

THE CHAIRMAN: It is the law of the State of Arizona that an individual cannot represent another individual, group, or organization unless he is admitted to practice law in the State of Arizona. Therefore, I will not entertain any remarks by anyone unless they are an attorney.

Mr. Price, you may speak on behalf of yourself, sir, if you would like to make a comment on behalf of yourself only, but not on behalf of anyone else.

MR. PRICE: I live in the valley. My father owned land out there. All I am concerned about on this whole thing is whether this power line is going to go through and damage a lot of people's property. Because I am the only one that lives in that part of the county, Yuma County, the people that own land out there, some of them as far away as Maine and Alaska, some have come by and talked to me and they have told me whatever I can do. Mr. Steiner, with the Water Commission, he knows how many people I represent. People sent in their written authorization.

As far as Mr. Green goes, we will work with Mr. Green or anyone else out there, except we want a fair deal for those property owners.

That's all we ask for.

As far as this power line, it is a must and we've got to have it. The only thing is that the Corporation Commission should see that it does the least damage to the least people, and if those people are damaged, then it should be well compensated, not at the depressed price for the land now.

THE CHAIRMAN: Thank you, Mr. Price. Do you have anything else?

Does anyone else, any of the groups or individuals, want to address this Committee on the issue of whether or not they should be allowed to intervene?

Mr. Dahl?

MR. DAHL: Thank you, Mr. Prose. I just wanted to explain briefly why I withdrew my intervention and explain it is rather difficult for people who present information to this Committee, and perhaps the Committee should look some time in the future at making this process a little more open to the public. I originally wanted to represent Friends of the Earth and I came to the understanding that I cannot do that even though I work for them because I am not an attorney practicing law here in Arizona. I then

made my intervention to represent myself and tried to get under the special -- I think it is special Paragraph 4, and later decided that I wasn't at this time qualified to do that, because information that I wanted to present to this Committee is not yet available. The information I wanted to use is being worked up by the Bureau of Land Management, and I understand that this information is not yet available to the public. Their unbiased, objective environmental report will not be available until January and only in a draft state then.

I have applied separately for a limited appearance and I would like to present my opinions then. Unfortunately, I haven't received any notice whether I will be accepted to speak under a limited appearance. I understand other people have received this notice and we haven't received notice of when we will be allowed to speak. It is inconvenient for some of us who are working and can't sit through days and days of meetings. It would be more convenient if we could get notice about when we would be able to speak and perhaps schedule a special evening for limited appearances and we wouldn't have this problem.

THE CHAIRMAN: We are going to deal with the

question of limited appearances next, Mr. Dahl.

MR. DAHL: Thank you.

THE CHAIRMAN: Is there anyone else that wishes to address the Committee on their right to intervene?

(No response.)

THE CHAIRMAN: Mr. Begalke, you have a request to intervene as a party on behalf of yourself, I believe. Do you have any comments?

MR. BEGALKE: Mr. Chairman, I withdraw my request.

THE CHAIRMAN: Does anyone else wish to address the Committee?

MR. LEWIS: Mr. Chairman, since we are still on procedure and haven't gone into the hearing, I think it might be appropriate for the benefit of the Committee if you could explain the rationale behind Mr. Kircher's letter to the Committee Members of February 17th in which we were urged not to respond to Mr. Begalke's letter in the event we received it concerning this case?

THE CHAIRMAN: It is difficult to respond without getting into the substance of the letter. It is my understanding that there was a possibility that a letter was sent to Members of the Committee soliciting, and I don't know this to be true and

I have no evidence at this time that it is true, but at the time that that letter was sent out to the Committee Members, it was my understanding that there was someone soliciting your opinions and requesting your advice on how to proceed before the Committee, et cetera. That would be an improper procedure for someone to individually approach a Committee Member in that regard, and, on advice of counsel, we wanted you to know that you should not respond. I don't know what else to say, Mr. Lewis. You know, it is difficult to answer the question without going -- it was an assumption that a letter was sent to the Committee Members asking for advice and asking for them to support the route not before this Committee in this case and asking for their thoughts and opinions on the case. Based on that assumption, the letter was sent to each Committee Member telling them not to respond. I don't know whether you received such a letter. I have no evidence that you received such a letter.

MR. LEWIS: Mr. Chairman, I did not receive a letter. What I was going to was the thrust of the letter. Are you saying in behalf of the Attorney General, the Chairman of the Committee, that the individual Committee Members are urged not

to discuss the merits of a given alternative with any of the potential limited parties or intervenors, affected concerns of the public?

THE CHAIRMAN: That's correct, sir. It raises some serious questions regarding the ex parte possibilities.

MR. LEWIS: I find that, you know, rather --

THE CHAIRMAN: I would like to cite, if I may, it was on the advice of counsel. It was not an order or ruling. You are your own judge of those type of things.

MR. LEWIS: When you say on advice of counsel, what counsel?

THE CHAIRMAN: It was on advice of counsel. The letter was only advice of counsel. It is only legal advice. It was not an order, it was not a ruling, and you are free to consider that advice any way you wish.

MR. LEWIS: Will you state for the record the name of the counsel?

THE CHAIRMAN: The Attorney General.

MR. LEWIS: Thank you.

THE CHAIRMAN: Are there any other questions?

MR. GREEN: Mr. Chairman, I'm sorry, I did not hear all of the remarks made and am, therefore, not in the best position to make a comment at this

point, I did leave my seat for a moment to speak to a member of the State Senate that I saw in the room and wanted to talk with briefly, but I think the remarks did deal with Mr. Begalke, and, while I do not represent him individually as such, I do represent the Environmental Association of which he is the president. I think in fairness to him it should be stated, and I think if he were invited, he would so state, that any letters he wrote were not for the purpose of influencing any member of the Siting Committee in that capacity. It was without advice of mine as counsel I should interpose and without my knowledge that such letters were written, but his explanation to me has been, and I pass it along for the benefit of the Committee, that they were written to them, if there were any such letters written, in their capacities in other positions that they hold in the State Land Department and various other capacities, and I am sure there was no intent on his part to do anything that would have been improper at all. I want to say that on his behalf even though I am not representing him personally as such.

THE CHAIRMAN: I understand that, Mr. Green. Your comments are well taken. I know Mr. Begalke'

and I have had discussions with him and I realized that he had no bad intent at all and the letter that was written from the Attorney General's Office was not meant to imply that he did have any bad intent.

Are there any other questions on that subject?

(No response.)

THE CHAIRMAN: It is ordered that the applications to intervene which I read off earlier are hereby denied.

We will now proceed to the question of limited appearances.

MR. WHEELER: Mr. Chairman, if I may interrupt for just a minute for a procedural matter, I think we have had a new Committee Member enter and take his seat, the gentleman to the right of Mr. Lewis, and, I'm sorry, I don't know his name.

THE CHAIRMAN: Would you introduce yourself for the record and who you represent, sir?

MR. AYRES: Yes, my name is James Ayres and I am with the Arizona State Museum. I am here for Mr. Thompson.

THE CHAIRMAN: Are there any additional requests to intervene other than those matters

which we have disposed of at this time?

(No response.)

THE CHAIRMAN: We will now take up the question of limited appearances. I have a list of people here who have sent written statements either to the Chairman of the Committee or to the Corporation Commission regarding this case. I will read that list off at this time: Grace and Herbert Nelson, Mildred S. Parker, Mr. and Mrs. C. C. Miller, Mr. and Mrs. Ball, Mr. and Mrs. LeRoy Jaeger, Mr. and Mrs. Peter Schwarzer, Mr. and Mrs. Kincy, Mr. and Mrs. Slattery, Mr. and Mrs. Carlson, Mr. and Mrs. Burgess, Alan D. Kinsolving, C. V. Rettig, J & S Enterprises, Valorie Melton, Alan Melton, Triple H Aviation, Gary Wiechens, and Norma Steiner.

All of the above-named people wrote in opposition to all of the proposed routes of the applicant. Absent any objection, their statements will be accepted as limited appearances and will be allowed into the record as such. Do I have any comments on that?

MR. WHEELER: Mr. Chairman, you would contemplate that none of these statements are entitled to evidentiary weight, is that correct?

THE CHAIRMAN: If they are accepted for the purposes of limited appearance and are made a part

of the record, they are entitled to evidentiary weight.

MR. WHEELER: Mr. Chairman, I am not sure that has either been the past practice or the present state of the law. Matters which are entitled to evidentiary weight if they are to be considered by the Committee are matters which the applicant should have an opportunity to examine and test the validity of. We have not seen these statements of limited appearance, and, frankly, there is no one here to support them and there is no opportunity for us to present to the Committee a contrary view than that expressed in the limited appearance statement. I think the purpose of a limited appearance statement is rather that of those people who have an interest in the proceeding are allowed to state through the limited appearance statement their position, but that position in terms of containing any substance which should be considered by the Committee should be of no evidentiary weight.

THE CHAIRMAN: Well, Mr. Wheeler, this doesn't represent my understanding of our earlier conversations. However, these limited appearances will be accepted into the record and, as such, the Committee Members may place weight on the

position stated in the limited appearance.

MR. WHEELER: I have no objection with that. I think we are in agreement, then, if the matter is stated that way.

THE CHAIRMAN: Any other objections?

(No response.)

THE CHAIRMAN: That list of limited appearance statements which I have just read will be admitted into the record and it is so ordered.

There are additional statements filed by Mary Lange, A. N. Alexander, Mr. and Mrs. Baumgardner, Dennis Hart, A. L. Tokarz, Coleman McArthur, William Odom, Mr. and Mrs. Schaaf, Fern Silliman, Joe Ritz, Robert Bushey, Edwin Weiss, Stella Lee -- I'm sorry if I'm destroying some people's names here, I am doing the best I can -- Mildred Ruhle, Mr. and Mrs. Wilks, and Joe Bulfer. These individuals all wrote letters opposing all of the applicant's routes with the exception of the route designated as S-21. They are in support of route S-21. To that extent, absent any objections, these statements will be admitted into the record as limited appearances.

MR. WHEELER: Mr. Chairman, I think I still have to clarify my earlier position. We do very strongly believe that the existing law is, and it

is based primarily on fairness to the applicant, that the Committee cannot consider matters which are not presented directly before them in the form of sworn testimony to which the applicant has an opportunity to respond and cross-examine, and we would strongly object to any ruling by you that the Committee is entitled to give the matters expressed in those limited appearance statements evidentiary weight in making their determination today. Perhaps the way to handle this is to allow us to review those documents and to put in at a later time or in briefs if briefs are ordered any opposing material we deem relevant, but I frankly think that this is a departure from standard practice and from past Committee practice with respect to the weight to be given to limited appearance statements.

THE CHAIRMAN: Sir, all of those statements are part of the docket and are here today and you have access to that docket. You may review every statement, but they will be admitted and the Committee Members may consider them and consider the opinions stated therein.

MR. WHEELER: Mr. Chairman, I would at least like to note my objection to that ruling for the record.

THE CHAIRMAN: Your objection is noted, Mr. Wheeler.

MR. LEWIS: Mr. Chairman, with respect to the limited appearance statements, does the Committee have the right to ask questions of any of those parties submitting limited appearance statements in order that we may elicit clarification in arriving at a judgment of our own as to the validity of those statements or the merit of them?

THE CHAIRMAN: Yes, if the Committee, a majority of the Committee, chooses to do so, I would entertain that.

MR. WHEELER: Mr. Chairman, I must again express my disagreement. I think the regulations are perfectly clear that those making limited appearances are not allowed to present oral testimony, are not parties to the proceeding, are not to be sworn, and are not to be subject to cross-examination. If you do that, you are in effect making them a party.

THE CHAIRMAN: I think the Committee Members have the right to ask questions of anyone before this Committee whether it be a party or making a limited appearance if the Committee as a whole decides to do that by a majority vote of the Committee Members present.

MR. WHEELER: I would just note my exception to that ruling as well as not being contemplated by the regulations.

THE CHAIRMAN: Any other questions?

(No response.)

THE CHAIRMAN: There are additional limited appearances filed by the United States Army, Yuma Proving Grounds, and the Department of Interior, Bureau of Land Management. Those limited appearances are rather lengthy and complicated. I will not try to explain to the Committee what is submitted therein. However, absent any objection, they will be accepted as limited appearances and made a part of the record.

No objection. It is ordered that all of the above statements will be and are hereby part of the record.

There was a request by an individual on behalf of the Arizona Bighorn Sheep Society, Incorporated, to make an oral statement before the Committee. Although I will not allow that at this time, if you wish to, and I don't know whether there is a representative of those people here --

MR. YOUNG: Yes, sir.

THE CHAIRMAN: Would you come forward, sir?

MR. GREEN: Mr. Chairman, excuse me, before

you proceed, Mr. Chairman, you are now about to leave the subject of limited appearances, is that correct? Before you do, I do want to speak to the matter of limited appearances, and so Mr. Haze Burch has just indicated he does.

THE CHAIRMAN: I am not about to leave the subject of limited appearances.

MR. GREEN: Thank you, Mr. Chairman. I didn't want to fail to speak to that limited appearance matter.

THE CHAIRMAN: Would you come forward, sir? Would you identify yourself?

MR. YOUNG: My name is Harley Young. I am appearing, Mr. Chairman, for the Arizona Desert Bighorn Sheep Society and I wish to withdraw our request for limited appearance. I believe our exhibit H letters on pages 79 and 80 adequately cover our position.

THE CHAIRMAN: Thank you, sir. It is ordered the request is hereby withdrawn.

Are there any other individuals who wish to make a limited appearance or offer a written statement at this time?

(No response.)

THE CHAIRMAN: Mr. Green, what comments do you have at this time?

MR. GREEN: Mr. Chairman, it is my understanding that Mr. Begalke in his capacity as president of the Harquahala Valley Environmental Association, which I represent, filed timely limited appearance statements with the Corporation Commission the number of which I estimate to be in the approximate number of 400. This may not be the exact number. I state it as an estimate. In fact, I think he has additional limited appearance statements with him presently. I realize that is too long a list of names to read, but I would like them to be accepted.

THE CHAIRMAN: I was going to address myself to that issue next.

MR. GREEN: I'm sorry, then, if I anticipated.

THE CHAIRMAN: I don't consider those limited appearances. That is why I did not include them in that. I will address myself to the subject in just a moment.

MR. GREEN: Very well.

THE CHAIRMAN: We had a new member just come in. Would you identify yourself and who you represent for the record, sir?

MR. ROBERTS: Yes, sir, Clyde Roberts, Cochise County.

THE CHAIRMAN: Thank you, Mr. Roberts.

Finally, as was pointed out by Mr. Green, there were a large number of petitions filed with the Corporation Commission. These petitions did not meet the formal requirements of a limited appearance. There are numerous signatures, in excess of 100, maybe as many as 400 as Mr. Green stated. We have no way of determining who these people are, if these signatures are valid, et cetera. Since they are petitions and since there is no procedure and no precedent for accepting such a thing, I will not recognize those as a valid limited appearance at this time and they will not be made a part of this record, subject to objections of any Committee Members or the parties.

MR. GREEN: Mr. Chairman --

THE CHAIRMAN: Yes, Mr. Green.

MR. GREEN: I believe, Mr. Chairman, that I am correct that a portion of those documents which were filed were, as you have stated correctly, designated as a resolution. I think, also, Mr. Chairman, that there were an equal or greater number of such filings that were not resolutions, but which were designated appearance statements and as such fully stated the basis for the filing and the position taken by the person signing it as

a person who was properly a party to file a limited appearance statement.

THE CHAIRMAN: Mr. Green, I am not aware of anything other than the resolutions or the petitions. If there were some proper limited appearance statements filed that I have not mentioned and recognized, I apologize. I will leave that open. At any time before the conclusion of this proceeding if you bring them to my attention, I will review them and rule upon them.

MR. GREEN: Very well, thank you, and I will avow to you, Mr Chairman, that there are such statements.

THE CHAIRMAN: Very good.

Mr. Burch.

MR. BURCH: Mr. Chairman, I timely filed approximately 75 limited appearances. Does your record reflect that?

THE CHAIRMAN: Yes, sir. I read those off starting with Marie Lange through Joe Bulfer, I believe.

MR. BURCH: I counted them and I didn't get the number that I filed, and the reason I raised the issue is that Mr. Green went out to examine those and they were unable to locate them at the Corporation Commission, so that is what I wondered

about.

THE CHAIRMAN: That is because the originals were sent to me. I brought them with me today and made them a part of the record and they are right on top of the docket right now.

MR. BURCH: Thank you. The only other concern I find is that I had two others that inadvertently stuck to the bottom of my briefcase. I would like to submit them if there is no objection from counsel. If there is, I won't offer them.

THE CHAIRMAN: Are there any objections?

MR. WHEELER: Mr. Chairman, I will note the same objection I had to your earlier ruling regarding the weight to be given these statements. I would note that perhaps these statements have not been timely filed, but if the Committee desires to accept them, we have no objection.

THE CHAIRMAN: Mr. Wheeler, I have already ruled upon that. I don't want to get into it again, but let me say this: if the Committee could not consider the statements, there would be no purpose for them. There must be a reason behind allowing an individual to file a limited appearance statement.

MR. WHEELER: There is, Mr. Chairman, but it is not for the purpose of providing the

decision-making body with material on which it can base its decision. That is the reason why the statute dealing with limited appearances specifically recites that a person making a limited appearance shall not be a party or have the right to present oral testimony. That is in A.R.S. Section 40-360.05, Subparagraph B. The purpose of the limited appearance is for those individuals who desire to make known their concern, to let the decision-making body know that it has a position to take, not that it can put before the body substantive evidence for the body to consider. That denies us our right to a full and fair and impartial proceeding, because we don't have the opportunity to subject the person making those statements to any sort of cross-examination, we don't have the opportunity to effectively rebut it, and we don't know the basis on which those statements were made. I am not suggesting that these are in any way properly characterized as this, because I have not seen them, but anyone could make any sort of statement he wanted to in a letter, send it to the Committee, have it go into the record, and have the Committee consider it in its determination, considering it apparently according to your ruling with the same weight as to be given to our witnesses

who will be on the stand testifying under oath and subject to cross-examination.

THE CHAIRMAN: Mr. Wheeler, I understand what you are saying. Possibly we are having a semantics problem, I don't know, but you certainly have the right to challenge those limited appearance statements yourself. Further, that position stated in a limited appearance written statement may be considered by the Committee. Now, what weight they give it, whether they treat it as substantive evidence, I don't know, I can't go inside their heads, but they can certainly consider the position, and I think that is going to end our discussion. I have ruled on it.

MR. GREEN: Mr. Chairman, in the same context as Mr. Haze Burch has just done on behalf of his people for a limited appearance statement acceptance at this time, I have now in my possession what I have just during recent discussion here on the record obtained from Mr. Don Begalke the additional limited appearance statements, some 60 in number, which I am advised by him are in the same form as those several hundred, I think, limited appearance statements that were previously filed by him with the Corporation Commission to which I earlier referred, and these additional

so such appearance statements I now tender and offer, Mr. Chairman, as limited appearance statements in the same manner as Mr. Burch has just offered and had admitted his limited appearance statements filed now.

THE CHAIRMAN: Mr. Green, I haven't had a chance to review those. Could I withhold that until after the first recess so I have an opportunity to look at them and then we'll rule on it?

MR. GREEN: Sure. Absolutely.

THE CHAIRMAN: Mr. Burch, you just submitted, I believe, two more limited appearances.

MR. BURCH: Yes.

THE CHAIRMAN: Would you read their names for the record, sir?

MR. BURCH: C. E. Baumgardner, W. Arthur Heiden, those two, sir.

THE CHAIRMAN: Are there any objections to allowing those limited appearance statements?

(No response.)

THE CHAIRMAN: So ordered. They are part of the record.

Any other questions or motions with regard to the issue of limited appearances?

MR. DAHL: Mr. Chairman, may I inquire as to my status as being able to give the limited

appearance?

THE CHAIRMAN: Do you have a written statement prepared today, sir?

MR. DAHL: No, I'm sorry, I must have misunderstood and the word "appearance" threw me off. I thought I would be allowed to give an oral appearance.

THE CHAIRMAN: The Committee will not hear oral statements unless there is a specific request and objection thereto.

Does any Committee Member wish to address themselves to that issue?

MR. DAHL: Mr. Chairman, I would be glad to prepare a written statement.

THE CHAIRMAN: If you prepare a written statement before the close of these proceedings, I will consider it, sir.

MR. DAHL: Thank you.

THE CHAIRMAN: Mr. Lewis.

MR. LEWIS: Mr. Chairman, I appreciate the posture of the Chairman. However, we have made an exception before for intervention, i.e., the opportunity of somebody to address the Committee and perhaps be cross-examined under Subsection A4. I sensed from the prehearing conference that Mr. Dahl was proceeding in good faith, since he is

not an attorney, when he withdrew his request for intervention and to be a limited party, but, at the same time, I think that perhaps he has a substantive issue to raise with the Committee relative to the position that the Committee places itself in on the future environmental impact statement to be concluded by BLM and their right to effectively speak to any designation of a preferred or subalternate route that the Committee may arrive at during this hearing, and I for one would like to give him the short opportunity to present his position to the Committee limiting it to, say, five minutes, three minutes, and any other party that wants to make an oral statement as a limited appearance to the Committee, once again without being repetitious, without being dilatory. He has followed the process through in good faith as diligently as he can and I just bring this matter to the attention of the Chairman who in the preliminary hearing said that he wants to have an open hearing, he wants within the rules and regulations to have the public be heard. I don't want to create undue precedents, but we have allowed this to occur on one or two instances before.

THE CHAIRMAN: Your statements are well taken,

Mr. Lewis. That is why I asked if there were any objections to my ruling. I will treat that as a motion before the Committee.

Are there any comments from Mr. Lewis' motion?

MR. WHEELER: Are comments from the applicant appropriate, Mr. Chairman?

THE CHAIRMAN: Yes, they are.

MR. WHEELER: I would again renew my statement that it appears that the statutes and the regulations contemplate a difference between becoming a party and making a limited appearance and there are specific provisions regarding the manner in which people in either of those two categories may present their views. I think we are getting a little bit far afield from following those provisions and I think they are in there to be followed, and I think we are confronting today a situation where we see why those rules were there. This proceeding is showing a tendency to get out of hand a bit in terms of having people come in at the last minute and making presentations. I am not talking specifically about Mr. Dahl, because he was present at the prehearing conference and we do have an indication of what his interests are, but we are now being faced with a request for a whole bunch

of statements from Mr. Green to come in now way beyond the time limit. I think at this time it might be appropriate for the Committee to reconsider its view and look more toward complying with the statutes and the regulations regarding participation in this hearing.

THE CHAIRMAN: Thank you, Mr. Wheeler.

Any other comments by any party or any Committee Member?

MR. LEWIS: Mr. Chairman, I take exception to Mr. Wheeler's comment. I wasn't speaking to the limited appearances not filed in a proper and timely fashion. I was speaking to Mr. Dahl's right to approach the Committee to argue that under Subsection A4, he may be given the opportunity to intervene, if that is what the Chair rules, rather than being able to give oral testimony under a limited appearance.

THE CHAIRMAN: Well, I misunderstood the motion, too, then, Mr. Lewis. Are you saying that you are not asking that Mr. Dahl be given an opportunity to make an oral statement in the nature of a limited appearance, but you want him to be given the opportunity to request intervention at this time?

MR. LEWIS: I would like to solicit the advice

of the Chairman as to whether he approaches us and places his plea to give oral testimony as a limited appearance or proceeds to argue for intervention, because there is different weight we place on either matter. I think that is largely in Mr. Dahl's hands how he wants to perhaps take his plea under Subsection A4, because the legislature did place that as a statute in order to afford unique circumstances, and I am simply speaking to that opportunity.

THE CHAIRMAN: I am still not clear. I'm sorry, Mr. Lewis. I am sure it is my fault. What do you want Mr. Dahl to be allowed to do?

#3 MR. LEWIS: I would like Mr. Dahl to be able to approach our body under Subsection A4 to, if he wants to, request us to rule as to whether he wants a limited appearance or whether he wants to intervene and, i.e., his limited appearance would permit oral testimony, that's all. Then perhaps the Committee will wish to rule on it or just pass on to the hearing.

THE CHAIRMAN: Well, Mr. Dahl already withdrew his application for intervention.

MR. LEWIS: I appreciate that, but he did it in the good faith that he could make an oral statement in his limited appearance, and I want

him -- you know, I want him to fully appreciate the circumstances of his withdrawal.

THE CHAIRMAN: I'm not trying to preclude Mr. Dahl from approaching the Committee, Mr. Lewis. I am just trying to understand what you want him to do. Possibly the other Committee Members or parties do understand.

Are there any other comments to Mr. Lewis' motion?

MR. GILBERT: Mr. Chairman, according to Mr. Dahl's letter, he has withdrawn his request for intervention and he has backed it up with another letter saying that he would like to represent, and I understand this to be true, himself not the Friends of the Earth in a brief statement. I have no objection to that. But for full intervention, he has withdrawn formally.

MR. JOHNSON: I think he should be permitted to talk.

THE CHAIRMAN: Mr. Burch.

MR. BURCH: Mr. Chairman, this is properly, I guess, the Committee's decision. I do want to point out that we have filed in this particular hearing and in prior hearings limited appearances in a considerable number. The reason we have always done this is so that the Committee, as you

have ruled, could consider the positions of property owners without the necessity of someone traveling 50 or 100 or 250 miles to attend and speak, and our people have relied upon that situation. In the case of Mr. Dahl, who has been here, I am not particularly concerned. I am very much concerned, however, that if generally this Committee follows the line that anyone who for one reason or another was unable to make a full appearance as a party and who for one reason or another did not file a limited appearance could then come and speak, I think there is undue influence or undue consideration might be given to that presentation. We have hundreds of people who have either made a limited appearance or have joined in an association so that we could limit our time of presentation to busy men and women, although none of them are present today, who are members of this Committee. So that the record may be clear, we would have no objection, obviously, to Mr. Dahl filing a limited appearance in writing late. It seems appropriate and reasonable to give him the distinction of making an oral presentation such as a party to the case seems to me then to open up the future to these kinds of things and would negate the purpose of the limited

appearance. I want to point that out to the Committee so that when you vote on this matter and that will be the ruling that you consider the effect on future hearings. That is what concerns me. My purpose has always been to make our appearances as brief and as reasonable and as to the point as possible, and I feel as counsel I can do that better if I put on one or two witnesses. If we are to proliferate into 1,000 people coming in and going on briefly and without control and direction, then I think this hearing would be reduced to nothing, and I certainly would like the Committee to consider that Mr. Dahl be given the right, and anyone else, to file a late limited written appearance fully stating his position, as many of the people in Harquahala and Tonopah have had the opportunity to do, but certainly not to make an individual oral statement.

THE CHAIRMAN: Thank you, Mr. Burch.

Are there any other comments by any member of the Committee or by any party?

(No response.)

THE CHAIRMAN: Mr. Dahl has already withdrawn his request to intervene and I have accepted that. He has indicated the desire to make a limited appearance, and I have ruled that I will not allow

him to make an oral statement, but I will consider a written statement if he moves to have a written statement made part of the record prior to the conclusion of these proceedings. That will remain the ruling of the Chair.

Are there any other matters dealing with limited appearances at this time?

(No response.)

THE CHAIRMAN: For the record, it should be pointed out that there was a preliminary hearing held with regard to Case No. 34. The transcript of that hearing is now available. I believe the original is part of the docket. I have a copy here. Any Committee Member or any party may review this transcript at any time.

With regard to the procedures, it is my understanding that the applicant will go forward, present his case, put on all of his evidence, that there will be no questions during the presentation of his case in chief except that Committee Members may, if they so desire, interrupt if they have an important question. Other than that, all questions will be deferred until the end of the presentation, at which time the applicant will make a panel of individuals available to answer all questions of the parties and of the Committee Members. Is there

any objection to that procedure?

MR. GREEN: Mr. Chairman, I have no objection at all to that procedure on the basis that any objections we might have to testimony that we may find to have been objectionable, our right to object to that testimony is reserved, and if it turns out there is an appropriate motion to strike, we will be granted that opportunity.

THE CHAIRMAN: Certainly. You still have the right to object and make appropriate motions pursuant to the Rules of Procedure.

MR. GREEN: Well, you are saying that we merely reserve our objections?

THE CHAIRMAN: No. If you feel compelled to make an objection at any time, I would go ahead and make that objection. I would ask you to restrain yourself, if possible, to the end of the testimony, but if you feel you have to make objection during the testimony, go right ahead.

MR. GREEN: I will abide by the Court's very sound advice.

THE CHAIRMAN: Are there any other comments on that procedure suggested by the Chair?

(No response.)

THE CHAIRMAN: It is my understanding that at the end of the case, the panel will be available

to answer questions. After those questions have been answered and the applicant has rested, then the intervenors will put on their evidence. Are there any understandings between the parties of what order you will put your evidence on?

MR. BURCH: Mr. Green, Mr. Chairman, Mr. Burch and I have agreed that he will take the initial presentation and I will follow.

THE CHAIRMAN: Is that satisfactory with you, Mr. Burch?

MR. BURCH: That's quite all right. I have only two witnesses to call and it seemed appropriate to get them on as soon as possible.

THE CHAIRMAN: One further comment. The applicant in the presentation of its case in chief will present a number of slides. If any Committee Member or any party has a question that should be directed with particular reference to a slide, each slide will be given an exhibit number, please copy down the exhibit numbers so you can reference your question to that note later on.

If there are any written statements that will be read by any of the witnesses, those written statements should be distributed to each Committee Member prior to reading the statement. Is there any objection to that procedure?

MR. GREEN: Mr. Chairman, I hate to speak too often here, but we have as witnesses which we will be calling for the Environmental Association and Harquahala Valley Association people who have as late as yesterday, if not this morning, been putting down their thoughts just in handwritten form to enable them to make a briefer, more concise, to-the-point presentation to this Committee. They are not what I would normally consider a prepared written statement such as I am sure will be prepared and has been prepared by the applicant here. For that reason, Mr. Chairman, I would ask the consideration of the Chair and the Committee that such notes, if I may call them that, prepared by these people not be required to be duplicated in 25 copies. They are not that kind of a written statement, Mr. Chairman.

THE CHAIRMAN: From what you say, Mr. Green, I don't think that is going to cause any problem. However, at the time that the witness testifies, it will always be open to objection or comments from the Committee Members or the parties.

Are there any other questions?

(No response.)

THE CHAIRMAN: I would like the applicant to proceed at this time. I would request that the

attorney for the applicant make a brief opening statement to put this case in perspective. At the conclusion of the opening statement, the parties may then make a statement or reserve their statement to the beginning of their presentation of their case.

Would you go ahead, please, Mr. Wheeler?

MR. WHEELER: Thank you, Mr. Chairman.

Mr. Chairman and Members of the Committee, Southern California Edison Company has before you today an amended application for a Certificate of Environmental Compatibility in which it has requested approval for a new preferred transmission line route between the Palo Verde Nuclear Plant and the Devers Substation in California and for several alternate routings. All of these routes are shown on the maps on the easels in front of you and in Exhibit A-1 to the amended application. As will be explained in more detail later by the company's witnesses, approval is sought for all of these routing in order to provide the applicant sufficient flexibility to locate its proposed transmission line in areas of particular sensitivity and to deal with the BLM, which has not yet completed its review process.

The applicant has come before you at this

time rather than waiting until the BLM has made its final decision in early 1979 because this transmission line is an integral part of the Palo Verde Nuclear Project and must be completed by the scheduled start-up date for that plant in 1982. The applicant believes that in order to meet that schedule, it must have approval from the Siting Committee at this time in order to proceed with the right-of-way acquisition activities necessary for the timely construction of the line. Since the BLM will not make its decision until nearly a year from now, the applicant has requested approval of more than one route in order to help insure that the routing eventually approved by the BLM will also have been approved by this Committee. We also believe that a prior decision by this Committee that the routings contained in this application are environmentally compatible will significantly influence the BLM in its analysis of acceptable transmission line corridors.

All of the routes contained in this amended application are in the applicant's opinion environmentally compatible. All of these routings do necessarily have impacts, as discussed in the company's application, although the impacts in different areas such as wildlife, planned land use,

and visual and aesthetic differ depending upon the particular routing.

As the Committee is well aware by the large number of filings in this proceeding by interested groups and from past experience, no one likes to have a transmission line constructed through or adjacent to an area in which they have an interest. Everyone would prefer to have it placed somewhere else. The responsibility of this Committee, however, is to consider the evidence presented by the applicant in light of the factors listed in A.R.S. Section 40-360.06 and to decide whether the routes the applicant has filed for are on balance compatible with the environment through which they will pass. Although the applicant believes that all the routings described in the application are environmentally acceptable, we have designated a routing which we believe to be superior to the others contained in the amended application taking into account all of the relevant factors listed in the statute and, in particular, the concerns of the residents owning property near the proposed transmission line corridor. In that connection, I would like to emphasize that our new preferred routing does not cross any private residences or agricultural lands in Arizona.

We recognize that the decision the Committee has to make today is a difficult one, one in which the benefits of a safe, reliable, and economic power supply must be balanced against the protection of the environment as a whole. We do hope, however, that the Committee will recognize that it is simply impossible in this day and age to locate a major 500 kv transmission line in a manner that is totally acceptable to everyone. We further hope that the evidence we will present to you today regarding these routings will convince you that the routings that we have identified are on balance environmentally acceptable routings deserving the Certificate of Environmental Compatibility.

Mr. Chairman, we have a direct presentation today that I estimate will take no more than an hour and one-half. On behalf of the applicant, I would like to present four witnesses.

Mr. Chairman, would it be appropriate to go through and outline our presentation or would you like to hear the opening statements from the other parties before I do that?

THE CHAIRMAN: What do the parties feel with regard to opening statements?

MR. BURCH: On behalf of the Tonopah Valley

Association, we would like to reserve our statement, which will be relatively brief and given at the beginning of our presentation.

MR. GREEN: Mr. Chairman, I would like the opportunity of going ahead and hearing Mr. Wheeler complete his statement. At that time, I would believe that it may be desirable to have a recess, at which time we can transact the business that has been deferred until that time, and I may then desire to make my opening statement at that time.

THE CHAIRMAN: I'm sorry, Mr. Burch, did you say that you would withhold your statement until later?

MR. BURCH: Yes.

THE CHAIRMAN: Those people who are not speaking, if you would turn the microphone off in front of you unless you are talking, I think that that will cut down on some of the feedback.

Mr. Wheeler, would you go ahead, please?

MR. WHEELER: Mr. Chairman, as I indicated earlier, we would like to present four witnesses. Mr. Russ Hulse, who is Vice-President of Resources Planning for Arizona Public Service Company, will testify very briefly concerning the participation of Southern California Edison Company in the Palo Verde Nuclear Project. He will be followed by

Mr. Al Arenal, Vice-President of System Development for the applicant, who will present an overview of the applicant's operations and a brief discussion of the need for this transmission line. Thereafter, Mr. Gary Dudley, Environmental Planning Engineer for the applicant, will testify. The application in this case was prepared under the direction and supervision of Mr. Dudley and he will explain the proposed routes and the environmental studies that were conducted in support of the application. Finally, Mr. Larry Hinton, Transmission Engineer of the applican', who is responsible for the route selection a.d the preliminary engineering activities associated with the project, will discuss the engineering and technical aspects of the proposed line and will describe briefly the construction, operation, and maintenance activities necessary for a 500 kv line.

Mr. Chairman, with the hope that the Committee and the intervenors are already familiar with our application and in the desire to minimize the hearing time necessary for a decision in this matter, our direct presentation will be somewhat shorter than the presentations that have been made in the past and we will omit a lengthy recitation of material already contained in the application.

However, if the Committee does wish to inquire more deeply into some matters which are contained in the application but which are not included in our direct presentation, the witnesses will be more than happy to respond to these questions during cross-examination.

I think, Mr. Chairman, you have already indicated that the panel approach would be acceptable, and I would also note for the Committee's benefit that, in addition to the three witnesses, four including Mr. Hu se, that we will call, we will also have several additional witnesses who will be available to answer more detailed questions if that becomes necessary.

THE CHAIRMAN: Are you ready to proceed now, Mr. Wheeler?

I think before we proceed, now that we have disposed of all the preliminary matters, we will take a brief recess for ten minutes and we will reconvene at 25 minutes until 11:00. Promptly at 25 minutes until 11:00, we will reconvene. We are at recess.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: The Committee will please come to order.

Mr. Green during the intermission presented to me 60 limited appearances and he avowed to me that there were approximately 200 similar statements on file at the Corporation Commission. They meet the requirements of the statute governing limited appearances except for these 60, which may have not been timely filed, but we will not consider that objection. Subject to any objections by the Committee Members, I propose to make these limited appearance statements part of the record and Mr. Green has waived the reading of the names or statement of the number of the statements. Are there any objections to that?

(No response.)

THE CHAIRMAN: With no objection, those statements are made part of the record.

Mr. Green, do you wish to make an opening statement at this time or do you wish to reserve it until presentation of your case in chief?

MR. GREEN: Thank you, Mr. Chairman. I would like to make a brief opening statement at this time. I had a frog in my voice here, and if I get rid of that, I'll do it. Otherwise, I will reserve it.

Mr. Chairman and Members of the Siting Committee, I previously stated the entities which

I represent in appearing here and they basically constitute the people involved who own property or live in or are connected with in some way in a very real way the area that is known as the Harquahala Valley. Many of you may never have seen it. In the course of the presentation, I trust you will have had some opportunity to have seen some photographs of it. It lies on the map which you see before you that is put there by the applicant in this matter to the right of the exhibit. You will note that in that exhibit, there is a line that proceeds in a diagonal manner from the lower right-hand to the upper left in red. That is the route that the applicant will present to you as being one of those it seeks to have approved here and which it will call the original preferred route. They now have what they call a new preferred route, and they will explain to you which one of those it is. I am not going to take all of the time here right now to speak to our objections to all of the routes that go through the Harquahala Valley, and they all do with the exception of S-23. That is the one that goes to the north and that the people in that area or the people that are most affected by the area are not the Harquahala area, but the Tonopah people

represented by Mr. Burch to my left. I am going to very quickly and briefly simply state that as to all of the other routes that appear, we are in opposition and think this hearing itself is premature, and I say that specifically with regard to the study being made by the Bureau of Land Management, which is not yet completed.

I want to just make this brief comment as a sort of view of the land, so to speak, of what you are going to hear. You have heard Mr. Wheeler state that all of the applications they have filed for the routes which they seek to them are environmentally acceptable or compatible or fine or however he terms that. You will note the line in red on the map as it goes through the very heart of the Harquahala Valley, this beautiful, beautiful valley west of Phoenix, that that route they still contend, even though it is no longer their original preferred route, they still contend for and want you to approve. In their document which you have received, I am sure, that is Exhibit 1, I call your attention to a map that is designated Land Use Sensitivity, and they will be talking about what that is, what it means. It is in the largest book that you received from the applicant, and in this particular exhibit, that is,

this map Land Use Sensitivity, I just merely use it to highlight the point I want to make right now. On that map, they have three colors, red for high sensitivity, a yellow for a moderate sensitivity, a blue or greenish color for low sensitivity, and on that they have their entire lines and all the alternates as they then proposed them. This does not include their new preferred route, but I use this only as a reference to the route they originally preferred, which did go through the heart of the Harquahala Valley. You will note that on that map, only two places on the entire line are colored in red at all. One of those is right through the heart of the Harquahala Valley. That they realized. The other, by the way, was right adjoining the plant in Devers, the Devers Substation, which I guess they couldn't get to without some high sensitivity line. The entire rest of the line, only the one high sensitivity rating. That was the one they are still trying to get you to approve here and which they say is still environmentally compatible. So I would only say as to that that the sooner the Committee can indicate to them that they are not going to get a line that was their original preferred through the heart of the Harquahala Valley, the sooner a

lot of the people who are here and of this great number who are here in the Harquahala Valley will at least to that extent feel that you have performed a great service and they will then direct their attentions, and I will then on their behalf, to those others to which they have objection. I submit that the original preferred route which they themselves have left for the reasons that they have stated in their application now should no longer be a part of any application here.

Just one other observation, and that is that I think it can be fairly stated that the people in the Harquahala Valley by and through the entities that I represent here feel that Southern California Edison Company by the efforts to put these high-powered transmission lines through their area is seeking to have the Harquahala Valley as to the Southern California Edison as a turkey is to Thanksgiving dinner and they don't want to fill that role and we trust that they cannot be so treated. Thank you.

THE CHAIRMAN: Thank you, Mr. Green.

Mr. Wheeler.

MR. WHEELER: Mr. Chairman, at this time, I would like to have Mr. Russel Hulse, Vice-President of Resources Planning at Arizona Public Service

Company, called to the stand and be sworn.

Mr. Chairman, when Mr. Hulse is sworn, might I also request that the other various individuals from Edison who may be testifying today also be sworn at that time? Would that be appropriate?

THE CHAIRMAN: Certainly. Let's have all of your witnesses stand and be sworn at the same time.

(Thereupon nine persons were duly sworn.)

MR. WHEELER: Mr. Chairman, for the benefit of the Committee Members, I might note that --

THE CHAIRMAN: There were more than three or four witnesses.

MR. WHEELER: Yes, I was going to indicate their names. Over to my left, we have Mr. Larry Hinton, Mr. Al Arenal, and Mr. Gary Dudley, whose names I mentioned in my opening statement. Behind me we have Mr. Dennis Steinberg, representing systems planning; Mr. Dave Poole, to discuss land use matters; Mr. Emerson Pearson, who will discuss Archaeological matters; Mr. Dave Stevens, of the Biology Department; Mr. Dave Metsker, from right-of-way; and Mr. Pat Hamilton, to discuss geotechnical matters. They may not all speak, Mr. Chairman. We only have prepared presentations by the three individuals I first mentioned. Only in the event

that the Committee wishes to address very specific and technical questions that these three witnesses would like to defer to these gentlemen will they be called.

THE CHAIRMAN: I understand. Go ahead and call your first witness.

MR. BURCH: Does he have a prepared statement?

MR. WHEELER: Mr. Hulse does not have a prepared statement to read today. The other three individuals whose names I mentioned do, and we will distribute them as they come to the stand.

RUSSEL D. HULSE,

called as a witness on behalf of the Applicant, having been theretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHEELER:

Q For the record, would you please state your name and business address?

A Yes. My name is Russell D. Hulse. My business address is 411 North Central, Phoenix, Arizona.

Q By whom are you employed?

A Arizona Public Service Company.

Q What is your position with the company?

A Vice-president, Resources Planning.

Q Mr. Hulse, do you have a statement you would like to make today before the Committee?

A Yes, I do.

Q Would you please proceed?

A Ladies and gentlemen, Members of the Committee, my appearance before this Committee today is not to debate the alternate line routes, but rather to discuss briefly some benefits to the State of Arizona that come about because of Southern California Edison's participation in the Palo Verde Plant. We feel that it is extremely important that this line be installed in accordance with the applicant's schedule. As soon as these facilities are installed, the reliability of the electric systems of Arizona and Southern California will be enhanced as well as the opportunities to take advantage of economy interchanges between the California power pool operation, including Southern California Edison, and the Arizona systems.

I want to relate to you that one of the most important benefits to Arizona of the Palo Verde project is the size of the project. The power plants get more economical as they increase in size, and the way we can get to the sizes that

are economical is to have many participants. Of course, one of these participants is Southern California Edison Company. We think this concept has been well proven in Arizona Public Service's participation in the Four Corners project, the Navajo project, and, while APS has not participated directly, the same principles have applied to the Mohave project and the San Juan project. In other words, it takes a large number of utilities to make these large projects economical, and when you have a number of utilities, it takes transmission lines. I am sure all of you are aware of the transmission system that had to be built from the Navajo project at Page to the Phoenix area and from the Four Corners area into the Phoenix area. So, therefore, I think it goes without question that there is a need for a transmission line going west from the Palo Verde project into the Southern California Edison system.

The Palo Verde project has many economic benefits to Arizona that I am sure you have heard many times. During the construction, there are 3,100 people working out there. After operation, there will be some 400 people on an operating force. The project, the plant itself, will generate somewhere between $100 million to

$150 million in property taxes on an annual basis. These projects are important to we, the people, in the State of Arizona, important because it generates revenues for our state structure, revenues that are supported by out-of-state ratepayers as well as resulting in lower cost energy to the ratepayers in the State of Arizona of all the Arizona utilities.

Therefore, I would ask the serious consideration of this Committee to act promptly om this application so that these facilities can be installed in compliance with the applicant's schedule. Thank you, gentlemen.

Q Mr. Hulse, does that complete your statement?

A Yes, it does, sir.

MR. WHEELER: Mr. Chairman, might I request that we deviate slightly from the panel procedure, since Mr. Hulse has a tight time schedule, and ask that if anyone has questions of him that they can address them to him at this time rather than waiting for the completion of the remainder of our direct presentation?

THE CHAIRMAN: There is no problem with deviating from that schedule. Is there any objection to excusing Mr. Hulse after the parties have had an opportunity to cross-examine him?

(No response.)

THE CHAIRMAN: Are there any questions by the parties at this time?

MR. BURCH: None.

MR. GREEN: I have none at this time. I would like to reserve the right to recall this witness in the event that it should become necessary.

THE CHAIRMAN: Is that a problem, Mr. Wheeler?

MR. WHEELER: I better address that question to Mr. Hulse. I know he's got meetings part of the remainder of the day.

THE WITNESS: With some notice, Steve, I can come back.

MR. WHEELER: We will endeavor to bring him back if it is necessary, Mr. Chairman.

THE CHAIRMAN: Fine.

Are there any questions?

THE WITNESS: I think Mr. Arenal could answer any questions about the numbers or anything as adequately as I could in the panel situation.

THE CHAIRMAN: Thank you.

Are there any questions by any of the Committee Members? Mr. Lewis.

MR. LEWIS: Mr. Hulse, appreciating the economic benefits from the Palo Verde installation and the transmission lines, I have read that the

future holds that perhaps units 4 and 5 will eventually be constructed, which calls for new hearings, unfortunately, on and on and on, but the essence of my question is in the event that that does occur, will the corridors under consideration then require a second 500 kv line to effect the interchange in the reliability and the economies to which you spoke?

MR. WHEELER: Mr. Chairman, if I could respond to that, I think that is a very legitimate and worthwhile question and I think perhaps Mr. Arenal or one of the other members of the Edison staff would be better qualified to answer potential transmission lines running west, if that is the substance of Mr. Lewis' question.

MR. LEWIS: Fine, Mr. Chairman.

THE CHAIRMAN: Is that satisfactory, Mr. Lewis?

MR. LEWIS: Fine, Mr. Chairman.

THE CHAIRMAN: Any other questions of this witness?

(No response.)

THE CHAIRMAN: Mr. Hulse, you are excused subject to recall on reasonable notice.

THE WITNESS: Thank you, sir.

(Thereupon the witness was excused.)

THE CHAIRMAN: Let's go ahead, Mr. Wheeler.

MR. WHEELER: At this time, we would like to have Mr. Al Arenal called to the stand.

Mr. Chairman, Mr. Arenal does have a prepared statement to read and we will distribute copies at this time to Members of the Committee and to the parties.

THE CHAIRMAN: Will Mr. Arenal please take the stand?

MR. WHEELER: Mr. Chairman, at this time, it might also be appropriate to mark for identification purposes the application in this proceeding. For the benefit of the Committee, I might indicate that the application itself consists of the following documents. We would like to have it marked as Exhibit 1, but it consists of the following parts. There is a document entitled Amended Application for Certificate of Environmental Compatibility that was filed on January 10, 1978, in Case 34. It is the thick booklet that many of you have. There was also a document entitled Environmental Report Devers-Palo Verde 500 kv Transmission Line. That is also entitled Exhibit B-1 to the Application. Then there is Exhibit B-3 to the Application, which is entitled Devurs-Palo Verde 500 kv Transmission Line Environmental Report

Supplement ., Harquahala-Tonopah-Yuma Proving Grounds, December, 1977. There is also a packet of supplementary materials that consists of some corrections and some additions to the application which was sent to Committee Members under my cover letter of February 14, 1978, which I hope all the Committee Members have received. If not, we have additional copies. Finally, there is an errata document which was distributed this morning. All of those documents together constitute the application and we would like them marked as Exhibit 1 for identification at this time so that they can be conveniently referred to throughout the testimony.

THE CHAIRMAN: They will be considered as Exhibit 1.

Are there any objections to admission at this time?

(No response.)

THE CHAIRMAN: Exhibit 1 as described by Mr. Wheeler is hereby admitted into evidence.

Please proceed, Mr. Wheeler.

AL ARENAL,

called as a witness on behalf of the Applicant, having been theretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHEELER:

Q Would you please state your name?

A My name is Al Arenal.

Q Mr. Arenal, do you have a prepared statement you would like to read before the Committee at this time?

THE CHAIRMAN: I'm sorry, I hate to interrupt. From now on, when you pass out any of the prepared statements or anything else, I think a copy should go to the Reporter.

MR. WHEELER: Mr. Chairman, I have already provided the Reporter with two copies earlier this morning.

THE CHAIRMAN: Thank you.

MR. WHEELER: Mr. Chairman, I might note again as a minor matter that, due to the inevitable last-minute changes in testimony, the text may not be followed exactly in the witness' reading. There may be some additional changes. At least in one instance, there may be some errors in the pagination.

THE CHAIRMAN: Fine. You may proceed.

BY MR. WHEELER:

Q Mr. Arenal, would you please proceed with your prepared statement?

A Good morning. I am Vice-president of the System Development Department of the Southern California Company. I am pleased to have this opportunity to discuss my company and our Amended Application for a Certificate of Environmental Compatibility for our proposed 500 kv transmission line between the Palo Verde Nuclear Generating Station in Arizona and our Devers Substation in California. As the Committee knows, Southern California Edison originally filed its Certificate Application in this proceeding on August 9, last year with a hearing scheduled for September 26, of last year. Prior to that hearing date, Edison was granted a postponement of the hearing in order to evaluate and respond to routing alternatives suggested by property owners and residents of that area, that area being the Harquahala-Tonopah area. Our meetings with the residents of that area and environmental studies and evaluations which took place during this interim period have resulted in designation of a new preferred route and two new subalternate routes, which, together with the

original preferred route and two of the subalternate routes contained in our August 9 Application, are the subject of today's hearing.

We are here at this time because it is necessary that construction of the Devers-Palo Verde transmission line to connect the Palo Verde Nuclear Generating Station to Edison's system be completed by January 1, 1982, in order that the line operating date be coincident with initial operation of Unit 1. The Planning and Operating Departments of Arizona Public Service Company are in agreement with and support this schedule. In order for the Devers-Palo Verde transmission line to meet the required scheduled operating date established by APS, Edison must acquire all rights-of-way and easements by March 1, 1980, so that construction can proceed in an orderly fashion. Arizona Public Service's experience has shown that it takes approximately two years to acquire land in Arizona and we feel we can expect the same time period. Therefore, right-of-way acquisition should have started in February of this year.

As an operating public utility, Edison is engaged in the business of generating, transmitting, distributing and selling electricity. We serve customers in 15 southern and central California

counties. In 1977, we served 2.9 million customers in a territory of approximately 50,000 square miles. The total population of this area is in excess of 7.5 million people.

To reliably serve our projected growth of 3.5% in peak demand over the next ten years, an additional 4400 megawatts are needed in the 1978-87 period. Edison's 562 megawatts delivered share of Palo Verde Units 1, 2 and 3 will provide approximately 13% of this anticipated increased demand.

As you are aware, the electric utility industry in this country has been faced with continuing sharp increases in fuel oil costs and a decline in the availability of natural gas and imported low sulphur fuel oil. Our company is firmly committed to the national objective of reducing dependence on imported low sulphur oil. Toward that end, our participation in Palo Verde Units 1, 2, and 3 will reduce future dependence on oil by about 6 million barrels per year, as well as provide needed base load capacity.

The preferred transmission line that we are now proposing 110 miles in Arizona, applied for in our Amended Application, proceeds westerly from the Palo Verde Nuclear Generating Station site

near Wintersburg, Arizona, to our Devers Substation near Palm Springs, California. We believe the new preferred route is, on balance, the most acceptable route and is our first choice. The Bureau of Land Management, the Federal lead agency for this project, is studying numerous additional route segments in preparation for its Environmental Impact Statement. This is one of the reasons why the company has requested approval for more than one routing alternative. Although we are hopeful that both the Siting Committee and the BLM would approve our new preferred routing, it is possible that the Siting Committee could approve one route and the BLM another. In an attempt to avoid this possibility, we are requesting your approval for our new preferred route, four subalternate route segments which are under study by the BLM and which we believe are environmentally compatible, and our original preferred route as described in our August 9, 1977, Application. Thus, if the Siting Committee approves all the routes contained in our Amended Application, we believe there is a good chance that one of those routes will also be approved by the BLM, thus removing the possibility of conflicting regulatory approvals and allowing Edison to commence its right-of-way

activities in a timely fashion. The routing alternatives for which we are seeking approval would only be utilized if we were unable to utilize a corresponding portion of the new preferred route.

Environmental studies were performed by our own in-house specialists and expert outside consultants. These studies included geotechnical, biological, cultural and natural, socio-economic, visual, and existing and planned land use along the new preferred route, four subalternate routes, and original preferred route in Arizona. The remaining routes and route segments described in our August 9 Application have been withdrawn. A set of mitigation measures and construction guidelines has been developed which is designed to minimize those unavoidable impacts which may occur along any route.

As a California utility, we recognize that we would become familiar with all of the problems and concerns of the people of Arizona. We have done our best, therefore, to solicit and respond to comments from all affected or interested federal, state and local agencies and private groups as shown in Exhibit H of our Amended Application. Part of our effort included the establishment of a field office in Buckeye, Arizona, to facilitate local day-to-day contact between company representative

and local groups along the proposed routing. As a result of input received from residents and property owners in the Harquahala-Tonopah area, Edison decided to perform new environmental and feasiblity studies in that area and subsequently to amend our Application before this Committee. Our attempt to strike a balance between each of the interested parties has resulted in our present filing.

Over the past ten years, Southern California Edison has gained considerable experience in the operation of 500 kv transmission lines. To date, all of our approximately 900 miles of such lines have operated efficiently, reliably, safely and compatibly with the existing environment. In our view, with appropriate mitigation, construction and operation, the proposed Devers-Palo Verde 500 kv transmission line will have minimal adverse environmental impact and minimum interference with agricultural operations and private developments along the route. In fact, our new preferred route does not cross any existing or planned agricultural land or residential property.

The proposed 500 kv transmission line, in addition to providing the means to deliver Edison's share of the Palo Verde power to the Southern

California Edison area, will provide significant benefits to the interconnected systems of the Arizona utilities. Utility companies today are, by necessity, interconnected and interdependent, both economically and electrically, in joint generation and transmission projects. This trend is evident in the recent past, as stated by Mr. Hulse, and will certainly continue with even stronger emphasis in future projects. The proposed Devers-to-Palo Verde line will provide the following benefits to Arizona utilities and their customers: 1) improving the ability of the electric power system to remain in normal operation following an electrical disturbance on the network. This results in increased reliability of the entire Arizona interconnected bulk power system between Arizona and California. This is especially important to these two areas because blackouts of electric service, as recently experienced in New York City, could have a devastating impact in agricultural areas as well as metropolitan areas, 2) provide an independent source of back-up power to the nuclear plant in Arizona, thus improving reliability, 3) this additional transmission line between Arizona and California will, as Mr. Hulse stated, increase the power transfer capability between these systems

which can be utilized for the purpose of energy exchanged which benefit both Arizona and California consumers. We estimate that the economic benefit to the Arizona and California utility customers as a result of these exchanges could be on the order of several million dollars per year.

Thus, the proposed Palo Verde-to-Devers transmission line which we are proposing in this Amended Application will provide substantial benefits to the citizens of both Arizona and Southern California. At the same time, the assessments that have been made have convinced us that the proposed transmission line will be compatible with its surrounding environment. Therefore, we respectfully request your approval of the new preferred transmission line route, original preferred route, and subalternate route segments contained in our Amended Application for the proposed Devers-Palo Verde 500 kv transmission line.

This concludes my prepared testimony. Thank you.

MR. WHEELER: Mr. Chairman, at this time, I would like to have Mr. Dudley approach the podium to present his statement.

THE CHAIRMAN: Mr. Dudley.

MR. WHEELER: Mr. Chairman, I would like to inform the Committee that Mr. Dudley has a prepared statement. He will depart from that at the end and go into a discussion with slides, so not all of his presentation will be on a prepared text. I would also note for the Committee's benefit that there has been a mispagination in his testimony. What is page 9 in Mr. Dudley's testimony should in fact follow page 6. It is just part of the answer to a question. If they would insert page 9 right behind page 6, they will be able to follow along as Mr. Dudley reads.

THE CHAIRMAN: I don't believe that that statement has been distributed to the Committee Members.

MR. WHEELER: Mr. Chairman, it is right now.

THE CHAIRMAN: Good. Please have it distributed before you start, Mr. Wheeler.

MR. WHEELER: Mr. Chairman, Mr. Dudley will be using slides which he will identify by exhibit numbers as he goes starting with Exhibit 2.

Finally, Mr. Chairman, since Mr. Dudley's testimony is a bit longer than the other prepared statements, I have interspersed it with questions from myself just to give Mr. Dudley breathing space.

GARY L. DUDLEY,

called as a witness on behalf of the Applicant, having been theretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHEELER:

Q Would you please state your name and address?

A My name is Gary L. Dudley and my business address is P. O. Box 800, Rosemead, California.

Q Mr. Dudley, by whom are you employed and in what capacity?

A I am an Environmental Engineer in the Systems Development Department of the Southern California Edison Company. I am responsible for coordinating the environmental analyses contained in the Application and preparing this Application for a Certificate of Environmental Compatibility.

Q Mr. Dudley, would you briefly state your educational background and work experience?

A I am a registered Mechanical Engineer in the State of California. I received a Bachelor's of Science Degree in Engineering from California State University at Los Angeles and a Master of Science Degree in Mechanical Engineering from the

University of Southern California. Since 1973, I have been employed by Southern California Edison in various capacities as an Environmental Control Engineer and then as an Environmental Planning Engineer and have been responsible for the development and coordination of environmental activities required for approval and construction of electrical facilities, generating stations, transmission systems, and associated facilities. Immediately prior to joining Edison, I was employed by TRW Systems as a member of its technical staff and participated in the development of pollution control equipment and experimental environmental programs. My previous experience at TRW Systems, McDonnell-Douglas Corporation and North American Rockwell included the design, analysis, computer simulation and testing of various spacecraft systems.

Q Mr. Dudley, what is the purpose of your presentation today?

A My purpose is to describe the several transmission line routings and alternate subsegments contained in our Application, to explain the environmental analyses we conducted in arriving at these routings and to compare their relative merits and sensitivities.

is a portion of the original preferred route, subalternate S-22, another portion of the original preferred route, subalternate S-2, subalternate S-24. The original preferred route is denoted by the color red. Subalternate S-5, S-24, S-2, S-21, and S-23 are denoted by the color blue.

We believe all of these routings are environmentally compatible and will explain later why approval is requested for all of the routes.

Q Would you please briefly outline the route selection process which culminated in the routes presently before the Committee for consideration?

A We began our route selection process for this Application in June, 1976. Initially, the study area covered approximately 7,000 square miles in California and 5,000 square miles in Arizona. Once the study area boundaries were established, potential route corridors were identified. Selection of potential route corridors were based on the following engineering and environmental considerations: 1) to maximize use of existing or proposed transmission corridors and utility rights-of-way and access roads, 2) to minimize crossing of or routing parallel to major or scenic highways, 3) to avoid population centers where practicable, 4) to avoid mountainous areas

Q Was the Amended Application for a Certificate of Environmental Compatibility filed by the company on January 10, 1978, prepared under your direct supervision and control and do you sponsor it as an exhibit in this proceeding?

A Yes.

Q To the best of your knowledge is the information contained therein true and correct, as corrected and amended by the errata sheets and supplementary material previously distributed?

A Yes.

Q Mr. Dudley, would you please briefly describe your company's Application?

A As was indicated in Mr. Arenal's testimony, we are requesting Committee approval for all of the following: a) a new preferred route, b) the original preferred route contained in our August, 1977, Application and c0 several subalternate routing segments. The location of these routes is shown in Exhibit A-1 of the Amended Application. These routes are also illustrated and labeled on the map on the easel.

If I might leave for a moment to point these out, they may be somewhat confusing. If you refer to Exhibit A-1, the new preferred route is denoted by the black slanted line. This (indicating)

Whenever possible, when unavoidable, to select the lowest elevation or natural pass, 5) to choose river crossings at minimum river and riparian belt width and sensitive backwater areas, and 6) to avoid areas of major constraint wherever practicable. Areas of constraint are considered to be those areas whose current use for example a National Park or physical geographic features, for example, high rugged mountains, have an obvious environmental or engineering conflict with the placement of a transmission line.

An interdisciplinary study team of professionals experienced in environmental impact assessment was established to undertake the transmission line location study. The team was comprised of both Edison personnel and outside consultants. Environmental subjects studied included physiography and major drainages, geology and soils, vegetation and wildlife, cultural and natural resources, current and planned land uses and recreation and scenic resources.

As a result of the initial analysis, the least environmentally sensitive alternate route corridors were selected for further intensive study. A complete discussion of this environmental assessment is contained in Section 3.0 of Exhibit B-1

to the Application including a graphical presentation of the sensitivity analysis.

The selection of a preferred route was based primarily on three factors: 1) comparison of quantitive environmental data derived as a result of the sensitivity analyses, 2) evaluation of resource planning data and other input received from governmental agencies and private interests, and 3) consideration of other routing parameters such as engineering construction feasiblity, right-of-way acquisition factors, and cost considerations. Using these three factors as a basis, the "original" preferred transmission line routing, shown on Plate 21 of Exhibit B-1 to the Application, and several alternates were selected in January of 1977.

Subsequent to the preparation of Exhibit B-1 to the Application, Edison began studies of several additional routes alternate to the portion of the original preferred route in the Harquahala Valley, which is located approximately ten miles west of the AVNGS site. These studies were prompted by farming interests in the Harquahala Valley which requested that Edison study routes which did not parallel the El Paso Natural Gas Company's pipeline diagonally through the valley. Several new subalternate routes were identified as a result

of these studies. In a June, 1977, letter, the BLM suggested that Edison also consider subalternate routings in the Tonopah-Wintersburg area that were being included by the BLM in their Environmental Impact Statement. Subsequently, Edison conducted environmental studies on the BLM suggested subalternate routes during the summer of 1977.

Edison published the Harquahala-Tonopah Supplement in August, 1977, to present the results of the Harquahala-Tonopah studies. We included these new subalternate routes in our Application for a Certificate of Environmental Compatibility filed on August 9, 1977. The Harquahala-Tonopah Supplement, which has now been withdrawn, was included in that filing as Exhibit B-2.

Subsequent to the August 9 filing, we received further information from community representatives in the Harquahala Valley, Tonopah and Wintersburg areas expressing additional concern about the routes in the Harquahala-Tonopah area contained in the August Application. After reviewing correspondence and meeting with the community representatives and other individuals to identify and discuss these concerns, we felt the most responsible action would be to study additional subalternate routes in the Harquahala Valley and

Tonopah-Wintersburg areas in an attempt to develop routes for the line that would further minimize impacts to private lands and existing or potential agricultural lands. Edison was granted a continuance of the hearing on its August Application on September 19, 1977, in order to conduct these additional studies. During this continuance period, we established a local office in the Harquahala-Tonopah Valley area, worked with the affected communities to aid in developing routes in this area, undertook extensive resident and property owner contacts, conducted helicopter tours of the area for residents and held several community meetings.

Concurrent with the routing studies in the Harquahala Valley and Tonopah-Wintersburg areas, an additional subalternate routing across the Dome Rock Mountains and the Yuma Proving Ground was studied at the suggestion of the BLM.

In response to these concerns, Edison prepared Exhibit B-3 to the Amended Application to present the results of these studies.

Edison has been continually re-evaluating the various routes contained in Exhibits B-1 and B-3 and based on the results of the Harquahala-Tonopah study program, continuing input from

resource agencies and applicable federal, state and local agencies and private interest groups and an assessment of all currently known environmental, engineering, right-of-way and economic factors, we have decided to change our preferred route designation from that presented in our August 1977 Application, to the new preferred route as presented in this Amended Application before you today. We have concluded that the new preferred route is, on balance, the most acceptable route from an environmental, engineering, right-of-way and economic standpoint. However, we also believe that the original preferred route and subalternate routes S-1, S-5, S-21 and S-23 are environmentally acceptable. Therefore, we have included these routes in our Amended Application which was filed on January 10, 1978.

Q Mr. Dudley, why has Edison requested approval for all of the routings described in its Amended Application?

A The Bureau of Land Management, which is the lead federal agency responsible for the preparation of the Environmental Impact Statement for this project will not give a preferential rating to any route until its EIS process is completed in January, 1979. We believe all of the

routes contained in our Amended Application to be the most viable among those being considered by the BLM. Since we are seeking approval from the Siting Committee for routes prior to the issuance of the BLM Report in order to begin our right-of-way acquisition program in time to complete the line by the scheduled operating date of the Palo Verde Nuclear Generating Station, we believe approval is necessary to provide the needed flexibility to Edison in the event that the BLM may require use of one or more of these routes. Also, we believe that a decision by the Siting Committee that a particular route or routings is environmentally compatible in the State of Arizona may influence the BLM analysis.

Q In your opinion, what would happen if the Siting Committee did not approve all of the routings described in your application?

A If the Siting Committee approves less than all of the routings applied for, the chance of BLM approval of a different routing increases. If that were to occur, we would have to file a new application with the Siting Committee and our construction schedule for the line would be dangerously delayed to the point that the line would probably not be operational by the scheduled

start-up date for the Palo Verde Nuclear Generating Station. The obvious way to avoid this predicament is to request Committee approval for all of the routes presently being studied by the BLM. We have not done so, however, because we don't believe all of the routes being considered by the BLM are environmentally compatible. Therefore, we have applied for only those routings which we consider to be environmentally acceptable and which we also believe will be given the strongest consideration by the BLM.

Q Mr. Dudley, at this time would you please describe the routes in more detail and discuss their relative merits?

A Yes, I will discuss the routes and their relative sensitivities in conjunction with some slides which will illustrate some of the key physical and environmental conditions encountered along these routes.

I will present the slides in conjunction with our first exhibit, Exhibit B-2, which is a map of the routes, to facilitate your association of the scenes shown on the slides with the location along the routes.

The first area of sensitivity that I will discuss is the Harquahala and Tonopah Valley areas.

The primary issue of concern in these areas is potential impacts to agricultural land use and private residences. Four subalternate routings through the area were identified and studied: 1, subalternate S-21; 2, the original preferred route paralleling the pipelines; 3, subalternate S-23; and subalternate S-22, a portion of our new preferred route.

Subalternate S-21 is a route proposed by Edison and developed in conjunction with the BLM that minimizes impact to agriculture and private residences in the Harquahala and Tonopah Valley. However, subalternate S-21 would have the greatest impact of all the routes studied in the area on natural resources due to the relative lack of existing access, as can be seen in the following slide, Exhibit 3. Exhibit 3 is a view of subalternate S-21 as it passes through the Nottbusch Valley. S-21 would roughly parallel the bladed road shown in the slide. This bladed road is periodically utilized by the Arizona State Game and Fish Department to maintain approximately ten water catchment basins in the area. The road would have to be upgraded for construction and maintenance of the transmission line. Subalternate S-21 traverses an area which is currently being

studied by the BLM as a potential wilderness area. As such, it is Edison's opinion that the potential for approval of subalternate S-21 by the BLM is not as great as that for the new preferred route in the Harquahala Valley, the original preferred route, or subalternate S-23. In fact, if the area is designated as a wilderness area, we would not be allowed to construct our line along this route. Therefore, if this route segment is approved by the Committee, we respectfully request full consideration of approval of one or all of the other alternate route segments in the area to facilitate a reasonable opportunity for a route through the Harquahala-Tonopah Valley area.

The next route in the Harquahala-Tonopah area that I will discuss is our original preferred route paralleling the El Paso Natural Gas pipeline through the Harquahala Valley across agricultural land, as can be seen in the slide, Exhibit 4. Exhibit 4 is a view of the pipeline route as it enters agriculture in the valley. The route would parallel the El Paso Natural Gas pipeline right-of-way through the valley. This route crosses approximately ten miles of agricultural land in the Harquahala Valley. However, Edison has constructed transmission lines across agricultural

lands in the past and it is our experience that farming operations can continue with minimal impact. We would utilize existing farm roads for access and work with the farming interests in placement of towers to minimize impacts to agricultural operations and facilitate farming under the lines. This route segment would have the greatest impact on agricultural land uses and private residences of all the routes studied in the area, but, conversely, it has the minimum impact on natural resources due to existing impacts and access related to development in the valley.

The next route in the area that I will discuss is subalternate S-23, which is a compromise route between the Harquahala and Tonopah Valleys that does not traverse any agricultural land or private residences, but does intrude into two areas that are being studied by the BLM for wilderness status. The next slide, Exhibit 5, is a view of the route between Saddle Mountain and the Palo Verde Hills. This is an area being considered by the BLM as a potential wilderness area.

MR. BURCH: Is this in relation to S-23, please?

THE WITNESS: S-23, yes, sir.

MR. BURCH: Thank you.

THE WITNESS: The route would proceed through the area across Interstate 10 towards Burnt Mountain, which can be seen in the background. The line would be routed to the left of the small hills shielding it from the view of motorists on I-10 and backdropping it somewhat from view from the Burnt Mountain roadside rest areas. It is our understanding that the BLM, the state, and local agencies are considering the area of Saddle Mountain shown on the left of the screen as a potential recreation area. The low hills in the top right of the screen are in an area where the line may be visible from the Tonopah Valley, which is east of that area. The line will be located approximately three miles from the nearest existing residence. View of the line from the Tonopah Valley would be backdropped against the Saddle Mountains and shielded by the hills.

The next slide, Exhibit 6, is a view of the route behind Burnt Mountain. This area is also be considered by BLM as a potential wilderness area. The route proceeds through the pass between Burnt Mountain and the Big Horn Mountains and proceeds along the Central Arizona Project Canal in the background, which we would parallel. We

hope to be able to utilize the existing access associated with the Central Arizona Project along this proposed subalternate route.

In meetings with the Harquahala Valley Community and in extensive contacts with residents in the valley, it was requested that we locate our line out of existing or planned farmland and away from private residences. The fourth route studied in the area, subalternate S-22 of our new preferred route, is we believe the best route in the area that meets these requirements and also does not impact any proposed wilderness area. In the following slides, it can be seen that the Harquahala Valley routing criteria have been met and impacts to agriculture and private residences in the area have been minimized.

The next slide, Exhibit 7, is a view from Point AAA looking southwesterly across the southern portion of the Harquahala Valley. The route proceeds from Point AAA southwesterly to the Eagletail Mountains shown at the background. This portion of the route does not cross any existing private residences or existing or planned agriculture. The route is for the most part outside of the Harquahala Valley Irrigation District and lands eligible for water from the

Central Arizona Project.

I would like to repeat Exhibit 4, which is a view of our original preferred pipeline route through the valley, for your visual comparison. Now back to our new preferred route, Exhibit 7. Exhibit 7 is a view of our new preferred route from the southwest corner of the valley looking northwesterly along the eastern edge of the Eagletail Mountains near the western portion of the Harquahala Valley. The route proceeds between the two hills and continues approximately halfway between the foothills and the agricultural area. The agricultural area can barely be seen in the top right-hand portion of the slide. This segment of the route does not cross any private residences or cultivated lands. The closest land use in the area is approximately one and one-half miles away.

Based on the results of our environmental studies of the four alternate routes in the area, continuing contacts with the residents and property owners in the area opposing the pipeline route, and input from applicable federal, state, and local agencies, we believe that of the four routing segments presented in the application for the Harquahala-Tonopah area, subalternate S-22 of the new preferred route is the best overall compromise

route, since, one, it does not cross any existing or planned agricultural lands; two, it does not cross any private residences; and, three, it does not intrude into any areas being considered for wilderness status.

Even though we have requested approval of a two-mile corridor in order to maintain consistency with the BLM EIS studies, it is our intent to avoid locating the line in farmland or subdivisions wherever possible.

The next area of concern that I would like to discuss is the Kofa Game Range. As you probably know, the U. S. Fish and Wildlife Service have proposed an extension to the game range north of its existing boundaries. Part of this extension is proposed as a National Wilderness area. Other portions, due to existing impacts, are excluded from wilderness status. Initially, we studied two routes in the Kofa area, one, paralleling the El Paso Natural Gas pipeline through the existing boundaries of the Kofa, and, two, a route passing north of the Kofa's existing boundaries through the proposed extension, which I will call the North Kofa route. The North Kofa segment of our original preferred route that passes through the portion of the proposed extension to the Game Range crosses

the Plomosa Exclusion area and does not intrude on any proposed wilderness area. Initially, we preferred the route through the Kofa Game Range paralleling the pipeline due to existing access. However, the U. S. Fish and Wildlife Service and several environmental groups opposed the route due to visual impacts. At the time, it was believed that the North Kofa route was a peripheral Big Horn Sheep habitat and any additional impact due to new access would be minimal. Therefore, we selected the North Kofa route as our original preferred route through this Kofa area. However, continuing studies have indicated that the potential for impact to Big Horn Sheep is greater than originally believed. Although there are some roads in the area of the North Kofa route related to mining activity, this route traverses an area relatively unimpacted, as can be seen on the next slide, Exhibit 8. This is a view of the North Kofa route at approximately a point where I-10 and U. S. 60-70 diverge. I-10 can be seen on the right portion of the slide. The route proceeds in a westerly direction crossing the low foothills on the left-hand side of Guadalupe Mountain and proceeds toward Scadden Mountain in the background.

The Kofa route, our new preferred route,

does provide existing access, as can be seen on the next slide, Exhibit 9. Exhibit 9 is a view of the new preferred routing in the Kofa Game Range. Livingston Hills are the mountains on the left. The Dome Rock Mountains can be seen in the background. The route would be located in the Crystal Hill-Coyote Peak Exclusion area and would miss all areas proposed for wilderness status. The route would closely parallel the pipeline through the Game Range and the pipeline road would be used as access whenever possible. Stub roads would be built to the tower locations from the access road.

In summary, both the preferred route through the Game Range and the North Kofa route will cause visual impact to the recreationalists in the Game Range and to the users of I-10 along the North Kofa route. Since the Kofa route divides approximately 35 miles of existing access along the pipeline, it would be needed to be constructed along the North Kofa route, the Kofa route was designated as the new preferred route, since it minimizes access-related impacts.

We will put Exhibit 2 back on again. The next area of concern that I would like to discuss is the crossing of the Colorado River and the related crossings of the Dome Rock Mountain.

Dave will help follow us through here. Two viable river crossings have been identified in our studies. Our preferred crossing is that crossing just south of Interstate 10. The preferred crossing was selected at a point of minimal backwater riparian habitat and recreational use. Visual impact is minimal, since the crossing is over a mile south of developed river frontage and approximately four miles south of I-10. It is between bends in the river so that it will not be seen on a parallel view along the river. Also, the crossing places the route in line with a planned transmission line corridor in California.

Our alternate river crossing is just south of Interstate 10 and is a portion of sub-alternate S-5. Several developments on the Colorado River north and south of the river crossing would be visually affected by subalternate S-5.

I would now like to discuss the alternate Dome Rock crossings' key to these crossings of the river, subalternate S-5 first. Subalternate S-5 traverses the Dome Rock Mountains and parallels the El Paso Natural Gas pipeline to Interstate 10, turns westerly on a parallel with I-10, and leads to the river crossing at the highway.

Since it parallels the pipeline, existing access is an advantage to this route. The major impacts associated with subalternate S-5 are visual to motorists on I-10, the Town of Ehrenberg, the Ehrenberg roadside rest areas, and to developments and recreation on the Colorado River.

Originally, Edison considered the Yuma Proving Ground to be a major constraint area, one which should be avoided, and selected the route through the Copper Bottom Pass as our preferred route through the Dome Rock Mountains, one that would lead to our preferred river crossing. This route leaves the El Paso Natural Gas pipeline east of the Dome Rock Moutains and proceeds through a relatively unimpacted canyon through the Dome Rocks. This Copper Bottom Pass is an archaeologically and biologically sensitive area. Because of this sensitivity, the BLM suggested that we consider a route through the Yuma Proving Ground. After meetings with the U. S. Army and the BLM, we moved our preferred crossing through the Dome Rocks in an area where the Army suggested a route that would be somewhat compatible with their operations. We found this route environmentally acceptable and it lined up with our preferred river crossing. The route would proceed over the Dome Rocks in

an area that is also archaeologically and biologically sensitive, but we believe less sensitive than the Copper Bottom Pass.

One of the primary factors in selecting our preferred routing of the Dome Rock Mountains was utilization of our preferred river crossing. Two routes are keyed to this crossing, subalternate S-24 through the Yuma Proving Ground and our original preferred route through Copper Bottom Pass. The subalternate S-24 crossing of the Dome Rocks is considered less environmentally sensitive than the Copper Bottom Pass. Our belief that archaeological and biological sensitivities related to these crossings could be mitigated in conjunction with our belief that the preferred river crossing is the most overall environmentally acceptable crossing resulted in selection of subalternate S-24 as our new preferred route in this area.

This now concludes my discussion of the relative merits and sensitivities of the routes. In summary, we have conducted a comprehensive environmental analysis of the 12,000 mile study area in an effort to determine the most environmentally acceptable route from Palo Verde to Devers. We have maintained continuous contacts with federal, state, and local agencies, private

interests, and community representatives. We have continued to gather and evaluate field data and resource agency data, and as more information has become available, we have re-evaluated our position on various routes and are before you today to request your approval for what we now consider to be overall the most acceptable and viable routes. We do ask for the Committee's approval of all the routes contained in our application, since they are all being considered by the BLM, they are all considered environmentally acceptable, and they would provide Edison routing flexibility in the event that the BLM may require use of one or the other subalternate segments in the areas shown.

This concludes my prepared testimony. Thank you.

MR. WHEELER: Mr. Chairman, I would suggest we proceed to hear Mr. Hinton's direct testimony. It is only seven or eight pages and I think we can conclude that prior to the lunch break if the Committee desires.

THE CHAIRMAN: How long do you estimate? 15 minutes?

MR. WHEELER: It is four and one-half pages, so less than 15 minutes I would think.

THE CHAIRMAN: Why don't you proceed?

MR. WHEELER: Mr. Hinton, would you please move to the podium.

Mr. Chairman, I would also like to move for introduction into evidence of Mr. Dudley's slide exhibits if there is no objection.

THE CHAIRMAN: Those were Exhibits 2 through what? What was the final slide number?

MR. BURCH: Through 9.

MR. WHEELER: 2 through 9.

THE CHAIRMAN: Exhibits 2 through 9, are there any objections to the admission of those exhibits?

MR. WHEELER: We have provided the Reporter with a copy of the slides.

THE CHAIRMAN: The exhibits will be admitted.

MR. BURCH: I believe we had a stipulation at our kind of prehearing conference that those would be admitted and copies would be furnished if, as, and when they were requested, isn't that correct?

THE CHAIRMAN: That is my understanding.

MR. BURCH: The record should show that already, I believe.

THE CHAIRMAN: Any objection to that, Mr. Wheeler?

MR. WHEELER: None, Mr. Chairman. We will be happy to provide copies of slides to the intervenors upon request.

THE CHAIRMAN: Thank you. You may proceed.

LARRY A. HINTON,

called as a witness on behalf of the Applicant, having been theretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. WHEELER:

Q Mr. Hinton, by whom are you employed and in what capacity?

A I am employed with the Southern California Edison Company. I am a Transmission Engineer.

Q Do you have a prepared statement you would like to present this morning?

A Yes, I do.

Q Would you please proceed?

A Thank you. My name is Larry A. Hinton. I am a Transmission Engineer in the Engineering and Construction Department of the Southern California Edison Company. I am responsible for the route selection and preliminary engineering activities associated with the project described

in this Application for a Certificate of Environmental Compatibility.

I have been involved in transmission engineering work since 1969, including 4-1/2 years at the Los Angeles Department of Water & Power and 4-1/2 years at Edison. I hold a Bachelor of Science Degree in Electrical Engineering from the University of Utah and a Certificate in Electric Power Engineering from UCLA. I am also a member of the Institute of Electrical and Electronics Engineers.

My testimony will present the engineering, construction and maintenance aspects of the Project 4 transmission system associated with the Palo Verde Nuclear Project. As a preliminary matter, I would like to strongly emphasize that Edison's goal is attainment of minimum environmental impact during and resulting from construction which requires strict adherence to certain construction practices. Edison is committed to a policy that: (a) recognizes the importance of preserving the environment, (b) includes environmental planning as a part of major system expansions and (c) adheres to environmental guidelines developed by members of the Western Systems Coordinating Council, a voluntary regional

organization of electric utilities. In addition, Edison employs qualified archaeologists and biologists who will identify and resolve problems concerning cultural and natural resource localities and sensitive biological areas during both the engineering and construction phases.

The proposed transmission system is patterned after similar proven 500 kv transmission systems presently in use in this country. The proposed line is designed to transmit 1,000 megawatts of power on a continuous basis, with the capability of carrying not less than 2,000 megawatts under emergency conditions.

The main components of the transmission line are the electrical conductors, which transport the power, and the supporting structures. The conductors are made of small aluminum and steel strands forming a cable approximately 1-3/4 inches in diameter. The conductors will be supported by the structures such that they are at least 25 feet apart and 35 feet above ground.

Two types of lattice structures will be used to support the conductors; a freestanding, self-supporting, type and a guyed type. Outlines of the two types of structures are contained in the Application on Figures G-1 and G-2. The

quantity and placement of the two different types of structures depends upon the final detail design of the transmission line and is greatly influenced by terrain, land use, and economics. Flat terrain and long straight line segments favor the guyed structures, while mountainous terrain, agricultural areas, major highway and river crossings and angles in the line will require freestanding structures. Guyed structures will normally require 240 feet of right-of-way while freestanding structures require only 200 feet.

Heights will vary for all structures and depend upon terrain, length of spans and the presence of other facilities the transmission line may cross, such as roads, highways, and other power and telephone lines.

Two overhead groundwires, approximately one-half inch in diameter, supported at the uppermost extremities of each structure will be used to intercept lightning strokes to the transmission line. Electric current from lightning can be transferred harmlessly through the groundwires and structures into the ground.

Access roads are necessary for construction and also for operating and maintaining the line. Access roads consist of a main road running along,

the transmission line right-of-way with short spur roads providing access to each structure site. Where the line is adjacent to or crossed by existing roads, which provide easy access, new access roads will not be constructed. Existing roads will be used as access roads wherever feasible.

All trees and vegetation which are not specifically required to be removed for construction purposes will be preserved and protected. Areas noted as significant wildlife habitats will be flagged and not distrubed, where possible.

Dust control and noise abatement will be implemented in all phases of construction.

Assembly and erection will consist of three main parts: (a) steel haul to the sites and storage, (b) grading work, if necessary, to construct crane pads at tower sites, and (c) structure assembly and erection at the sites.

During assembly, care will be taken to protect trees or shrubs at the construction sites. Cuts and fills for crane operating pads will be the minimum required and consistent with safe operating practices. After complete erection, the site will be returned nearly as possible to its natural preconstruction state.

Temporary guard structures will be erected

over roads, streets, railroads, highways, and other transmission, distribution, or communication facilities, as required, prior to the stringing operations, to shield the underlying activities and facilities.

Upon completion of construction, crews will remove all excess construction materials from the right-of-way in a manner such that the area will be returned nearly as possible to its preconstruction appearance.

Maintenance of the transmission line will consist of periodic patrols by ground and air to locate any damage which might adversely affect the integrity and reliability of the line. Patrols will normally be made every 180 days by air and once a year on the ground. More frequent patrols may be made during fire or storm seasons.

Access roads will be maintained as near their original construction state as possible. The roads will normally be graded annually depending upon their condition following seasonal storms. Gates and fences installed to limit access will be kept locked and in good repair. No herbicides or pesticides will be used during maintenance activities.

In conclusion, the transmission line

proposed in this Application has been comprehensively analyzed from an engineering and technical standpoint. Based upon this analysis and Edison's past construction and operating experience, it is my belief that all the proposed routes are not only environmentally compatible, but present no unusual engineering or technical problems. I would note, however, that selection of various route combinations other than the new preferred route can vary the costs either up or down by as much as $2 million, as shown on pages 6 through 8 of the Application.

This concludes my prepared testimony. Thank you.

MR. GREEN: Mr. Chairman, with respect to the last statement of the witness that the engineering costs can vary up and down by as much as $2 million, I would like to ask a question, if I could, other than the panel method of questioning at that point.

THE CHAIRMAN: Can we get into this immediately after the lunch break?

MR. GREEN: Certainly.

THE CHAIRMAN: Did you have anything further to offer, Mr. Wheeler?

MR. WHEELER: Mr. Chairman, that concludes the direct presentation of the Applicant at this

time.

THE CHAIRMAN: At the last recess, when we reconvened, I failed to state that all parties and all Committee Members had returned and were present. Let the record reflect that all the parties, the applicant, and the Committee Members were present for the proceedings this morning.

At this time, we are going to take a lunch recess. I would like to reconvene at 1:00 o'clock, which only leaves an hour for lunch, unless that causes some serious problems. Does anyone have any objection to that?

MR. WHEELER: That is acceptable to the applicant.

THE CHAIRMAN: In that case, this Committee will reconvene at 1:00 o'clock. We are adjourned.

March 2, 1978
1:00 o'clock p.m.

THE CHAIRMAN: Can we proceed now? Is everybody back? Is there anybody that is not here that was here this morning, or is there anybody missing anyone sitting beside them?

The meeting will come to order. Before we proceed any further, I want to reopen the

question of limited appearances. Mr. Kevin Dahl has filed a limited appearance with me moments ago as well as Mr. Jeff Zimmerman. I don't have any problem with them other than the timeliness. I am prepared to waive that. Are there any objections to having these limited statements filed at this time?

MR. WHEELER: Mr. Chairman, I would only request that at the earliest opportunity we provided with a copy of the statement.

THE CHAIRMAN: Certainly. Can we send a copy out to the parties? I will have the Commission send copies out at the conclusion of the hearing. Is that fair enough?

MR. WHEELER: That's fine if we can have an opportunity later at a recess, perhaps, to view the copy you do have there.

THE CHAIRMAN: Certainly. Any other objections?

(No response.)

THE CHAIRMAN: Subject to further objections by Mr. Wheeler, these are admitted and made part of the record.

Would you proceed, Mr. Wheeler?

MR. WHEELER: Mr. Chairman, as I indicated before the luncheon break, we have completed the

direct presentation of the applicant and I would tender Mr. Arenal, Mr. Dudley, and Mr. Hinton for cross-examination with the further understanding that we have some additional back-up witnesses who may step in on occasion to answer particular questions.

THE CHAIRMAN: Mr. Green, I realize that you have worked out an order of cross-examination with Mr. Burch. However, you indicated that you had one question that you would like to follow up on first and then we will proceed in the order we agreed upon. Is that all right with you?

MR. GREEN: Yes. Thank you, Mr. Chairman. It may or may not be just one question, it is only one subject, and then I will yield to Mr. Burch and follow him in my cross-examination.

I wonder if I could address it to Mr. Hinton, if he would resume the witness stand, so to speak.

THE CHAIRMAN: There is a microphone there. Could you just ask him the question from where he sits?

MR. GREEN: Yes, surely.

CROSS-EXAMINATION

BY MR. GREEN:

Q Mr. Hinton, looking at the last page of your testimony and the last sentence of it ..

MR. HINTON: You mean the next-to-the-last sentence.

Q Yes, I mean other than "this concludes my prepared testimony." I wasn't considering that substantive testimony. In that testimony where you refer to cost, it is my understanding, and you correct me if I am wrong, Mr. Hinton, that California Edison serves no customers with electric power in the State of Arizona. Is that correct?

MR. HINTON: I believe we have a facility in Yuma.

Q Well, is that to be served by the lines that you propose to build in this application?

MR. HINTON: Not to my knowledge.

Q Would you tell me what the nature of the facility is in Yuma?

MR. HINTON: We have a small generating facility there that we share with APS.

Q My question is do you serve customers with electrical power in the State of Arizona?

MR. HINTON: No.

Q And you, therefore, receive your revenue from the sale of electric energy solely and exclusively from customers of yours in the State of California, is that correct?

MR. HINTON: Yes, it is.

Q And it is the California equivalent of our Corporation Commission which sets your rates for your utility, is it not?

MR. HINTON: I don't think I can continue to answer this line of questioning. Possibly Mr. Arenal could. It is not in my field.

Q Well, I thought you were speaking of the savings in cost that might be incurred by taking one route over another, so my question is this, Mr. Hinton: Are you suggesting to this Siting Committee that it choose a cheaper route in order to avoid additional cost to the customers of yours in California even though it be at the environmental expense and other types of expense of the people of the State of Arizona?

MR. HINTON: No, I am not suggesting that. I am merely pointing out the fact that there are several routes before you today and a combination of other than the preferred will change the transmission line and right-of-way costs.

Q My question to you then is is not that

cost a cost which from California Edison's standpoint is borne directly by your customers in the State of California?

MR. HINTON: That's true.

MR. GREEN: I have nothing further on this line at this point, Mr. Chairman.

THE CHAIRMAN: Thank you.

Mr. Burch, do you want to proceed?

MR. BURCH: Yes. Mr. Chairman, it is somewhat difficult for me to see who I am talking with if the witnesses are all here. I have no objection to the panel situation. It seems to me it would be more satisfactory from counsel's point of view here, at least, and perhaps those people in the room who are here in attendance if our panel could be conveniently and comfortably situated up here in front and use that microphone. At least, we know then who is responding. I can see one of the gentlemen here. I can't hardly even see the faces of the other two from where I am sitting. I don't want to be obtuse about it. If it is uncomfortable and you have things there you need to keep in front of you, I will just proceed, but I like to look at who I am examining.

MR. GREEN: I would join in that request and I would ask Mr. Chairman to be mindful of the

fact that Mr. Burch and I have yielded to this panel arrangement for examination.

THE CHAIRMAN: Mr. Wheeler.

MR. WHEELER: Mr. Chairman, I have no problem with that if we could get a table up here and seat the witnesses up here to respond, but I think it is going to be a little cumbersome. If what we are talking about is just having the particular witness walk up there and step down and have the other gentlemen step up there and step down, I think that might be more timeconsuming. If we can move a table and put it up there and have the three gentlemen sit up there, I have no objection to that if they can have their materials with them. Mr. Chairman, a possible suggestion might be to move the table with the attorneys perhaps over in that area so they can look directly there, but we are amenable to any acceptable solution. If there is a table around here that can be moved over there, Mr. Chairman, we will put our witnesses there.

THE CHAIRMAN: I didn't set up the room. I don't know if there are any tables here. Let's take a brief recess and see if we can swing that table around.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: The Committee will come to order. I think we have a solution. If each witness will stand as he answers the question, I think that this will satisfy everybody's needs here.

Mr. Burch, if you will proceed.

MR. BURCH: Fine. Thank you, sir.

CROSS-EXAMINATION

BY MR. BURCH:

Q I believe that Mr. Arenal indicated that Edison was granted a postponement of the hearing in order to, and I am reading from his testimony, page 1, "Evaluate and respond to routing alternatives suggested by property owners and residents in the Harquahala-Tonopah area," and that, as a result, there was a designation of a new preferred route, two new subalternate routes, and a redesignation of the original preferred route that was contained in the August 9 Application. Is that correct, Mr. Arenal?

MR. ARENAL: That's correct.

Q So that as a result of those meetings, four routes were then presented in this Amended Application.

MR. ARENAL: I will ask Mr. Gary Dudley to respond to that.

MR. DUDLEY: I will have to ask you to repeat. I was busy.

MR. BURCH: Read it back.

(Thereupon the pending question was read by the Reporter.)

MR. WHEELER: Mr. Burch, you are speaking just of the Harquahala-Tonopah Valley area, is that correct?

MR. BURCH: Yes. I quoted why I prefaced my question in this manner. I am talking right on page 1, the first full paragraph.

MR. DUDLEY: Sir, we are filing for a new preferred route which goes all the way to the river, our original preferred route, and four subalternate routes.

BY MR. BURCH:

Q Four subalternate routes?

MR. DUDLEY: Yes, but not all of those are in the Harquahala-Tonopah region.

Q They are all shown on your plat over here, are they not?

MR. DUDLEY: That's correct.

Q How many of these were offered by the Harquahala-Tonopah people?

MR. DUDLEY: In our meetings?

Q Yes.

MR. DUDLEY: Two of them.

Q Which two were they?

MR. DUDLEY: S-21 and S-23.

Q Who offered S-21?

MR. DUDLEY: The Harquahalans and the Tonopah residents.

Q Did you receive that from the Tonopah people in writing?

MR. DUDLEY: I would have to look through the exhibits. I know it came about in the community meetings that we held.

Q Isn't it accurate to say that in community meetings, you suggested these routes and that they were discussed, not that they were alternatives offered by either Harquahala or Tonopah?

MR. DUDLEY: No, sir. The route that you see for S-21 is not the identical route that the Harquahalans or Tonopahans wanted. It was the only route, though, that, due to the potential wilderness status of the area, was a viable route, because it followed a bladed road.

Q Well, as far as S-21, S-22, and S-23, and the preferred route originally suggested are concerned, each of these was laid out, engineered, and determined by Southern California Edison, was

it not?

MR. DUDLEY: In conjunction with information received.

Q All right. Were there, however, other routes suggested either by Harquahala or Tonopah at those meetings that originated with those people and not with Southern California Edison? You know, I started this with Mr. Arenal because this was in his prepared documentation. If you don't know, I would like to get back to him.

MR. DUDLEY: The route generally, yes, there was.

Q Are any of those shown to this Committee today?

MR. DUDLEY: No.

Q Then when you say that you were granted a postponement in order to evaluate and respond to routing alternatives suggested by property owners and residents in Harquahala and Tonopah, the truth of the matter is we are back here considering Southern California's opinion of where the routes ought to go, isn't that right?

MR. DUDLEY: Not completely, sir.

Q You took time to discuss these routes with people, but these are not suggestions from them, but routes designated by your company and your

engineers, isn't that right?

MR. DUDLEY: Not completely.

Q Have you got anybody here from Harquahala or Tonopah that will stand up and say to you they brought these routes to your company?

MR. DUDLEY: As presented?

Q Yes, as presented?

MR. DUDLEY: We don't have. I don't have that witness here.

Q All right. I understand that the Planning and Operating Department of APS is in agreement and supports all four of these routes that I have talked about, S-21, 22, 23, and the original.

MR. WHEELER: Mr. Chairman, I think Mr. Burch is mischaracterizing the statement of Mr. Hulse this morning.

MR. BURCH: Well, let me read it from page 2. I will withdraw.

BY MR. BURCH:

Q Mr. Arenal says, you are going to respond for him, on the bottom of page 1 and turning to page 2, "The Planning and Operating Department of Arizona Public Service are in agreement with and support this schedule," is that correct?

Now, I'm going to object to this. I have what I was afraid of in the beginning. It was two

gentlemen here telling this man the answers. It is quite apparent to people on the Siting Committee over there, isn't it, that that is what is happening? I want an answer from a witness, I do not want coaching, and if he doesn't know, then I want to find out why he doesn't know. That's seems reasonable to me, Mr. Chairman.

MR. WHEELER: Mr. Chairman, we are attempting to respond to Mr. Burch's questions, and I think the purpose of this hearing is to get an answer to his legitimate questions. We have a number of witnesses here because it is a complicated process that resulted in this application involving a number of different people and we are trying to make sure that the most competent person in fact answers the question. I think Mr. Burch would agree with me that he would like to get an answer from the best possible person. That is all we are trying to provide.

THE CHAIRMAN: Gentlemen, we agreed to a somewhat informal procedure and a panel procedure, but there has to be a little bit given by both sides. I think Mr. Burch has the right to direct his examination to any particular witness and I don't think the witnesses can just pass the ball among them without his consent. Now, if he wants

to examine a particular witness, he has a right to do that. If this witness doesn't know the answer, let him say so, but let's minimize the discussion if possible.

MR. WHEELER: That's fine, Mr. Chairman.

BY MR. BURCH:

Q Public Service is in agreement with and supports the schedule, is that correct?

MR. DUDLEY: That is correct.

Q Mr. Arenal indicated in his testimony that Public Service's experience has shown that it takes approximately two years to acquire lands in Arizona, is that correct?

MR. DUDLEY: That is correct.

Q Did your company look to see how long it takes to get BLM approval before you proceed in one of these hearings?

MR. DUDLEY: Yes.

Q How long does that take?

MR. DUDLEY: Sometimes as much as two years.

Q As much as two years. Have you had their approval then of a route so that while we are here today, you can advise us of that?

MR. DUDLEY: Please repeat the question.

MR. BURCH: Read it.

(Thereupon the pending question was read by

the Reporter.)

THE WITNESS: No, we do not.

BY MR. BURCH:

Q Have you gone to them with proposed routes as you have with these people in Harquahala and Tonopah?

MR. DUDLEY: Yes, we have.

Q Have you submitted to them a route as you have submitted those to us and to the Siting Committee here today?

MR. DUDLEY: Yes, we have.

Q When will they act on that?

MR. DUDLEY: The decision is expected in January of 1979.

Q Are you then indicating to Harquahala and Tonopah residents and the Siting Committee that, regardless of any determinations we make, BLM will decide this matter for us?

MR. DUDLEY: We believe that your opinions, the opinions of the Arizonans for a routing in Arizona would have some input to the BLM analysis. The BLM will have final decision for routing across federal lands in the State of Arizona.

Q And if BLM then approved none of these routes, we are here today in an exercise of futility, is that right?

MR. DUDLEY: That is your opinion, sir.

Q Then wouldn't it be proper and reasonable to get their consent in advance before we exercise in futility?

MR. DUDLEY: If our schedule permitted so.

Q As I understand it, we are going through this hearing and we are determining routes which may be appropriate, reasonable, and good, or could be a total waste of time, is that right?

MR. DUDLEY: Depending upon how you look at it.

Q And that is the method that has been selected by your company and APS, among others, simply because BLM is not ready to advise anybody as to what they want, is that right?

MR. WHEELER: Mr. Chairman, APS is not an applicant in this proceeding.

MR. BURCH: Well, you mentioned them, I didn't.

THE CHAIRMAN: Are you waiting for a ruling? I'm sorry.

MR. WHEELER: No, Mr. Chairman.

MR. DUDLEY: It takes BLM approximately two years to complete their environmental assessment procedure.

BY MR. BURCH:

Q Did you start with them two years ago?

MR. DUDLEY: We started with them one year ago.

Q Then you were dilatory in approaching them, as I understand it.

MR. DUDLEY: No, sir, we approached them as soon as we could.

Q What kept you from going there two years ago?

MR. DUDLEY: At the time, we had not determined a route. At that time, we were transmitting our power via Red Lake Canyon-Mohave route.

Q All right. We now have a new preferred route, is that correct?

MR. DUDLEY: Yes, sir.

Q I believe that it has been indicated to the Siting Committee, but I wonder if it would be convenient for someone from your company simply to point it out again on the exhibit that is in front of us?

MR. DUDLEY: Okay. Dave Metsker will do that. The route begins at the generating station, following portions of the original preferred, goes across the southern part of the Harquahala Valley on the

south, on subalternate S-22, and on the east side of the Eagletails until it rejoins the El Paso Natural Gas pipeline, which was our original preferred, proceeding westerly to join subalternate S-2, which parallels the El Paso Natural Gas pipeline, across the Kofa Game Range, where it diverges from that and crosses La Posa Plain and the Dome Rock Mountains to our preferred river crossing at the Colorado River.

Q Thank you. All of the environmental criteria that you have set forth in both your Amended Application and the presentations here today were applied when you recommended the original preferred route, is that correct?

MR. DUDLEY: Sir, we completed studies on the original preferred route in January of 1977, a year ago. Exhibit B-1 presents the results of those studies.

Q And I assume that you considered this new preferred route at that time, also, or areas generally in that section, is that correct?

MR. DUDLEY: The areas generally, yes.

Q You are not then telling the Siting Committee today that the original preferred route was second best?

MR. DUDLEY: At the time we completed the

studies in 1977?

Q Yes.

MR. DUDLEY: No, it was what we felt was the best preferred route at that time.

Q As I understand it, in relationship to today, you now think that there are other routes that are better, is that correct?

MR. DUDLEY: That is correct.

Q And the one that you think is best of all then is the new preferred route just indicated on the plat?

MR. DUDLEY: That is correct.

Q And the original preferred route, would that be then your second choice?

MR. DUDLEY: I don't believe you really have a second choice.

Q All right. Then, as I understand it, the other routes are inferior and each has its own particular problems, is that correct?

MR. DUDLEY: Each segment alternate to our new preferred has impacts which we feel are slightly greater than the preferred route.

Q And as I understand it, the testimony of the panel is that you believe BLM will probably only approve one route?

MR. DUDLEY: I can't testify to how many

routes BLM --

Q Let me quote page 3. "Thus, if the Siting Committee approves all the routes contained in our Amended Application, we believe there is a good chance that one of those routes will also be approved by the BLM. . ." You don't believe they will approve more than that?

MR. DUDLEY: They could, I presume. I am not knowledgeable of the answer whether or not the BLM approves more than one route.

Q Well, I was getting around to asking you why not just present one route instead of giving BLM the alternatives?

MR. DUDLEY: BLM will complete their environmental studies in another year. We have presented what routes we feel are most viable among those being studied.

Q So that I am accurate, the new preferred route does not cross any existing or planned agricultural lands or residential property, does it?

MR. DUDLEY: It does not cross any existing agricultural land. I think I can't really say residential property. We do cross some private property, but there are no residences on that property.

Q Mr. Arenal's statement was, in fact, "Our new preferred route does not cross any existing or planned agricultural land or residential property," and by "residential property," he obviously meant developed residential property.

MR. DUDLEY: Probably, yes.

Q All right. This was an important criterion, I take it, is that right?

MR. DUDLEY: Yes, sir.

Q He closed by stating, "We respectfully request your approval of the new preferred transmission line route, original preferred route and subalternate route segments. . ." Is there any magic in that order of preference?

MR. DUDLEY: No, sir. We ask for approval of all.

Q Let me see, now. You are Mr. Dudley, I take it?

MR. DUDLEY: That's correct, sir.

Q I think that in talking about S-21, Mr. Dudley, my notes reflect that your statement, your purpose in being here today, was to explain the environmental analyses that were conducted, is that correct, sir?

MR. DUDLEY: Yes, sir.

Q What is that criteria that you followed?

MR. DUDLEY: We are trying to analyze each route in relation to the natural and human resources and to try to determine what impacts will occur due to the transmission line routing through that area.

Q Let me ask you in regard to that, I believe on page 4 -- why don't you refer to page 4 of your statement?

MR. DUDLEY: I found it.

Q I think you probably attempted to set forth the criteria you used there, did you not, in the six major statements that you have at the top of the page?

MR. DUDLEY: Yes, sir. This was how we identified potential route corridors at the initial phase of our studies.

Q You indicate six areas that concerned you in setting up a preferential route: to maximize use of existing or proposed areas of transmission corridors, to minimize crossing of or routing parallel to major or scenic highways, is that correct?

MR. DUDLEY: Yes, sir.

Q To avoid population centers where practicable, to avoid mountainous areas where possible, to choose river crossings at minimum

river width, and to avoid areas of major constraints. I think then you say that areas of major constraint are considered to be those areas such as national parks, rugged mountains having an obvious environmental or engineering conflict, is that correct?

MR. DUDLEY: Yes, sir.

Q Did you ever use as a criterion the fact that an area may be adversely affected by environmental impacts already and that to again put these high kv lines into that area would aggravate an existing condition? Was that any part of the criteria anywhere?

MR. DUDLEY: That is a consideration.

Q You did not list that. Was it supposed to be under one of these six items?

MR. DUDLEY: When we initially started, these were our major items through which we identified potential corridors. That is out of a 12,000 mile study area. Then from then, we started to refine that. Some of the elements of that refinement include an assessment of impacts such as you have mentioned.

Q Where in your Amended Application or in your original Application could one find an analysis of that situation?

MR. DUDLEY: Sir, are you referring to an analysis where we discussed existing impacts?

Q Yes.

MR. DUDLEY: One route that comes into mind is subalternate S-5.

Q Let me in order to limit your testimony and save time, is there a discussion of that problem as relates to S-23?

MR. DUDLEY: No, sir, only in that we are able to utilize access in subareas of subalternate S-23, thus minimizing impacts.

Q Let me talk to you then about the Tonopah Valley area, whose association I represent. Is there a major highway through there?

MR. DUDLEY: Yes, sir.

Q Is there a major canal through there?

MR. DUDLEY: Yes.

Q Is there a power line through that general area?

MR. DUDLEY: Yes.

Q Would these things be adversely affecting the environment of those people presently there?

MR. DUDLEY: That is a matter of analysis by the people living there.

Q These would be, then, things you would consider?

MR. DUDLEY: Mostly I would consider that those types of impacts were an existing utility corridor and that would be an area I would look for to route our transmission line on.

Q Then you would add to the aggravating circumstances as a part of your criteria rather than avoid it, is that right?

MR. DUDLEY: I would try to minimize impacts to other areas by utilizing existing access related to those existing utilities.

Q That is precisely what I am getting at. As I understood your statement and others, you are doing this on the basis of public good, least damage to the fewest?

MR. DUDLEY: Yes, sir.

Q And it is, as I understand, then your practice that, even though an area may be over-burdened, you would let them pay the price rather than shift it on to the general public who will benefit from this line, is that correct?

MR. DUDLEY: Repeat, please.

MR. BURCH: Read it.

(Thereupon the pending question was read by the Reporter.)

MR. DUDLEY: I believe in our analysis, we have not considered the area as being overburdened.

BY MR. BURCH:

Q You would not think, then, as in the case of Tonopah, which I have somewhat briefly described to you and I think you agreed with me, where there was a power line, perhaps a pipeline, a major highway, a number of those kinds of considerations already environmentally affecting that area, that would not dissuade you from putting an additional 500 kv power line through there, is that right?

MR. DUDLEY: Our routing in the Tonopah area, S-23, really does not parallel or go through any of the existing agricultural or private land uses in the area. We avoided that by routing it between the Saddle Mountain and Palo Verde Hills.

Q Well, then that is basically the reason for your preferred route of a combination of S-21 and 22, isn't that right?

MR. DUDLEY: The reason for the preferred route was S-23 as it traverses between Saddle Mountain and Palo Verde does impose or does cross an area considered for wilderness status. The other route does not.

Q It also crosses the major highway twice, doesn't it?

MR. DUDLEY: That's correct. That is another reason.

Q And it is extremely visible from that scenic highway if it was created there, isn't that correct?

MR. DUDLEY: It is several miles off the highway.

Q Well, it goes right across it, too.

MR. DUDLEY: At two points.

Q Referring to page 5 of your testimony, you say the selection of a preferred route then was based on three factors. You compared quantative environmental data, the evaluation of your resource planning date and other input, and consideration of other routing parameters such as your engineering construction feasiblity, et cetera. Those were basically then the things that brought you to the preferred route recommened today.

MR. DUDLEY: No, sir. Let me back up and explain. These three factors were related to my discussion of the selection of our original preferred route.

Q Oh, all right.

MR. DUDLEY: Additional factors coming up with our new preferred route was to try to minimize any impacts on agricultural and private residences.

Q How many alternative routes did BLM suggest to you?

MR. WHEELER: What point in time are you referring to, Mr. Burch?

MR. BURCH: In the Tonopah-Wintersburg area. That is all I am concerned about right now.

MR. DUDLEY: Two.

BY MR. BURCH:

Q And they were which routes?

MR. DUDLEY: Neither one are considered in this application.

Q I see. Where were they basically?

MR. DUDLEY: They both exited the plant site northerly. One turned west at Buckeye-Salome Road and paralleled Buckeye-Salome Road.

Q Could you have one of your assistants show us that on the plat, please?

MR. DUDLEY: The route exited the plant site northerly as shown, turned northwesterly at Buckeye-Salome Road, paralleled the Buckeye-Salome Road through the Tonopah Valley and the Harquahala Valley, along I-10 on the south side, or paralleling I-10. The other route went further north. It passed the Buckeye-Salome Road and met with the I-10 Highway and then turned west and paralleled I-10 through the Tonopah area.

Q The reasons for abandoning these were then what?

MR. DUDLEY: Well, we included those in our Exhibit B-2 because the BLM had requested us to, since they were studying them. After re-evaluating the situation based on the input of our community meetings, we felt that the impact to agriculture and existing land use was much too heavy relative to the other available alternative S-23 in the area.

Q Then as a matter of fact, obviously, your company has recognized that when there is already an impacted area, adding additional environmental impacts to it is not a good idea. Would you agree with that?

MR. DUDLEY: No, sir.

Q Fine.

MR. DUDLEY: Mr. Burch --

Q Yes, sir, go ahead.

MR. DUDLEY: Did you say not always a good idea?

Q Yes.

MR. DUDLEY: Yes. The "always" would be the key word in that. There are some instances in which it would not be a good idea.

Q The subalternate route across Dome Rock Mountains and the Yuma Proving Ground, was that indicated when we just talked about the Tonopah

area?

MR. DUDLEY: Yes, sir.

Q Which of those routes was that? The most northerly one?

MR. DUDLEY: No, the Dome Rock Mountain-Yuma Proving Ground is the most southerly route on the far left of the exhibit up there in blue. That route.

Q That is totally out of the Tonopah area, isn't it?

MR. DUDLEY: Oh, yes, sir.

MR. BURCH: All right. Thank you. That is all I was concerned about in that respect.

I really have nothing further that I think I can truthfully relate here to Mr. Dudley's testimony and Mr. Green advises he has a couple of questions which in the interests of time he would like to present now rather than wait while he is still on his feet and responsive.

THE CHAIRMAN: That would be expeditious, I believe.

Mr. Green, go ahead.

MR. GREEN: Thank you very much.

CROSS-EXAMINATION (Resumed)

BY MR. GREEN:

Q Mr. Dudley, just a few questions. First of all, I believe you have indicated that there were some routes suggested by various people or groups in the Harquahala Valley with whom you met or people from your company met, and you have indicated for Mr. Burch that none of those appeared here on your application. Isn't it true that one of those routes that was proposed by the people in the Harquahala Valley was designated by them as, in general terms, an improved S-21, otherwise sometimes known as HV-1, Harquahala Valley 1?

MR. DUDLEY: That is correct.

Q Could you have some one of your assistants show to the Committee approximately where that routing would have been if you had put it into your application?

MR. DUDLEY: Yes. The routing proceeded from Point AAA and went in a farther southwesterly fashion to approximately two miles south of where our route now exists, turned westerly and rejoined our preferred route at the southwest corner of the valley.

Q Isn't it true then that it essentially

asked that you move your transmission location from where you have indicated on the line to a more southerly direction between those two points?

MR. DUDLEY: In our most recent letter from the area, yes.

Q And it was indicated that request was made because of the proximity of the line as it appears as drawn as 5-21 to either potential farmland that may not at this time be in cultivation or to the people who reside within eye view distance, easy view distance of the proposed route that you have, isn't that true?

MR. DUDLEY: The letter stated that that would be more environmentally compatible to the gentleman writing the letter.

Q All right. Mr. Dudley, Mr. Burch asked you a question that I really would like to go into with you a moment. In making your study, Mr. Dudley, did you do that with a view and with the knowledge of the laws of the State of Arizona as they relate to the task of the Arizona Siting Committee, this body here?

MR. WHEELER: Mr. Chairman, I think he is asking the witness a legal question that is perhaps inappropriate.

MR. GREEN: That is a preliminary question,

Mr. Chairman.

THE CHAIRMAN: Can you answer the question, Mr. Dudley? If you can't, just say so.

MR. DUDLEY: I have read the statutes.

BY MR. GRLEN:

Q That is sufficient for my purposes, Mr. Dudley. Then when Mr. Burch asked you why there was more than one route requested by California Edison here, you responded, as I recall, with some reference to what the Bureau of Land Management report might indicate. My question to you is this: The laws which you have read set forth, and I will refresh your recollection of it and that of the Committee, in A.R.S. 40-360.08, Paragraph B, that if the Committee, meaning the Siting Committee, and I will eliminate some words that I will later insert if you would like me to do so, "If the Committee fails to act on an application within the applicable time period prescribed in this article, the applicant may in its discretion and in the interest of providing adequate, reliable, and economical electric service to its customers," and we have established those are California customers, "immediately proceed with the construction of the planned facility at the proposed site, or," and this is the

point at which I am going to direct my question, "If application has been made for alternative sites, at the proposed site which in the opinion of the applicant best satisfies the factors expressed in 40-360.06." Now, to paraphrase that for you, Mr. Dudley, and you have stated you have read them, am I not correct that your understanding in making your study was that if the Siting Committee failed to act within the applicable time period and you had several alternative routes that you have sought, then you, the applicant, could then proceed to start construction on that site which in your opinion alone, that is, California Edison, best satisfied the provisions of 40-360.06, which is the section that sets forth the factors to be considered.

MR. WHEELER: Mr. Chairman, I object to that question on the grounds that again it calls for a legal conclusion regarding the interpretation of the statutes, and, furthermore, it is totally irrelevant to the proceeding before the Committee.

MR. GREEN: I would like to be heard on that, Mr. Chairman. I think that Mr. Wheeler on behalf of the applicant has spoken because it is a sensitive point and I think a very valid one, however, that the Siting Committee should be fully

aware of. The witness has stated that he has read the applicable law involved. He answered a question to Mr. Burch as to why several alternative routes have been sought. I have now asked him with reference to a very specific section of this statute, the Siting Committee statutes, which provide a very great amount of freedom, in fact, sole discretion as to where a transmission line may be built if the Committee fails to act within a prescribed time. I think that is a pertinent point, Mr. Chairman.

THE CHAIRMAN: I don't think it calls for a legal conclusion. He explained the law and read the law and just simply asked him, in effect, if the applicant considered the statute.

MR. WHEELER: I will stipulate that the applicant considered the statute, then.

THE CHAIRMAN: Very well.

MR. DUDLEY: No, it is not.

MR. WHEELER: You don't like my stipulation?

MR. GREEN: I will accept both answers.

MR. WHEELER: Perhaps Mr. Dudley would like to elaborate on his comment.

MR. GREEN: That might be his privilege on redirect, but I still have him on cross-examination, I believe.

MR. WHEELER: If Mr. Dudley would like to elaborate on his answer, he should be entitled to complete the answer to Mr. Green's question.

MR. GREEN: It sounded like a final answer to me, but I will, you know -- go ahead.

THE CHAIRMAN: Mr. Dudley, do you wish to add anything?

MR. DUDLEY: Could we come back to the question, repeat it, please?

THE CHAIRMAN: It is rather a lengthy question, Mr. Dudley.

Would you read the question back?

(Thereupon the question referred to was read by the Reporter.)

MR. WHEELER: Mr. Chairman, let me rephrase my objection. The question is unintelligible, and the reason we made the original comments was not because we were trying to duck an answer to a question, but simply because I thought, trying to understand the question when I first heard it, that it referred solely to how the statute was to be interpreted. If Mr. Green has some other purpose, perhaps it might be better to have the question rephrased so that the witness and myself could understand it.

THE CHAIRMAN: Thank you.

Mr. Dudley, with the gist of what has gone before in the last 15 minutes, could you respond?

MR. DUDLEY: I can say it is not within my area of expertise, but I did not consider that that would occur. I did realize that 180 days passed, but the second part did not occur to me. It had no bearing.

BY MR. GREEN:

Q Very well. Mr. Dudley, your company, California Edison, proposes to build some portion of this proposed transmission line in the State of California, does it not?

MR. DUDLEY: Yes, sir.

Q Mr. Burch has asked you regarding your time schedule about which you have spoken and you responded to the need for that and action by this Committee. Mr. Dudley, let me ask you, has the State of California granted your rights-of-way or your power line applications for final approval of your proposed routes in California?

MR. DUDLEY: No, sir.

Q What body do you make that presentation to?

MR. DUDLEY: For the State of California, it is the California Public Utilities Commission.

Q When is that matter to be heard?

MR. DUDLEY: We filed with the CPUC in April of 1977.

Q Do you know when final action will be in fact taken on that application?

MR. DUDLEY: Approximately a year from now.

Q Mr. Dudley, you were present earlier today when in making a very, very brief opening statement I referred to a map designated Land Use Sensitivity that is a portion of a rather large document labeled Applicant's Exhibit 1. Are you familiar with that?

MR. DUDLEY: Yes, sir.

Q And that particular page or map in the exhibit you heard me describe to the Committe as being a showing of the land use sensitivity for the original preferred route that your company proposed. Was I correct in that?

MR. DUDLEY: Yes, sir.

Q And you heard me state that on that map, there are only two I will call hot spots --

MR. DUDLEY: Yes, sir.

Q -- where the red appears.

MR. DUDLEY: That's correct.

Q And these do appear to be the original preferred route as it goes through the heart of the

Harquahala Valley and then immediately adjacent to the outside of the destination of this line at Devers Plant, is that correct?

MR. DUDLEY: That's correct.

Q So it was at that time, and I presume still is, the route through the middle of the Harquahala Valley which you call the pipeline or the old preferred route is the one in the whole route other than Devers that constituted the high land use sensitivity or a hot spot, is that correct?

MR. DUDLEY: That's correct.

Q Yet, you are here asking the Siting Committee to grant you a right to build a transmission line right through that hot spot, are you not?

MR. DUDLEY: Could I answer that?

Q Surely.

MR. DUDLEY: The decision upon which route is preferred is not just decided on land use alone. In the same document, we have six other sensitivity maps for geotechnical, soil erosion, biotic communities, cultural and natural resources, parks and recreation. The sensitivities related to those disciplines range from minimal to moderate in the same area. So, on balance, with the

information we had at that time, although land use was a high impact, it did provide existing access that led us to the selection of our original preferred route in the area.

Q I understand, Mr. Dudley, but my question was that in spite of the fact that under that criterion alone as being one of the only two high land use sensitivities on your initial study, you have left it as one of the routes you are seeking to have this Committee approve your transmission line to go through, isn't that right?

MR. DUDLEY: I am not asking the Committee to approve it on that criterion alone.

Q No, but it is still one you are seeking here, isn't it?

MR. DUDLEY: That is correct.

Q But you are not -- your company has backed away from it as a preferred route, am I correct?

MR. DUDLEY: Yes, sir.

Q You have made some comments, Mr. Dudley, about land that is used, present tense, for agricultural or residential use and the way that these various proposed lines avoid them or seek to avoid them. Mr. Dudley, have you in fact determined that S-21, for example, where you are

proposing to build it does not cross any potential agricultural land?

MR. DUDLEY: According to our information available from the Maricopa County Planning Department, it does not.

Q All right. That is the very point I want to get into, Mr. Dudley. You have made such a statement here in the various exhibits, Exhibit 1, Exhibit 2, Exhibit 3, and, if I understand it, you seem to be basing this opinion that none of these routes go across potential farm or even potential residential land on some land use proposals. Would you clarify what that is?

MR. DUDLEY: Well, sir, whatever we were able to find as far as recorded information regarding the planned land uses within the Harquahala Valley, our route S-21 did not cross over any of those lands.

Q All right. I just want to be sure that we all understand what we are saying here. The Maricopa County Planning Department that you referred to -- I am going to cite you now to the source of my quote. It is from your Supplemental No. 2 Environmental Report, December, 1977, for Harquahala and Tonopah, and I am referring now to Paragraph 6.3.1.3, Land Use.

MR. DUDLEY: Yes, sir.

Q Before I ask you my question, and you can be looking at it, let's clarify, because we are going to get here to some county planning information. If I state to you, Mr. Dudley, that the Maricopa County Planning Department does not at this time tell the owner of land that is in the Harquahala Valley what he can do with the land as far as using it for agricultural purposes or residential, in other words, it is available for whatever use the owner sees fit to make of it, do you agree with that?

MR. DUDLEY: Yes, sir.

Q Having agreed with that, then you agree that if a man or person owns potential farmland in the Harquahala Valley that would be crossed by, say, S-21 or any of your other routes, that that person is not prohibited by any sort of governmental rule or regulation from engaging or seeking to develop it as farmland or as residential property, isn't that true?

MR. DUDLEY: As far as I know, yes.

Q All right. Then in this paragraph that I referred you to, you have indicated here that, and I am quoting now from the top of page 115, "The existence of transmission towers necessarily

pre-empts the development of the land within the right-of-way and may influence the land use in the immediate vicinity of the corridor. This latter impact is of particular significance in urbanizing areas where future residents will be able to select housing adjacent to or distant from the line. However, based on current county planning information, subalternate routes S-21, S-22, S-23, and S-24 will not cause future land use conflicts." Now, are you saying to me and to this Committee in this statement here that none of the people who own lands in the routes of S-21, S-22, S-23, and S-24 propose or intend to or ever will use their lands for agricultural or for residential purposes?

MR. DUDLEY: As far as I know, they are not.

Q When you say as far as you know, they are not, let me ask you this: has your company contacted every owner of private property along the routes which you are proposing to build your transmission line to determine what their plans are for their property in the future, and if you can't speak to that question, if someone else can, I would accept his answer.

MR. DUDLEY: I think I would like to refer that to Dave Metsker, our right-of-way witness.

MR. GREEN: All right.

METSKER: Can I have that question reread, please?

THE CHAIRMAN: Excuse me, I understand that it is difficult sometimes to follow the testimony, but having questions reread takes a lot of time. I would ask the witnesses to please pay attention from now on.

MR. GREEN: Maybe I can restate it, Mr. Chairman, quicker than he can find it and read it.

BY MR. GREEN:

Q My question is this: Has every person who is the owner of land in the route of the proposed transmission line and the various alternates been contacted by your company to determine what their future plans are for the use of their land?

MR. METSKER: The people that we could get hold of we have contacted and we held community meetings out in that area to get their input. To that degree, we have made an effort to contact all parties that might be affected by those routes.

Q The answer then is that -- I am not even sure I understand the answer to that one. If nobody else criticizes it, I won't. I am not sure I understand your answer. What specifically have you done to find out who the owner is of these

various lands through which you propose to seek a right-of-way apparently to determine who they are and ask them what use they are going to make of it?

MR. METSKER: We used the County Assessor's rolls to get the names and addresses of the people and attempted to contact them by phone to inform them of the community meetings in the area so that we could obtain their inputs as to what effects our line may have on their properties and their plans and concerns in that area.

Q All right. Now, your use of your term "attempted to" in that answer bothers me, because I'll tell you that I understand and believe and, in fact, know that there are those who received no such inquiry. Did you then after seeking to make telephone communication with the information from the Assessor's Office, which I trust was valid, did you write letters to those persons whose names were listed with the Assessor as being in the path of this right-of-way that you are going to be seeking to acquire the transmission line?

MR. METSKER: No, sir, we did not. We did, however, publish notice of our community meetings in the local newspapers.

Q You realize there are, of course, a lot

of persons who own land who do not reside in this state, for that matter, who do not subscribe to newspapers, do you not?

MR. METSKER: Yes, sir.

Q Then would it be fair, do you think, for me to conclude and for this Committee to conclude that California Edison has not made a determination as to the future uses that are intended to be made or hoped to be made or would like to be made by the owners of private property and private land along the proposed routes of the transmission line that are presented to this Committee?

MR. WHEELER: Mr. Chairman, Mr. Green is testifying now. Our witnesses indicated the efforts they made to communicate with the landowners. If Mr. Green finds it unsatisfactory, that is his prerogative, but he is not here on the witness stand testifying.

THE CHAIRMAN: I agree. Mr. Green, you are developing a point, but proceed with the questions.

MR. GREEN: Very well. I don't think this is repetitious and I think it stays within the ruling, Mr. Chairman.

BY MR. GREEN:

Q I would direct this to you, then, Mr. Dudley. Would you then agree with me in view

of what you have heard here, Mr. Dudley, with respect to the degree of certainty that your company has acted that it is possible that there are lands in private ownership within the proposed right-of-way or close thereto that may have future potential uses for agricultural and for residential use about which your company has not been informed?

MR. DUDLEY: To the best of my knowledge, there aren't. That does not exist.

Q My question was is it possible?

MR. DUDLEY: It is possible.

Q To the extent that that is true and that you do not know of it, your study is, therefore, to that extent deficient; would you agree with that?

MR. WHEELER: Mr. Chairman, Mr. Green's cross-examination is being argumentative now.

THE CHAIRMAN: Well, it is a little repetitious. I think you have made your point.

BY MR. GREEN:

Q From what I have previously read in this portion of the quoted portion, you do concede that the existence of transmission towers -- by the way, we have never seen a picture of them. We saw some photographs of various other portions of the landscape. Do you have some photographs

of these towers and lines in other areas that we could kind of look at?

MR. DUDLEY: We can point them out to you in Exhibit B-1.

Q Was that a map or was that a photograph? What I am asking, Mr. Dudley, is this: We have been talking for hours here about a transmission line and some towers. Is it possible to see a photograph of what it is that we are talking about?

MR. DUDLEY: Sir, let me look for that page.

Q Surely. Incidentally, Mr. Burch has been kind enough to furnish me with something that seems to fit the general description of what you are talking about. Will you tell me, sir, if it does or does not fairly represent the sort of tower that you are proposing to construct here?

MR. DUDLEY: I think Larry would be the best to handle that.

MR. HINTON: Yes, that is a 500 kv transmission line tower.

MR. GREEN: With Mr. Burch's consent, Mr. Hearing Officer, I would ask that the said photograph be marked as an exhibit in this hearing.

THE CHAIRMAN: There is very little foundation. Is there any objection to this?

MR. WHEELER: We have no objection, Mr. Chairman.

THE CHAIRMAN: What is the next exhibit number? Have you already got your exhibits pre-marked?

MR. WHEELER: I think the last exhibit of ours was 9, Mr. Chairman.

THE CHAIRMAN: If we make this 10, does that interfere with any other exhibits that you have already assigned numbers to?

MR. WHEELER: Not at this time, no.

THE CHAIRMAN: This will be marked as Exhibit 10 and will be admitted.

Go ahead, Mr. Green.

BY MR. GREEN:

Q Mr. Dudley, speaking of the BLM and when it might take some action, are you aware, Mr. Dudley, that the Bureau of Land Management has widely advertised meetings to be held this coming week in Phoenix and in the Harquahala Valley specifically for the purpose of hearing the testimony of people and their views as to the proposed routing of these transmission lines?

MR. DUDLEY: No, sir, I am not aware of that. I believe the hearings arefor the potential wilderness areas.

MR. GREEN: Mr. Hearing Officer, I have a copy of that letter. I do not want to take the time at this time to use it, but I would request permission to consider that as a document in evidence at a later time.

THE CHAIRMAN: Fine. Does that conclude your cross of Mr. Dudley?

MR. GREEN: In just one moment, I'll let you know, Your Honor.

MR. WHEELER: Mr. Chairman, responding to Mr. Green's requests, if he wants that to be given any evidentiary weight, I think we should at least have an opportunity to examine it and make any comments we might have.

THE CHAIRMAN: Well, he said he would move to admit it later.

MR. WHEELER: So it has no status at this time?

THE CHAIRMAN: It has no status at this time and is not an exhibit.

MR. WHEELER: Thank you.

MR. GREEN: I have nothing further of Mr. Dudley.

THE CHAIRMAN: Mr. Burch, would you conclude your --

MR. BURCH: I did not inquire into

Mr. Hinton's testimony. I don't know but what maybe Mr. Dudley can respond to that. Whoever is handy I will be glad to talk with.

THE CHAIRMAN: Maybe Mr. Dudley would like a rest.

CROSS-EXAMINATION (Resumed)

BY MR. BURCH:

Q Mr. Hinton, you stated on page 1 of your prepared testimony in the last four lines that Edison's goal is attainment of minimum environmental impact during and resulting from construction. That's true, is it not?

MR. HINTON: Yes, sir.

Q And you did state on the top of page 2 a number of factors that you in your construction capacity and being the person responsible for route selection considered, is that right?

MR. HINTON: Yes, sir.

Q Now, I am somewhat concerned. Are you in fact then the person responsible for route selection?

MR. HINTON: My department. I am a Project Engineer for the Transmission Engineering Department and we direct the other departments to select routes after which they come to us with a selection

and we either reject it or take it.

Q Then if we are wondering who in the world picked out these four, you are the man, right, ultimately?

MR. HINTON: Yes, sir.

Q Did you attend with Mr. Dudley and others the various hearings in the Harquahala-Tonopah area?

MR. HINTON: Yes, sir.

Q Did they refer to you any routes other than these, your people?

MR. HINTON: Yes, they made several suggestions.

Q Did they suggest the HY-1 route to you?

MR. HINTON: Not specifically at that meeting. They suggested a route further south than S-22 is now. We did not receive any specifics on the exact township and location and section numbers until December 17th. The meeting you are referring to I think was in October. We did attempt to analyze routes further south, because the concerns were to stay off the farmland, stay out of the irrigation district, and stay off private property. We felt that a route further south was no better than the one we have selected.

Q I think the prior testimony, and you have confirmed it in your statement -- well, the new

preferred route meets all your criteria.

MR. HINTON: It meets the criteria of ourselves and also the Harquahala Valley as they presented it to us.

Q That is not true of your subalternate routes, is it?

MR. HINTON: Which ones are you referring to?

Q Any of them.

MR. HINTON: I am confused by your question, "any of them."

Q Well, I think that the testimony is along the line that as to the present preferred route, there are no conflicts with private ownerships --

MR. HINTON: That is not true.

Q -- where there may be future residential construction or proposed or existing farmland and that you would have a minimum of conflict in relationship to those kinds of properties?

MR. HINTON: Yes.

Q Is that true of S-23?

MR. HINTON: As far as future farm use --

Q Or residential use.

MR. HINTON: -- and residential use, I believe that's true.

Q How did you make that determination, please?

MR. HINTON: The determination was made by various contacts with the Maricopa County Planning Department, the residents of Tonopah and Harquahala Valley, and, of course, the existing facilities that are there.

Q The private property that is intersected by S-23 is zoned rural, is it not?

MR. HINTON: I don't know.

Q And rural provides for both agricultural and residential uses, lots to be one-acre minimum in size, does it not?

MR. HINTON: I am not aware of those requirements.

Q Then you obviously are not aware whether or not there was proposed agricultural or residential use allowed on this land and zoned by law, is that right?

MR. HINTON: The zoning was provided by Maricopa County Planning Department. The details can be provided by Mr. Dave Poole if you so wish.

Q By who?

MR. HINTON: Dave Poole.

Q Did you determine or did your legal staff determine what is allowed to be built or what uses are permitted in agricultural land which is rural R-43 or larger?

MR. HINTON: Yes, we did.

Q Is it true that you can use agricultural purposes in R-43 and single-family residences in that area?

MR. HINTON: I don't know.

Q Is it true you can put resorts in that area?

MR. HINTON: I do not know.

Q Well, when you tell me that it is not true, my question or my statement to you that there was prospective or proposed residential and agricultural uses, what you are really saying is you don't know, isn't that right?

MR. WHEELER: Mr. Chairman, he is arguing again with the witness. The witness has testified the basis on which he reached his conclusions. Mr. Burch doesn't need to mischaracterize it as such.

THE CHAIRMAN: Well, can you answer the question?

MR. HINTON: I think what he is getting at is do I know personally about these various entities of the land ownership and laws of Arizona. I have to say no. I had a recommendation from my urban regional planning department as to those details. They informed me that we would not be

in conflict if we went on Route S-23. That was what we based our decision on.

BY MR. BURCH:

Q Then your statement to me, however, and to the Siting Committee that agricultural and residential uses on there, when I said there would be and you said that is not true, that is what I am getting at, what is your foundation for that statement to the Siting Committee?

THE CHAIRMAN: I think he just gave his foundation, Mr. Burch.

MR. BURCH: I don't know.

THE CHAIRMAN: The basis of his knowledge. I think he stated what his knowledge was in that area.

MR. BURCH: Let me rephrase, then.

BY MR. BURCH:

Q The basis of your knowledge is simply some information you received from Maricopa County, and as to the permitted uses by law on this land, you are neither familiar with nor apparently have you considered, is that right?

MR. HINTON: We considered it in our whole process. I did not personally.

Q The only other thing I am concerned about, you did indicate what the proposed transmission

system will be patterned after, and I think that there has been some identification of a tower, now Exhibit 10. You are asking, as I understand it, for a two-mile corridor, is that correct?

MR. HINTON: Yes, sir.

Q And within that two-mile corridor, you propose to construct just one of these lines at the present time, is that correct?

MR. HINTON: Yes, sir.

Q And your company contemplates that there may be a second and a third in the future.

MR. HINTON: That is not true.

Q That I think is contrary to what your own counsel and company officers have told me. Do you want to review that?

MR. HINTON: I don't know what they have told you, but on this record, I don't recall that they have told you that.

Q Then is it fair to say that Southern California Edison will never come back to this Siting Committee for additional routes within this two-mile area and that they need not be concerned in the environmental impact in regard to that fact?

MR. HINTON: That is not true.

Q All right, then. What are you going to do

about coming back in the future?

MR. HINTON: If we find it necessary to come back with a future line to some mythical facility to which you refer, we obviously will come back to the Committee and ask them for approval.

Q I am not speaking of any mythical facility. I am asking you whether there will be a second and a third transmission line coming out of the Palo Verde Nuclear Power Station and relating to the Devers substation in the future?

MR. HINTON: Not to my knowledge in the future.

MR. STEINBERG: Larry, perhaps I can address that question.

THE CHAIRMAN: Would you identify yourself, please?

MR. STEINBERG: Yes, Dennis Steinberg. I am a Planning Engineer.

THE CHAIRMAN: Mr. Burch, is it okay?

MR. BURCH: I have no objection at all. I simply want the facts.

MR. STEINBERG: I believe Mr. Burch is alluding to the possibility of Palo Verde 4 and 5, whether or not Edison in fact intends to build additional lines.

MR. BURCH: Precisely.

MR. STEINBERG: Right now, Palo Verde 4 and 5 project is in the investigation stage of the NRC licensing procedure. Transmission requirements from the plant have not yet been determined. Edison and other prospective participants will participate in studies later on this year to investigate possible transmission requirements. It is possible, though not certain, that additional lines extending westward from Palo Verde would be required.

MR. BURCH: Thank you.

BY MR. BURCH:

Q Now, Mr. Hinton, this information was hidden from you in coming to your decision as the responsible person for route selection; that's correct, isn't it?

MR. HINTON: No, it was not.

Q You knew about it all the time?

MR. HINTON: You asked me if I --

Q Just answer my question. You knew about it all the time?

MR. HINTON: I knew of the developments, yes.

Q And you knew that when you responded to me that there would be no future lines?

MR. WHEELER: Mr. Chairman, he is arguing

again with the witness.

MR. BURCH: I will withdraw the question. I will withdraw the question.

BY MR. BURCH:

Q What will happen in the event Palo Verde 4 and 5 are necessarily approved by the growth of the west and California and Arizona in the future and they are then constructed between the nuclear power generating station and Devers and follow the same line? You can't put such lines immediately adjacent to each other, can you?

MR. HINTON: Yes, we can put them immediately adjacent.

Q There is no particular width or separation by reason of safety factors, those kind of things, that are followed by your company?

MR. HINTON: Yes.

Q All right. Then how close will they come or how far apart must they be maintained?

MR. HINTON: Each line must be 130 feet apart.

Q And each right-of-way is approximately 240 feet for guyed structures and 200 feet for free-standing such as in that Exhibit 10, is that correct?

MR. HINTON: Yes, sir.

Q So that if you had Palo Verde 4 and 5 in the future, you might ultimately have then an area within your one or two-mile corridor, whatever this Committee might in its wisdom grant you in the future, three lines with those kinds of structures going across the countryside, is that correct?

MR. WHEELER: Mr. Burch, you were referring to two lines a moment ago, were you not?

MR. BURCH: Well, the original plus 4 and 5.

MR. HINTON: The transmission arrangements have not been determined as to how many lines or if there will be any at all. This is studies that are taking place. Your assumption is I think wrong.

BY MR. BURCH.

Q You have not considered those in your conclusions as to environmental impact then, is that right?

MR. HINTON: Oh, yes.

Q Where in your documentation have you talked about the future lines?

MR. WHEELER: Mr. Chairman, the application today is simply for one line and that is what is before the Committee and that is what the environmental analysis is addressed to.

THE CHAIRMAN: I think this is a legitimate

line of questioning. Mr. Burch may proceed.

MR. BURCH: Where are we?

MR. HINTON: I think we considered that in our documents. In fact, the BLM has told us that any corridor we look at is going to be three lines in it, so we have to assume that they are going to study for three lines.

BY MR. BURCH:

Q All right, fine. Then it is fair to tell this Committee that BLM has already advised you that any corridor you get, that is what you are going to have, and your three lines will be in it, is that right?

MR. HINTON: I think that's correct if indeed there are ever three lines.

Q Then it is fair to tell this Siting Committee that whatever determination they make here today will not simply be a transmission line, but the maximum usage that BLM may require of you in the foreseeable future, isn't that correct?

MR. WHEELER: Mr. Chairman, that is an entirely speculative question, totally improper in this context. We have no way of knowing whether or not more than one line will be required, if that one line will be located in the same right-of-way, or what BLM action will be, and I don't think

Mr. Hinton has any basis on which to form an answer in answer to that question.

THE CHAIRMAN: Well, if that is Mr. Hinton's answer, fine, but let's let him answer it.

MR. HINTON: I will agree with that.

MR. BURCH: Thank you. I have nothing further of the witness.

MR. GREEN: May I --

THE CHAIRMAN: Excuse me. You have no further questions of the panel, Mr. Burch?

MR. BURCH: No, sir.

THE CHAIRMAN: Mr. Green, go ahead.

MR. GREEN: Thank you.

CROSS-EXAMINATION (Resumed)

BY MR. GREEN:

Q Mr. Hinton, if you will remain standing a moment, I have one or two questions for you.

Mr. Hinton, if this Committee granted the present application for the construction of one transmission line and it were constructed along any of these routes that you have proposed here and at a later date, as you have suggested, it might be entirely possible your company wanted to build one or two more or however many more such lines, what is your opinion as to where it would

seek to locate those additional lines, as to whether or not it would seek to locate them adjacent to, as close as possible to where it had the existing lines built, or would it seek to go through some other area?

MR. HINTON: If we had one line existing there and needed another line, we would build it 130 feet from the line that would be existing.

Q That is what you would come to this Committee and ask them to let you do, is that right?

MR. HINTON: Yes, sir.

Q And if you needed another one, then you would simply add a third line three hundred and some odd feet from that one?

MR. HINTON: No, 130 feet.

Q 130 feet. So that eventually you would wind up asking for various corridors to accommodate however many number of transmission lines and towers you ultimately build along the same corridor you are granted by this Committee, is that right?

MR. HINTON: We would to a certain point.

Q All right. Would it be fair to say that the reason you would seek to build any future transmission lines along by the side of those that you had already in existence would be because those already in existence would have

already done the damage to the scenery and to the visual pollution of the area and that another line or two or three just wasn't going to make that much more difference?

MR. HINTON: That would have to be reassessed on an individual basis.

Q You can't answer that question yes or no?

MR. HINTON: I said if we needed another line, we would try to route it 130 feet from the existing line. Additional environmental studies would be undertaken to see whether or not that location would adversely impact the existing environment, including the existing line.

Q You are saying that it might be environmentally desirable not to build a second line by the side of the first one, but to take another one of these alternate routes that you are suggesting here today and build it along that route?

MR. HINTON: Well, take the case if another utility built on where we thought we were going to be, we would maybe have to take another route.

Q I'm sorry, I didn't understand your answer.

MR. HINTON: Let me try to explain it. If there were factors which limited our use of that right-of-way in the location I just described 130

feet from the existing line, an evaluation of those factors would have to be made. It could very well be that some other route would have to be taken in those cases.

Q The entire route is -- you have laid it out in your proposed studies, though, as I understand it, to accommodate as many as three towers, is that correct?

MR. HINTON: Yes.

Q Mr. Hinton, Mr. Burch questioned you somewhat on your selection of what you have designated as S-22 as your present preferred route and he asked you about your choices as far as a second choice.

MR. HINTON: He didn't ask me that question.

Q Oh, he didn't ask you that question? Does your company have a second choice as a preferred route?

MR. HINTON: Yes, we do.

Q What is that?

MR. HINTON: S-23.

Q That is your second preference to S-22.

MR. HINTON: That would be the next alternative.

Q Your company did consider, and I am referring now to a portion of your exhibit which is

Supplement No. 2, Environmental Report, December, 1977, Harquahala-Tonopah, on page 31, and I am quoting, "The route suggested by the Harquahala-Tonopah community interests is basically composed of Segments A-8-12-9-13-NNN-PPP." Now, looking at that map of figure 2, that route does not appear anywhere on the exhibit that is before the Siting Committee on the board there now, does it?

MR. HINTON: No.

Q That route that you have stated in this exhibit which was suggested by Harquahala-Tonopah community interests is shown on figure 2 in the map and that represents what you know to be as designated by various members of the Harquahala-Tonopah community as HV-1, isn't that true?

MR. HINTON: The route you are referring to on 31 is not HV-1. That is the route that Edison studied as a result of the October 18, 1977, community meeting with Harquahala citizens.

Q Well, the route as it appears there in figure 2 and referred to on page 31 --

MR. HINTON: Excuse me, where is figure 2?

MR. WHEELER: Mr. Green, is that figure 2 to that supplement or is that figure 2 to the Application itself?

MR. GREEN: The supplement.

MR. WHEELER: Let the record reflect that it is to the supplement.

THE CHAIRMAN: Is that correct, Mr. Green? To the supplement?

MR. GREEN: The supplement. I thought I said that.

BY MR. GREEN:

Q That route that is shown there as being one suggested by the Harquahala-Tonopah group is in the vicinity of and generally the location of what you understand to be HV-1, is it not?

MR. HINTON: No, HV-1 does not correspond to this route. However, the Harquahalans did suggest the portion of this route from 9 to 13 to NMN, so it is a combination of both. HV-1 is not on this map.

Q No, but what I am saying is HV-1 is what the community interests there suggested and it was a route that goes considerably south of where S-21 is shown on the map before the Siting Committee presently goes, isn't that true?

MR. HINTON: HV-1 specifically was not mentioned in our meetings.

Q I understand that. What I am asking you, Mr. Hinton, is if it isn't true that the route shown on figure 2 is essentially generally the

same as the route that is designated HV-1 by the Harquahala Valley people?

MR. HINTON: No, it is not the same route.

Q Would you have someone go to the board and indicate what the difference is between HV-1 as you understand it.

MR. HINTON: Well, I can tell you right now.

Q But the Siting Committee can't see it. The HV-1 route and the route that is indicated here as having been under some study by your people.

MR. HINTON: If I could take the microphone up there.

THE CHAIRMAN: Fine if it will reach. I don't know. Just try to speak as loudly as you can.

MR. HINTON: The route you are referring to in figure 2 is a route leaving Point 12, which is between Point 8 and Point AAA. It goes in a generally southwesterly direction below Route S-22 between two buttes at the southern part of the Harquahala Valley, then back to Point 9. Route HV-1 starts at Point AAA, not Point 12, proceeds southwesterly, proceeds, I don't know the exact distance, but southerly of the route I just described, follows a section line westerly across

the most extremeties of the valley, and then comes back to point 9.

BY MR. GREEN:

Q Thank you, Mr. Hinton. You would agree both the routes that you are now speaking about are similar in that they both would take the route of the proposed transmission line further south of the Harquahala Valley than your proposed route S-21.

MR. HINTON: Than our proposed route S-22 and 21.

Q All right. At that point, they are the same, are they not?

MR. HINTON: Yes.

MR. GREEN: I have no other questions of you, Mr. Hinton.

MR. BURCH: May I ask one other additional question?

THE CHAIRMAN: Just a minute, Mr. Burch.

Mr. Green, are you through with the panel?

MR. GREEN: No, I am not, but I would yield to Mr. Burch.

THE CHAIRMAN: Go ahead.

CROSS-EXAMINATION (Resumed)

BY MR. BURCH:

Q Mr. Hinton, since you are head of the department that made the ultimate choice of the routes, why is it that you now feel that S-23 would be your second choice rather than your original preferred route?

MR. HINTON: Based on the fact that it doesn't cross any farmland or encroach upon any existing developments.

Q What change did you have in criteria that let you make your original preferred route selection in the manner that is laid out on this board?

MR. HINTON: Our original preferred route when we first started the project was laid out to follow the El Paso Natural Gas pipeline through the area. There was no criterion as to farmland being a major constraint, since in our over 900 miles of transmission lines we have approximately 10% of that total going across existing farmlands with minimal impact to the environment.

Q Did you indicate that this was your sole criterion when you made your original application?

MR. HINTON: I think our original application

had several routes other than those up there now. Therefore, we did not have just one route.

Q I understand that. What I am saying to you in essence is your original application as I read it gave lip service to environmental impact, the effect on --

MR. WHEELER: Mr. Chairman, could Mr. Burch please be requested to refrain from such pejorative comments?

MR. BURCH: I am stating now the original application that I understand -- the witness can tell me I am wrong, but let me at least finish the question for the record.

THE CHAIRMAN: Go ahead and finish the question.

BY MR. BURCH:

Q Your original application I think made reference to environmental impact, the effect on natural, biological, wildlife, people problems, did it not?

MR. HINTON: Yes, it did.

Q Yet, you are telling me that your criterion for the original preferred route was because it followed the pipeline, is that right?

MR. HINTON: Yes.

MR. BURCH: Thank you. We have nothing

further.

THE CHAIRMAN: Mr. Green?

MR. GREEN: Only one of Mr. Hinton again.

CROSS-EXAMINATION (Resumed)

BY MR. GREEN:

Q Mr. Hinton, the gas pipeline to which you referred through the heart of the Harquahala Valley, that is a buried underground line, isn't it?

MR. HINTON: Yes, sir.

Q There isn't anything about that pipeline that obstructs the view or anyone can see at all, is there, as a visual pollution?

MR. HINTON: There are some valves up above the ground.

Q How far away do you have to be to see those?

MR. HINTON: I have no idea.

Q Well, they are not what you would call an environmentally objectionable feature of that valley, are they?

MR. HINTON: That would depend on your opinion.

Q Do you have any photographs of them?

MR. HINTON: Are you talking about the valves?

Q Yes.

MR. HINTON: I think those slides showed some valves up above the ground.

Q They were on the slides that we saw here that you put on the board?

MR. HINTON: No, I didn't put them up there, but I think they showed some valves.

Q All right. In any event, that is all that you are suggesting is a part of the pipeline that otherwise is underground and you don't even see, isn't that right?

MR. HINTON: For the most part.

MR. GREEN: That's all I have of Mr. Hinton.

THE CHAIRMAN: Thank you, Mr. Hinton.

How much longer do you expect, Mr. Green?

MR. GREEN: Well, that is hard to determine. I will try to be brief, Mr. Chairman.

THE CHAIRMAN: Give me an estimate, Mr. Green.

MR. GREEN: 15, 20 minutes.

THE CHAIRMAN: We will take a recess. Reconvene at 3:00 o'clock.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: The Committee is called to order.

We will proceed. I believe you have some

questions, Mr. Green. Is that where we left off?

MR. GREEN: Yes. Thank you. I have a few questions I would like to address to Mr. Arenal.

BY MR. GREEN:

Q Mr. Arenal, this is my first opportunity to make some inquiry about you -- your company, rather, and I will be brief, but I would like to know a little bit more about your company. For example, Mr. Arenal, it is, is it not, a corporation that is organized under the laws of the State of California?

MR. ARENAL: Yes, sir.

Q And I assume qualified to do business here in Arizona?

MR. ARENAL: Yes, sir.

Q And, as someone else has stated, its customers are all located and any customers that it will have in the future to your knowledge are in the State of California, not Arizona, is that correct?

MR. ARENAL: And in the future?

Q Well, you don't contemplate serving any Arizona customers from this transmission line, do you?

MR. WHEELER: Mr. Green, are you talking about retail customers or are you talking about

wholesale sales to other utilities in Arizona?

MR. GREEN: I am talking about retail customers.

MR. ARENAL: Retail customers, no, sir. As I indicated in my testimony, there will be energy exchanges to the mutual benefit of the consumers both in this state and in California and that line will be utilized for that purpose.

BY MR. GREEN:

Q That is precisely what I want to go into for a minute, Mr. Arenal, thank you for bringing it up, a little more. That raises my question that when first established, you do not serve and do not intend to serve as a result of this transmission line or lines any customers, that is, retail customers, with electric power in the State of Arizona, is that correct?

MR. ARENAL: That's correct.

Q All right. Would I then be fair in concluding from that that the company, California Edison, as to the rates that it charges its retail customers in California is not regulated by the Arizona Corporation Commission, is that correct?

MR. WHEELER: Mr. Chairman, I think these questions are getting a bit far afield. We have

been cross-examining Edison witnesses for a while now and I have no objection to having the witnesses answer relevant questions, but it appears that Mr. Green is going off on a tack that is beyond the Committee's consideration.

THE CHAIRMAN: Get to the point, Mr. Green.

MR. GREEN: My point specifically refers to Section 40-360.12 of the Arizona Revised Statutes, which is a part of what I will call the Siting Committee Act, and that section specifically says that the mere fact that the Siting Committee has jurisdiction to make some ruling with respect to the Siting Committee does not give jurisdiction to the Corporation Commission to regulate or establish rates.

MR. WHEELER: Mr. Chairman, that section will speak for itself.

THE CHAIRMAN: What is the point, Mr. Green?

MR. GREEN: My point is this, Mr. Chairman: I think that there is a serious legal question as to whether or not the Southern California Edison Company if it is not regulated by the Arizona Corporation Commission, and under 40-360.12 it is not, then it is a foreign corporation, which it is, and as a corporation engaged in the production and sale of electrical energy, which it

is, to customers that are exclusively in the State of California, that there then is a serious question as to whether or not under our Arizona Constitution, Article 14, Section 5 --

MR. WHEELER: Mr. Chairman, is this a question on cross or is this legal argument?

THE CHAIRMAN: Do you have a motion to make or are you asking a question?

MR. GREEN: I will conclude it with a motion, Mr. Chairman, but I would like to state the predicate of my motion, that under Article 14, Section 5, that no corporation organized outside the limits of this state shall be allowed to transact business within this state on more favorable conditions than are prescribed by law for similar corporations organized under the laws of this state. With respect to that, Mr. Chairman, I would submit that the testimony of this witness has already established right now that it is engaging in the conduct of business on conditions that are more favorable to it than are to the similar corporations of the State of Arizona in that its rates are not regulated by our Arizona Corporation Commission. It is a very valid distinction and I submit that it is, therefore, a serious legal question as to whether or not it

can engage in that enterprise under the article of the Constitution that I mentioned.

MR. WHEELER: Mr. Chairman, that may be a serious legal question in Mr. Green's mind, but that is not a matter that is properly before the Siting Committee. If he's got a constitutional objection to the Siting Committee statute, there are proper forums to raise those questions. I would, of course, note that I disagree with both his legal conclusion and the factual predicate leading up to that conclusion, but this is a matter of that is totally irrelevant to the Siting Committee's consideration today. They must act on the application before them in accordance with the statute until directed otherwise by a competent court.

MR. GREEN: My questions, Mr. Chairman, are to lay the foundation by obtaining from this witness, who is the only one I know who can provide the factual information that is the basis then for whatever the proper legal proceedings would be to make that determination. It is only through this witness I have been able to establish it is a foreign corporation that is organized outside the State of Arizona and that it is not regulated by the Arizona Corporation Commission.

THE CHAIRMAN: Well, maybe I don't understand your interpretation of the statute, Mr. Green, but as I think I understand it, I have a serious problem with that interpretation. However, to the extent that you want to ask factual questions of this witness, you may proceed as long as you don't get too far afield.

MR. GREEN: Thank you, Mr. Chairman.

MR. WHEELER: Mr. Chairman, I would just like to note my objection to asking questions that are supposed to serve as a predicate for an action in some other forum. Questions today should be addressed to the matters before the Committee.

THE CHAIRMAN: Confine yourself to the issues before the Committee, also, Mr. Green.

MR. GREEN: Yes, and they will be, Mr. Chairman, based upon the information obtained the basis of a motion.

BY MR. GREEN:

Q Mr. Arenal, then to ask you the factual question, your company is not regulated by the Arizona Corporation Commission insofar as the rates that it charges its retail customers, is that correct?

MR. WHEELER: Mr. Chairman, he has already answered that question. He indicated that that

answer was in the affirmative.

MR. GREEN: Very well.

THE CHAIRMAN: Are you through with your questioning, Mr. Green?

MR. GREEN: I am reviewing my notes that are quite extensive over the various testimonies and I will hope to conclude by doing it more expeditiously if I have a moment to review them, Mr. Chairman.

I have nothing further of this witness, Mr. Chairman.

THE CHAIRMAN: Do any members of the Committee have any questions of any members of the panel? We will start to my left.

MR. LEWIS: Mr. Chairman, I would like to direct a few questions to Mr. Hinton regarding Section 3.2.8.7, Socioeconomic Sensitivity Analysis. Could you discuss for my benefit to what extent you weight socioeconomic effect vis-a-vis the other half a dozen major impacts in particular in your consideration of the Harquahala-Tonopah area analysis?

MR. HINTON: That analysis was performed by our Environmental and Urban Regional Planning Departments. They can speak to that, I think.

MR. LEWIS: Fine, whoever is best suited to answer the question.

MR. POOLE: My name is David Poole, with the Urban Planning Department of Southern California Edison. I believe your question concerned what weight do we assign socioeconomics with regard to the other factors that we also consider to find the location for a transmission line. Is that right?

MR. LEWIS: Yes.

MR. POOLE: The Harquahala-Tonopah area, the analysis that we did for socioeconomics did not conclude that there will be a detrimental impact. As a matter of fact, it concluded that there would be a substantial positive impact and that, therefore, it had no bearing to select one route over another, that all of the routes would result in positive impacts to employment and property tax revenue.

MR. LEWIS: So there was no weight given to socioeconomic impact vis-a-vis the other several impacts? How did you weight it, or, conversely, was it weighted 100% to that end in that consideration and the impacts to the other areas were not considered?

MR. POOLE: I think if you want to know how it was weighted with regard to all of the other factors in the environmental report, I would have

to ask Mr. Dudley to answer that.

MR. DUDLEY: As David indicated, it was a positive impact to both counties, Maricopa and Yuma County. Being a positive impact, we did not weight it. We felt that it had no negatives.

MR. LEWIS: I see. So in your gross interpretation, if something has a positive impact, then it is withdrawn from the skew of considerations and simply the negative impacts are left for your consideration as to the environmental impact?

MR. DUDLEY: No, sir, only in this area of socioeconomics was that the fact.

MR. LEWIS: Why do you deal with socio-economics differently than you might deal with biota?

MR. DUDLEY: We could not determine or we did not determine any negative impacts due to this. It was the same no matter what route we went on. The same socioeconomic benefits occurred, so there was no way to weight it in there. If this was better biologically, the same socioeconomic benefit was there. If this was better archaeologically, the same socioeconomic benefit was there.

MR. LEWIS: Well, while you are on your feet, then I would like to proceed to another area. When you are referring to assessment features

within the Harquahala-Tonopah area, what are the features you are talking about?

MR. DUDLEY: It would be the same features that we look at in all the long routes, as I mentioned in my testimony, physiographics, soil erosion, biological resources, cultural resources, land use, visual, scenic.

MR. LEWIS: And socioeconomic?

MR. DUDLEY: And socioeconomic.

MR. LEWIS: I see.

MR. DUDLEY: But that was not in my testimony.

MR. LEWIS: While you are up, perhaps you can answer this question. It is somewhat on a different line. When you discarded those alternatives which BLM suggested perhaps you consider through the initial area of the right-of-way to the north and you discarded those alternatives which were considered to the extreme south, to what extent was your consideration weighted to the economic cost to the applicant of building the lines in those areas.

MR. DUDLEY: From an environmental viewpoint, which is my responsibility, none. When we do a full analysis, we take into account, as I said in my testimony, environmental, right-of-way, engineering, and economic. With the final decision,

we come up with a recommendation and the final decision is made by the project.

MR. LEWIS: Well, perhaps Mr. Hinton should endeavor to answer that question.

MR. HINTON: If I understand it, you are asking how much does economics play in the analysis?

MR. LEWIS: No, sir, I asked a more specific question with respect to discarding those tentatively proposed alternatives by BLM and the route that came out of your community meetings to the south.

MR. HINTON: On the ones to the north, we discarded those because they did not meet the criteria that was established in our community meetings and there was intense opposition to paralleling I-10 not only from the residents, but we considered that a factor in our analysis, and also along Buckeye-Salome Road. So, therefore, we did not consider those to be viable at all in the beginning. The BLM suggested that we study those routes. Therefore, we did.

On the ones to the south, we tried to take into account what the citizens were expressing in the meetings. They expressed that they wanted a route further south. We looked at a route further south. It did not offer any additional

environmental advantages, plus it was longer. Therefore, the economics came into play on that one.

MR. LEWIS: Thank you. Can you comment once again to what extent the economics were weighted in your consideration of discarding those alternatives to the south vis-a-vis the other environmental considerations?

MR. HINTON: Yes. They are weighted dead last. We don't consider them unless all other things are equal.

MR. LEWIS: Thank you. I appreciate your answer.

Mr. Chairman, I would like to ask Mr. Metsker, I believe, the right-of-way expert, a question.

THE CHAIRMAN: Certainly.

MR. LEWIS: Your concern is to gain approval of variable alternatives in order to assure timely construction of the proposed transmission line and I understand that you would like two years for the purposes of right-of-way acquisition, is that correct?

MR. METSKER: That is correct.

MR. LEWIS: Is there not a procedure within law in the State of Arizona that would allow you

to expedite that procedure?

MR. METSKER: Not to the best of my knowledge based on advice from our counsel.

MR. LEWIS: Then you are not afforded the right of condemnation, is that the case?

MR. WHEELER: Mr. Lewis, I think you are, in effect, addressing a legal question to the witness that perhaps may be inappropriate to address to him. We have advised the applicant that they do have the right of condemnation in Arizona, and in condemnation actions, as you may be aware, and I am sure Mr. Burch is probably more imminently familiar, there is a preference in civil actions when you do bring condemnation actions in court. However, I think as Mr. Metsker would second, the applicant's position is they would attempt to avoid that if at all possible and have had very good experience in the past in acquiring rights-of-way without having to go into court procedures.

MR. LEWIS: Yes, I appreciate that, Mr. Wheeler, and this might facilitate the interests of the applicant to have that period of time to negotiate more realistic settlements, but, at the same time, the law is set forward in order to expedite condemnation proceedings to allow for

the last alternative of going to court.

MR. WHEELER: Mr. Lewis, let me amplify a bit. A private public utility such as Southern California Edison Company does not have a right of immediate possession of transmission line rights-of-way that is afforded to municipal public utilities such as the Salt River Project. Therefore, the two-year period is based upon past experience that Arizona private utilities have had in acquiring rights-of-way even assuming that they go into condemnation actions and are entitled to the preference that is set for them in civil actions. That preference, of course, is something different than the right of immediate possession. It just means that the trial itself is put ahead of other civil actions on the calendar.

MR. LEWIS: But, Mr. Wheeler, is it correct that once that is put on the calendar that the matter before the court is a matter of satisfaction of equities? The right-of-way has been designated and those linkages in the right-of-way where you do have possession construction can commence pending the ultimate --

MR. WHEELER: No, Mr. Lewis. What you are referring to I think is the right of immediate possession, which is something that is not available

to a private public utility such as the applicant here. The applicant would not get possession of its lands until the termination of the court action, so it would not be able to commence its construction activities on the property until that time.

MR. LEWIS: Mr. Wheeler, I appreciate you wouldn't get possession of the lands, but you would know with a certainty that through condemnation you would ultimately have the right of possession to those lands. The court would simply be discussing the equities of considerations before the court for that given area to which you didn't have possession.

Mr. Chairman, I don't plan to be dilatory in this. I go to the whole issue of timely approval of a right-of-way. I would like to try to persue a few more questions.

THE CHAIRMAN: I understand, Mr. Lewis. To the extent that the applicant can answer, I hope they will.

MR. WHEELER: Mr. Lewis, I think what you are suggesting is that once an action is filed, the applicant could in good faith go ahead and assume that the condemnation action would be successful and it could plan accordingly. Is that the substance of your question?

MR. LEWIS: Yes, Mr. Wheeler.

MR. WHEELER: Perhaps Mr. Metsker or someone else could answer that as a policy matter. I can't as a legal matter.

MR. GILFOY: Well, perhaps I can add something to that. I am Tom Gilfoy, an attorney with the Edison Company. If I understand the purport of your question, it is why can't Edison begin construction on other properties under circumstances where it has perhaps a handful of condemnations over some other properties. Now, among other things, I think that those actions -- or let me put it this way. It would be very questionable whether or not any such action could be prosecuted under circumstances where this Committee has not yet acted. So the Edison Company, if it went into a condemnation action under those circumstances, could not safely begin construction on other properties until that issue, the issue that could be determined by the court as to where the line goes, has been resolved, which, in turn, may be contingent on this Committee's action or the BLM. That is an additional reason why, you might say, we are here now.

MR. LEWIS: Sir, the basis of my question is that if we would approve a given right-of-way as a

Committee that you can place reliance on that right-of-way, that you would have possession of a good portion of the right-of-way subject to BLM approving it and other agencies approving it, perhaps very expeditious negotiated settlements with certain property owners, so perhaps you would have 90% of the right-of-way at the time that BLM approved. That 10% remaining which was subject to full condemnation procedures, would you at that juncture be in a position to place reliance that you would gain possession of that residual 10% subject to the court's determination of how much you had to pay for it?

MR. GILFOY: And what I am saying is that that is not necessarily true, that the court would under certain circumstances still have jurisdiction perhaps to determine the issue of where the line ought to be.

MR. LEWIS: If some party wanted to raise it in court.

MR. GILFOY: If one of these property owners who has not voluntarily conveyed the right-of-way remains in a condemnation action and wants to raise that issue. It is my understanding, and I would defer to Arizona counsel on this, but it is my understanding that a private property owner can

raise the issue in Arizona regarding the correct location for the line the same as he can in California.

MR. LEWIS: Would Arizona counsel conclude the same?

MR. WHEELER: I can't give you a firm legal opinion on that, Mr. Lewis. My understanding is that that is the case, but I am not an expert on condemnation law.

MR. LEWIS: Does anybody else on your group of experts want to speak to that?

MR. WHEELER: You are really getting into legal questions.

MR. LEWIS: No, I am getting into trying to effect a route as expeditiously as possible.

MR. WHEELER: Mr. Lewis, I think what the witnesses here can tell you is what their policy will be based on the legal advice we have given them. Now, I don't think they can go further than that except to tell you how they plan to proceed. You can certainly ask why they plan to proceed that way, but I am not sure I can go any further in the legal area.

MR. GILFOY: Mr. Lewis, perhaps I can ask Mr. Hinton a question regarding construction procedures, which would further clarify this.

Would that be acceptable? I could say it myself, but, really, I shouldn't be testifying.

MR. LEWIS: Please.

MR. GILFOY: As I understand it, Mr. Hinton, the way these lines are constructed, you don't, for example, build all the towers completely on one piece of property. The towers are erected in segments. For example, you pour all the footings along the line on all the properties, and that would have to include, would it not, properties that may be the subject of a condemnation action, before you go back and start erecting all the steel, and the same thing would be true with respect to other phases of construction, would it not?

MR. HINTON: Yes, that's true.

MR. GILFOY: So that if you had a few key parcels that were the subject of a condemnation action, you could not proceed with construction in an orderly manner, could you?

MR. HINTON: Right.

MR. GILFOY: Unless you had possession of those parcels.

MR. HINTON: Unless we could get on the property.

MR. GILFOY: Thank you, Mr. Hinton.

MR. LEWIS: Thank you. Mr. Hinton, a further question. What portion of the route do you anticipate will be guy wired transmission on towers as opposed to single fixed structures?

MR. HINTON: Let's see, I think I had that in my testimony, the fact that in the areas of flat land that guyed structures would be used. However, in that flat land, the line may turn an angle and a free-standing structure would be used, but as a general rule, the flat lands would require the guyed structures, and if you had any ag lands, they would have free-standing structures and the mountainous terrain would require the free-standing structures.

MR. LEWIS: Are you prepared to say that you endeavor to accede to the interests of property owners as to their preference as to which tower is more aesthetically pleasing? I realize that is debatable, but do you take that into consideration where the engineering will permit it?

MR. HINTON: Yes, we do.

MR. LEWIS: Thank you.

My last question, Mr. Chairman.

Mr. Wheeler, for the edification of the Committee, could somebody elucidate on the point that was raised that if the Committee were to not

act today, that upon an elapsed period of time, they may forfeit their position to designate a route and leave the ultimate selection of the route to the discretion of the applicant.

MR. WHEELER: Mr. Lewis, really, that question might be more properly asked of the Chairman of the Committee, who is the legal advisor to the Committee. I think that the statute -- we tend to interpret it in its plain reading. We have never had occasion to deal with it or for anyone to my knowledge to take action under it, so I am not sure what its actual effect is. I think what it intends to say is fairly clear, and perhaps any questions on that should be addressed to Mr. Prose.

THE CHAIRMAN: Well, the statute you are referring to, Mr. Lewis, is A.R.S. 40-360.08, Paragraph B, which simply states that if the Committee fails to act, that means if they fail to make a decision on the applicant's request within a specific time period, the applicant may proceed.

MR. LEWIS: What is that time period and when does it commence?

THE CHAIRMAN: 60 days from the date notice was first given. Is that --

MR. WHEELER: Mr. Lewis, to the extent your

question is addressed to whether the applicant has any intention of attempting to proceed under the provisions of that section, the applicant has no such intention.

MR. LEWIS: Thank you. That's all my questions at this time.

THE CHAIRMAN: Does anyone else --

MR. AYRES: Yes, Mr. Chairman, James Ayres.

I have a question about your archaeology and historic sites' procedures, and I would like to ask the question of whomever is the person to answer a question of that nature. Basically, my question is this: Are you requiring historical archaeology expertise when you contract with archaeologists to do your survey work out on these various lines and alternatives?

MR. DUDLEY: I would like to refer that to Emerson Pearson.

MR. PEARSON: My name is Emerson Pearson and I am the corporation archaeologist for Southern California Edison.

We look at historic elements within a study area; specifically concerning this project, only insofar as it relates to historic archaeology. From an ethnic historical point of view, no consideration has been given to this study area,

and as far as looking at the study area from the methodological point of view brought by historians, that area has not been given consideration, either.

MR. AYRES: I am talking specifically about historic sites and historical archaeology. The reason I bring this question up is because I have heard that there are some people in California, archaeologists in California, that have been unhappy about the treatment of historic sites on the segment of this project in California, and I am concerned that historic sites get the same kind of treatment that present historic resources do in Arizona. What I am asking for specifically is -- I realize that the archaeology that you have done to date is of a very general nature.

MR. PEARSON: That's correct.

MR. AYRES: When the specific archaeological project is initiated, do you intend to have a requirement in your contract with whomever you contract for a specific item in there to deal with historic sites and to have somebody who is qualified to do historic sites archaeology?

MR. PEARSON: Yes, we do intend to do that. That's correct.

MR. AYRES: Thank you. That's all I have, Mr. Chairman.

THE CHAIRMAN: Any other questions?

MR. WOOD: Mr. Chairman, I am Dave Wood. I would like to direct my questions to Mr. Hinton.

Mr. Hinton, you are in charge of Engineering and Construction, am I right?

MR. HINTON: Not entirely. I am the Project Engineer responsible for the route selection on this project. I work in the Engineering and Construction Department.

MR. WOOD: Then you are not the construction superintendent per se?

MR. HINTON: No, sir.

MR. WOOD: Do you oversee this operation as the transmission engineer?

MR. HINTON: No, sir. Let me explain on that a little bit. When a route is licensed by all the various entities that we have in California and Arizona, the project, although it will still be under my jurisdiction for awhile, will be specifically in the hands of two design engineers, one for each state. When the line is finally designed in accordance with the licensing activities and, I might add, a construction conservation plan which will be developed for any contractor we might have, the project will be turned over to our Construction Department, who will either oversee

their contractor or who will, if we decide to build a portion of it ourselves, proceed with construction.

MR. WOOD: Possibly this would be put out on contract to a general contractor?

MR. HINTON: In Arizona, it will be under contract.

MR. WOOD: I would like to have another question answered. Why do you need a two-mile corridor?

MR. HINTON: I think Mr. Dudley addressed that briefly.

MR. WOOD: He didn't elaborate why two miles wide.

MR. HINTON: Okay. I will refer it to him.

MR. DUDLEY: The majority of the line in Arizona is under BLM jurisdiction and the BLM is studying the two-mile wide corridor, so, in order to be consistent with their studies, we presented a corridor similar to theirs.

MR. WOOD: Within this two-mile corridor, you will need now much footage in width to construct your transmission line?

MR. HINTON: Unfortunately, we have two jurisdictions here. We will need 200 feet for our free-standing structures and 240 feet for the guyed structures out of that two miles.

MR. WOOD: What type of construction or destruction or denuding of the land will take place within that two hundred and some odd feet? What is your type of construction in there? What will be necessary to do to the land?

MR. HINTON: In certain areas where there is no existing access, we will need to put in a 14-foot wide access road. Each site will need four augered cast-in-place concrete piles except for the guyed structures, which will only need one.

MR. WOOD: So you need an access road of approximately 14 feet to move in and out of the construction area, is that correct?

MR. HINTON: Yes, sir.

MR. WOOD: The reason I am asking this question is because of the high voltage transmission lines that I see wherever I drive. I see about a 300-foot wide swath going up the side of a mountain. Is this the intent, that you will denude the area for a working area?

MR. HINTON: No, sir, it is not. The working area will take place at each construction site. In between each site, which is about on the average 1,500 to 1,600 feet, there will be no destruction except possibly if the road winds through there.

MR. WOOD: In other words, it is your intent to leave the desert flora as you find it with a minimum amount of destruction?

MR. HINTON: That's right, and at each site, we will not need to clear unless it is absolutely necessary. We may crush the brush, and as soon as we are out, we will let it go back to vegetation.

MR. WOOD: This comes to my next question. You are aware that we have certain native plants that are protected by the laws of the State of Arizona?

MR. HINTON: I am very aware of that, yes, sir.

MR. WOOD: Do you have qualified people that will move with your construction people and be able to tag these plants and have them removed from the job site?

MR. HINTON: Yes, sir, if it is necessary.

MR. WOOD: Where will you find these qualified people?

MR. HINTON: We employ a qualified biologist who will work with the local agency in handling that matter.

MR. WOOD: I see. And when you have these plants identified, who is qualified to move these desert plants and where will you move them and

how will you protect them?

MR. HINTON: The details of that have not been defined as yet, because our conservation construction plan has not been developed. It will be later this year. However, if you want the specific answer, Mr. Stevens, our biologist, is here and could answer that.

MR. WOOD: Well, I am looking at a project, the CAP project, at this particular point in time and I am seeing devastation of protected plant material and I wouldn't like to see it happen on this type of project, because if we are going to run a transmission line for 180 miles, conceivably you are going to be 120 or 140 miles into the desert areas. Do you agree?

MR. HINTON: Our line is 110 miles long.

MR. WOOD: 110, all right, 90 miles then, perhaps, or 60 miles, and you are going to be in remote areas.

MR. HINTON: Yes, sir.

MR. WOOD: Where do you conceive that these plants will be brought out of there and stockpiled and protected?

MR. HINTON: I think Mr. Stevens can answer that.

MR. STEVENS: My name is David Stevens. I am

a biologist with Southern California Edison.

We will make every attempt possible to work with the state officials of Arizona to meet their guidelines and requirements for removal of sensitive vegetation where it is absolutely required. Where it is not absolutely required, we will indicate so to the construction crews and avoid those sensitive areas.

MR. WOOD: That answers my question.

THE CHAIRMAN: Any further questions?

MR. FISH: I wanted to clear up a point if I could.

THE CHAIRMAN: Just state your name on the record, please.

MR. FISH: Bill Fish, State Land Department. We have received public notices as to a hearing March 7th in Phoenix, Tonopah-Harquahala March 8th, Yuma March 9th in regard to this line, and I didn't quite understand your answer as to why it doesn't apply. It mentions wilderness areas and the line.

MR. DUDLEY: Right. The meetings are scheduled and are being held by the Bureau of Land Management to determine -- let me start off under the Federal Land Policy Management Act of 1976, the BLM has been authorized or told to go out and inventory areas that meet wilderness status.

Those are relatively unimpacted areas greater than 5,000 acres. Along our routing in Arizona, they have identified, I believe, ten areas, I spoke to three of them today, which the routes traverse. Before they can reach a decision on our project, it is my understanding that they have also been told that they must reach a determination whether or not these areas we may traverse are in fact wilderness or do meet wilderness qualifications. That is what these hearings are about. They are being held by the BLM on the 7th, 8th, and 9th of March.

MR. FISH: So it is your interpretation that the Marquahala or Tonopah property owners would not have any standing in these meetings at all, is that correct, in terms of their own property.

MR. DUDLEY: Their own properties are not being considered for wilderness.

MR. FISH: No, I understand that.

MR. DUDLEY: I don't speak for the BLM, but they have open meetings in which the Marquahalans and Tonopahans, anyone, can bring in their opinions.

MR. FISH: We expressed in our letter to you some concern over going over the Kofa Game Range and I just wanted to follow through on that a bit, if I could. That's all the questions I have.

THE CHAIRMAN: Thank you. Any other questions, gentlemen?

MR. CARR: I am John Carr, for the Arizona Game and Fish Department.

I think I know the answer, but I think that the Committee would like to know. The concern the Game and Fish Department has is with the Big Horn Sheep in the Kofas and the Dome Rock Mountains, and the concern that we have primarily is the creation of a new access. I know that Southern California Edison has undertaken some studies and I think the Committee would like to know a little bit about what you are doing in that matter.

MR. DUDLEY: Why don't we let that best be described by Dave Stevens, who is managing that program for our portion of it.

MR. STEVENS: We realized very early in the year and one-half studies that we have gone through in determining potential sensitivities along this line that potential impact to Desert Big Horn Sheep was one of the most critical, particularly from a biological standpoint. We spent approximately seven to eight months working with various resource agency biologists and private biologists to develop what we feel to be the most significant

research project ever undertaken on Desert Big Horn Sheep. It is designed specifically to tell us the kind of conflicts that we can expect between transmission lines and Desert Big Horn Sheep. The study constitutes a five-year project in excess of a quarter of a million dollars. At the present time, we have 20 sheep with radio transmitting collars on them. They will be followed for a five-year period to determine the ecological requirements of sheep such as habitat, vegetation requirements, food requirements, lambing grounds, rutting grounds, et cetera. These will all be done. The data will all be modeled in a unique ecological model process and the study divided into three phases to specifically try to answer the questions we are after. Number one is preconstruction. We have approximately a three-year period to document the basic ecological baseline data. Then the second phase will be during construction where observations of behavioral responses of sheep to construction periods, construction people, and access will be monitored. That will be statistically correlated and analyzed through Phase 1. The third phase will be study of the animals after the line is completed and people have left the area. By modeling the efforts from

Phase 1, 2, and 3, we should come to a fairly good understanding of what constitutes important Big Horn Sheep habitat, what is peripheral, and then as a result of that indicate to us hopefully areas of methods in which transmission lines can be sited for avoidance of impact to Desert Big Horn Sheep in the future.

MR. CARR: Thank you. I have another question that relates to the Dome Rock Mountains. Through the discussions that I have had with Southern California Edison, I have always understood that there has been a problem in that going through the passes there that there is probably only room for one line, and the subject has come up that there is a possibility of more than one line some time in the future. Does that mean that we will have to go through more than one area in the Dome Rock Mountains?

MR. HINTON: No, not at all, Mr. Carr. These routes, as I have said before, were considered for three lines. Therefore, any route we have could possibly if need be have three lines on it. However, route S-5 I might add would be very tough to construct three lines on. The preferred route would if need be be able to accommodate extra lines.

MR. CARR: Well, that is what I thought, because I flew over that line last Thursday just for my own personal observation and it is pretty tight in there.

MR. HINTON: It is tight and that will present some challenge to us, but we feel we could get any additional lines if necessary through there.

MR. CARR: You mentioned, also, in your testimony that the gates would be locked to deny access. Do you have any idea where those gates are going to be and, if they are going to be locked, are state agencies or whatever that require access to that area, will they be provided with keys to that area?

MR. HINTON: I think what I was referring to was that any existing gates that we cross now will be provided with a lock and appropriate parties provided with keys, but we also as a mitigation measure have offered in our Exhibit B-1, I believe, the fact that we will work with the authorized agency on the access problem, and if we determine that a certain area should be closed off and physically there can be a gate put there to stop access, we will put one up and, of course, provide appropriate parties with keys.

MR. CARR: Thank you. I don't have any other

questions.

THE CHAIRMAN: Any questions?

MR. WURBS: I am Martin Wurbs, from the Arizona Water Commission. I believe my question would probably be most properly addressed to Mr. Dudley.

It appears on the map, Exhibit A-1 in the application, that a segment of the line S-24 crosses the northern portion of the Yuma Proving Ground, is that correct?

MR. DUDLEY: That is correct.

MR. WURBS: In that regard, the Committee Members have recently been provided with a copy of a letter dated February 17, '78, from the Department of the Army, in which case they have expressed their opposition to that portion of the line. Since that is a portion of the preferred route, I am just curious for your reasoning for identifying that as a preferred route.

MR. DUDLEY: In my testimony, I discussed that a little bit. Originally, we had felt that was a constrained area and that was why we had selected that Copper Bottom Pass crossing of the Dome Rock Mountains to link up with our preferred river crossing. After the BLM had started their environmental impact statement process, they, too,

were concerned with the sensitivities involved with it and looked down in the Dome Rock at an area called Weaver Pass, which is within the Yuma Proving Ground boundaries. We had subsequent meeting with the BLM and Yuma Proving Ground and learned that the proving ground did have plans for a tank ranch in that area. They suggested that we look at this routing which is now our preferred crossing of the Dome Rocks north of Weaver Pass, and we investigated it and found it environmentally acceptable and have adopted or designated it as our preferred route. We feel that it is somewhat less sensitive than the Copper Bottom Pass. We were surprised to hear of the Yuma Proving Ground -- maybe Larry has more.

MR. HINTON: Yes, I did participate in the meetings with BLM and the U. S. Army and they do indeed have facilities that they are planning in that area and did suggest to us a route which we have now followed. Therefore, since the Army appears to be changing their mind, we would respectfully submit that if we get a route there, we would need two routes and would ask the Committee to consider that.

MR. NURBS: If you had this particular portion of the line to site again, would this no

longer be identified as your preferred route on the basis of what you just stated?

MR. HINTON: I'm sorry, could you repeat that?

MR. WURBS: In regard to your discussion of S-24 and the opposition of the Army to this particular segment of the route, had you been aware of the concerns of the Army prior to identifying the preferred route in this application, would you now if you were able to do it again identify another route through this area on the basis of the Army's objections as the preferred route?

MR. HINTON: If they had not identified a route in there and had not given us survey permission, we would not be going through there. I might add that we were aware of their concerns that they have identified in their letter.

MR. WURBS: One more question, if you will. In regard to segment S-23, I don't believe I heard anything discussed today. Is it your understanding that the Arizona Department of Transportation has some objections to S-23?

MR. HINTON: Yes, sir.

MR. WURBS: Could you state for the Committee what you understand their objections to be?

MR. DUDLEY: Yes. Their objections are -- I don't have the Exhibit H letter right on hand,

but they are primarily visual due to the two crossings of I-10, some visual exposure to the Burnt Mountain roadside rest area, and they are parallel to I-10.

MR. WURBS: I have no further questions.

THE CHAIRMAN: Go ahead, sir.

MR. JOHNSON: Mr. Chairman, this first question may seem a little bit basic, but I would like to direct it to Mr. Dudley regarding how he intends to convey all of the promises to the contractors concerning the denuding of lands, preserving delicate plants, and other environmental damage that might occur. I am referring to a handbook or guidebook that was adopted by TG&E that appeared to be pretty successful in that. APS, too. I wondered if you had something like that in mind?

MR. HINTON: Yes, we do. We have a conservation construction plan that we are going to start putting together near the end of this year and that will address all the concerns, we hope, of the environmental problems that we might encounter or any other impacts, and we would make that a part of the contract in Arizona.

MR. JOHNSON: Thank you.

Mr. Chairman, will there be further testimony or witnesses discussing other segments

MR. JOHNSON: All right. Then following that, would this span the two-mile corridor that you are requesting at that point crossing the Colorado River?

MR. HINTON: Our Colorado River crossing is quite precise. The BLM is still looking at a two-mile wide corridor, but we intend or would like to cross at a point that is we feel the best crossing, one that is very narrow and between two large backwater areas for minimal impact.

MR. JOHNSON: Thank you.

Mr. Chairman, I would like to continue along that line and ask another question that may be appropriate here.

I recall in a previous hearing something about a structure that accommodated a double line in a sense, two 500 kv lines. Does this make sense? Is that something that is appropriate here?

MR. HINTON: Yes. I think in Section 9 of Exhibit B-1, we have identified an alternative structure that could be used in such cases wherever required, where maybe there is a right-of-way problem where you would have to if you did indeed have two lines put two lines through a very narrow spot.

MR. JOHNSON: So if you needed to avoid a

on west to the Colorado River yet this afternoon?

THE CHAIRMAN: The applicant has presented its case in chief, sir, and I don't think that they intend to put on any other evidence unless it is in the nature of rebuttal.

Do you want to speak to that?

MR. WHEELER: You just summarized it correctly, Mr. Chairman. However, if Mr. Johnson has questions, we will be happy to answer them.

MR. JOHNSON: In that case, I have two specific questions. One is I wondered what kind of structure or if you could show us a picture or tell us something of the structures that you intend to use approaching the Colorado River and crossing it, and then once you cross it, what direction will you go, north, south, or straight west?

MR. HINTON: If we were to receive our new preferred route or the original preferred route near the area of the Colorado River, we would be constructing structures in that area similar to those identified as part of the exhibits called G-1, Exhibit G-1. It is in the application itself and it is entitled Exhibit G, figure 1, the free-standing type structures. Once we cross the Colorado River, we would go due west.

two-mile wide pathway, you would then revert to a structure of this type, is that correct?

MR. HINTON: No, the two-mile wide corridor is a study area. The actual area that would be finally used would only be 200 feet out of that two miles, somewhere within that two-mile wide corridor.

MR. JOHNSON: Does that 200 feet accommodate a double structure that we are talking about?

MR. HINTON: Yes, sir.

MR. JOHNSON: It would. Then one other question, and that is crossing from Point AAA following the red line in a northwesterly direction across that area to the next point up there, Point 11, I guess, would that be 200 feet or two miles?

MR. HINTON: The area under study by the BLM is a two-mile wide area, one mile on either side of center line that has been defined. The actual structure that goes in there would be 200 feet. It would be on a 200 feet wide piece of land.

MR. JOHNSON. What would be your right-of-way request?

MR. HINTON: 200 feet.

MR. JOHNSON: Mr. Chairman, that concludes

my questions.

THE CHAIRMAN: Thank you.

Anyone else?

MR. GILBERT: I don't have any questions, Mr. Chairman, but if my associates are prepared to do that, then I am prepared to make a motion.

THE CHAIRMAN: Well, let's see.

MR. VEGORS: Mr. Chairman, I have one question, and the proper person I think is not here to answer, so I guess Dudley will do.

If the Committee were to approve, say, one line, oh, 22 and 24 at this time, when would Southern California Edison begin actually spending money paying landowners for right-of-way acquisition?

MR. METSKER: David Metsker, for the record. We anticipate beginning our acquisition program about three months after receiving a Certificate from this Committee, and beginning that program means we start our survey, gathering maps and all kinds of data, so I can't say exactly when we would start paying the property owners, but it would be some time this year we would get down to that point.

THE CHAIRMAN: Any other questions?

MR. FISH: In line with what Mr. Wurbs asked

you, I get the impression that if the Committee was to pick one alternative as opposed to your request of granting all alternatives that when you get over into S-24, you would want to change that to go back to the original alternative, is that correct?

MR. HINTON: No, we would prefer S-24 at this time. We would ask you that, in light of what the Army has shown in their limited appearance statement, that you would give us two routes in that area, S-24 and the original preferred route, for our flexibility just in that area.

MR. FISH: I am just not clear, because it seemed to me that what you were saying is the Army was telling you no, and I don't think you can condemn them or anything to get through there.

MR. HINTON: The BLM has not told us no and they are the lead federal agency.

MR. FISH: I guess I have the advantage, maybe. I deal with the Department of Defense a lot, so I would question whether they are the lead.

Secondly, to clear up a point, if you went to three structures, your right-of-way would be how wide?

MR. HINTON: I am confused. Three structures?

MR. FISH: We are talking about going on Palo Verde 3 and 4, and you don't have two 230-foot rights-of-way next to each other. They do overlap somewhat, don't they?

MR. HINTON: Let me explain it this way. If we needed an additional line, it would be 130 feet from the existing line. Therefore, you would have a 330-feet wide corridor with two lines.

MR. FISH: And one more would be how many?

MR. HINTON: An additional 130 feet.

MR. FISH: So you would be talking about 480 feet altogether?

MR. HINTON: Yes, sir.

THE CHAIRMAN: Any other questions by the Committee?

(No response.)

THE CHAIRMAN: I don't know what type of a motion you propose, sir, but let me say that the parties have an absolute right to present their case and neither one of the intervenors have presented their direct testimony, but if you want to make a motion, I will hear it at this time.

MR. GILBERT: Well, Mr. Chairman, it appears that about 95% of our concern through the day so far has been with two segments of line, perhaps for our benefit and perhaps to the detriment of the

rest of the line, I don't know, but we seem to be concerned with the line running from AAA through the middle of the Harquahala Valley to 11, which joins on S-22, and we seem, also, to be concerned with S-23. I would move that the Committee deny both of those routes.

THE CHAIRMAN: I don't understand the motion, sir.

MR. GILBERT: Well, let me rephrase it, then. It appears that the people in the room and all of the data and the cross-examination have dealt with two segments of line.

THE CHAIRMAN: Okay, I understand.

MR. GILBERT: To get on with the rest of the lines and perhaps along with the hearing, I would move that this Committee deny those two segments of the line I alluded to.

THE CHAIRMAN: Your motion is then, sir, that --

MR. GILBERT: Since there has been no focus or testimony on those other sections, you might as well deny it now and get it out of the way and concentrate on the business before us.

THE CHAIRMAN: Well, the entire line and all the alternatives are still before the Committee as a whole, and even though the testimony and the

focus of the hearing hasn't been on those segments, I don't think that that motion is proper at this time.

MR. GILBERT: All right, let me know when it may well be.

THE CHAIRMAN: Deny the motion.

MR. WHEELER: Mr. Chairman, we have several questions we would like to ask on redirect, if that would be appropriate at this time.

THE CHAIRMAN: Certainly.

MR. WHEELER: Thank you, Mr. Chairman. I would also like to have, with your permission, Mr. Tom Gilfoy, who has spoken previously, who is with the Southern California Legal Department, ask those questions, if that is appropriate.

THE CHAIRMAN: Is there any objection from the parties?

MR. BURCH: No.

MR. GREEN: No.

THE CHAIRMAN: Go ahead.

MR. GILFOY: Thank you, Mr. Chairman. I would like to direct my first question to Mr. Dudley.

REDIRECT EXAMINATION

BY MR. GILFOY:

Q Mr. Dudley, I perceive that there may be

some confusion regarding the number of lines and the fact that the Edison Company has filed an application for only one line. As has been established to everyone's satisfaction, I believe, the application is in fact for only one line. Suddenly we are talking about three lines. Is the reason that you have studied these routes with respect to the possibility of three lines going along them because there has been a BLM requirement?

MR. DUDLEY: In our early discussions, continuing discussions, with the BLM, they have indicated that we should be looking at a potential corridor.

Q For three lines?

MR. DUDLEY: Not necessarily for three lines. No number of lines was mentioned.

Q All right.

MR. DUDLEY: So we have tried to select our routing to accommodate two or three lines in coming up with our preferred routes. All of them would do that.

Q Thank you, Mr. Dudley.

Now I would like to direct a question to Mr. Arenal.

Mr. Arenal, as the senior Edison Company official here, I would like you to express your

opinion regarding the likelihood of there ultimately being three lines constructed along one of these routes.

MR. ARENAL: The likelihood is very, very minimal. There are no plans for three lines at this time. There is nothing that we know in the foreseeable future that stipulates three lines. As we have said through Mr. Steinberg, I will reinforce it here, there is no known transmission assessment made as yet on the new Palo Verde units 4 and 5. As he indicated, though, it is not certain, because the judgment has not been made by participants, one of whom would be Edison, as to where that line would be routed. But there are no plans by Edison for three lines.

Q Thank you, Mr. Arenal.

Mr. Arenal, while you have the microphone, I believe another question that there may be some misunderstanding about that could be clarified is the question that was raised by Mr. Burch regarding why it is that Edison Company is here now seeking approval of this Committee under circumstances where whatever action this Committee might take, the BLM may not approve the same route. Would you please explain that so that there is no misunderstanding? I believe Mr. Burch

referred to it as being possibly an exercise in futility.

MR. ARENAL: In our best judgment, and there are a number of people represented here regarding the various disciplines, we have very seriously considered the routes that we have presented here with the very best interests in mind of balancing the various factors that have been mentioned and, as was indicated, in being directed by the BLM to look in the area of Tonopah wherein they indicated two different routes, in our assessment, we looked and we changed the routing in our view because of the impacts that that suggestion of either of those routes that BLM had made posed. So it is in our judgment very important, the facts as have been brought out here, the very evidence that has been brought out by this very hearing and the weighing of that evidence by this Committee, and then, of course, in our judgment, having a vital effect as far as consideration by the BLM in making their judgment, because then they have the input of the people of this state, they have the input of the applicant taking into account all of the considerations that we have made. And I say this sincerely. We have made a best effort. We may have in the process not

satisfied all interests. That I am sure this Committee appreciates is very difficult to do. But we have made a very sincere effort in coming before this Committee and assessing each of these routes, and we do feel it is of vital importance in my judgment that this step be taken and action by this Committee be taken. We, of course, are in the process all the way through of making trade-offs. In our judgment, we must and should have the process take an orderly fashion. That is why we are here today, to say all of the input so that this Committee can finally make a judgment taking into account what we have said, and I am sure that accordingly the BLM will do the same.

Q In your opinion, Mr. [illegible], do you feel that it is likely that other action this Committee may take will have influence on the BLM in determining the ultimate route?

MR. GREEN: Mr. Hearing Officer, I have tried to in the interests of speed and all this to accommodate some of the leading questions that call for speculation and conclusion.

MR. GILFOY: I will withdraw the question.

THE CHAIRMAN: The question has been withdrawn.

MR. GILFOY: I will withdraw the question.

BY MR. GILROY:

Q Getting into another area, Mr. Dudley, on what basis did you develop the lack of potential impact from these lines on future residential and agricultural values along the various routes? I perceive there may be some misunderstanding in that area as well.

MR. DUDLEY: The studies that were done by us are under the control of the various disciplines, whose witnesses are behind me. The gentleman who would head up those studies is David Poole. I think he would best answer that question.

Q All right. If I might ask Mr. Poole then to address the question.

MR. POOLE: I think that the focus of your question was concerning future land use, is that correct?

Q That's correct.

MR. POOLE: To ascertain what we considered to be the probable future for what are undeveloped lands currently in the Harquahala Valley area, the Tonopah area, and the extension into Yuma County, we contacted the Yuma County Planning Director and the Maricopa County Planning Director and had interviews with both of these men on a continuing basis over the past year and one-half.

In addition, we have also talked with the Maricopa Association of Governments to determine what plans they might have. They have a composite land use plan for the area. In these three interviews, we obtained the land use plans that they have as being their best estimate as to what they foresaw would occur in the area. So that we could verify those plans, we also obtained a private consulting firm to take a look at the Harquahala-Tonopah area from an economic standpoint and tell us whether they thought there was any potential for extensive development or any development in the area in the future, and those studies verified the conclusions of the County Planning Departments that the areas would remain essentially in agriculture and rural housing and would not undergo extensive changes in the next perhaps 20 years.

Q Thank you. One final question on redirect. Mr. Dudley, could you explain in what way the impact on socioeconomic values was determined to be a positive one.

MR. DUDLEY: Primarily, it was dealing with fundings derived from construction of the transmission line.

Q Excuse me just a minute. Perhaps it would be of benefit to first hear what your definition

of those values is.

MR. DUDLEY: Again, maybe this might be best answered by Dave Poole, who did do the study.

Q All right.

MR. POOLE: When we conduct socioeconomic analysis of a transmission line, the things that we are looking for are the effect of that investment by the company and the construction of the line on the private housing market in the vicinity, the retail sales that may occur because of the construction work force, the property tax revenues that would accrue to the taxing jurisdictions from the line, the effect on government public services like police, fire, sewer, water, that sort of thing, the employment that would accrue directly because of the construction, and the population impact. We found that in Arizona, there would probably be, based upon some assumptions we had to make concerning future tax rates and future assessment practices and what not, perhaps as much as $1.4 million per year or at least during the first year of operation of the transmission line in property tax revenue and that there would be an employment perhaps of 150 to 170 people during the construction period.

Q Did you indicate that that consideration

was, in effect, a wash deal irrespective of which one of these routes were followed?

MR. POOLE: Yes. I think that is indicated in the supplement to the Environmental Report.

MR. GILROY: Thank you very much.

That's all the questions I have on redirect.

THE CHAIRMAN: Is there any recross limited to the areas of redirect?

MR. BURCH: I don't want to take the time for recross in light of the weather situation and everything, but I would like to refer the Committee and counsel for the Committee and the Chairman to Section 1.3.7 entitled Right-of-Way in the original application and figure 1-9 immediately after it, which clearly contemplates future additional rights-of-way contrary to the statements that have just been made to you.

THE CHAIRMAN: Thank you, Mr. Burch.

Mr. Green, do you have any recross limited to the areas of redirect?

MR. GREEN: Mr. Chairman, may I make an inquiry of the Chair?

THE CHAIRMAN: Sure.

MR. GREEN: We are approaching the hour of 4:30. I would like to have some indication, if it

is possible, as to how late the Committee is going to proceed. If there is an opportunity to conclude tonight, fine. If not, then I would be guided by the Chairman's ruling.

THE CHAIRMAN: Mr. Green, the answer to that question appears to be almost entirely in your hands at this point.

MR. GREEN: That is certainly putting a heavy burden on me, Mr. Chairman.

THE CHAIRMAN: How much case do you have left, sir?

MR. GREEN: Well, are we speaking of the case in chief?

THE CHAIRMAN: Your entire presentation, sir.

MR. GREEN: Well, Mr. Burch is the next presenter. Let me review my notes and see if I have any further cross-examination, Mr. Chairman.

MR. GILFOY: Mr. Chairman, while he is doing that, I would like to address what was volunteered by Mr. Burch.

THE CHAIRMAN: Very briefly, please.

MR. GILFOY: He characterized something being in this report, and I believe he said Section 1.3.7, as being material that is inconsistent with something that has been said here.

I believe the material speaks for itself and that is his characterization and I think it is up to the Committee Members to decide whether that is in fact inconsistent.

THE CHAIRMAN: Fine. Thank you, sir. I would ask you gentlemen to reserve that for closing, if you would. It is more in the line of argument.

Mr. Green?

MR. GREEN: Yes, on recross, there was a point raised by Mr. Lewis that I would like to pursue just a moment with respect to the easements which the utility is seeking to acquire. It is seeking here four alternate possibilities or four possiblities of routes and asking that all be granted.

RECROSS-EXAMINATION

BY MR. GREEN:

Q May I ask any one of the representatives of Edison, if the Siting Committee should, heaven forbid, grant all four of these applications or the application as to all four routes, how would it proceed on rights-of-way? In other words, which alterante routes would it proceed to try to obtain the right-of-way on?

MR. METSKER: On all these routes, I think the total number of property owners would be only some 30 property owners, more or less. What we would propose to do is possibly initiate not an easement acquisition program, but to maybe option some of these properties in the hopes that toward the end, when the final route is approved by the Bureau of Land Management, these options could expire rather than acquiring an easement at this time.

Q Well, Mr. Metsker, were you present at the meeting some time I think last week in the office of Mr. Wheeler in Phoenix?

MR. METSKER: No, I was not.

Q If I told you that at that time representatives of your company stated under the question that I have just now asked that they would proceed to acquire rights-of-way -- if they were granted two alternative routes here, that they would seek to acquire rights-of-way for both of those routes, would you disagree with that here?

MR. METSKER: I would disagree with the fact that in acquiring the rights, we mean by optioning those rights.

Q Well, Mr. Metsker, that assumes a willing

owner of property willing to give you an option. Assume for a moment that the owner of that property is totally unwilling to give you any such option.

MR. WHEELER: Mr. Chairman, we have been over this line of questioning before, I think.

THE CHAIRMAN: Yes, Mr. Green. Please get to the point on that.

BY MR. GREEN:

Q The question is would you proceed to acquire these rights-of-way by what your counsel says is your right of eminent domain for more than one of the rights-of-way if you are granted more than one?

MR. METSKER: We have not gone so far as to suppose that, Mr. Green. Hopefully, we could negotiate these rights-of-way. If that case came up that we did meet severe opposition from a property owner, we would have to then consider that particular case.

MR. GREEN: That's all I have, Mr. Chairman.

THE CHAIRMAN: Is there any recross by any of the Committee Members?

(No response.)

THE CHAIRMAN: At this point, I believe we will proceed to you, Mr. Burch, for your case in chief. How much time?

MR. BURCH: An extremely short amount of time, Mr. Chairman.

Mrs. Heisler, will you come up, please, and be sworn.

MR. WHEELER: Mr. Chairman, subject to having our witnesses recalled, are they excused from the witness stand, so to speak, at this time?

THE CHAIRMAN: Yes, subject to being recalled.

MR. WHEELER: Yes, subject to being recalled by the applicant in its rebuttal case. I understand that the intervenors have rested their cross-examination.

THE CHAIRMAN: Is there any objection to excusing the witnesses?

MR. BURCH: I have none.

MR. GREEN: Yes, I have some, Mr. Chairman. I think that as long as they are present in the room here and available, I think in the context of our rather loose proceeding here should be available.

THE CHAIRMAN: Do you think you can make them available upon reasonable notice?

MR. WHEELER: We will attempt to, Mr. Chairman. I just think there should be an end to cross at some point in time and I thought we had reached that point and I wanted my witnesses, in effect,

off the stand. Of course, if the Committee wishes to address additional questions to them later, I will attempt to make them available.

THE CHAIRMAN: There may be a point in time where some of the Committee Members or one of the parties wants to ask something additional. I think it reasonable that I ask them to return.

MR. WHEELER: Mr. Chairman, they are not going anywhere.

MR. BURCH: Mr. Chairman, you will recall that we reserved our opening statement at the time the applicant made theirs. You may also recall that at the last time I appeared here representing a similar group of owners regarding another segment of the line, most of these Committee Members were present at that time, and it was my good fortune then at the beginning of our presentation to have one of the Members of the Committee make a motion which negated any need for a protracted presentation on behalf of my clients. Now, I had heard the motion made by one of your Committee Members in relationship to eliminating 22 and 23, and were that motion carried, there would be no need for our presentation, because it would eliminate the concern as to S-23 of the Tonopah Valley area owners and a portion of the concerns of

Harquahala. It would seem to me that since that procedure has been followed before, it might be helpful for that motion now to be properly presented at the conclusion of applicant's case so that it might materially change the duration and length and quantity or quality of the material that we give this board.

MR. FISH: Mr. Chairman, it appears to me that if we did that, we would then have the only alternative left to be the route through the farmland of Harquahala.

MR. GILBERT: Mr. Chairman, that is not quite correct. That is not really what I said. I am alluding to the preferred route, which the company has called S-22. That is the new preferred route as I understand it.

THE CHAIRMAN: Why don't you restate your motion and we will test it at that point.

MR. GILBERT: I move that the Committee deny the applicant the route designated as S-23 and that segment of the old or original preferred route that runs on that map from a point AAA through the Tonopah Valley on the pipeline to where it intersects with the new preferred route.

MR. JOHNSON: I'll second that.

THE CHAIRMAN: Is that your motion, sir?

MR. GILBERT: Yes, sir.

THE CHAIRMAN. The applicant first would please respond to that.

MR. WHEELER: Mr. Chairman, just a point of clarification first. Do I understand that the motion that is being made is to reject S-23 and that section of the Harquahala Valley which is our original preferred route?

MR. GILBERT: Yes.

MR. WHEELER: It does not deal with S-22?

THE CHAIRMAN: That's correct. Why don't you point it out on your map there?

MR. BURCH: This (indicating) is S-23, and are you referring to this section here (indicating)?

THE CHAIRMAN: The red line from AAA right to there.

MR. BURCH: That is AAA to 11 for the record.

THE CHAIRMAN: That's right. That is the motion. What is your feeling on that, Mr. Wheeler?

MR. WHEELER: Mr. Chairman, if I could make just a brief statement commenting on it, we have had numerous off-the-record discussions with the intervenors from time to time over the past month and even up to and including today regarding possible areas of agreement if any could be found regarding these routings. We would suggest at

this time that the Committee give consideration to granting us S-22, which is our new preferred route through the area -- Mr. Chairman, this is by way of comment on the motion -- and S-21, which goes around the area with or without, as the Committee sees fit, what has been called HV-1 by the Harquahala Valley intervenors. It is our understanding based on Exhibit H letters that we have received from them that they believe that S-21 with HV-1 is their preferred routing. They have also indicated that they can with reluctance accept S-22 as contained in their Exhibit H letters. Mr. Burch, on the other hand, on behalf of his clients has indicated that he cannot accept S-23, but we understand their position to be they can live with S-22 and S-21. I am making these comments by way of attempting to put this before the Committee when they consider this particular motion, that the applicant itself could accept in that area S-21 with HV-1 and as an alternate S-22 to be used only in the event BLM does not approve S-21 and HV-1.

THE CHAIRMAN: Now, please, may I have your attention? That is not the motion.

MR. WHEELER: I understand that, Mr. Chairman.

THE CHAIRMAN: We are not considering that

right now. There is one motion which I want you to comment on and limited to that only without consideration of HV-1, which is not even before this Committee, or without consideration of S-22 and what have you.

MR. WHEELER: Mr. Chairman, my comment on the motion then is I wish the Committee would keep that in mind when they vote on it and with the understanding, I guess, if you want our position, that we could support that motion ourselves if it was coupled with the approval of the routings under the conditions I just described.

THE CHAIRMAN: It is not coupled with approval of any other routes. I want to know what your position is without that.

MR. WHEELER: Mr. Chairman, I have stated my comments. I wanted the Committee to consider those comments when they vote on the motion and I think I have stated my position.

THE CHAIRMAN: Well, you failed to respond to the motion. I take it that you have no opposition.

MR. WHEELER: Mr. Chairman, my comments will speak for themselves. You have asked for my comments and I gave them to you.

THE CHAIRMAN: The motion does not carry with

it a consideration of any other route, sir. The motion only considers whether to dispose of two routes.

MR. WHEELER: I fully understand that, Mr. Chairman, and I have indicated that we can support that motion in consonance with the comments I have made.

THE CHAIRMAN: Whatever that means. That may be the most confusing statement made today.

Mr. Green.

MR. GREEN: Mr. Chairman, Members of the Committee, my comment on the motion would be this: We would welcome a motion to this effect as to the original preferred route in order that it might be disposed of, speaking for the Harquahala Valley groups that I do. I would feel, however, that we would not want to weaken the position which we then are left with when the applicant, Edison Company, has said that its preferred route is S-22. That remains then under consideration and that is one which we have expressed our opposition to as well as S-21.

THE CHAIRMAN: I understand that, Mr. Green. We are only talking about those two routes, S-23 and that one section that goes through the Harquahala Valley, and the motion is to eliminate

them from consideration and deny them right now. What is your position on that motion?

MR. GREEN: I was in the process of voicing it, Mr. Prose. Sorry if I took longer than you like. It is that we certainly support it as to removal of the original preferred route, period.

THE CHAIRMAN: Are there any comments or discussion by the Committee?

MR. FISH: Mr. Chairman, if we follow this motion, then S-22 is the only route we have available to us, is that correct? We can't consider HV-1 without having noticed and everything else?

THE CHAIRMAN: We cannot consider or approve HV-1, whatever that is, at this hearing. If there is to be any approval of any other route other than those noticed by the applicant, we will have to have another hearing after public notice has been published to consider another route.

MR. BURCH: Mr. Prose, there are two routes left for consideration. The question was is S-22 the only one. It is not.

THE CHAIRMAN: There are two routes left, S-22 and S-21. I believe Mr. Burch will point them out on the map. Right there is the S-22 and S-21 route. S-21 is there and S-22. One goes

around the Eagletail Mountains and one cuts on the inside of it. So those are the two routes left.

MR. MUELLER: Mr. Chairman, with reference to HV-1, I would like to draw your attention to the provision of the Committee's regulations which deals with considering routes not specifically described in the application, specifically R14-3-208F-- I'm sorry, G, which, if you will permit me, I will read to the Committee. "If the Committee subsequent to the hearing proposes to condition issuance of a certificate on the use of a site other than the site or alternate sites generally described in the notice," and the notice referred to is in R14-3-207, Subsection A, "a further hearing shall be held thereon after public notice as provided in R14-3-213, Subsection A." Now, I interpret that provision as meaning that the Committee could act on HV-1 if it so desired, but it would be required thereafter to hold some sort of a ratification hearing after public notice. I just wanted to draw that to the Committee's attention.

THE CHAIRMAN: No, I don't read it that way. This Committee cannot approve another route not designated in your application until after another hearing is noticed, until after evidence is

introduced on the environmental compatibility of that route. That is the ruling from the Chair on that point.

We will get back to the motion. The motion before this Committee is to disapprove the applicant's request for the route designated as S-13 and also the route starting at point AAA going to point 11.

MR. BURCH: That's correct.

THE CHAIRMAN: Is there any discussion by the Committee?

(The question was called for.)

THE CHAIRMAN: No discussion. Call for the question. We will take a vote aye or nay starting to my left, a voice vote.

MR. ARLO LEE: Aye.

MR. ARTHUR LEE: Aye.

MR. LEWIS: Aye.

MR. AYRES: Aye.

MR. WOOD: Aye.

MR. FISH: Aye.

MR. CARR: Aye.

MR. ROTTA: Aye.

MR. WURBS: Aye.

MR. JOHNSON: Aye.

MR. GILBERT: Aye.

MR. VEGORS: Aye.

MR. ROBERTS: Aye.

THE CHAIRMAN: The vote is unanimous. It is ordered that that portion of the application designated in the motion, the route designated as S-23 and the route between point AAA and 11 on Exhibit A-1, hereby denied.

MR. BURCH: Mr. Chairman, in light of the determination of the Committee, it would seem redundant for us to put on any presentation which related specifically to Route S-23 and its consequences, so we will ask that we be relieved of that burden.

THE CHAIRMAN: You are withdrawing from the hearing?

MR. BURCH: We withdraw any objection that we have to the proceedings and we are perfectly happy with that result.

THE CHAIRMAN: Thank you, Mr. Burch.

MR. JOHNSON: Mr. Chairman, would it be appropriate for us to have a review by the applicant of the routings starting with S-22 and their preference through to the Colorado River for a single line and then pointing out where there may be a need for an alternate leg to be recommended? I think this would clarify in our

minds what really is their choice.

THE CHAIRMAN: Any comments on that request?

MR. WHEELER: We are happy to comply with it if you would permit us.

THE CHAIRMAN: Mr. Green, do you have any objection to allowing the applicant in light of the motion to now point out what their preference is?

MR. GREEN: Well, I believe, Mr. Chairman, that they have already done that. If I am under the misapprehension that S-22 is their preferred route, then I am misunderstanding their advocation.

THE CHAIRMAN: Well, I think that the request is just to refresh the memory of some of the Committee Members at this point.

MR. WHEELER: I understand Mr. Johnson's question to be, now that those two south alternate segments are out, would we give another discussion of what the routing that is the remaining routing consists of and what our statement of position is with respect to it, and we would be happy to furnish that if the Committee would so desire.

THE CHAIRMAN: Could you do that briefly?

MR. WHEELER: I think it would probably be appropriate to have Mr. Dudley do that very briefly if you would not object to him standing up

to the map to point it out.

THE CHAIRMAN: Why don't you do that, Mr. Dudley.

MR. WHEELER: Mr. Chairman, would you object if we threw the blow-up map on the screen again so it would be easier to see for the Committee and the audience rather than referring to the map on the easel?

THE CHAIRMAN: Fine.

MR. WHEELER: The slide projector is already set up for it.

Mr. Dudley, would you pick up a microphone, please, and explain this?

MR. DUDLEY: In the region of the Harquahala Valley, it would be our preferred routing S-22 from the east side of the Eagletail Mountains rejoining the El Paso Natural Gas pipeline, proceeding to the divergence where we have a sensitive area over the Kofa. We would ask your approval of both the routings through the Kofa, our preferred along that route and the north Kofa route. The next area of sensitivity where I would ask your approval is in the Yuma Proving Ground, since the YPG has made a limited statement opposing that, our original preferred crossing of the Dome Rock Mountains on Copper Bottom Basin, and, due to the

Colorado River sensitivities, S-5. That would we believe give us alternates in the sensitive area of the Colorado River with the S-5 crossing, and our preferred crossing would give us an alternative in the Dome Rock Mountain area and the Yuma Proving Ground. It would give us two alternates in the Kofa Game Range and our preferred routing in the Harquahala Valley region.

THE CHAIRMAN: Is it a fair statement, excuse me for interrupting -- every route that you have, including the two routes in the Kofa Range, everything to the west of that is what you would be asking for approval of?

MR. DUDLEY: That is correct.

THE CHAIRMAN: There is nothing there that you would discard at this time?

MR. DUDLEY: The only one I did not include was S-21.

THE CHAIRMAN: If you go back and pick up that for us, you are also asking for approval of S-21 as I understand it.

MR. DUDLEY: Yes. I have been directed to say yes.

MR. JOHNSON: Mr. Chairman, the question really was their preferred route and necessary alternates they felt were required.

THE CHAIRMAN: I believe he stated that was the preferred route with all the necessary alternates that they require. Their second preferred route now is S-21. Is that a fair statement or not?

MR. WHEELER: Mr. Chairman, is Mr. Johnson's question if we can only have one routing, which is the very preferred routing if we can only get one of all these various alternates we are talking about? I don't think the witness is quite clear on that.

THE CHAIRMAN: I think the question was one route with the alternates that you feel you have to have. Is that fair?

MR. JOHNSON: That's right.

MR. DUDLEY: That would contain my statement.

THE CHAIRMAN: In other words, you are asking for everything else that appears on the map that hasn't already been denied by the Committee?

MR. DUDLEY: That is correct.

THE CHAIRMAN: There is nothing else that you wish to voluntarily discard at this point?

MR. DUDLEY: No.

MR. FISH: Mr. Dudley, once you get past the Harquahala-Tonopah area, with the exception of the

southern part of S-21, which we have some problems with in the preferred route, you are dealing primarily with various and sundry federal agencies, almost 99%, is that correct, in terms of land ownership?

MR. DUDLEY: Yes, sir.

MR. FISH: I think I discovered one or maybe two sections of land that were private ownership until you get near the river.

MR. DUDLEY: Yes.

MR. FISH: I think that is more of a point than a question.

THE CHAIRMAN: Any other questions while the man is up and the map is up there?

MR. GILBERT: Mr. Chairman, how about Fish and Game? They have no problem with the other segments of the line beyond, let's say, west of the area of contention that we have been facing all day like through the Kofas, east and west of the Eagletails, along the river?

MR. CARR: Mr. Chairman, the Game and Fish Department's position is that we favor the route through the Kofa Game Range. We feel that the impacts on that route are less than they are on the route to the north. We do have some problems with the route through the Dome Rock Mountains and

we would prefer the blue line going to the north, that one right there (indicating), if we had our choice.

THE CHAIRMAN: Any other comments"

Mr. Green, how much time will your presentation require?

MR. GREEN: Well, Mr. Chairman, I say this reluctantly, but I think necessarily, that because of the hour and because of the nature of the direction that the proceedings have taken, that I should have an opportunity to discuss the matter with my clients. I think that an evening recess is in order, and I say that reluctantly, but I think appropriately. So I would not ask them to appear at this time unless the Chair requires it. I think that there have been some events that require them to consult with me and I would ask that we be extended that courtesy.

THE CHAIRMAN: Steve, do you have any comments on that?

MR. WHEELER: Mr. Chairman, we will accede to whatever the Committee's desire is. We are prepared to go as late as the Committee wishes to. We have all our witnesses here and we are prepared to proceed.

THE CHAIRMAN: What are the comments of the

Committee?

MR. JOHNSON: Mr. Chairman, I will start a conversation, perhaps, but would it be appropriate to ask Mr. Green if his clients are here that they could hold their meeting between now and, say, 6:00 o'clock and we would reconvene at that time?

MR. GREEN: That might be even longer than is necessary, sir. A recess might furnish us with the opportunity to have a caucus and make some determinations now that the applicant's second preferred route has been abandoned.

THE CHAIRMAN: What is the Committee's feeling? We are talking about staying a little later now or else we are going to attempt to come back tomorrow. Is either one of those alternatives going to cause any hardships for anyone?

MR. AYRES: Mr. Chairman, I can't be here tomorrow.

THE CHAIRMAN: Is there anybody else that cannot be here tomorrow? Any other hardships? Problems?

What is the Committee's feeling on taking a brief recess at this point?

MR. JOHNSON: Mr. Chairman, I move that we take a 20-minute recess and reconvene at that point in time.

THE CHAIRMAN: Now, wait just a second. How much time will you need, Mr. Green?

MR. GREEN: Well, I was going to suggest, Mr. Chairman, that we take even a five-minute recess to enable me to caucus and we could then determine if it would be advisable to proceed at this point and approximately how long it would take or if we thought that a recess for the evening would be requested. In any case, we would save some time getting under way.

THE CHAIRMAN: Will you withdraw your motion?

MR. JOHNSON: I will withdraw the motion.

THE CHAIRMAN: I think we will take a ten-minute recess. We will reconvene promptly at 5:00 o'clock, and I want some decisions reached.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: The Committee will come to order.

Mr. Green, did you talk to your clients and what do you have to offer at this time?

MR. GREEN: I did, Mr. Chairman, and they are ready, willing, and able to proceed at this time if that is the desire of the Committee.

THE CHAIRMAN: How much time do you anticipate?

MR. GREEN: Mr. Chairman, I anticipate seven

witnesses. I anticipate that they will be brief in their testimony. I cannot tell you precisely how much time. I am going to estimate that the total amount of time would not exceed perhaps 30 minutes, 20 to 30 minutes. I may say, though --

THE CHAIRMAN: That is three minutes a witness.

MR. GREEN: Well, it may exceed that somewhat, Mr. Chairman. Unfortunately, we are put here in the situation of being at the end of the day when everyone is tired.

THE CHAIRMAN: Well, I understand. I am just saying three minutes a witness, is that reasonable?

MR. GREEN: Well, you have asked me to make an estimate and I have done that, but I have heard estimates being made here by the applicant with all its resources and, you know, I can only make a reasonable estimate.

THE CHAIRMAN: What are the feelings of the Committee Members? Any comments?

MR. LEWIS: Mr. Chairman, during the recess, a number of us talked and there seems to be at this juncture some congensus on the Committee. However, in deference to Mr. Green, I think we might expedite the proceedings if he would like to state the results of his caucus and what position

he takes at this juncture. Then we may wish to proceed with a motion at that time. We may wish to have him continue or recess until tomorrow.

MR. GREEN: Thank you, Mr. Lewis. I will be happy to do so.

THE CHAIRMAN: Fine, Mr. Green. You are not required to. You can put on your case, you understand.

MR. GREEN: Well, I understand. I am simply responding to Mr. Lewis' request, and I will be glad to do so hoping it will expedite matters. Thank you for the opportunity.

Gentlemen, our position is the same as when we entered this room this morning. The people that I represent, groups I represent, are opposed to S-22, the new preferred route, as it violates the scenic beauty of the Eagletail Mountains, their testimony will be. If it proceeds along the route on the east side of those mountains and visually scars the mountains and the view of the people who live in the valley. So let me just simply summarize saying as to S-22 it does violence to the valley and it does violence to the people who live there and enjoy it, and I submit that the testimony will be to that effect.

As to S-21, we came into this hearing

opposing it as well, primarily along the south boundary where the residents of the valley had suggested that it proceed further south than it has on S-21. There is a possibility that S-21 could be acceptable if Edison would cooperate to try to locate its lines as far south in a two-mile corridor as is physically possible.

THE CHAIRMAN: I don't believe that that is close to the consensus of the Committee at all. Is that a fair statement?

We are not going to convene this tonight and, unfortunately, we are going to have to take a recess and reconvene tomorrow. Here is the problem. I have a serious conflict that has been on my calendar for some time that I cannot avoid. I have a hearing in Superior Court tomorrow morning that no one else can handle. I guess I am indispensable, but not because of that but because of the complications of the matter, I have to be there at 10:15 in Superior Court. That means that we can reconvene here at 8:30 in the morning and go until 10:00 o'clock. At 10:00 o'clock, there will be a recess until 12:00 o'clock, and we will reconvene at 12:00 and go until we finish. That means that the morning recess and the lunch recess will be taken between 10:00 and

12:00. That is the way it has to be, so I won't even ask for your comments on it. The only discretion left here is whether you want to convene at 8:30 in the morning or 9:00 o'clock. Do I hear any comments on that from the Committee?

MR. GREEN: Yes, you do from me, Mr. Chairman. All of the people, I believe most of them, anyway, live in the Harquahala Valley, which is approximately two hours from here, and in the rain maybe even worse, and I would ask that it be at 9:00 o'clock. I think we can probably conclude our testimony by 10:00.

THE CHAIRMAN: I have to make this very clear. If we are two minutes away from a conclusion at 10:00 o'clock, I am still going to recess, because I have to be in Superior Court at 10:15, so that is a deadline that the Committee has to accept.

Mr. Lewis, do you have a comment?

MR. LEWIS: Mr. Chairman, is there another assistant attorney general that could conclude the hearing?

MR. CHAIRMAN: No, because of the possibility that I have the duty to vote if it is necessary and another assistant attorney general could not do that.

MR. LEWIS: All right. I withdraw my comment.

MR. WHEELER: Mr. Chairman, is there any objection to continuing now? Mr. Green has indicated a fairly short direct presentation. I will do my best to keep cross to the absolute minimum.

THE CHAIRMAN: I read the Committee as wanting to adjourn for the evening, but I will listen to their comments. Do you want to continue? I think there are two people up here who have a vested interest in something at Tempe.

MR. ARLO LEE: I don't care. I will stay if the rest of them want to.

MR. GREEN: Mr. Chairman, I just feel that under those conditions and circumstances, it would be prejudicial to the people that are going to speak, knowing that everyone is tired and would like to get out of here tonight.

MR. ROTTA: I move we recess.

MR. ARLO LEE: Let's compromise and meet at 8:30 in the morning.

THE CHAIRMAN: We are going to reconvene at 9:00 o'clock tomorrow morning. The Committee is adjourned.

(Thereupon the hearing was at recess.)

Before the

POWER PLANT AND TRANSMISSION LINE

SITING COMMITTEE OF ARIZONA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY, in conformance with the requirements of Arizona Revised Statutes Section 40-360, et seq., for a Certificate of Environmental Compatibility for the Arizona portion of one 500 kv transmission line between the Palo Verde Nuclear Generating Station (under construction) near Wintersburg, Arizona, and the Devers substation (existing) near Palm Springs, California.	)	CASE NO. 34

At: Phoenix, Arizona

Date: March 3, 1978

VOLUME II

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HARDY W. SCOTT & ASSOCIATES
COURT REPORTERS
PHOENIX, ARIZONA

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Phoenix, Arizona
March 3, 1976
9:00 o'clock a.m.

THE CHAIRMAN: It is 9:00 o'clock. The Committee will be called to order

I would like to have a roll call of the Committee Members who are present. Starting from my far left, please identify yourself and who you represent.

MR. LEE: Arlo Lee, the public.

MR. ARTHUR LEE: Art Lee, Association of Counties.

MR. LEWIS: Orme Lewis, Jr., public member.

MR. WOOD: Dave Wood, Landscape Architect.

MR. FISH: Bill Fish, designee for Andrew Bettwy, State Land Commissioner.

MR. CARR: John Carr, designee for Robert Jantzen, Director, Arizona Game and Fish Department.

MR. ROTTA: Ken Rotta for Ernie Garfield, Chairman of the Corporation Commission.

MR. WURBS: Martin Wurbs for Wesley Steiner, Executive Director of the Arizona Water Commission.

MR. JOHNSON: Clint Johnson, Office of Economic Planning and Development, designee of Brent Brown.

MR. GILBERT: Don Gilbert, Arizona Atomic

Energy Commission.

MR. VEGORS: Wallace Vecors for State Parks Director Rammes.

MR. ROBERTS: Clyde Roberts, Cochise County.

THE CHAIRMAN: Let the record reflect that the parties are present by and through their attorneys.

Mr. Green, will you proceed, please?

MR. GREEN: Thank you, Mr. Chairman.

MR. WHEELER: Mr. Chairman, before Mr. Green starts his direct presentation and goes well into it, I wonder if I might address a matter that appears to have caused some confusion today. I note in the morning paper there is an article regarding the Palo Verde Units 4 and 5 and I sense from some of the conversation prior to the hearing this morning that there may be some confusion regarding the statements made in that article and the statements made by Mr. Arenal yesterday regarding the possibility of more than one transmission line. I think that there is really no need for that type of confusion and I wonder if the Committee would like to hear it. We could have Mr. Arenal again reiterate his position in light of that article.

THE CHAIRMAN: Mr. Green, do you have any

objection or comments on that?

MR. GREEN: I may have comments later, but I have no objection to whatever response they see fit to make in view of yesterday's testimony.

THE CHAIRMAN: Try to be as brief as possible.

MR. WHEELER: I presume Mr. Arenal may testify as still being sworn from yesterday.

MR. GREEN: I don't recall him being sworn.

THE CHAIRMAN: Mr. Arenal was sworn. The record reflects that he was sworn the first thing yesterday morning.

AL ARENAL,

recalled as a witness on behalf of the Applicant, having been theretofore duly sworn, resumed and testified further, as follows:

DIRECT EXAMINATION

BY MR. WHEELER:

Q Mr. Arenal, would you please just briefly reiterate the portion of your testimony yesterday which dealt with the possibility of a second transmission line of Edison's emanating west from the plant in light of the article in today's paper regarding the possibility of Units 4 and 5 for the Palo Verde Plant?

A The reference directed to me at the time was with reference to a third line. I reference Mr. Dennis Steinberg's comment when asked by Mr. Lewis about Palo Verde Units 4 and 5 and, as Mr. Steinberg indicated, there was the likelihood of a second line, though not certain, since the transmission requirements have not been finalized. I am sure that the Committee realizes that the Palo Verde 4 and 5 effort is a feasibility study phase, not certain, of course, that it is going to be approved by the Nuclear Regulatory Commission. Notwithstanding that, I did indicate there was no third line planned. There is still no third line planned. That was my comment yesterday and it is no different today.

THE CHAIRMAN: Thank you, Mr. Arenal.

Do you have anything else, Mr. Wheeler?

MR. WHEELER: No, Mr. Chairman. Thank you for your indulgence.

THE CHAIRMAN: Mr. Green.

MR. GREEN: Mr. Chairman, in view of the additional testimony given by the witness and in view of his reference to the article in the newspaper this morning and in view of his testimony and the testimony of the applicant yesterday, I would offer at this time in evidence the article

to which he has referred without which his testimony makes no sense. It is the article on the front page of the Arizona Republic newspaper March 3, 1973, and the article is headed APS is seeking two more units at nuclear complex. I will offer that at this time.

MR. WHEELER: We have no objection, Mr. Chairman.

THE CHAIRMAN: Does the Committee have any objection?

(No response.)

THE CHAIRMAN: A copy of the Arizona Republic will be accepted into evidence as Exhibit No. 12.

At this point, let me make a correction on the exhibits from yesterday. The slides that were admitted inadvertently were admitted as Exhibits 2 through 9, but in fact they are Exhibits No. 2 through 10. The record will reflect that correction and they are admitted as Exhibits 2 through 10. That means that the picture of the tower was inadvertently marked as Exhibit No. 10. That will be changed to Exhibit No. 11 and admitted in the record as Exhibit No. 11, and I will make that change right now.

Would you proceed, Mr. Green?

MR. GREEN: Thank you, Mr. Chairman.

Mr. Chairman, before calling the witnesses who will appear and who I trust will be as brief, hopefully, as I indicated yesterday, but I also hope that the Committee and you, Mr. Chairman, will realize that what is being asked here is a transmission line that will be there forever as far as our temporal lives are concerned. Therefore, it is something that will impact them and where they live for a very, very long time, and I would hope that you will hear them and hear them carefully in view of that fact.

Mr. Chairman, I would like to say one other thing that I think is appropriate. The article to which counsel has referred and to which the witness has just addressed himself has not been denied in any fashion. Nothing in it that is reported as a factual matter has been denied. The article states, for those who have not seen it or read it, that Southern California Edison --

MR. WHEELER: Mr. Chairman, are we going into final argument here?

THE CHAIRMAN: No. Please make your point briefly, Mr. Green.

MR. GREEN: This is in the nature of an opening statement, Mr. Chairman. I realize I took that opportunity before, but there have been

considerable changes of circumstances since then.

THE CHAIRMAN: I understand. Proceed, Mr. Green.

MR. GREEN: Mr. Chairman, it is indicated that Southern California Edison is a 32.3% interest owner in this facility. The applications that they have filed state that their interest is something in the neighborhood of much less than that. It indicates that the sale of the power perhaps would be as much as 55% to California people.

MR. WHEELER: Mr. Chairman, really, I have to object to this. He is mischaracterizing our application in relation to this article. It has just gone on. The article will speak for itself. I suggest we move to his direct case. He has already made his opening statement.

MR. GREEN: He is taking my time.

THE CHAIRMAN: Just let him proceed. I am sure he will be brief.

MR. GREEN: That's correct. It is something in the nature of this, Mr. Chairman: One of the Committee Members in good faith and in the interest of being helpful, I am sure, said to me yesterday in passing, "What you get on tomorrow better be good," and I realized that there is something of that temper in the air. But let me say that I was

reminded of the story of the man who was in the barber shop getting a shave in a small town and a boy come in and shouted, "Mr. Brown, your house is on fire!" and he jumped out of the chair with lather on his face and ran down the street for about a block, and at that point, he stopped and he said, "Wait a minute. What am I running for? My name is not Brown." Now, the point of that is this: People in the Harquahala Valley are being served in a shocking way. People of Harquahala Valley, California, "Our transmission line is coming through your valley," and we start running and we are here and we are still running and we are fighting. Why? We are not Harquahala Valley, California, we are Harquahala Valley, Arizona, and we are talking here about transmission lines that wouldn't even be built if they didn't have to take it westerly to California. So I say that not one person should be environmentally offended by what is done for California.

I want to say further that my comment about the legality is made because this matter is of record as this man sitting here is taking it down and it is important that it be a matter of this record. I am not speaking of the legal impacts here just to hear myself talk, and I am

suggesting that it is important to every one of you as a Siting Committee Member. The Siting Committee Act speaks throughout of the economies to what? To the customer. What customer? The California customer? No, sir, the Arizona customer. It makes no sense otherwise. Why should it be concerned with the customer in another state? It doesn't regulate the rates, it has nothing to say about what they charge, it has no contemplation in that act of transmission lines built for the benefit of others in other states. Now, that is the end of my comment on that, gentlemen, but I think as we approach the rest of this testimony that we should bear in mind that we are talking here about doing damage to Arizona environment, its land, its people, and not to the benefit of Arizona people, and that is the impact of our law.

I call as our first witness Mrs. Melton, Valorie Melton.

THE CHAIRMAN: Do you have a prepared statement, ma'am?

MR. GREEN: No, she does not. None of our witnesses have a prepared statement. They will refer to notes, as the witness for Arizona Public Service read from notes, but was not a prepared statement.

THE CHAIRMAN: All right. Go ahead, please.

VALORIE MELTON,

called as a witness, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GREEN:

Q Would you state your name, please, and would you state where you live, and then would you proceed to address yourself to the Committee?

A My name is Valorie Melton and I am a resident of Harquahala Valley and I am speaking as a member of the Harquahala Valley Environmental Association.

May I proceed at this point?

Q Yes.

A Gentlemen, I am speaking directly to the Committee, I need a minute here at the start to take a quick look at what happened here yesterday to the people of Harquahala Valley. As all four routes were in our valley, I feel we should be or should have been given major consideration. It was motioned and ruled to dispense with the original preferred route in S-23, and as far as the ruling on OPR, I would like to commend you

gentlemen upon your decision. Though we must all admit that was pretty apparent, still I would like to thank you in the interests of Harquahala. We do appreciate your judgment.

I don't want to bite the hand that has just fed me, but I also don't want to leave out of here permanently half starved, either. We all led a very plentiful and rich life before we heard of Southern California Edison, and at this point, I would like to compliment SCE on their slide presentation yesterday, because I know it was very difficult for them to make these shots without including any farm houses, cattle, tractors, anything that is relating to our present existence.

THE CHAIRMAN: We are going to hear the witness and I don't want any disturbance from you people, please. You will withhold your reaction and we will have a formal meeting here this morning.

Would you go ahead, please?

THE WITNESS: As an active pilot and photographer, I know that I could not have accomplished this job. Maybe in taking this into consideration, you will understand what we in the Harquahala Valley have tried to deal with with the same type of procedure from Southern California

in trying to compromise and work for our valley for the past eight months.

Now I am going to get back to your decision yesterday, and let me explain to you what you left us with when you threw out S-23. It was unanimous to the people of Harquahala that S-23 was the only route as proposed by Southern California that we could possibly live with, as it has the least effect upon anyone or anything. It was by far the least of all evils if we are forced to accept one of these routes. At this point, I would like to take just a minute to consider what conditions were along S-23. I don't want to harp upon the issue.

THE CHAIRMAN: Pardon me, could you confine your testimony to the routes before the Committee? S-23 is no longer a route to be considered by this Committee, Mr. Green. I hope you understand that.

MR. GREEN: I understand that, Mr. Chairman.

THE WITNESS: May I make relations to the conditions existing on S-23, as it is part of our valley?

THE CHAIRMAN: Yes, ma'am. Please be brief.

THE WITNESS: I am showing why we have none of these compatible factors left with us for S-21

or 22 at this point, and I will go on this very briefly. Some of the things in consideration that were brought up by SCE, and I think you are in support of this, were the existing utilities upon S-23. We have none such on S-21 or S-22, nothing like the APS 69 kv transmission line, nothing like the AT&T coaxial cable, the CAP aqueduct, which if they would have went down S-23, 17 miles of this proposed route would have generally paralleled. We have no county roads to speak of, no maintained roads back out in this area. We don't have the benefit of the I-10 Freeway. If they decide to come upon the proposed routes of S-21 or 22, they are going to have to cut all into new virgin land, and this is cutting right into our existence. Back along the route of S-22, we have no accessible roads paved or unpaved. There is no recreation, as these factors into the Eagletail Mountains are not available to man at this time. We have no maintenance of existing utilities. We have no construction operations at this time back there. We are not hunting for any at this time. There is no off-road travel, because there is no accessibility. There is no roads. We have no camping or winter visitors. There is no type of facilities for them out there

and no roads for them to get to this. We also do not have the numerous hunters that can infringe anywhere else in our valley along the S-22 route. The accessibility to these roads Southern California Edison would put upon us would leave way for these hunters to now go into the Eagletail Mountains, which have their own natural protection from our mankind and their vehicles, guns, even poachers other than legal hunters. This is not existing now. I will not go on to a comparison of S-23 any longer at this point. It is just that it is a black and white situation to what we are faced with today.

I think right now we are being told that this is progress for Arizona. We feel this may be great progress for California, but I don't think it should be at our expense. And what is progress? Well, Webster describes progress as moving forward, proficiency. I see none of this for Arizona. Now is the time that this beautiful open State of Arizona must decide what is progress and what is destruction. I emphasize the word "open" because we are so vulnerable with our vast resources, abundant lands, minerals, scenic richness, climate, and friendly people. These are the wonderful qualities that have left us so

vulnerable in the Harquahala Valley to the large Palo Verde Nuclear Power Plant that was presented to us as progress for Arizona. 85.7% of us believed and voted for this advancement and now the tables have turned and all of this is jeopardized. Where is this energy going? Right out of Arizona and into California by way of the huge 500 kv transmission line that Southern Cal Ed is planning on slapping across our beautiful land with little regard to Arizona's wants or needs.

With Harquahala Valley being primitive farmland, the new preferred route damages the future use and value of our land. It endangers pilots, tears into virgin land with devastating impacts upon the Eagletail Mountains, which has a ranking of 11th out of 75 natural areas in Arizona at this time. At the same time, it will be destroying the natural habitat of the abundant wildlife, including both endangered and protected species. I feel that God gave us a lot of beauty in Arizona and we don't feel he intended man to carelessly destroy it, but instead to respect, protect, and, above all, enjoy it. As a resident of Harquahala who is directly affected, I must state that we are very, very proud of our beautiful valley. The land and its surroundings are so

untouched now by man they are a picture of nature itself. Our many visitors to Harquahala are overcome by the abundance of beauty. This is why almost four years ago as a young couple with a small baby my husband and I chose this valley to settle in, to make our home and raise our children. It was a serious decision, but not a hard one to give up the advantages of city life for a simpler country living. Harquahala doesn't have many things the city has to offer. There are no city parks, no swimming pools, no bowling alleys, movies, golf courses, tennis courts, or zoos. Along with these activities, you have community post offices, stores, doctors, hospitals, public offices, fire stations, ambulances, police, and many of the things people now today consider necessities. We feel we have exchanged these for an even better way of life. Our children learn to respect and appreciate the land for what it is. As a family, we center our recreation in learning experiences, what nature has to offer. Our weekends and free time is filled with outings and picnics, camping, hiking, picture taking, and observing the desert animals in their own existence. Our school benefits from the same type of nature trips in making the children aware of the precious environment,

especially in the Eagletail Mountains. These simple things of life have given us more pleasure than any of the activities man has developed for enjoyment. Our everyday life constitutes this same environment. The view is unobstructed except for nature itself. We live hand in hand with the wildlife. They use our farm crops as a prime source of food and irrigation ditches for water. We are constantly giving aid to these animals, birds with broken limbs, small animals like coyotes who become motherless. A mallard duck and a wild goose have decided now to make our home theirs. You might also find Ralph the Rattler who decides to make good use of our shady porch for a hot sunny day. But this is all part of living with nature. We know that these transmission lines would destroy our present way of life and it would never be the same again. We chose this valley for what it is and have given a lot back to it, and thanks for all that it means to us. That is why we are so protective to this environment and feel that everyone here will understand why.

There are so many better alternative routes now proposed in our valley. We must realize we are being left with something so permanent that we will never have a chance to recover. I thank you

gentlemen for listening to my time and I would like to just hand, if permissible, just a couple of pictures of our valley.

MR. GREEN: May I offer at this time --

BY MR. GREEN:

Q First of all, would you identify what the photographs are, Valorie?

A Yes. I would have to say this is a personal outlook, but we are here to decide what is important and what not, and I consider the people of Marquahala, its environment, and our existence the major concern here today.

MR. GREEN: If necessary to offer these in evidence, I will tender these eight photographs to pass among the Siting Committee Members at this time.

THE CHAIRMAN: We will consider them at the moment as Exhibits 13 and 14.

Do you have any objection, Mr. Wheeler?

MR. WHEELER: Mr. Chairman, just looking at them, I guess my question would be as to their relevance. I can't tell from looking at the particular pictures what relation they bear to the routes in question. Some of them appear to be of individuals on various outing activities, and it seems to me that the pictures, while perhaps

interesting, don't bear directly on the routings that we have before the Committee.

THE WITNESS: These were all taken directly in our valley. All routes considered have some effect upon this environment.

THE CHAIRMAN: Mr. Wheeler, I appreciate your thoughts and they are well taken, but I am inclined to accept them into evidence unless you have serious objection.

MR. WHEELER: My only objection would be that I can't locate the routes on the pictures, but I have no serious objection to putting them in for what they are worth.

THE CHAIRMAN: I understand that.

MR. GREEN: They are offered to confirm the lifestyle about which she has testified, Mr. Chairman, not to show the routes as such.

THE CHAIRMAN: Exhibits Nos. 13 and 14 will be accepted into evidence and made a part of the record.

MR. GREEN: Thank you.

THE CHAIRMAN: Do you have any questions of the witness?

MR. WHEELER: No, I don't, Mr. Chairman, but, Mr. Chairman, did I understand Mr. Green to say that those pictures did not show the routings

on them?

MR. GREEN: I did not say that.

THE CHAIRMAN: No, he just said that they are offered to show the lifestyle in the valley. He did not make any comment on whether there is a route there or not.

MR. WHEELER: Well, perhaps he could clarify that at least for my benefit. Do those pictures purport to show or can you see on those pictures where the routing would go?

THE CHAIRMAN: Mr. Green?

MR. GREEN: I think that is addressed to the witness.

THE WITNESS: Yes. The picture of the sunset, that is the Eagletail Mountains. The three pictures of the picnics and the nature trips that we have taken were taken at the bottom of the Eagletail Mountains on this side -- excuse me, on the east side of the Eagletail Mountains and they are all in relation to what will be destroyed once S-22 is accepted.

#14 THE CHAIRMAN: Do you have any further questions?

BY MR. GREEN:

Q Mrs. Melton, only one question. With respect to the proposed route that is being asked

here that is called S-21 and S-22, that portion of S-22, how far is your home from where that line would be built or could be built under this two-mile corridor that is being requested?

A I would say approximately 1.1 mile directly looking out my front window.

Q Would those structures be visible to you and your family and others at that point?

A Very definitely. These will be sitting directly out in a very flat terrain and the topography will not be of any help to camouflage these lines.

Q Thank you. Does that conclude your testimony?

A Yes, sir, it does.

MR. GREEN: Thank you.

THE WITNESS: Thank you, gentlemen.

THE CHAIRMAN: Excuse me, ma'am, you will wait there a second.

Are there any questions from the Committee Members? Mr. Lewis?

MR. LEWIS: Mrs. Melton, perhaps you can answer this question. Can you estimate how many individual property owners there are within, oh, three miles to the east of S-22, or if you want to vary whether it is two, three, four miles. The

impact obviously is somewhat mitigated the further you get away.

MR. GREEN: May I ask one question at this time if they have a count upon the residents there?

Mr. Lewis, if I may, sir, I think that the next witness may be able to address the answer to that question better than Mrs. Melton.

THE WITNESS: All the farmers are directly stretched out on the east-west exterior of S-21 going into S-22. There is farmland all along this line, all active land, and we are just as close as I just mentioned.

MR. GREEN: In order to clarify your last statement, would you step to the board and indicate where you are now saying the farmland is and the people living by it?

THE WITNESS: Starting clear back to almost the very point of AAA, we start into prime farmland. Going into the Centennial Wash area here (indicating), this is a continuous line of farmers all directly -- if you could watch my finger for a moment, please. About this line here (indicating), they are directly parallel, say just barely over a mile and some a little even closer than that directly along here (indicating). This is all prime active farmland under cultivation at this time. We would

all be directly affected as our homes and our work and everything is centered along this line. Then as we get into where we turn S-22, Mr. Begalke will be our next witness and he will be able to explain the impact at this turning point you will have on the many residents here on S-22.

MR. GREEN: Thank you.

THE WITNESS: Are there any questions upon that?

THE CHAIRMAN: Are there any other questions, Mr. Lewis?

MR. LEWIS: One fast question to Mr. Green and perhaps you can comment. Is the area of S-22 included in the BLM Wilderness Study area or what is intended to be the BLM Study area? I realize you are perhaps not prepared to answer that question, but if you would bring that answer out to the best of your ability through another witness at the appropriate time, I would appreciate it.

MR. GREEN: Thank you, Mr. Lewis, and I think I can respond immediately to that by offering in evidence at this time what I planned to offer later, and that is a letter that I had previously referred to from the Department of Interior, Bureau of Land Management, calling meetings on

March 7th and on March 8th in the Harquahala Valley School, which contains attached to it a map showing the proposed routes or the routes that they have under consideration. I would offer that as an exhibit at this time.

THE CHAIRMAN: That would be as Exhibit 15. Do you have any objection, Mr. Wheeler?

MR. WHEELER: Mr. Chairman, I would like to have the opportunity to take a look at it first.

THE CHAIRMAN: Certainly.

MR. LEWIS: Mr. Green, could you answer the question? Is it included in the area of that map and designated in the same manner that S-21 is designated for inclusion in the study area? Is there any differential given?

MR. GREEN: They do have a route that is shown as what is called S-22, that segment that she has referred to, and it is marked on this map that they have as H. It is one of those under which they are going to receive comment.

MR. LEWIS: Mr. Green, the thrust of my question is does the tentative wilderness study area include the entirety of the Eagletail Mountain area both east and west?

MR. GREEN: Mr. Lewis, I don't know that I can answer that question, because I don't think that

is what their letter says and I don't know what they have under consideration as far as wilderness areas. I am not acquainted with that. All I am saying is their letter calls for a meeting to have comment on these various routes, and among those routes to receive comment is what we call here S-22.

MR. LEWIS: Then, Mr. Green, are the entirety of the Eagletail Mountains and the area of S-22 BLM jurisdiction?

MR. GREEN: No, I don't know that they are at all.

MR. LEWIS: Well, perhaps if you could bring out the jurisdictional agency for the route of S-22, it might be helpful to the Committee at the appropriate time.

MR. GREEN: Well, I might say, Mr. Lewis, thank you, that it isn't our application here and probably not our burden to make any such showing and I don't know that that is one that we really have.

THE CHAIRMAN: I appreciate your remarks, Mr. Green. Maybe Mr. Wheeler can comment on that later. Is that possible?

MR. WHEELER: Mr. Chairman, if Mr. Lewis would like an answer to that question, I will

attempt to get it from one of our witnesses and present it to you after a recess or at an appropriate time to answer Mr. Lewis.

THE CHAIRMAN: Do you have any other questions at this time, Mr. Lewis?

MR. LEWIS: No, Mr. Chairman.

THE CHAIRMAN: Does anyone else? Yes, sir.

MR. FISH: Just one other question. You said that you are a pilot. There is an airstrip shown about one and one-half miles north of the point where S-22 turns north. What is the nature of that airstrip.

THE WITNESS: This is a designated airport. It is in the southwestern flight guide. It is along -- check on this figure -- 16 Victor Airway. I am fairly familiar with it. I soloed off of that particular airport during pilot training. At the bottom here where -- in fact, it shows right here (indicating). This is Turtle Mountain and it extends out this way (indicating) directly in line with this airport. The Arizona Aeronautics Division has advised Southern California not to place a power line of this such any less than one-half a mile from the center line or one mile from the end of this type of runway. They also advised SCE to contact all of us dirt strip owners

and consider the impact upon the crop dusters and our activities off of these dirt strips, as they are actively used, and to my complete knowledge in checking with every dirt strip owner in the valley, as I know most of them, have landed on them, none of us have been contacted as to the usage of our dirt strips nor has consideration been given to the airport.

MR. FISH: There are six strips out there.

THE WITNESS: At least six. I think we have three of our own.

THE CHAIRMAN: Any other questions?

MR. JOHNSON: One question, Mr. Chairman, of the witness.

On S-22, the line that runs southwesterly, you indicated that you lived approximately one mile from where the line would be located. Would you consider yourself then in this two-mile corridor, so to speak, that was referred to by the witnesses yesterday for planning purposes?

THE WITNESS: Yes, sir, we definitely would to the fact that -- I hate to bring up the idea of the possibility of another second or third line, but we are all aware that this is very possible, and they have no choice if they take the S-22 route but to move into our valley heading northerly.

There is no place for them to go except to come back as we are doing today and for them to come back and ask for a completely different route. They will have to move into our valley. Considering our closeness at this point, we are just going to be -- right at this point (indicating), we are going to be endangered to the closeness, but it can get worse.

THE CHAIRMAN: Does that answer your question? Was that responsive?

Would you get up to the microphone again, please, so we can hear?

MR. JOHNSON: I couldn't hear it all. I got most of the points.

THE CHAIRMAN: I think the question was do you live within the two-mile corridor that they are asking for.

Was that the question, sir?

MR. JOHNSON: That would be the approach, yes, leading to the second question.

THE WITNESS: Yes, sir.

MR. JOHNSON: The second question then is did the applicant contact you in the plan that they did in the study of this proposed leg of their total line?

THE WITNESS: Contact me directly? I made

my own effort to attend all the community meetings. Is this what you mean?

MR. JOHNSON: Yes.

THE WITNESS: But as far as the suggestions that we gave, and we showed designated routes and stuff, they were never proposed or taken under consideration by Southern California and all these four routes that are shown today we showed severe opposition to and weren't given any consideration, and this is as far as our relation with Southern California Edison has been at this time.

MR. JOHNSON: Thank you very much.

THE CHAIRMAN: Any other questions from the Committee?

MR. GILBERT: I have one follow-up question, Mr. Chairman.

Mrs. Melton, you alluded to the fact that they would have to move north. Why?

THE WITNESS: Because once you -- may I go over to map and speak rather loudly?

MR. GILBERT: Surely.

THE WITNESS: I see Southern California Edison having no choice. If they were going to take S-22 and considering their two-mile wide corridor, they are telling us at this point they

are going to stay as far away from residential and farmland. Okay, we are going to say they are going to stay as close to the Eagletails as possible, is that correct? Keep off of our agricultural land. Right? Okay, so it is going to be this way (indicating). So they have no alternative but to move this direction (indicating) into our valley, as they will not be able to cross directly over the Eagletails, this is impossible, and they do not have the choice to go around the Eagletails, because that is a completely different route. They will have to come along here (indicating), work here (indicating) with their first route -- excuse me, the first line, and thereafter they will have to work on the inside corridor.

MR. GILBERT: Excuse me, Mr. Chairman.

Mrs. Melton, I am speaking about that segment of line that runs from AAA down to what used to be on another map called point 9, the intersection where the line turns north, that southerly route. You said they would have no option other than to move north.

THE WITNESS: Right.

MR. GILBERT: And I am saying why. I have in front of me a map or memo from the Harquahala Valley Association that indicates a proposed route

south of there that would be acceptable to you all.

THE WITNESS: Are you speaking of S-21? We are not accepting S-21 at this time.

MR. GILBERT: I am not speaking of S-21. I am speaking of that route --

THE WITNESS: S-22?

MR. GILBERT: I am looking at a map that alludes to a different route that someone has called HV-1.

THE WITNESS: Yes, HV-1 goes two miles directly south.

MR. GILBERT: That is why I said why.

THE WITNESS: I am not speaking of S-21 at this time. I was questioned upon S-22 and why they would have to work northerly into our valley, as they would have no choice.

MR. GILBERT: Well, I misunderstood your testimony then, ma'am. I was just talking about that southern section. I'm sorry.

THE CHAIRMAN: Any other questions?

BY MR. GREEN:

Q For clarification, Mrs. Melton, you said it would have no choice but to go north. I think Mr. Gilbert perhaps -- that confused me a little. You are speaking of -- will you point to what is

called S-22 when we are speaking of S-22?

A (Indicating) point AAA line, this is our consideration in the valley here (indicating).

Q Now, just for clarification, that route that you have just indicated as S-22 is also a portion of what is called S-21?

A Yes.

Q Would you show by having your finger trace that portion of the route the alternative route that is referred to as S-22 and will you show which portion of it is S-21?

A In our main consideration, this would be the point, AAA and 9. This is the difference between Route S-21.

Q Would you trace along that line?

A From point AAA to point 9.

Q Now, that is a portion of S-22 and also a portion of S-21.

A Yes.

Q And it is along that line that you say that there are residences and farmlands within a mile of that line and the approximate location of that line?

A Yes, and there are also under this line agricultural lands at this time, also. They haven't been taken into consideration by SCE. I can think

of two of our friends that have agricultural lands right down this line.

Q Now, Mrs. Melton, the line then that becomes S-22, point to where the line becomes S-22. It proceeds in a northerly fashion and that is the line that would proceed along the east side of the Eagletail Mountains, is that correct?

A Yes, sir.

Q So when you have said in your testimony that they would have no choice but to build their lines toward the valley, that means further east. You are saying they would be forced to do that with additional lines because of the physical fact that the Eagletail Mountains are a natural barrier that would prevent them building further west. Is that what your testimony is?

A Right. There is no feasible way to go across the Eagletail Mountains.

THE CHAIRMAN: Thank you very much.

(Thereupon the witness was excused.)

THE CHAIRMAN: Would you call your next witness.

MR. GREEN: Mr. Chairman, while the witness is putting some things up on an easel, I have pending the motion to introduce into evidence as an exhibit in this matter the letter dated

February 6, 1978, of the Department of Interior signed by William Barker together with the map attached to it.

THE CHAIRMAN: Mr. Wheeler?

MR. WHEELER: Mr. Chairman, I have no objection, but I would like to note that the letter that Mr. Green is offering into evidence does not contain the information that responds to Mr. Lewis' question.

THE CHAIRMAN: I think we clarified that already.

That would be Exhibit No. 15. As such, it would be admitted into evidence. Would you please give it to the Court Reporter so he can mark it?

DONALD G. BEGALKE,

called as a witness, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GREEN:

Q Would you state your name, please, and will you also state where you live and state what your purpose is here and proceed with your statement?

A My name is Donald J. Begalke. I am President of the Harquahala Valley Environmental Association, and I reside at 3210 North 66th Place, Scottsdale, Arizona. I am a property owner in Harquahala Valley.

My purpose by this display is to show you what is remaining to be done here at this hearing of Case No. 34. We do have the opportunity and I want to explain that there is a time schedule that can be worked out. Harquahala Valley is not opposed to the Southern California Edison Transmission lines and we have stated this to them in our meetings with them.

THE CHAIRMAN: Mr. Begalke, excuse me just a minute.

Could everyone else turn off their microphones? We are getting some interference here.

(Thereupon a brief off-the-record discussion ensued, after which proceedings were resumed as follows:)

THE WITNESS: Harquahala Valley is a valley where there are two areas that transmission lines like this can be built across. One is the far northern extent of the valley, which would not impact us, which was called S-23. Another part of

the valley is the very far southern extent of the valley.

In Southern California Edison's map that they have presented to you, they do not show all of the agricultural lands and private lands that are being impacted by both the routes S-21 and S-22 as it crosses Harquahala Valley, and our concerns regarding these routes throughout this have only been for the linkages of this route that will become a reality as it crosses Harquahala Valley. So I want to explain to you so you know our position on S-21 and S-22.

Has Southern California Edison contacted in an efficient way and using all communicative methods all property owners and entities? I say that with respect to Harquahala Valley and routes S-21 and S-22 that statement, especially from point AAA to point 9.

I have received a letter dated February 24, 1978, from a gentleman here in Phoenix addressed to us. He responded to my contact. He says the Southern California Edison 500 kv line --

THE CHAIRMAN: Excuse me, Mr. Begalke.

Mr. Wheeler.

MR. WHEELER: Mr. Chairman, this does not appear to be in the form of testimony, but reading

into the record other documents which may or may not become exhibits which nobody has had a chance to see. I am perfectly happy to hear Mr. Begalke's direct presentation, but that should be his presentation, not comments from other parties who are yet unnamed in response to correspondence with him.

MR. GREEN: Mr. Chairman, may I respond to that?

THE CHAIRMAN: Certainly, Mr. Green.

MR. GREEN: Mr. Chairman, I would simply ask the same ruling with respect to our witnesses as we have had with respect to the applicant's. I am not even asking more liberality, which I really think maybe we should be given in view of the nature of the witnesses and the fact that they are not from a huge legal entity. What I am asking here is not unreasonable. We have heard hearsay until it is coming out our ears from the applicant and, in fact, much of the testimony has already been impeached, I think. I am just asking that we be allowed to proceed.

THE CHAIRMAN: Mr. Green, can you just put the letter in evidence as an exhibit?

MR. GREEN: Surely, but I think that that lessens its impact. Everyone doesn't want to read

it while it is being testified to, and it appears to be about a six or seven-line letter.

MR. MILLER: We are here to hear Mr. Begalke's testimony, not the substance of other correspondence with him.

THE CHAIRMAN: Let's proceed.

Mr. Begalke, get through this point as quickly as possible.

THE WITNESS: I would like to expedite this, because this letter really concerns the routes, the property adjacent and impacted by S-21 - S-22, that segment from AAA to point 9, and I would like to make this as expeditious as possible without these interruptions.

"Your representative, Mr. Begalke, telephoned this morning regarding the Edison power line through my land in Harquahala Valley. Responding to Mr. Begalke's inquiry, no, the Edison Company has not made any attempt to my knowledge to contact me.

"I will appreciate everything your association can do at the hearing, as my schedule may prevent my appearance. You have my permission by this letter to present the letter to the Siting Committee as evidence of facts.

"Yours very truly, William J. Costello."

THE CHAIRMAN: Now, Mr. Green, that is a little out of order. That is a little bit more than being liberal with the rules, I think. I will not accept that as an exhibit and I would ask you to proceed with your presentation.

THE WITNESS: My presentation concerns the agricultural and private lands in this area of which my reading of the letter refers to. I also have another letter from a gentleman --

THE CHAIRMAN: Mr. Begalke, you are not going to stand up there and read letters. That is just playing fast and loose with the rules. If you have some direct testimony to present to the Committee, please do that.

THE WITNESS: My direct testimony is that these property owners were never contacted by the Southern California Edison Company regarding the transmission lines at all, and they are definitely impacted with respect to that two-mile wide corridor. They are within that.

In review Harquahala Valley informed California Edison that the power line could be built without hurting Arizonans. Southern California Edison has responded? I don't know that they have in our communications, our open meetings with Southern California Edison, and I refer to the

October 18th meeting of the Harquahala Valley Environmental Association at which Southern California Edison had a team headed by Mr. David Metsker, who has spoken here at this hearing, and we had guests from the Bureau of Land Management, Mr. Karl Kipping, Mr. Flowers, of Arizona Public Service, and our guests, also, who were members of the Tonopah Valley Association. During this meeting, the Southern California Edison representative, Mr. Metsker, asked the folks of Harquahala Valley to make a preference on the routes being discussed, and there were five routes at that time In addition to the four that have been discussed at this hearing, there was also one leaving the power plant north to the Flat Iron Mountain area. In that respect, the Harquahala folks did respond saying that perhaps the best route to go is through the far southern valley extents and we made a suggestion which would have the route farther south in the valley. The following evening at Tonopah -- well, I should follow that up by Southern California Edison then requested of the folks a second choice, an alternate to our first choice. We were in this cooperatively throughout these studies. Our second choice was S-23.

The following night in Tonopah Valley, the

same parties participated, Tonopah Valley being the host, Southern California Edison, BLM, APS, and Harquahala Valley. That night in Tonopah Valley, Tonopah Valley approved the same amended route that we called amended S-21 at that time and they disapproved, like Harquahala did, the new preferred route, the old preferred route or original preferred route, subalternate S-21 from AAA through point 9 plus I think another half mile, and also the Flat Iron Mountain route, which is not in this application. So in consideration of Harquahala Valley and Tonopah Valley, we approved the same route, the same first route. Tonopah Valley and Harquahala Valley have said to Southern California Edison way back in October that that was the way to go, we are going to work with you to cooperate with you on it, but when it came down to the final application, do you see amended S-21? No. We later called it approved 21. We also have renamed it ourselves HV-1.

Did Southern California Edison have time to include amended S-21 in their application for the consideration of this Siting Committee? Yes. We have heard in testimony --

MR. WHEELER: Mr. Chairman, again I'm very

sorry to have to interrupt this, but Mr. Begalke is now starting to testify into what Southern California Edison could or could not have done within certain time constraints, and I really think that is inappropriate for this witness to testify on. He is perfectly free and capable to testify on his views of the line, but to talk about what Edison could or could not have done I think is pure speculation on his part.

THE CHAIRMAN: Well, I think he has laid enough foundation. He said he was at all the meetings and he is speaking from his own personal point of view. I think the Committee would like to hear it, so we will proceed.

THE WITNESS: I am trying to be as quick as possible, and this does regard time. We have heard testimony at this hearing that Southern California Edison wants the Arizona Siting Committee to make approval of a route or all four routes in the case of 34. Mr. Wheeler himself used the word "deal" in relationship to BLM. I don't understand that yet. That was not explained. So I have a question regarding this time schedule which they discussed. Why is it that Southern California Edison wants the Siting Committee approval to deal with BLM?

Also, Members of the Siting Committee asked witnesses yesterday regarding what is happening in the State of California. What happens if the State of California approves a route to the Colorado River and Arizona approves a route to the Colorado River and they don't meet? What happens then? We don't know. There are some answers that are not properly being explained.

So, again, this whole thing regards time. BLM is scheduled for January, 1979, to make a decision. The Arizona Siting Committee could make a decision in 1979. The State of California we do not know. That may be 1979.

We have heard testimony at this hearing that the right-of-way is 80% or more federal land and there is private land and also the remainder of that right-of-way can be bought in 1979, because the Palo Verde-Devers line construction is not planned to begin until 1980 and the Palo Verde-Devers line completion is not scheduled until 1982. Southern California Edison has the time.

In relationship to the new preferred route and S-21 subalternate, the Harquahala Valley Environmental Association respectfully requests of the Arizona Siting Committee that they deny both the new preferred route and S-21 subalternate

in relationship to Southern California Edison's needs to get their energy to California. If in all good efforts you cannot fulfil that request, we respectfully request you to deny the applicant the route from point 9 to point NNN. It is from 9 to point 11 and to point NMN and/or PPP.

We have tried to be as expeditious as possible. We realize that you have been very patient. We went through all day yesterday. There is time available for Southern California Edison to do that in relationship to impacting the Harquahala Valley farm areas.

This map I must explain came from the U. S. Department of Agriculture. It is not our map. Their line for either the new preferred route or subalternate 21 as it crosses the valley goes right through good farmland. Also, this map had a brochure attached to it and it came from the Department of Agriculture, also. It has a section called The Maps and it is a discussion of the maps, and I quote from the second paragraph there: "The white or uncolored areas of the map are undeveloped areas which do not meet the definitions of the two classes of irrigated farmland." The irrigated farmlands are shown in shades of green on the map. "Many of the soils in these areas will

qualify as prime irrigated farmlands if there were an irrigation water supply available." To the east of that irrigated land, there are folks that live and farm.

THE CHAIRMAN: I'm sorry, Mr. Begalke, I am going to have to interrupt you at this point. It is 10:00 o'clock. I have no choice but to leave.

We will take a recess. We will reconvene at 12:00 o'clock and we will go from 12:00 o'clock until necessary to complete this today. Thank you very much.

(Thereupon the hearing was at recess.)

March 3, 1978
12:00 o'clock p.m.

THE CHAIRMAN: The Committee hearing will come to order.

I would like each of the Committee Members to introduce themselves for the record so we can get a quorum again starting to my left, Mr. Lee.

MR. ARLO LEE: Arlo Lee.

MR. ARTHUR LEE: Art Lee.

MR. LEWIS: Orme Lewis, Jr.

MR. WOOD: Dave Wood.

MR. FISH: Bill Fish.

MR. CARR: John Carr.

MR. ROTTA: Ken Rotta.

MR. WURBS: Martin Wurbs for Wesley Steiner.

MR. JOHNSON: Clint Johnson, OEPD.

MR. GILBERT: Don Gilbert, Arizona Atomic Energy Commission.

MR. VEGORS: Wally Vegors, State Parks.

MR. ROBERTS: Clyde Roberts, Cochise County.

THE CHAIRMAN: Let the record reflect that the Committee Members as stated are here, that the parties are here and represented by their attorneys.

I believe Mr. Begalke was on the witness stand.

MR. GREEN: Thank you, Mr. Chairman.

Mr. Chairman, during the recess and in the interest of time and expedition, I would request permission at this time, Mr. Chairman, to withdraw Mr. Begalke as a witness, reserving his right to proceed at a later time, and I would like to present Mr. Frank Rogers as a witness at this time.

THE CHAIRMAN: Does the applicant have any objection?

MR. WHEELER: I have no objection, Mr. Chairman.

THE CHAIRMAN: Thank you. It is ordered that

Mr. Begalke may be withdrawn as a witness subject to recall. Please make yourself available, Mr. Begalke, at a later time.

Before you introduce your next witness, since we have come to a point here, a Mr. Alan Kinsolving presented to me during the break a written statement which he would like to be made part of the record as a limited appearance. I have made a copy of this available to the applicant's attorney, Mr. Steve Wheeler. I have read through the statement and I am prepared to have it made part of the record as a noted limited appearance unless there is an objection.

MR. WHEELER: No objection, Mr. Chairman.

THE CHAIRMAN: Mr. Green?

MR. GREEN: I have not seen it, Mr. Chairman. I don't know if there would be any objection, but if you think --

THE CHAIRMAN: I certainly don't want to waive your right to object.

MR. GREEN: He is showing me his copy here and I will just take a quick look at it.

I have no objection to it, Mr. Chairman.

THE CHAIRMAN: Did you say you had no objection?

MR. GREEN: Yes, that's right.

THE CHAIRMAN: Let it be ordered that Mr. Xinsolving's statement will be made part of the record as a limited appearance.

You may proceed.

MR. GRIFN: Mr. Rogers, would you be sworn, please?

FRANK ROGERS,

called as a witness, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GREEN:

Q Would you state your name for the Committee and would you indicate what your connection is with the Harquahala Valley Association and explain something about its purposes, functions, and your purpose in being here, Mr. Rogers?

A Yes. My name is Frank Rogers, Franklin W. Rogers, and I have been in the Harquahala Valley for a number of years, over 20 years, one of the pioneers out there, which there is not too many of them left. For the last five or six years, I have been president of the Harquahala Valley Association as distinguished from the Harquahala

Valley Environmental people. This is one of the oldest, if not the oldest, associations in the valley. The association was formed originally on March 1 of 1961 for the purpose of guiding the proper development in our valley. We have had problems of all denominations out there come along and we saw way back then even that it was going to be necessary that we unite in some manner and get our thoughts in order to try to keep the valley with the potential we thought it had along the right pathway towards development. We have been real instrumental in the highway development in our valley. We have for a number of years got our paved highway in there and, after several heart-breaking defeats, we finally got our flood control funds approved, as most of you people probably know. We have had coordinated insect control. We have had advertisement promotional control programs, and we were very instrumental, if not the deciding one, in the establishment of our irrigation district and electrical district under which we are contracting for CAP water. We were instrumental, also, in getting the range closed where we might farm it out there and keep the cattle out. We had a problem along that line. We were very instrumental in getting the telephone

system installed out there. So we have had a lot of accomplishments and a few setbacks.

I know this valley, every square inch of it. I have hunted in all the mountains out there, I know pretty well what goes on, and I would like very much to enter into evidence here, counsellor, if we can, some different pictures with the lines superimposed, the power lines and their effects with the explanations on the back pretty well. We have some good photos here showing the impact on the airport out there, and if I might enter these.

Q Mr. Rogers, let me ask you a few preliminary questions, if I may. The photographs that you have there, do they fairly show and represent what they purport to represent, the views that they purport to show in the valley?

A Yes, they pretty well do. They are very self-explanatory.

Q Mr. Rogers, are you able to explain or do the notations on the back explain what it is a view of in each of the photographs?

A Yes. To name a few here, we show the impact on, well, for instance, route 22 as far as the Bighorn Sheep and the no-road access areas, and, as I said, we show an impact here on the airport.

Q You mean there is a photograph which shows the location of what is called the airport?

A That's correct, in relation to both lines, one line and both lines.

Q Now, when you say in relation to lines, Mr. Rogers, you say there are drawn along some of those photographs the proposed routes, they are drawn onto the photographs --

A Yes, sir.

Q -- with a concept of what the line would look like?

A Yes.

Q That is not drawn to scale, is it, Mr. Rogers?

A No, it is just superimposed.

Q It is merely to give to the Committee as best can be given where the lines would appear in the photographs which you see, is that correct?

A That's correct. We have one here that will be of interest showing S-22 where it comes together with the old gas line route, which was discarded, the evidence here that it shows no road in the area where it is proposed to build most of these lines, particularly S-22.

THE CHAIRMAN: Excuse me, sir, before you testify from them, let's get this marked as an

exhibit, if we may, Mr. Green.

MR. GREEN: Fine.

THE CHAIRMAN: Would you hand them to the Court Reporter, Mr. Rogers, for marking.

(Thereupon a brief off-the-record discussion ensued, after which proceedings were resumed as follows:)

THE CHAIRMAN: We will go back on the record now. The exhibits have been marked as Exhibits Nos. 16, 17, 18, and 19.

MR. GREEN: I would offer those exhibits at this time, Mr. Chairman.

MR. WHEELER: Mr. Chairman, not to unduly delay the proceeding, I would make no objection subject to the right to have our people examine them and I reserve my right for questioning at a later time.

THE CHAIRMAN: I understand that. The exhibits may be admitted and hereby are admitted.

BY MR. GREEN:

Q Mr. Rogers, I hand you back the exhibits, and would you hold them as best you can and show them to the Members of the Committee and then when you have completed that, would you then hand all of the Exhibits to the Siting Committee so that they might look at them?

A Well, we'll take them in order here. I realize these are reasonably small, but Exhibit No. 16 is to show the impact on the relatively unentered land west of route 22 exposing the Eagletail Mountains as viewed from the east to the west, that there are no existing roads in there at this time.

Q Mr. Rogers, perhaps it would assist the Committee if you are able to use the hand mike when you show the photographs if you would show what portion of the proposed routes and in which direction it is being seen in those photographs.

A This Exhibit 16 shows this area to the east of S-21 right here (indicating), which is bounded on the west by the Eagletails, and shows this view looking from S-21 toward the Eagletails that there are no roads. That is the point we are trying to make here.

MR. GILBERT: Mr. Chairman, Don Gilbert.

THE CHAIRMAN: Yes.

MR. GILBERT: Mr. Rogers, I think that is S-22.

THE WITNESS: That's correct, S-22.

MR. GREEN: Thank you. It was misstated as S-21, I believe.

THE WITNESS: Oh, I'm sorry. I stand

corrected.

Exhibit 17 shows the gas line as it intersects S-22, which is this red line here (indicating), being an old gas line, intersecting looking northwest between 22 and the gas line towards this vortex here of 11. It shows the gas line crossing the country here (indicating) and coming to the focal point here. There are two pictures of that one. Then it shows S-21 and the gas line at this point (indicating) looking out into open country that is deer country and where there are other wild game.

THE CHAIRMAN: Excuse me, why don't you give that exhibit to Mr. Lee so the Committee can look at it?

THE WITNESS: Exhibit 18, we have a photograph here showing S-21 and S-22 in the upper left-hand photograph here indicating this angle right here (indicating) where S-21 to the west and S-22 to the north separates. It shows a northerly view of the Eagletail Mountains, which is well known for its Bighorn Sheep country, and it shows very vividly that there are no roads, no access in that area.

We have another photograph of the Eagletails for a visual impact, and the lower

left is a shot of S-22 farther north looking to the west.

These photographs are all identified on the back. If I am not making them real clear, just flip them over and take a look at them.

Exhibit 19 is the final one. We have the airport in question that is located down here in the corner near the O'Brien Estates, and, if it is the proper term, the vortex here of 21 and 22 looking out over the farmland back to the northeast. There are four representative pictures here of S-21 and S-22 and their relationship to the airport and they are pretty well explained here to the proximity of the airport on all sides.

BY MR. GREEN:

Q Thank you, Mr. Rogers. As the Committee looks at those exhibits, Mr. Rogers, would you then continue in the statement of your position as president of the Harquahala Valley Association and its position as to those segments of the route that are designated as S-22 and where S-22 and S-21 are combined on the southern portion of the valley?

A You may or may not know I have a ranch situated here on the pipeline just about in the center of the valley and, as being president of the

association, we are naturally concerned with all parts of the valley, north, south, center, and everything. We have been instrumental, as I said before, in laying this thing out and trying to keep the thing -- we have had problems with the gas line in the past. The gas line is, as you know, below ground out of sight and out of mind, but can be reached by deep tillage. We do have that problem. All these estates over here, Harquahala Estates, the Ranchette things, O'Brien Ranchettes or whatever they call them, has all been established with the visual impact in mind. All the power lines over there, phone lines, and the whole schmier have been put out of sight for that purpose.

So our biggest argument in this whole thing, to make it perfectly clear, I might say crystal clear, to everyone is we can't see how in view of today's newspapers as well as our thoughts of the past, how any power lines can come back along this route and go down this route 22 with 21 along the bottom in the future. We can't see in the future how any more than one line can come through here without getting out on private land. There is simply not room between here (indicating) and the Eagletails, as the people

here have stated, to put any more lines. The idea now is to hold this 22 in against the Eagletails as far as they can, so, naturally, if any more lines come through here (indicating) either direction, they are going to have to crowd out on the cultivated land. That is our big beef about 22.

We have the same problem on 21. With this proposed line that is here now being the new preferred route --

Q Excuse me, Mr. Rogers, for the record, you are now referring to that portion of 21 that is between where it goes north on 22, between that and back easterly to the power plant, is that right?

A Well, that's correct.

Q Toward the power plant?

A Yes. This bottom route, this old original section of S-21 here (indicating), we do have the same problem. See, it is within half or three-quarters of a mile of cultivated land there right now. It is within three-quarters of a mile in a place or two if you just get your scale out and take a look at it. So any other line on the inside of that is definitely going to come out onto cultivated land to say nothing of some dwellings, to say nothing of some irrigation pumps which

require huge derricks and well pulling equipment, and with a line sitting overhead, it is difficult to get that equipment into position. We have had people electrocuted with these lines, not particularly these big 500 kv's, but other lines in the area. There are pump companies that won't even work on a pump under a line without the power being disconnected. So that is an impact as far as we are concerned if the power lines cross over any irrigation pumps or any dwellings, and our argument here is and has been all the time more lines crowding out onto the irrigated land. We have a ranch right here (indicating), Stevens, that it gets within a quarter of a mile of more or less here (indicating), so thus we came up with the HV-1 route to bear out around these two black segments and come back up with the HV-1 designated route there, as you are familiar with.

Going back, I have made every meeting that I knew of, and I knew of most of them, with the Southern California Edison people and we comprised all these lines on this map and all these routes, so to speak, and they asked us for an alternate one, which we made approximately after it went behind the Eagletail Mountains that went from this point (indicating) on S-21 to somewhere

out here on this gas line, probably this PPP. Anyway, I know it was farther out, which made the backside of a parallelogram. It was only about a mile or so difference. We were headed off on that route through here (indicating) on the ground that we were told without any real explanations other than the fact that there was a five or six thousand acre wilderness area located in approximately this area (indicating) which prohibited us from going through that wilderness area, fish and game, wildlife people, with our line that we wanted in the first place. There is an open plain through there. You can fire a cannon right through that and not touch a jackrabbit or anything. It is just straight open country right through there. When we saw the map and the proposal the next time, this was the route that was on there. I asked them, "Why do you follow this erratic line around here?" They said that there was a statute or a regulation of some kind that did not permit them to go through this 6,000-acre parcel and if there was to be a line on the backside, it had to follow an existing thoroughfare or some kind of a road or something there prior. This I believe they call the Old Nottbusch Road or something. They

maintained that road to some degree, the road grader. There is a water hole or two around in this area for wildlife.

Now, I have been in this area a lot of my time, and if anybody would know that has been around wildlife at all, there are years and years when there is very little rainfall out there, this being an exception this year, so all the wildlife and mainly the Bighorn and a lot of the deer, they cater to the east side of the Eagletail Mountains, because it doesn't take a smart man to know that they are going to go where the food is and all the water and all the feed is available 12 months a year. So we feel that with this wilderness area potential that the fish and game, wildlife people, BLM should either put this line through here (indicating) or permit this one (indicating) along this old existing road because of the fact that the idea of this road here originally was to get away from the wilderness area.

Now, I understand there is something else to do with a wilderness area down in here (indicating). That being the case, this is an existing thoroughfare here (indicating), I can't see why it would hurt to put that power line down that road. You've got

an access road, you are between the wilderness areas. I see very little impact over there, knowing this is a wildlife range to the east. I think you would find a hard time arguing that fact.

Q Mr. Rogers, you have mentioned many of the features that are objectionable, and I take it that among others are those of the visual. I don't recall you mentioning it, but is there a visual objection to the lines themselves?

A On the backside?

Q No, in the location of S-22 going north along there and that portion of S-21 that is also S-22 until they separate. Would a line at those points in your opinion be visually objectionable?

A Yes, absolutely, as those exhibits will show. There are residents all down this side (indicating) of the farmland and, as has been stated before, this line here (indicating) runs across a plain. It is flat across there, open country, prime potential farmland. Nothing says it can't be farmed. It isn't being farmed right now, but it could be. There is one farm here (indicating) that has been a matter of changing hands which the line goes right over. It is not presently cultivated, but it is eligible or will

be eligible for CAP water.

Q Mr. Rogers, at that point, those farms that are there now are not farmed with CAP water, they are all farmed with underground wells, aren't they?

A That's correct, the underground wells that I mentioned. In fact, this whole valley is farmed with underground water and down in this area (indicating) is definitely all underground water. This farm here (indicating) has wells on it. As I said, it is not presently being farmed. This line the full distance here (indicating) is completely visible. Now, as we said a minute ago --

Q Excuse me. Again for the record, you are pointing now to that portion that is designated S-21 and 22 along the southern route, is that right?

A That's correct. The only roads as close as you can get to this S-21 would be to go down to these farms (indicating) and then you would have to take a four-wheel or something to go out to them. There is no roads out there. Likewise S-22. As those exhibits will show, there are no roads out here (indicating). There is a pipeline road back there aways, that road that goes down

south to Hyder, but there are no access roads in here. They would have to go in there and completely build a road across there. Anyone that knows anything about the foothills approaching mountains such as the size of the range of the Eagletails knows that there are a lot of draws coming down from the mountain. There are a lot of good sized Palo Verde trees and Mesquite trees in there. It would be very, very difficult. I have handled a lot of heavy equipment. While I know these public service companies operate open ended, it would cost an awful lot of money to put a road in there just to get in to construct the towers. If you have ever flown over the area, it is plain to see it would be rough sledding here with any kind of heavy equipment. Likewise, it would be worse to try to put another arm behind this (indicating). It would be worse as you get up on the mountain. You would disturb the dickens out of any game that is on this side of the mountain. You could ask anybody that has hunted Bighorn Sheep, one of the biggest Bighorn Sheep kills in the State of Arizona was brought right out of these mountains right here on this side (indicating).

So we ask that this line might separate these two alternates there, if you will, or if the

BLM could see their way to let it go through on this rocky plain across here (indicating), it would not only be more economical for the California Edison people, it would definitely be easier to go through there. Definitely. You can drive across here (indicating) if you so desire right now and you won't leave any tracks, because there is nothing out there but shale. I know the gentleman that has all this range land in here (indicating) and one of the Indians, not a chief, but an Indian, of the BLM approached him and said for what it is worth, "We hate to lose this as a wilderness area. When we lose it as a wilderness area, it goes into a wilderness area, the BLM loses control of it." Be that fact or not, I don't know. I don't know whether we are completely wrong by asking for this route, but if we are --

Q What route is that, Mr. Rogers?

A S-21 west. S-21 to the west, what I call the dogleg route.

Q Are you saying, Mr. Rogers, that there is some means by which S-21 would be acceptable? Is that what you are saying?

A Yes, we will accept S-21 anywhere behind the west side of the Eagletail Mountains. We will leave it up to the BLM which way they want to go.

Q What are you saying with respect to S-21 before it gets to that point, Mr. Rogers, as it proceeds along the southern portion of the valley?

A S-21 as it crosses the south end of the valley here, we would like to have another dogleg in it, as I call it, which they refer to as HV-1 in here (indicating); right or wrong, whatever it takes to get HV-1 enacted to this point, the vortex of 21 and 22 with 21 extending on to the west either on the existing lined route for the reasons I mentioned, or if Southern Cal Edison can get BLM to see their way and go through this proposed wilderness area. I might add it has been a proposal for a wilderness area for about 25 years. For about 25 years. It takes them quite awhile to make up their mind. I think they are waiting for the brush to grow out there, and it won't do it. It is rock out there.

I can't emphasize enough the visual impact. If anybody has ever been out there and seen this S-21 -- did you look at those exhibits? This is probably one of the most beautiful views in the State of Arizona right here. I know this has been touched on. I will touch on it finally one more time. The Harquahala Ranches, we've got people in there come from as far away as Alaska,

North Dakota, anywhere you want to name, to buy homes in there. With the visual impact, it would just kill all that, it just really would, to say nothing of the marring that they would have to do to get through there. If you talk about impact, you've got impact on this side (indicating) when it comes to building construction lines.

Q Of where on the map are you now speaking and of which line, Mr. Rogers?

A I am referring to S-22.

Q Does that conclude your testimony, Mr. Rogers?

A I think I have probably made everybody mad enough, yes.

MR. GREEN: Thank you.

I have nothing further of the witness.

THE CHAIRMAN: Do you have any questions, Mr. Wheeler?

MR. WHEELER: No, Mr. Chairman.

THE CHAIRMAN: Did you say no?

MR. WHEELER: No.

THE CHAIRMAN: Let the record reflect he said no.

Do Committee Members have any questions? Mr. Lewis?

MR. LEWIS: Mr. Rogers, for the record, how

many members are in your association to your knowledge?

THE WITNESS: It consists of the ranch owners and, as you know, the ranch owners in that area are large land holdings with the exception of the development that is going on. We are approximately 20.

MR. LEWIS: Thank you.

THE CHAIRMAN: Did you have a question, Arlo?

MR. ARLO LEE: No.

THE CHAIRMAN: Any other questions?

MR. GILBERT: Mr. Chairman, I have a question. Don Gilbert.

THE CHAIRMAN: I want to apologize. Everybody's voice sounds the same on this system and that is why I can't recognize you.

Go ahead, Mr. Gilbert.

MR. GILBERT: Mr. Rogers, on that segment of the line that joins 21 and 22 running from -- I am looking at Exhibit A-1 -- from point AAA to the point called 9 --

THE WITNESS: Which point would that be?

MR. GILBERT: Starting right there.

THE WITNESS: Here (indicating)?

MR. GILBERT: Yes. Frank, go there and go

down to that right there. That segment of the line, if this Committee were to consider that line the northern border of the two-mile corridor and could condition the certificate such that the applicant would have to consider the southern part of that two-mile corridor first, would that not almost make it the same type of thing as HV-1?

THE WITNESS: Yes, that's correct. There are a couple of little black hills that don't show on here real good located within a two-mile corridor south of S-21. If this line were to go down as HV-1, which would be within the two-mile corridor, and parallel 21 on the south in this manner below 21, that two-mile corridor would be enough.

MR. GILBERT: What I am saying, Frank, let's say that that blue line that you are looking at is now considered the center line of the two-mile corridor as I understand it. If that line were to be considered the northern border of the two-mile corridor and this Committee were to certificate these people that segment of the line on the condition that they would utilize the southern part of that two-mile corridor first, would that not take away the concerns of that one quarter of a mile away ranch and part of that down at the lower vortex of the junction of 21 and 22?

THE WITNESS: I feel that would take care of our problem. I certainly do.

MR. GILBERT: Would that segment of the line if we did that be acceptable to the Harquahala Association?

THE WITNESS: I feel it would, yes.

MR. GREEN: Excuse me, Mr. Gilbert, would you yield to one point, please?

MR. GILBERT: Yes.

MR. GREEN: Mr. Gilbert, might I simply suggest that the term "looking at that part first" be strengthened to indicate that they would be required to be limited to the southernmost 300, 400, 500, whatever number of feet might be required so that that could be specifically known? That is my only suggestion.

MR. GILBERT: Well, I think that is what I am trying to get at, counsellor, when I say condition the certificate. As I understand the statute, the Committee has as its prerogative the ability to condition a certificate not unlike, I guess, we did with the pipeline running from 91rd Street to Palo Verde to start with, and if we were to condition the certificate such that the applicant would have to consider the southern part of the two-mile corridor with that line being the

northern border, would that then suffice that segment of the line with the Harquahala Association?

THE WITNESS: Yes. This line here (indicating) would be the northern border never to be crossed, this line I am drawing my finger on being S-21 as it stands now being the northernmost border of any power line that would ever be built in there with the understanding that they start building in the bottom quarter of a two-mile corridor.

MR. GILBERT: Mr. Chairman, a point of procedure. Is it appropriate to make a motion at this time?

MR. GREEN: I have no objection.

MR. CARR: I would like to make a comment first, Mr. Chairman.

THE CHAIRMAN: Well, okay, let's hear your comment.

MR. CARR: Mr. Chairman, I would like to refer to Exhibit 19 that Mr. Rogers states shows no roads going into the east side of the Eagletails. I flew over that proposed corridor last Thursday and there are at least six roads going into the Eagletails from that direction. I would also like to point out that unless Mr. Rogers is a wildlife biologist, I think it is just his opinion that the east side corridor is better for wildlife than the

one on the west side. It is the opinion of a biologist from the Arizona Game and Fish Department that S-22 has less impact on wildlife than does S-21.

THE WITNESS: Well, the only comment I could have to that, as I said, I have been out there 20 years and I bet there is not a man in the wildlife department spends that much time out there. I have watched game, I have farmed all over this valley, and there is no doubt about there being game on the east side. Anybody can fly over this west side with the exception of this year and there is nothing over there to eat. There would not be any game on that side if there is nothing over there to eat. They might range back there, but they are going to primarily range to the east side. There is not a heck of a lot of protection over there. It is pretty open, long flat draws. Over here (indicating) we have some steep rough draws. As far as any roads, the only road running north and south over there that I know anything about is the one that runs along this gas line that goes down to Hyder. There are some short roads go up in there and stop perpendicular to this mountain range of the Eagletails, but I don't know of any north and south roads over there other than this

road that goes down the gas line, the small gas line, or the road that goes to the north side of the Eagletails via the old El Paso Gas Line. This road (indicating) goes up here and wanders around back in there, but I don't know of any north and south roads along the east side of the Eagletail Mountains. The only roads I know anything about are the short roads that go in that first one four-wheeler and another has went up there and stopped. It is pretty rough up there. You can't get around up there unless you are on a horse, and I have hunted deer in there on a horse.

THE CHAIRMAN: Thank you, sir.

Are there any other questions?

MR. GILBERT: Mr. Chairman, can we get back to the motion that was proposed?

MR. ROTTA: I don't, Mr. Chairman, believe we have a motion yet.

THE CHAIRMAN: We don't have a motion. Are there any other questions by members of the Committee?

(No response.)

THE CHAIRMAN: Are there any motions to entertain at this time? Yes, Mr. Gilbert?

MR. GILBERT: I would like to make a motion, Mr. Chairman. I would like to address myself to that

section of the line on Exhibit A-1, which I assume is that map up there, between the points AAA and 9, and that is the section of the line that is designated as a component part of S-21-S-22. I would move that the Committee adopt that segment of the line predicated on the fact that that line indicated on the map will be the northernmost boundary of the two-mile corridor and that the applicant will have to consider the southernmost component of that two-mile corridor when it builds primarily. In other words, I guess for clarification they have to start building on the southern tip of that two-mile corridor before they can ever use the northern tip.

MR. JOHNSON: I would second that, Mr. Chairman.

MR. LEWIS: Mr. Chairman --

THE CHAIRMAN: Excuse me, we have a motion. We have a second. Do the parties wish to address themselves? I'm sorry, Mr. Lewis.

MR. LEWIS: A point of clarification. Could you define "component" for me in feet? We are looking at the eventuality, though remote as it may be, of a 460-foot corridor to accommodate three lines. Are you suggesting by component that it be limited to the south 460 feet of the

corridor under question?

MR. GILBERT: Yes, sir.

THE CHAIRMAN: The motion is basically that this Committee approve a Certificate of Environmental Compatibility for that line designated S-22 and S-21 between point AAA on Exhibit A-1 and point 9 and that the line designated on that exhibit be the northernmost boundary of a two-mile corridor and that the applicant must first consider the southernmost part of that boundary for its lines, in particular the southernmost 460 feet, before it considers other parts. Was that the motion?

MR. GILBERT: Not in my mind, Mr. Chairman.

THE CHAIRMAN: Fine. Let's get it straight.

MR. GILBERT: In my mind, I am suggesting that in that two-mile corridor that the applicant would have to build on the southern part of that two-mile corridor, not consider that the center line, that being the north portion of that two-mile corridor, not to ever cross the line as referred to by Mr. Rogers.

THE CHAIRMAN: And to amend your motion, we are going to condition this corridor on the fact that the applicant is restricted to the southernmost 460 feet of that two-mile corridor.

MR. JOHNSON: That is the intent of my second.

THE CHAIRMAN: Is that your motion?

MR. GILBERT: That is my motion.

THE CHAIRMAN: So, in effect, we are giving them a 460-foot corridor, not a two-mile corridor.

MR. FISH: Mr. Chairman, Bill Fish, State Land Department.

THE CHAIRMAN: Okay, Mr. Fish.

MR. FISH: There is some question in my mind just sketching out this southernmost line. I would like to get some input from the utility company whether this is a possibility.

THE CHAIRMAN: Well, we are going to get the motion straight and once we do that, I will hear comments by the parties.

Is that your motion fairly well stated?

MR. GILBERT: It is fairly well stated, yes, sir.

THE CHAIRMAN: In other words, the motion is to give them a 460-foot corridor approximately two miles south of that line?

MR. GILBERT: As I understand it, Mr. Chairman, the applicant is applying for a two-mile corridor. As I see the map under the application, that line now represents the center line, so the applicant under its current procedures if certificated by us could build anywhere up to a

mile north of that line or a mile south of that line, and my suggestion, sir, is that we condition the certificate such that we give them a two-mile corridor, but they have to start building at the southernmost consideration of that two-mile corridor first. Now, this is predicated on the thought, this has been alluded to here from time to time, that lines, if there were additional lines, which is not part of the application now, would have to encroach on that particular line back into agricultural land. If the applicant is restricted by a condition of the certificate such that they had to consider and build at the southern tip, not to exceed the northern tip, then I think we have alleviated some of the problem that has been alluded to here by the association representatives.

THE CHAIRMAN: Fine. I understand that, Mr. Gilbert. Let me explain something. If your motion stands as it is, the applicant is going to be restricted to a 460-foot corridor and they cannot build outside that corridor without coming back to this Committee for permission. As long as you understand that, sir.

MR. GILBERT: Mr. Chairman, that's fine with me. The reason I say that, it is my understanding

that we would have to renotice for HV-1. A mind can only tolerate what its gluteus maximus can stand. We have heard cross-examination after cross-examination on a very short portion of a very long line, and I propose that if people are concerned, people provide we at the table with income and pay the taxes in Arizona, and I am more concerned with people at this point than I am with a plan that perhaps has been under study for 25 years or perhaps even in this case a line in a wilderness area, and if in fact we are trying to reach a compromise, I believe that will alleviate some of the stagnancy that we are now enjoying.

THE CHAIRMAN: I understand, Mr. Gilbert. I was not trying to impose any value judgment on your motion. I was simply trying to make it very crystal clear so everybody knew what the motion entailed.

MR. GILBERT: Well, is it proper for a Committee Member to ask questions of counsel from the applicant? Is that procedurally acceptable?

THE CHAIRMAN: Well, certainly if they want to answer them. Do you have a question or something?

MR. GILBERT: Yes, I do.

THE CHAIRMAN: I am going to give the parties an opportunity to comment on that if you would like.

MR. GILBERT: Fine. Maybe I can initiate something. Can I ask a question?

THE CHAIRMAN: Fine.

MR. GILBERT: Mr. Wheeler --

MR. WHEELER: Thank you, Mr. Chairman.

THE CHAIRMAN: That is Mr. Gilbert. He wants to ask you a question.

MR. WHEELER: I have trouble telling the voices apart, too.

MR. GILBERT: We have heard testimony from your party and from the parties concerned as to the impact of the lines. Earlier yesterday when it was moved that we strike 23 and the original pipeline route, you alluded to the fact in comment that that would be fine if you could have 21-22 and even perhaps HV-1. HV-1 unfortunately is not under consideration and we have eliminated a couple of days. I am suggesting by my motion, and I hope it is understood well, that if we drop the two-mile corridor such that that line is the northern boundary of that two miles, the resultant construction could be not unlike HV-1 and perhaps that your company could live with that.

MR. WHEELER: Mr. Gilbert, any dropping of the two-mile corridor in the manner you suggested is something that from the standpoint of the applicant is feasible. I would note, however, that the additional condition that is being considered in terms of restricting it only to the very southernmost 460 feet may be in certain areas a bit too restrictive for the applicant because of several topographic features in the area that may make it impossible to locate that far south and because the applicant needs a degree of flexibility to deal with the several parcels of private property that may be that far south. The applicant in terms of feasiblity could, I think, locate within, let's say, a two-mile corridor that had as a center line a line that is moved a mile south from the present corridor, which in effect is similar to what you suggested. It is a two-mile corridor, but the center line of it is a mile further south, and we would attempt to locate it within the southerly one mile. I think maybe I just confused you. To state it another way, with that two-mile corridor that you have suggested, we would attempt to locate it within the southerly mile of that two-mile corridor, but I think restricting it solely to the southernmost

460 feet may present some difficulties in locating the line in that area. I hope that has been responsive, Mr. Gilbert.

THE CHAIRMAN: Does that answer your question, Mr. Gilbert?

MR. GILBERT: Yes, sir, it certainly does. I would like to ask another one now.

THE CHAIRMAN: All right.

MR. GILBERT: Mr. Rogers, having heard the applicant's counsel respond, would that response suffice the Harquahala Association?

THE WITNESS: I feel that in view of the situation on those hills down there, knowing about how they sit, they would probably arrive back at the same problem, Mr. Gilbert, if and when the succeeding lines came through there. With them building, say, at the milepost instead of at the bottom of the second mile line, it would still get real narrow at that one point and go over deeded property and over farmland, or reasonably close, because we are within a quarter of a mile there right now.

THE CHAIRMAN: Excuse me, at this point, I would like to hear from Mr. Green. Would you state your position on the motion?

MR. GREEN: As I understand Mr. Gilbert's

motion that they be restricted to building in the southernmost 400 feet of a two-mile corridor of which that line that is mentioned is the north boundary, that resolution or that motion, rather, excuse me, would have our total support.

MR. WHEELER: Mr. Chairman, while we are having discussion on the motion, could I add a further comment that is in response to Mr. Rogers' comment?

THE CHAIRMAN: Go ahead.

MR. WHEELER: With respect to any possible second line, if that situation were to arise, of course, we would have a new application before the Committee and it certainly would be possible at that time to require that that line, if the Committee so desired, be moved even further south than the line that we would be building here.

THE CHAIRMAN: I understand that.

MR. VEGORS: Mr. Chairman --

THE CHAIRMAN: I'm sorry, identify yourself, please.

MR. VEGORS: Wally Vegors, Parks. Archaeological and historical sites are, while not widespread -- well, let me start over. I assume that the preliminary archaeological reconnaissances that were made did not extend this far south. A strip

as narrow as four hundred and some feet I feel leaves too little leeway for tower sitings to guarantee mitigating procedures by relocations of towers, slight shifts in alignment. I would suggest that something on the order of the southern half mile of the two-mile corridor might be sufficient, but, in any event, the same pre-siting survey and during construction surveillance should be carried out by a competent archaeologist.

MR. GREEN: May I comment, Mr. Chairman, on that point?

THE CHAIRMAN: Certainly. Excuse me, please wait just a moment.

I think what we have here is a substitute motion.

MR. VEGORS: Yes. I would move a substitute motion that, rather than 460 feet on the southern border, that it be instead the southern half mile.

MR. JOHNSON: If that is in the form of an amendment to the original motion, I would second that, Mr. Chairman.

THE CHAIRMAN: Mr. Lewis?

MR. LEWIS: Mr. Chairman, Mr. Green, may I address a question to Mr. Hinton?

MR. GREEN: I have no jurisdiction over the question. I have no objection, Mr. Lewis.

MR. LEWIS: All right.

Mr. Hinton, not from a land condemnation standpoint, but from an engineering standpoint, do you foresee any unreasonable difficulty in limiting the corridor to the south half mile of the subject corridor?

MR. HINTON: I have looked at a map here trying to determine from the map the problems. The two buttes down there present the most problem for us.

MR. LEWIS: I couldn't read the relief of those buttes. What is that, about 300 feet high from the base of the alluvial?

MR. HINTON: About 600 feet it looks like.

MR. LEWIS: Oh, 600 feet. So if we limited you to that south half mile, perhaps a portion of the lines would be crossing at an increased elevation of 300 feet, or can you make any judgment on the peripheral of those?

MR. HINTON: Well, I have seen those buttes and they go up quite sharply is the problem.

MR. LEWIS: But are they a half a mile wide?

MR. HINTON: Yes, a mile wide.

MR. FISH: That's right.

MR. HINTON: Each of them. If we could get restricted to go between the buttes, it would be

no problem.

MR. FISH: Mr. Chairman --

THE CHAIRMAN: Yes.

MR. FISH: Mr. Lewis, may I have the floor a minute? Bill Fish, State Land. I don't know what the legal terminology is, but it is possibly a substitute substitute amendment to restrict -- I want to restrict the corridor through those two buttes, which looks physically impossible for them to --

THE CHAIRMAN: Between the two buttes?

MR. FISH: Yes, sir.

MR. WHEELER: Mr. Chairman, I think the Committee is trying to get a response from Mr. Hinton of whether that is feasible, and I would like to give the Committee that information. May I request a two or three-minute recess so we can come to a conclusion and present it to the Committee? We can all sit here. Just give us a moment to consult among ourselves.

THE CHAIRMAN: I think we will take a recess until five minutes after 1:00. We will reconvene at five after 1:00.

MR. WHEELER: Thank you, Mr. Chairman.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: This meeting of the Siting Committee is hereby reconvened. Let the record reflect that all of the Committee Members that were present previously are now present and that the parties are present by and through their attorneys.

MR. VEGORS: Mr. Chairman, in the interests of backing up a bit and trying again, I wish to withdraw my motion.

MR. JOHNSON: Withdraw the second.

THE CHAIRMAN: That is your supplementary motion?

MR. VEGORS: Supplementary.

THE CHAIRMAN: It is ordered allowing the motion to be withdrawn.

MR. GILBERT: Mr. Chairman, in the interests of trying again, I would like to propose an amendment, either that or withdraw my original motion and attempt another motion, if I may.

THE CHAIRMAN: Is there any objection?

(No response.)

THE CHAIRMAN: No objection. It is ordered your original motion is withdrawn.

MR. GILBERT: Prior to the motion, if it is still proper, I would like to ask the applicant's counsel for a favor.

Mr. Wheeler, in front of you you have a map. Could we have that introduced as evidence and then could I have that map to make my motion from, please?

MR. WHEELER: Mr. Gilbert, I am aware of the map you are referring to and I think after looking at our other material we can avoid that by referring everyone in the application to sheet 17 of 20 in Exhibit A-2, which I will hand you right now. That is in the amended application booklet, the small booklet, not the large exhibits.

Mr. Chairman, thank you for your indulgence. At this time, I would like to introduce into evidence as an exhibit a document that I would like marked as Exhibit 20. It is a topographic map that is entitled Cortez Peak, Arizona, Devers-Palo Verde 500 kv, and it is sheet 405. I will show this to Mr. Green at this time and then, subject to any objections, I would move for its introduction in evidence and I will hand it to Mr. Gilbert.

MR. GREEN: I have no objection.

THE CHAIRMAN: Exhibit No. 20 may be admitted. Let the record reflect that that exhibit is not part of your application. It is a separate exhibit.

MR. GILBERT: Mr. Chairman --

THE CHAIRMAN: Who is talking, please?

MR. GILBERT: Don Gilbert. Mr. Chairman, I am prepared to make a motion before the Committee and my motion will address that segment of the applicant's proposed lines that is currently designated as a joint line 21 and 22. As I recall, it runs from point AAA to point 9 on the map.

My motion is as follows: I move that this Committee grant the applicant a two-mile corridor with the blue line indicated on that map and indicated on Exhibit A-1, with that blue line being the northernmost boundary of a two-mile corridor predicated on the fact that this certification will be amended such that the applicant will be restricted to building this line in the lower one mile of that two-mile corridor such that on Exhibit 20 in Sections 19, 20, 30, and 29 --

THE CHAIRMAN: I'm sorry, after you got the southern one mile, then you started sections.

MR. GILBERT: Well, my problem is, Mr. Chairman, that there is a butte right there, there are actually two buttes there, and it is my intention, I don't know if I am doing this very well, that the applicant be restricted to that

lower mile corridor such that they will probably pass just barely north of the butte in those four sections, and south of the butte, it would be contained primarily in sections 13, 24, 18, and 19.

THE CHAIRMAN: You are reading from Exhibit 20?

MR. GILBERT: Yes, sir.

THE CHAIRMAN: The sections you are citing are sections designated on Exhibit 20?

MR. GILBERT: Yes, sir.

MR. WHEELER: Mr. Chairman, as I indicated earlier, for the benefit of the Committee Members, if they wish to read along with this, this information is also found on sheet 19 of Exhibit A-2 of the Amended Application.

THE CHAIRMAN: So, just simply restated, they will approve a Certificate of Environmental Compatibility for a two-mile corridor with the northernmost boundary of that two-mile corridor being the line on the applicant's map Exhibit A-2 running from point AAA to point 9 and that they may construct their transmission line in the southern one mile of that two-mile corridor with the line running between the two buttes that you have designated in your motion.

MR. GILBERT: Yes, sir.

THE CHAIRMAN: Is there anything else you would like to add?

MR. GILBERT: Yes, sir. You will note that if we restrict that, the intersection point indicated on the map at 9 will, by necessity, have to be lowered, also.

THE CHAIRMAN: I understand that. The whole line will be just dropped accordingly.

MR. GILBERT: Yes, sir.

MR. JOHNSON: I will second that, Mr. Chairman.

THE CHAIRMAN: We have a second.

Mr. Green, I would like your comments first.

MR. GREEN: May I hear the motion restated, Mr. Chairman? I hate to ask, but it is important to hear it.

THE CHAIRMAN: The Court Reporter can't do it. Let me try to restate it as best I can. Is that sufficient?

MR. GREEN: Yes.

THE CHAIRMAN: There is a motion that this Committee approve a Certificate of Environmental Compatibility for a 500 kv transmission line running in a two-mile corridor with the northernmost boundary of that corridor being the line designated

on Applicant's Exhibit A-2 running from point AAA to point S, that line will be the northernmost boundary of the two-mile corridor, and that the applicant will be restricted to the southern one mile of that two-mile corridor for their transmission line, and that transmission line will run between the two buttes shown on the map more specifically designated by Mr. Gilbert in Exhibit 20.

MR. GREEN: May I have just a moment, Mr. Chairman?

THE CHAIRMAN: Certainly.

(Thereupon a brief off-the-record discussion ensued, after which proceedings were resumed as follows:)

MR. GREEN: Mr. Chairman, after conferring with Mr. Begalke and Mr. Rogers, my comment is this: They would, of course, like to have the line constructed as far as possible and would prefer that they be limited to the southernmost one-half mile. That is a preference. They can accept, however, the motion.

THE CHAIRMAN: Well, I think they do accept the motion. I will rule they do accept the motion, because here is the point that is very important, Mr. Green. After the Committee votes, if they vote on this and if they approve it, there

is no more issue as to this part of the line and you are, in effect, waiving any further testimony as to this part of the line.

MR. GREEN: We understand that.

THE CHAIRMAN: Do you understand that?

MR. GREEN: Yes.

THE CHAIRMAN: Mr. Wheeler, do you have any comments?

MR. WHEELER: Mr. Chairman, we support the motion, and it is with our understanding that we do have the connect-up points there at the end that Mr. Gilbert was referring to, because we do have to get to point 9 and to point AAA right there on each end, and I think Mr. Gilbert --

THE CHAIRMAN: The connect-up points are also dropped further south. Is that what you are saying or not?

MR. WHEELER: Just 9 was I thought, and I thought that was the sense of Mr. Gilbert's motion.

THE CHAIRMAN: Point AAA remains the same. Point 9 drops accordingly with the two-mile corridor.

MR. WHEELER: With that understanding, we support the motion, Mr. Chairman.

MR. GREEN: Mr. Chairman, let me say one

further thing about the motion before a vote and for the consideration of the mover of the motion, Mr. Gilbert. I understand the basis of the motion being to give certain latitude to the company within a mile as distinguished from a half a mile. I was just wondering if there could not be some language that would allow them to have that freedom within a mile where it is necessary, but which would otherwise require them to keep the lines as originally I think was the intent of the motion to the southernmost boundary of that two miles. I am just offering that as a thought.

THE CHAIRMAN: All right. The motion as it is is before the Committee. Are you withdrawing your approval of that motion?

MR. GREEN: I am not altering my statement as to that. I am merely suggesting that that seems to me to be what was in the original motion and it was extended to a mile to accommodate any specific construction problem, and I think that by -- I wanted to suggest that possibility to the mover of the motion.

THE CHAIRMAN: Everybody here hopes that the applicant will keep their line as far south as possible to avoid any future problems. However, it must be understood that they have the full

authority to go anywhere within that one-mile corridor.

MR. LEWIS: Mr. Chairman, may I move an amendment to the motion before the Committee that the motion be amended to restrict the applicant where practical to the south half mile of the corridor as described in the motion?

THE CHAIRMAN: I don't think that that is a legally acceptable amendment. "where practical" is not definite enough.

MR. LEWIS: All right, I withdraw the amendment and I will restate it, that the applicant be restricted to the south half mile of the corridor with the exception of the butte area as described and the connector points as described.

THE CHAIRMAN: As described by Mr. Gilbert on Exhibit 20?

MR. LEWIS: Yes.

MR. JOHNSON: I second that motion.

THE CHAIRMAN: We have a second to that motion. Before we go into --

MR. LEWIS: We have a second to the amendment.

THE CHAIRMAN: I'm sorry, a second to the substitute --

MR. LEWIS: No, it is an amendment.

THE CHAIRMAN: To the amendment to the motion.

Is there any objection to the amendment?

Mr. Green, what are your comments on the amendment?

MR. GREEN: That is a very desirable amendment.

THE CHAIRMAN: Mr. Wheeler?

MR. WHEELER: Just one moment, Mr. Chairman.

THE CHAIRMAN: I would like you to remember, Mr. Wheeler, that when this is all over, I am going to have you draw up the Certificate of Environmental Compatibility.

MR. WHEELER: I realize that, Mr. Chairman.

(Thereupon a brief off-the-record discussion ensued, after which proceedings were resumed as follows:)

MR. WHEELER: Mr. Chairman, we can support that amendment.

(The question was called for.)

THE CHAIRMAN: A call for the question. Let's take a vote starting with Mr. Lee.

MR. ARLO LEE: Aye.

MR. ARTHUR LEE: Aye.

MR. LEWIS: Aye.

MR. WOOD: Aye.

MR. FISH: Aye.

MR. CARR: Aye.

MR. ROTTA: Aye.

MR. WURBS: Aye.
MR. JOHNSON: Aye.
MR. GILBERT: Aye.
MR. VEGORS: Aye.
MR. ROBERTS: Aye.
THE CHAIRMAN: The motion is hereby adopted.
MR. LEWIS: No, that was the amendment.
THE CHAIRMAN: That was the amendment. The amendment is hereby adopted.

Question on the motion. We will take a vote. Mr. Lee.

MR. ARLO LEE: Aye.
MR. ARTHUR LEE: Aye.
MR. LEWIS: Aye.
MR. WOOD: Aye.
MR. FISH: Aye.
MR. CARR: Aye.
MR. ROTTA: Aye.
MR. WURBS: Aye.
MR. JOHNSON: Aye.
MR. GILBERT: Aye.
MR. VEGORS: Aye.
MR. ROBERTS: Aye.
THE CHAIRMAN: The motion is hereby adopted and so ordered.

We have now adopted a very limited portion

of this line.

Mr. Green?

MR. GREEN: I'm sorry, Mr. Chairman, someone was talking in one ear and I had one for you, but I got confused in the process. What was the question?

THE CHAIRMAN: It appears that we resolved part of the problem here. Left to be decided, among other things, is which side of the Eagletail Mountains this line will run on, and to that extent, we are still waiting on your case in chief. There not being any motions, please proceed.

MR. GREEN: I see one member here --

MR. LEWIS: Mr. Chairman, in order to expedite this, I would like to move that the Committee approve Subsection S-21 and the balance. The reason for my motion is that it would appear from their Environmental Impact Statement that the environmental sensitivity of the area is no greater and perhaps less than S-22 due to the existing access road which is presently used, and it obviously would gain the support of the intervenor at this juncture as opposed to Subsection S-22.

THE CHAIRMAN: If I can restate the motion somewhat, there is a motion before the Committee to grant a Certificate of Environmental Compatibility

for a line running on Exhibit A-1 from point 9 as amended in the previous motion to point NNN, also known as route S-21. Do I have a second?

MR. ROTTA: I'll second.

THE CHAIRMAN: We have a second. I want to hear your comments on that first, Mr. Green.

MR. GREEN: We enthusiastically support that motion.

THE CHAIRMAN: Mr. Wheeler, I would like to have your comments on that.

MR. WHEELER: Mr. Chairman, I think as it is presently worded, we would have difficulties with that motion. I would like to comment by way of saying what our difficulties are and what in our opinion would be more acceptable. We have indicated in our direct case that we believe that there is a significant possibility that S-21 may not be approved by the BLM and, accordingly, that is why we did request the flexibility of having another route to fall back on. We would be willing to accept S-21 as the route we will go with if the BLM approves it, but we would like a decision from the Committee that gives us S-21 coupled with an alternate route for us, that being S-22, which we will use only in the event BLM did not approve S-21, and, Mr. Chairman, I

would further state that we would also accept with S-22 as an alternate a condition that was similar to that mentioned by Mr. Gilbert, and that is we would treat the blue line that designates S-22 as the easternmost part that we would come anywhere near and we would locate our transmission line in our 240-foot right-of-way to the west of that center line within whatever corridor that the Committee would give us. But to give us only S-21 alone creates a very real possibility that we will be back before this Committee, because BLM may not approve it, and we think that this Committee having the opportunity to rule on these routes has a chance here to influence the BLM decision.

THE CHAIRMAN: Mr. Lewis, do you have any comment in light of that?

MR. LEWIS: Well, perhaps to expedite the proceeding, somebody would like to move an amendment to my motion along Mr. Wheeler's lines so we can vote it up or down at this juncture. I will support such an amendment.

MR. GREEN: May I make a comment in response to Mr. Wheeler?

THE CHAIRMAN: Mr. Green, go ahead. I'm sorry, once again will people please identify

themselves? I cannot distinguish voices. I just can't do it on this system, so please identify yourself when you address me.

Go ahead, Mr. Green.

MR. GREEN: In Mr. Wheeler's statement, he concedes that the action of this Committee could have an impact upon the Bureau of Land Management, and I would suggest that this Committee can serve its function quite well and can serve the interests of the people in this valley by giving one message to the Bureau of Land Management and one message to the applicant, that being the route moved by Mr. Lewis, S-21.

MR. JOHNSON: Mr. Chairman --

THE CHAIRMAN: Please identify yourself.

MR. JOHNSON: Clint Johnson.

THE CHAIRMAN: Go ahead, Mr. Johnson.

MR. JOHNSON: S-21 would be my recommendation as the only designated route for this Committee to take with the possibility of a recommendation, if this could be so included either in this amendment or in a recommendation to follow, that a study or negotiation with BLM he considered for a point leaving where S-22 and 21 meet, which is 9, running northwesterly along the Eagletail Mountains on the west side, but as close to the

wilderness as possible to a point of NNN, and that that be given thorough study.

THE CHAIRMAN: Mr. Johnson, I accept that as a comment and not a motion. Let me say this: I don't think any such a route is generally described in the notice for this hearing and I doubt very seriously if we could amend at this hearing to include that. That would take an additional hearing.

MR. JOHNSON: I understand, but in previous sessions, we have made these recommendations and it has come back for ratification. To simplify the procedure for the applicant, it has been done.

THE CHAIRMAN: We would have to notice another hearing. You understand that.

MR. FISH: Mr. Chairman, Bill Fish, I am wondering whether based on the latitude that we took on the southern route that that is really so, because if you move from S-21 as the most westerly extremity and you assume a certain distance east and you take S-22 from its edge as it goes north and move a certain distance west, in essence, you are almost including that total area between those two lines.

THE CHAIRMAN: I don't know.

MR. FISH: I am just looking at the map and I am wondering if we are not really noticed on all of that area in there.

THE CHAIRMAN: It looks like approximately 18, maybe 20 miles between the two lines. What we are limited to here, gentlemen, if I may, under the statute and the rules, we really cannot consider any other routes than those generally described in the applicant's application. I have no problem with varying these routes within a two-mile corridor from the routes described generally, because there is language in the application that talks in terms of two-mile corridor and I have no problem, but going beyond that I have serious doubts that we could consider it generally described and I would be reluctant to do so without noticing another hearing. That is a ruling of law, so there will be no further discussion on that point.

We have a motion before the Committee. Is there any further discussion?

MR. CARR: Mr. Chairman --

THE CHAIRMAN: Who is addressing me, please?

MR. CARR: John Carr.

THE CHAIRMAN: Go ahead.

MR. CARR: I am just going to express my

position that I would have to vote against this and advise the Committee to that effect, because I believe that this alternative route has a greater impact on the wildlife resources than does S-22.

THE CHAIRMAN: Any other discussion?

(The question was called for.)

THE CHAIRMAN: Call for the question. We will take a voice vote on the motion as made by Mr. Lewis starting with you, Mr. Lee.

MR. ARLO LEE: Aye.

MR. ARTHUR LEE: Aye.

MR. LEWIS: Aye.

MR. WOOD: Aye.

MR. FISH: Aye.

MR. CARR: No.

MR. ROTTA: Aye.

MR. WURBS: Aye.

MR. JOHNSON: Aye.

MR. GILBERT: Aye.

MR. VEGORS: Aye.

MR. ROBERTS: Aye.

THE CHAIRMAN: Let the record reflect the motion carried with one dissenting vote. Thereby, it is so ordered that the route designated in the motion by Mr. Lewis is hereby approved by the Committee.

We are not through. Do you have anything further to add at this point, Mr. Green?

MR. GREEN: If the Committee is still considering S-22, that is that portion to proceed north along the east side of the Eagletails, then we do have additional witnesses.

THE CHAIRMAN: S-22 is still a viable route. It has not been denied by the Committee at this point. We have only approved the alternative S-21 is all we have done.

MR. GREEN: Then I will recall Mr. Begalke.

THE CHAIRMAN: Excuse me, for the purpose of the Committee, there appears to be some confusion here. We have approved a portion of the route or routes requested by the applicant. We have not made any decision on a number of others of those routes. Therefore, the issue is still open to the Committee and Mr. Green has witnesses who are still putting on their case in chief.

MR. LEWIS: Mr. Chairman, once again to expedite consideration, I would like to move that the Committee deny subroute S-22 from point 9 to point NNN.

MR. JOHNSON: I will second that motion, Mr. Chairman.

(The question was called for.)

THE CHAIRMAN: We have a second. We have a call for the question. Before we go any further, Mr. Green, do you have any comments on that?

MR. GREEN: I am looking at map A-1, Mr. Chairman, and I see a point 9 to -- oh, yes. We totally support that motion, Mr. Chairman.

THE CHAIRMAN: Mr. Wheeler?

MR. WHEELER: Mr. Chairman, as I am sure the Committee has gathered from my earlier comments and from our direct case, S-22 is our preferred route for a number of reasons which we have explained earlier and we have indicated earlier that, because of the very, very tight time schedule we have to construct this line, that we need flexibility with the BLM and with routing, and that is why we need more than one route and that is why I indicated to you several minutes ago that we would like to have S-22 as an alternate to S-21 to be used only in the event that BLM would not approve S-21. We also indicated we would be willing to make comments on locating S-22 to the west of the blue line designated in the application, and we would hope the Committee would give consideration to that.

THE CHAIRMAN: I understand your position, I think that the Committee Members do, and I think

what they are doing in fact is rejecting that position.

Are there any comments or discussion on the motion?

MR. JOHNSON: Mr. Chairman, just to --

THE CHAIRMAN: Who is addressing me, please?

MR. JOHNSON: Mr. Johnson again.

THE CHAIRMAN: Go ahead, Mr. Johnson.

MR. JOHNSON: I believe the motion indicated the area on Exhibit A-1, the line from point 9 following S-22 to point 11 and from point 11 following over to point NNN. If that is correct --

THE CHAIRMAN: I would like to make one clarification. In effect, the motion is point 9 as altered by the prior motion. In other words, that was dropped somewhat when the two-mile corridor was dropped earlier.

MR. JOHNSON: That's correct.

MR. LEWIS: Also to point PPP, too, for clarification. The motion says point 9 all the way through to point NNN and to point PPP.

MR. JOHNSON: My second still stands.

THE CHAIRMAN: Is there any further discussion?

MR. GILBERT: Mr. Chairman, Don Gilbert.

THE CHAIRMAN: Mr. Gilbert.

MR. GILBERT: Can I ask a question of the

Harquahala Valley Association?

THE CHAIRMAN: You certainly can.

MR. GILBERT: So that my mind is clear on this --

THE CHAIRMAN: Who are you addressing your question to?

MR. GILBERT: I will address it to counsel, Mr. Green. As I understand it, the applicant by its just recent statement will accept Route 21 as proposed by Mr. Orme Lewis and certified by this Committee and they now would like consideration of an alternate route predicated solely on the fact that only if BLM turns down 21 they could then come back and consider the route that is now designated as 22 with the further constraint that that line that runs from point 9 to point 11 would be used as the easternmost boundary of a two-mile corridor. Now, remember, predicated on the fact that BLM has to turn them down on that other line, does that give your organization a problem?

MR. GREEN: If I understand, Mr. Gilbert, your question, S-22 gives our organizations a problem and the people in them. S-22 gives us a very big problem. S-21 as in the motion in their discussions with BLM, we feel that is enough and would, if turned down, give them an opportunity

to at least discuss with BLM what routing would be acceptable to them and give them that opportunity, but for them to have the alternatives we think would spell the death knell to anything other than S-22 and that S-22 would, in effect, be done.

THE CHAIRMAN: Is there any further discussion?

MR. CARR: Mr. Chairman, again I've got to advise the Committee that I have to vote against this motion based on my belief that S-22 is the best alternative as far as wildlife resources are concerned.

THE CHAIRMAN: Is there any other discussion by any of the parties?

MR. WHEELER: Mr. Chairman, only to point out that the reason for the suggestion of the alternate is to attempt to prevent us from having to come back to this Committee in the event that S-21 is turned down by the BLM. That is what we are trying to avoid because of our time difficulties, and, as Mr. Gilbert so succinctly put it, only would we use S-22 in the event we don't get approval from BLM, and we would be willing to locate this line as far west as we can in the S-22 corridor and definitely to the west of the blue line that has been indicated on the map.

THE CHAIRMAN: Amy further discussion?

(No response.)

THE CHAIRMAN: Do I hear a call for the question?

MR. LEWIS: Mr. Chairman, from a pragmatic standpoint, I am sympathetic on the motion, but from an environmental standpoint, I am against the motion, because from my reading of the environmental impact statement, there is more environmental sensitivity within the most westerly portion of S-22 both from a habitat standpoint and a socio-economic standpoint. Furthermore, that portion of the BLM area is under study as a natural area, which would at the outset suggest that there is going to be more focus on it as a reserved and primitive or wilderness area and we are really discouraging BLM from perhaps looking at an alternative to S-21 such as the shot gun line, which is not before us, which Mr. Rogers pointed out. So I will have to vote against the amendment.

THE CHAIRMAN: Excuse me, please. There was no amendment, Mr. Lewis. It was only a comment.

MR. LEWIS: Oh, pardon me.

THE CHAIRMAN: So the only thing before us is the original motion, which is, in effect, to deny applicant's application for S-22, as you stated it. So your comments really were in response

to applicant's comments, is that correct?

MR. LEWIS: Yes, sir.

THE CHAIRMAN: Thank you.

MR. VEGORS: Mr. Chairman, I think I am correct in saying that BLM's first two proposed routings were paralleling the Buckeye-Salome Highway and then along I-10, which I think states BLM's preferences and their basic concept of power line routing and I think that is a factor to consider in this matter.

THE CHAIRMAN: Any further discussion?

MR. ARTHUR LEE: Yes, I don't have a mike, but I can talk loud. I think we should give them an alternate route here someplace, gentlemen. I just hate to vote on one. I think we should have an alternate route with a priority that they go this 21 with maybe an alternate on it. I just would have to vote no on that motion that we just go with the one.

MR. JOHNSON: Mr. Chairman --

THE CHAIRMAN: Go ahead, Mr. Johnson.

MR. JOHNSON: I would advise against giving an alternate route at this point in time. I think in either case we are faced with mitigation, if that is the right word, for taking either route S-21 per the motion or giving route 22. Further,

I think beyond the point NNN other considerations for alternative routes will be brought up, and I believe this, that we are going to submit many of our citizens who might own private land to a further handicap by giving too many deviations along the entire route. I think we should take that into consideration.

THE CHAIRMAN: Thank you, Mr. Johnson.

Any other comments?

(No response.)

THE CHAIRMAN: The motion is before us. Do I hear a call for the question?

(The question was called for.)

THE CHAIRMAN: We will take a vote starting with Mr. Lee.

MR. ARLO LEE: I vote no.

MR. ARTHUR LEE: No.

MR. LEWIS: Yes.

MR. WOOD: Yes.

MR. FISH: Yes.

MR. CARR: No.

MR. ROTTA: Yes.

MR. WURBS: Yes.

MR. JOHNSON: Yes.

MR. GILBERT: No.

MR. VEGORS: Yes.

MR. ROBERTS: No.

THE CHAIRMAN: I'm sorry, we are going to have to take the vote again. I missed the count. We will go slower. Mr. Lee, I want you to state your name and then the vote.

MR. ARLO LEE: Arlo Lee, no.

MR. ARTHUR LEE: Art Lee, no.

MR. LEWIS: Orme Lewis, yes.

MR. WOOD: Dave Wood, yes.

MR. FISH: Bill Fish, yes.

MR. CARR: John Carr, no.

MR. ROTTA: Ken Rotta, yes.

MR. MURBS: Martin Murbs, yes.

MR. JOHNSON: Johnson, yes.

MR. GILBERT: Gilbert, no.

MR. VEGORS: Vegors, yes.

MR. ROBERTS: Roberts, no.

THE CHAIRMAN: I am not for sure the motion is carried.

MR. LEWIS: What is the count? It is the majority of the quorum. You've got to have ten.

THE CHAIRMAN: I'm sorry, for a motion to carry, we are going to have to have ten votes. Does anybody disagree with that? Anybody disagree with that ruling?

MR. GREEN: Well, I certainly may, Mr. Chairman.

THE CHAIRMAN: State your argument, Mr. Green.

MR. GREEN: Well, first of all, you state your premise, Mr. Chairman.

THE CHAIRMAN: I'm trying to find my premise, which is the statute.

MR. GREEN: When you find the premise, then I will comment, Mr. Chairman. You have had a vote. You have had, as I have heard the vote, a passing of the motion by a majority of those present and voting. By all rules of procedure that I am acquainted with, that constitutes the passing of a motion.

THE CHAIRMAN: We are going to take a -- well, excuse me, can you give me some help on that rule? I can't find it.

MR. WHEELER: I'm sorry, Mr. Chairman, I don't think I can. I think you and I and the Committee are in agreement that in order to grant a certificate, you do need ten votes for a particular line. Now, beyond that I am not sure where the voting requirements fall and I really can express no opinion on it.

Mr. Chairman, maybe a way to expedite this would be to look at it from the other way around and see whether or not a motion to approve S-22 can carry. It appeared from the result of

that voting that there may not be ten votes for that, as much as we would like there to be.

MR. GILBERT: Mr. Chairman, I think your original idea was right. Let's take a short recess.

THE CHAIRMAN: We will recess until 2:00 o'clock.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: The Committee will come to order.

Let the record reflect that all the Committee Members who were present prior to the recess are now present. The parties are present with their attorneys.

I want to apologize for taking a delay. I should have been prepared to rule on matters of law immediately. However, I had to consult the statutes, and I would rather do that than make a mistake.

I refer everybody to A.R.S. 40-360.04, Paragraph D. That paragraph says that a Certificate of Environmental Compatibility may only be issued by a majority of the members of the Committee. There are in fact 19 members on the Committee -- excuse me, 18 members on the Committee, and that means that ten votes are required to approve a

Certificate for the entire line. However, this is not a vote on the Certificate for the entire line, this is only a vote on one motion for a portion of the line, and that section does not apply. A majority vote can carry. Therefore, the motion to reject S-22 from point 9 to point NNN and point PPP is carried and that section of the line is deleted.

MR. GREEN: Thank you very much, gentlemen.

THE CHAIRMAN: Do you have any further testimony to offer at this time, Mr. Green?

MR. GREEN: We have none. Thank you.

THE CHAIRMAN: Mr. Wheeler?

MR. WHEELER: Mr. Chairman, we have completed our direct presentation. I think the presentation from the intervenors has been concluded, and perhaps it might be best to proceed, unless the Committee has further questions, to consideration of the remaining portions of the routing which have not been voted upon.

THE CHAIRMAN: Do any Members of the Committee have any further questions?

MR. JOHNSON: I have one, Mr. Chairman. Would it be possible that the Committee be furnished a copy, and I speak to Mr. Wheeler or his applicant, to provide us with a copy of the grid system for

transmission lines within the State of Arizona?

THE CHAIRMAN: I don't understand.

MR. JOHNSON: A diagram of the grid system, if possible, for the major 500 kv's and 750 kv lines that are now serving Arizona.

THE CHAIRMAN: Mr. Wheeler.

MR. WHEELER: Mr. Johnson, we will check to see if we have one here. We certainly didn't contemplate having one. It is not part of our case.

MR. JOHNSON: No, I understand that, but that was going to be provided to this Committee at various hearings as agreed several meetings ago and I was kind of hoping we would see one here shortly.

MR. WHEELER: Mr. Chairman, I very vaguely recall that coming up in a hearing several years ago. I am not sure whether one was ever provided the Committee. Apparently not. If we can get our hands on one, we will certainly be glad to provide the Committee one, but we certainly don't have one here today.

MR. JOHNSON: Just as a point of information.

THE CHAIRMAN: Is there any other discussion by the Committee Members?

MR. LEWIS: Mr. Chairman, I would like to

move a motion.

THE CHAIRMAN: Yes, sir.

MR. LEWIS: I would like to move the approval of the line from point NNN to point RRR, sub-alternate S-2 to point F, from point F to KK, from KK to YY, and to the Arizona border; also from point RR to point YY known as S-24, and I would like to in the same motion reject the route from point PPP to E referred to as AAA.

THE CHAIRMAN: Referred to as AA, I believe, sir.

MR. LEWIS: -- and the rejection of the subroute from point AK to LL referred to as S-5. The rationale for my motion is in discussion with various Committee Members, there seems to be some consensus that the visual impacts from AA and S-5 would be rather significant from I-10 and, for that reason, I would like to discourage the approval of that. With respect to S-2, there seems to be a consensus, and I certainly recognize the preference of the applicant for S-24, but I am not particularly optimistic that they can achieve it, so, as a consequence, their alternate I support. Thank you.

THE CHAIRMAN: Excuse me, I am not sure I am clear, Mr. Lewis. If you will just stay there

a second. I think that by your motion you have left a gap that I can't follow through on. From approximately point YYY to LL, there is a gap in the line.

MR. LEWIS: Right. I said to the point of crossing the Arizona line. All right, YYY to LL is also included in the motion.

THE CHAIRMAN: So the point that you wanted to reject was from KK to YYY.

MR. GILBERT: Mr. Chairman --

THE CHAIRMAN: Not right now, Mr. Gilbert.

Mr. Lewis, from point KK to YYY, does your motion include or reject that?

MR. LEWIS: It rejects from KK to the border, which continues to LL.

THE CHAIRMAN: I see. So that is the blue route.

MR. LEWIS: Yes.

THE CHAIRMAN: I see. And from point KK to YYY you are accepting that portion?

MR. LEWIS: Yes.

THE CHAIRMAN: I understand now. Are there any questions? Yes, sir.

MR. JOHNSON: For the sake of discussion, I would second that motion.

MR. FISH: Mr. Chairman --

THE CHAIRMAN: Mr. Gilbert I believe was first. Go ahead.

MR. GILBERT: Just a point of clarification, Mr. Chairman. Is LL in California or in Arizona? The way I read my map, the motion was made as a double Y. It is a triple Y, and I think that point stops at the river. I don't know where our jurisdiction stops.

THE CHAIRMAN: Well, our jurisdiction stops at the state line and anything we approve stops at the state line, which is I think sufficient.

MR. LEWIS: That is what I said.

THE CHAIRMAN: Is there any further discussion?

MR. FISH: Mr. Chairman, there is one point which Mr. Carr and I are both aware of and that is if we accept this motion, we will still not be giving them off of the chute from Palo Verde to where we begin this big argument, and that is to point AAA, and I think we should give Mr. Lewis an opportunity to amend his motion to bring in that small section.

THE CHAIRMAN: Does the motion also include the section from the plant to point AAA?

MR. LEWIS: Yes, Mr. Chairman.

THE CHAIRMAN: I thought so.

MR. LEWIS: But I didn't make it clear.

THE CHAIRMAN: That was my understanding, also, Mr. Lewis.

MR. FISH: Secondly, I am concerned about giving the utility an option around the military reservation, and I think we should do that. I am not sure this does that, does it, Mr. Lewis?

MR. LEWIS: Yes, that is the intention.

THE CHAIRMAN: Maybe I am not clear. Have you also included in your motion then from point NNN the red line all the way through to point E known as AA?

MR. FISH: No.

THE CHAIRMAN: Then where is your option around the military reservation? That's right. I'm sorry, I know where you are now. That does give them an option around the military reservation. The option they don't have is around the proposed extension of the wilderness area and that's all.

Any other questions?

MR. WHEELER: Mr. Chairman --

THE CHAIRMAN: Who is addressing me?

MR. WHEELER: This is Mr. Wheeler. I'm sorry. Before we comment, and I presume you are going to ask for our comments on this motion, might I have a representative of the applicant walk up to the map and walk through what we understand to be

Mr. Lewis' motion so that there is no doubt on our part as to the routes that are included in it?

THE CHAIRMAN: Any objections?

(No response.)

THE CHAIRMAN: Go ahead.

MR. WHEELER: We will have Mr. Hinto step up to the map. I am not sure if he needs to speak. Perhaps Mr. Lewis can just restate it as Mr. Hinton walks across it.

MR. LEWIS: Let him do it.

MR. HINTON: The way I understand the motion, they have asked for approval from Point A, which is the plant site to point AAA, the portion starting at point NNN known as S-2 through the Kofa Game Range to point RRR, the portion known as S-24 to point YYY and continuing to the Arizona border; also from point RRR a portion of S-2 to point E, to point KK, to point OO, to point YYY. Then the rejections appear to be NNN, PPP, AA, E. The other rejection is S-5, KK to PP to the river.

THE CHAIRMAN: To the Arizona border.

MR. HINTON: The Arizona border, that's right.

MR. WHEELER: Mr. Chairman, as a minor housekeeping matter, that map on the easel has never been identified with an exhibit number. Perhaps we could give it one just so the record would

be clear.

MR. LEWIS: It is A-1.

MR. WHEELER: For the record, let it reflect that it is a blow-up of the map contained in Exhibit A-1 to the application. Perhaps that is sufficient.

THE CHAIRMAN: That is sufficient. The points are identified, so we all understand what we are talking about now, is that right? Are there any questions?

(No response.)

MR. WHEELER: Mr. Chairman, could I state our views?

THE CHAIRMAN: Excuse me, the question can't be called for yet, Mr. Gilbert.

Is there any further discussion by the Committee Members?

MR. FISH: I am probably going to be forced to vote against the motion.

THE CHAIRMAN: Would you identify yourself for the record?

MR. FISH: Bill Fish, State Land Department. It is our position we favor the northern route over the southern route and would prefer to have the utility have an alternate allowing them the northern route as the primary. We believe that is

the route of least impact.

THE CHAIRMAN: Any further discussion by the Committee?

MR. CARR: Mr. Chairman, John Carr, Game and Fish Department. I would like to amend the motion to include the provision that the access that is created through the Dome Rock Mountains be constructed in such a way that gates or barriers be provided in such a way that it denies public access through that mountain range.

THE CHAIRMAN: You are not amending the motion; you want to put a condition on the motion, is that correct?

MR. CARR: That's correct.

MR. LEWIS: I accept that.

MR. JOHNSON: I accept that as the second.

THE CHAIRMAN: Is there any further discussion?

MR. GILBERT: Mr. Chairman, could you tell me what segment that is? I am not familiar with the mountains you refer to.

MR. CARR: Well, it would be in section --

THE CHAIRMAN: Just what line? Identify the line.

MR. CARR: S-24 and a point from E to KK to YYY. It was just in the mountains themselves, not out in the flat.

THE CHAIRMAN: A condition that the applicant work with your department by establishing gates as needed.

MR. CARR: That's correct.

THE CHAIRMAN: Is there any further discussion by the Committee?

(No response.)

THE CHAIRMAN: Mr. Green, what are your comments on this?

MR. GREEN: I have no further comment in this hearing now that the matter has been resolved that concerned my clients.

THE CHAIRMAN: So you have no objection to this route?

MR. GREEN: No objection whatever. In fact, I would like the opportunity to thank you, Mr. Hearing Officer, Mr. Chairman, and the Committee, and since those matters have been dealt with, I have been waiting an opportunity to simply say thank you, and may we be excused?

THE CHAIRMAN: Well, you can certainly be excused if you want to.

Is there any objection to that?

(No response.)

THE CHAIRMAN: No objection. You are excused.

MR. GREEN: Thank you very much.

THE CHAIRMAN: And your people are.

Mr. Wheeler.

MR. WHEELER: Thank you, Mr. Chairman. Let me state that the applicant supports the motion insofar as it requests approval of the routes described in the application. With respect to Mr. Carr's amendment, the applicant will be willing to do whatever it can to help restrict access and it will work with whatever agency is responsible for administering the lands in question. However, I would note that for the reasons we have discussed earlier in our direct presentation, we do feel we need the flexibility in those sensitive areas for which we have suggested alternate routings and we would still request that the Committee give consideration to approving the other routes described in the application and that Mr. Lewis has not moved for approval of. Thank you.

THE CHAIRMAN: Are there any comments by any Members of the Committee?

MR. FISH: That is the sense of our department's wish.

THE CHAIRMAN: Call for the question.

(The question was called for.)

THE CHAIRMAN: Mr. Lee, we will start voting

with you. Please state your name and the vote.

MR. ARLO LEE: Arlo Lee. I vote aye.

MR. ARTHUR LEE: I vote aye.

MR. LEWIS: Orme Lewis, aye.

MR. WOOD: Dave Wood, aye.

MR. FISH: Bill Fish, no.

MR. CARR: John Carr, aye.

MR. ROTTA: Ken Rotta, aye.

MR. WURBS: Martin Wurbs, aye.

MR. JOHNSON: Clint Johnson, aye.

MR. GILBERT: Don Gilbert, aye.

MR. VEGORS: Wally Vegors, aye.

MR. ROBERTS: Clyde Roberts, aye.

THE CHAIRMAN: The motion is carried. It is so ordered that it is adopted.

Gentlemen, in a piecemeal fashion, I think that we have selected the route with some alternatives and I think it is now in order to vote upon the Certificate as a whole and the route as a whole if there are any more conditions or if you want to approve it as we adopted it piecemeal, and the Chair at this time will entertain any discussion or motions.

MR. GILBERT: Mr. Chairman, I am prepared to offer a motion to the Committee that we adopt the line and the conditions set forth on each

segment as voted on and passed by the Committee in its entirety.

THE CHAIRMAN: The sense of the motion is that we issue a Certificate of Environmental Compatibility to the applicant for those segments of the routes which constitute an entire line that have previously been approved by the motions of this Committee and to deny those segments of the route that have previously been denied by motions of this Committee and to issue that Certificate with the conditions previously stated and adopted by motions of this Committee.

MR. ARLO LEE: I will second that motion.

THE CHAIRMAN: Is there any discussion by the Committee?

(The question was called for.)

THE CHAIRMAN: I would like to add to that, if I may, if I am not restating it, that implicitly means that the conditions imposed by statute are also attached to the motion.

Is that correct, Mr. Gilbert?

MR. GILBERT: That's correct, Mr. Chairman.

THE CHAIRMAN: Thank you.

Is there any other discussion?

(No response.)

THE CHAIRMAN: Does the applicant have any

comments to make?

MR. WHEELER: No, Mr. Chairman.

THE CHAIRMAN: Did someone call for the question?

MR. JOHNSON: Yes, I did.

THE CHAIRMAN: We will start with the vote agin with Mr. Lee. State your name and the vote.

MR. ARLO LEE: Arlo Lee, aye.

MR. ARTHUR LEE: Art Lee, aye.

MR. LEWIS: Orme Lewis, aye.

MR. WOOD: Dave Wood, aye.

MR. FISH: Bill Fish, aye.

MR. CARR: John Carr, aye.

MR. ROTTA: Ken Rotta, aye.

MR. WURBS: Martin Wurbs, aye.

MR. JOHNSON: Johnson, aye.

MR. GILBERT: Don Gilbert, aye.

MR. VEGORS: Wally Vegors, aye.

MR. ROBERTS: Clyde Roberts, aye.

THE CHAIRMAN: The motion is carried. A Certificate will be issued.

Mr. Wheeler, you will be ordered to draw up that certificate and present it to me for my approval. Do you have something to add?

MR. WHEELER: Yes, Mr. Chairman, two final matters. One, would you mind setting a date for

transcript corrections? I am not sure they will even be necessary, but upon review of the record, there may be some matters that need to be corrected and it is usually normal to set such a date for corrections to be submitted after the close of the hearing.

THE CHAIRMAN: How do you propose to submit those corrections?

MR. WHEELER: By mail with notice to all the parties, as has been done in past proceedings, and I would just urge you to set a date perhaps 20 days after this date to any party who wishes to submit them. There may be none.

THE CHAIRMAN: Any objection from the Committee Members?

(No response.)

THE CHAIRMAN: Okay, that date will be 20 days from this date.

MR. WHEELER: Thank you, Mr. Chairman. My only other matter was to thank you on behalf of the applicant for your consideration during a rather difficult two-day hearing session.

THE CHAIRMAN: Fine. Do I hear a motion to adjourn?

MR. GILBERT: So move.

MR. FISH: Second.

THE CHAIRMAN: Call for the question. All in favor say aye; opposed.

It is hereby ordered adjourning this Committee.

* * *

I HEREBY CERTIFY that I was present at the hearing before the Power Plant and Transmission Line Siting Committee of Arizona in the foregoing entitled and numbered matter, that I made a shorthand record of all proceedings and testimony had and adduced upon said hearing, and that the foregoing 397 pages of typewritten matter contain a full, true, and accurate transcript of said record, all to the best of my skill and ability.

MARK H. GRUMBLEY
Court Reporter

ARIZONA CORPORATION COMMISSION
RECEIVED
JUN - 2 1980
Director of Utilities

Before the

ARIZONA POWER PLANT AND

TRANSMISSION LINE SITING COMMITTEE

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY, in Conformance with the Requirements of Arizona Revised Statutes Section 40-360, et seq., for a Certificate of Environmental Compatibility for Two Segments of the Arizona Portion of One 500 KV Transmission Line between the Palo Verde Nuclear Generating Station (Under Construction) near Wintersburg, Arizona, and the Devers Substation (Existing) near Palm Springs, California.

CASE NO. 43

At: Phoenix, Arizona

Date: May 9, 1980

(Original)

GRUMLEY REPORTERS
PHOENIX, ARIZONA

EXHIBIT
S-41
admin. notice

Before the

ARIZONA POWER PLANT AND

TRANSMISSION LINE SITING COMMITTEE

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY, in Conformance With the Requirements of Arizona Revised Statutes Section 40-360, et seq., for a Certificate of Environmental Compatibility for Two Segments of the Arizona Portion of One 500 KV Transmission Line Between the Palo Verde Nuclear Generating Station (Under Construction) Near Wintersburg, Arizona, and the Devers Substation (Existing) Near Palm Springs, California.	CASE NO. 48

Phoenix, Arizona
May 9, 1980

APPEARANCES:

SNELL & WILMER, by ARTHUR C. GEHR and CHARLES A. BISCHOFF, and H. D. BELKNAP, JR., Attorneys for Southern California Edison Company;

MARK M. GRUMLEY
Court Reporter

I N D E X

WITNESSES:	DE	CE
GLENN J. BJORKLAND		
by Mr. Behr	17	
RUSSELL D. HULSE		
by Mr. Gehr	21	
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by Mr. Gehr	25	
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EXHIBIT NO. B-1 - Federal Environmental Statement for the Palo Verde-Devers Transmission Line, Prepared by Bureau of Land Management
Admitted - Page 15

The Power Plant and Transmission Line Siting Committee of Arizona convened in Hearing Room No. 1, Arizona Corporation Commission, 2222 West Encanto Boulevard, Phoenix, Arizona, on the 9th day of May, 1980, Mr. Thomas P. Prose, Assistant Attorney General, Designee of Chairman Robert K. Corbin, The Attorney General, Presiding.

THE CHAIRMAN: The meeting will please come to order.

My name is Tom Prose. I am an Assistant Attorney General, and I have been designated by the Attorney General to act as Chairman of this proceeding today.

This is a meeting of the Power Plant and Transmission Line Siting Committee. It is a statutory duty of this Committee to determine whether or not to issue a Certificate of Environmental Compatibility to applicants who desire to locate a power plant or transmission power line in Arizona.

This particular case is designated as Case No. 48 before the Committee. It is the matter of the application of Southern California Edison Company, in conformance with the requirements of Arizona Revised Statutues Section 40-360 for a Certificate of Environmental Compatibility for two segments of the Arizona portion of one 500 KV transmission line between the Palo Verde Nuclear Generating Station (under construction) near Wintersburg, Arizona, and the Devers Substation (existing) near Palm Springs, California.

First of all, we will have the Members of the Committee identify themselves for the record, and please state when you identify yourself who you represent, whether it is the public or a particular state agency. We will start to my left, please.

MR. SUNDIE: Dennis Sundie, Designee for Wes Steiner, Arizona Water Commission.

MR. CARR: John Carr, Designee for Robert Jantzen, Arizona Game and Fish Department.

MR. AYRES: James Ayres, for Arizona State Parks.

MR. NAUGLE: David Naugle appearing on behalf of Chairman Jim Weeks, Arizona Corporation Commission. Next to me is Basil Coffman, who will be sitting in on this, and if it lasts too long, he may need to vote on behalf of Chairman Weeks.

THE CHAIRMAN: Mr. Naugle as I understand it is the Designee, but he may have to leave. In this case, Basil Coffman will become the Designee of the Commission for voting purposes, they will both be present during the entire proceeding, unless there is any objection by the applicant on that. If so, we will hear your objection when we finish the introductions.

MR. BILLINGS: Carl Billings, Designee for R. Bruce Scott, Arizona Department of Health Services.

MR. WINKELMAN: Russ Winkelman, Professional Landscape

Architect.

MR. ROBERTS: Clyde Roberts, Cochise County.

MR. SULLIVAN: Tom Sullivan, Arizona State Land Department, for Commissioner Fallini.

MS. MURRAY: Terry Murray, Designee for Larry Landry, Office of Economic Planning & Development.

MR. MOSS: Dean Moss, Designee for Robert Sternberger, Chairman, Arizona Water Quality Control Council.

MR. COUNTS: Rick Counts, representing Cities.

MR. FISH: Paul Fish for Raymond Thompson, Arizona State Museum.

THE CHAIRMAN: This particular hearing has been noticed for this time and date. The docket does reflect that. Has the attorney for the applicant caused the notice to be published in the appropriate newspapers throughout the state?

MR. GEHR: If the Chairman please, we have. We have a certified copy of the affidavits of publication we would like to present at this time.

THE CHAIRMAN: Thank you, sir. The affidavits of publication appear to be in order. Any objection to the noticing of this hearing?

(No response.)

THE CHAIRMAN: No objections having been noted, the noticing will go into the record.

Is the applicant present and ready to proceed?

MR. GEHR: The applicant is ready.

THE CHAIRMAN: Could you state your name, sir, for the record?

MR. GEHR: My name is Arthur Gehr together with Charles Bischoff, both from the firm of Snell & Wilmer, and Mr. H. D. Belknap, Jr., of Southern California Edison, representing the applicant.

THE CHAIRMAN: Do you have any objections to the procedure of allowing two members of the Commission present, but only one of those members will vote?

MR. GEHR: Negative. I have no objection.

THE CHAIRMAN: Thank you.

At this time, it should be pointed out that, at my option, I drafted a letter and did invite the BLM to participate in this proceeding, because it is quite obvious that we are here because of some rulings that they made. Is there anyone here from the BLM today? Will you please identify yourself, sir?

MR. WHITLOCK: Yes. My name is Clair M. Whitlock. I am the State Director for BLM here in Arizona. With me is Karl Kipping, who was in charge of the environmental statement preparation for this particular transmission line.

THE CHAIRMAN: I understand that you have a statement to read into the record?

MR. WHITLOCK: Yes, sir, I have a statement that I

will read and Karl will be available, also, to answer any technical questions that apply to the departmental statement.

THE CHAIRMAN: Thank you, sir.

The docket reflects we have applications from five individuals for intervention. Mr. George Horn has applied on behalf of the Sierra Club. I have his statement here at the table and it will be available for any of the Committee Members or anyone else to read during the breaks in this proceeding.

We have a statement filed by Doris M. Heisler, which is also available.

We have a statement filed by Gwen Robinson, Education Chairman, Yuma Audubon Society, which is available.

We have a letter from Mr. Robert Turner, of the National Audubon Society.

We have a letter from Mr. Dan Sanchez, BLM liaison, and that will also be treated -- I'm sorry, he is on behalf of the Desert Big Horn Sheep Society, and that will also be treated as a limited appearance.

Are there any objections to any of those from the applicant?

MR. GEHR: I have no objection. I believe some of those may not be relevant to the nature of this proceeding, but I have no objection to their being placed in the record.

THE CHAIRMAN: I understand. I have read them. I am

not sure that they are truely relevant to what we are here for today, but, under the circumstances, I am going to accept them all as limited appearances and make them part of the record. They will all be available on this table if any of the Committee Members desire to read them. On second thought, I think we will just pass them around and you can read them if you choose to do so.

We also have before us today a petition and notice of intent to be a party on behalf of the Tonopah Valley Association filed by Doris M. Heisler. Is Mrs. Heisler here?

(No response.)

THE CHAIRMAN: There is no response.

MR. PRICE: My name is Price and I am interested in the Harquahala Valley section of this, so I would like to speak in her place.

THE CHAIRMAN: I'm sorry, sir, in place of the Tonopah Valley Association?

MR. PRICE: Well, it is Tonopah Valley and Harquahala Valley.

THE CHAIRMAN: Have you filed a motion to be a party or a notice of limited appearance?

MR. PRICE: I wasn't notified, but I do represent over 300 owners of land in that area.

THE CHAIRMAN: Sir, I'm sorry, but the rules of this proceeding prohibit any participation from anyone unless they

either timely file an application to make a limited appearance or timely file an application to intervene as a party, and I have nothing before me that you have made that unless you are now adopting the application of Mrs. Heisler on behalf of the Tonopah Valley Association.

MR. PRICE: Well, I have been working with those people, but I can't speak for them. I would like to speak for myself precisely.

THE CHAIRMAN: Is the applicant aware of the application by the Tonopah Valley Association?

MR. GEHR: Yes, we are.

THE CHAIRMAN: Do you have any objection to that application to intervene as a party?

MR. GEHR: No objection.

THE CHAIRMAN: You are making it difficult.

Mrs. Heisler is not here. I have some problems with the application. I don't think that this particular application was timely filed. It was not received by the Corporation Commission until April 30, 1980. Although it is dated the 29th, it was not received until the 30th. Secondly, it appears to be on behalf of a group or association, and as far as I can determine, they are not represented by an attorney. For both of those reasons, I am going to have to disallow the application to intervene. However, I will treat it also as an application for limited appearance and it will

also go into the record as such.

I am also going to have to rule, sir, that you will not be allowed to make any statements, because you did not timely file a notice with the Committee. I have no choice but to make that ruling, because the law is quite clear. It makes no provision for appearances by the public at the time of the hearing unless they file an earlier notice.

MR. BILLINGS: Mr. Chairman, I move that the gentleman be given an opportunity to make a limited appearance prior to the adjournment of this meeting. We have followed that practice before when people show up. We have allowed them if they wish to reduce their comments to writing and file it with the Chairman prior to the conclusion of the hearing, or even a late-filed exhibit in some cases toaccept it in the nature of a limited appearance.

THE CHAIRMAN: Is there any objection by the applicant to that procedure?

MR. GEHR: Applicant has no objection to that procedure.

THE CHAIRMAN: Sir, if you can reduce your comments to writing and file it with me within ten days from this date, I will accept that as a limited appearance and make it part of the record.

MR. PRICE: That will be on record then, and I will be sure that is done.

THE CHAIRMAN: I will make it part of this record, sir.

MR. PRICE: Thank you.

THE CHAIRMAN: Could you give your full name to the Court Reporter and your address?

MR. PRICE: Barto B. Price, Salome, Arizona, Post Office Box 448.

THE CHAIRMAN: Is there anyone else present today who had an intention of appearing and participating in this proceeding?

(No response.)

THE CHAIRMAN: The record will reflect there is no response.

I think the procedure that we will follow today is to have the applicant put on their presentation and we will reserve questions until the conclusion of that presentation. At the conclusion of the applicant's presentation, I will ask the representatives from BLM to make their statement, also, and at the conclusion of the BLM's presentation, we will make both the BLM representatives and the applicant's witnesses available for questions from the Committee unless there is any objection to that.

(No response.)

THE CHAIRMAN: No objections having been heard, I will now ask the applicant to proceed with their presentation.

MR. GEHR: Thank you. If the Committee please, this application is submitted to the Committee by Southern California

Edison Company, the applicant, as a request of the Committee to approve a modification of a portion of the Palo Verde-Devers transmission line corridor that was previously certificated in Case No. 34. The certificate was approved by this Committee on March 3rd and was approved by the Corporation Commission in July of 1978. Basically, this transmission line that we are talking about is indicated on the map in the front. This map is basically the same as the map shown as Exhibits A-1 and A-2 as a part of the application. We will not introduce this map as an exhibit, but it will be useful, I think, to picture where the line goes. It starts at the Palo Verde Nuclear Generating Station, which is under construction, proceeds west about three and one-half miles. The new route, the first segment on which we need a modification of the certificate in Case No. 34 is called S-23 or Segment 23, which is indicated in green. This would take the place of the red indicated route which was certificated by the Committee.

There is one other segment, a shorter one called S-5, at the western end of the line near the Colorado River going through Dome Mountain, also indicated in green, and the red line indicates what the Committee had previously certificated in that area.

The corridor that we are seeking approval for this line would be approximately two miles in width, but the transmission line right-of-way would only be about 200 feet,

so a 200-foot right-of-way would be located within this corridor as indicated on the map.

The reason the modification is necessary stems from the action by the Department of Interior acting through its lead agency, the Bureau of Land Management. Basically, as I understand the problem, an perhaps Mr. Whitlock or Mr. Kipping will correct me, with respect to the Segment 23 at the eastern end of the line, the Committee's approved route passed through or adjacent to three proposed wilderness study areas.

THE CHAIRMAN: Excuse me, sir, I am going to have to interrupt. We are going to go off the record for a couple minutes. Mrs. Heisler has shown up and I am going to have to make some determinations with some documents she has.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: If we may go back on the record, Mrs. Heisler is here at this time and she had filed a notice of intent to be a party on behalf of the Tonopah Valley Association. Although I question the timeliness of it, I will accept the fact that it was timely filed even though I previously ruled that it wasn't, and I will change that position. However, I do not think that she can represent the Tonopah Valley Association, since that is a group or an association of people and she is not an attorney and,

therefore, they cannot be represented in this proceeding except through an attorney. However, I will allow her petition to be modified and I will accept it as a petition and intent to be a party on her own behalf and not on behalf of the association. In that regard, she has a statement to make, which she will read into the record. She does not intend to ask any questions of any of the other witnesses in the form of cross-examination nor does she intend to put on any additional evidence other than the one statement she wants to read into the record. With those limitations, I am inclined to accept her petition as timely filed and let her participate in the form of an intervenor.

Do you have any objections to that, sir?

MR. GEHR: The applicant has no objection to that process. We didn't think that we were injured by the one-day delay in the filing date, so we raised no objection on that score. If she does make a statement, will the applicant be entitled to ask her questions?

THE CHAIRMAN: Certainly. If the applicant wants to ask her questions or put on any evidence in controvention of that statement, I will accept that.

I will hereby rule that the petition and notice of intent to be a party by the Tonopah Valley Association is amended to be an application for a party by Doris M. Heisler. I will accept it. At the conclusion of the evidence by the

applicant and by BLM, Mrs. Heisler will then be allowed to read her statement into the record.

I apologize for the interruption, sir. If you will proceed.

MR. GEHR: I was trying to explain why the modification of the certificate issued in Case No. 34 was necessary and I stated that it was my understanding that the principal reason was that the segment of the certificated line which was proposed to be replaced by Segment 23 passed through or was adjacent to three proposed wilderness study areas and the BLM in its environmental studies made a determination that the line as certificated by this Committee would have a high impact on some portions of these wilderness areas. Consequently, under the Federal Land Policy & Management Acts and the Wilderness Act, it was compelled to find another route for that particular segment. They have done so and have issued a grant of easement in February of this year for the complete line from Palo Verde to the Colorado River, but utilizing the segments which I have indicated as S-23 and S-5.

The application incorporates as Exhibit B-1 the Federal Environmental Statement for the Palo Verde-Devers transmission line which was prepared and issued by BLM as the lead Federal agency, not only for its sister agencies in the Department of Interior, but also as the lead agency for the United States Nuclear Regulatory Commission that has previously

authorized the construction of the Palo Verde Nuclear Generating Station. This final environmental statement together with the environmental reports which were introduced in evidence in Case No. 34 provide the environmental data which support the application. The final environmental statement, of course, was not prepared by the applicant. Therefore, we cannot put on a witness to sponsor that document. However, it is an officially published governmental document, one which is entitled to receive official notice from this Committee, and on this basis, the applicant would offer in evidence Exhibit B-1.

THE CHAIRMAN: Is there any objection to this procedure?

(No response.)

THE CHAIRMAN: I think that is proper and we will accept that as an exhibit.

MR. GEHR: The application also incorporates by reference the environmental reports that were introduced into evidence in Case No. 34. I happen to have a copy of those exhibits and documents on the table. You can see the bulk of them. Rather than encumbering this record with the same documents, we wish to incorporate them by reference into this proceeding, which is a procedure that is authorized under the Committee's rules of practice and procedure, specifically Rule 14-3-211, Subsection C. I am not quite clear whether a stipulation of the parties is required or it also may be accomplished by a

ruling by the Chairman, and we would ask the Chairman to so rule at this time.

THE CHAIRMAN: Are you asking that they be admitted into evidence and recognized as part of the record of this proceeding?

MR. GEHR: Yes, I am.

THE CHAIRMAN: They will be so accepted.

MR. GEHR: If the Committee please, we have three witnesses who will present our case to you. The first is Mr. Glenn J. Bjorklund, Vice-President of Southern California Edison Company. We also have Mr. Russell D. Hulse, Vice-President of Arizona Public Service Company, and Mr. Fred Klumb, from Southern California Edison Company. It would now be appropriate to have these witnesses sworn and I will call them in the order mentioned.

Will these witnesses please stand?

(Thereupon three persons were duly sworn.)

MR. GEHR: I would now like to call Mr. Glenn Bjorklund to the stand, please.

GLENN J. BJORKLUND,

called as a witness on behalf of the applicant, having been theretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GEHR:

Q Will you please state your name?

A My name is Glenn Bjorklund.

Q What is your position?

A I am Vice-President of System Development for Southern California Edison Company with responsibilities, among other things, for future resources.

Q Have you prepared a statement which you would like to present to this Committee respecting this application?

A I have a statement here, yes, sir.

Q Will you proceed, please?

A Yes. I would like to make a brief policy statement and read it into the record for you today. I would like to start by thanking you very much for taking the time to give us this opportunity to appear before your Committee to request this amendment to the Certificate of Environmental Compatibility for our proposed 500 KV transmission line between the Palo Verde Nuclear Generating Station in Arizona and our Devers Substation in California.

As the Committee knows, you originally granted a

Certificate of Environmental Compatibility to the Southern California Edison Company on March 3, 1978, in Case No. 34. Prior to your approval of a Palo Verde-Devers 500 KV transmission line route in Case No. 34, our company spent a year conducting studies and obtaining local input regarding alternate route segments which would be responsive to the needs and desires of the residents of the Harquahala and Tonopah Valleys. Toward that end, numerous individual meetings were held and a field office, with a full time Edison representative, was established in Buckeye so that continuous, close contact with residents could be maintained. Concurrent with the proceeding in which you granted the Certificate of Environmental Compatibility, the U.S. Bureau of Land Management was considering an application by Southern California Edison Company for easements to construct the proposed 500 KV transmission line over Federal lands. The BLM completed and issued its final environmental statement on the application in March of 1979. In February of 1980, the BLM issued its grant of easement to Southern California Edison for rights-of-way for the Palo Verde-Devers 500 KV transmission line.

In 1978, our company and this Committee endeavored to authorize corridors with alternatives and flexibility to avoid the possibility of incompatibilities between BLM approved routes and those approved by this Committee. However

the BLM route granted to SCE differs from the route certified by this Committee in that prior proceeding. As a result, we are applying for an amendment to the certificate previously granted. Mr. Fred Klumb of our company will present to you the changes being requested here today.

I emphasize that the sole reason for our application for amendment is to achieve compatibility in the routes approved by BLM and the Siting Committee so that construction of this important line may commence promptly.

As an operating public utility, Southern California Edison Company is engaged in the business of generating, transmitting, distributing, and selling electricity. We serve customers in 15 southern and central California counties, and in 1979, we served over 3 million customers in a territory of approximately 50,000 square miles. The total population of this area is in excess of 7½ million people.

Edison projects that over the next 10 years, our peak demand will grow approximately 3% annually, and to reliabily serve our customers, an additional 6000 megawatts of generation will be needed during this time period. Edison's 562 megawatts delivered share of Palo Verde Units 1, 2, and 3 will provide an important portion of these anticipated needs.

In addition, the electric utility industry in this country has been faced with continuing sharp increases in fuel oil costs and a decline in the availability of natural gas

need for this transmission line and the benefits of the transmission line as it relates to Arizona's interests. In conclusion, Southern California Edison Cow any respectfully requests that, after considering the evidence presented to you here today, you approve the changes that we are requesting to the previously certified 500 KV transmission route and amend the certificate to reflect those changes.

Thank you very much.

(Thereupon the witness was excused.

MR. GEHR: It is my understanding that you wished us to present our witnesses serially and then submit them for cross-examination.

THE CHAIRMAN: Yes, sir.

MR. GEHR: In that event, I would like to now call Mr. Russell Hulse.

RUSSELL D. HULSE,

called as a witness on behalf of the applicant, having been theretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GEHR:

Q Would you please state your name?

A My name is Russell D. Hulse.

Q What is your position, Mr. Hulse?

A My position is Vice-President, Resources Planning, of Arizona Public Service Company.

Q Have you prepared a statement which you would like to present to this Committee respecting this application?

A Yes, I have.

Q Will you proceed, please.

THE CHAIRMAN: Excuse me, I take it this is not a prepared statement, you haven't got 25 copies to pass around?

MR. GEHR: That is correct.

THE WITNESS: It will be very short, Mr. Prose.

THE CHAIRMAN: Well, since it is short and since we are well aware of Mr. Hulse's reputation for getting to the point, we will proceed.

THE WITNESS: Members of the Committee: I am making an appearance before this Committee today, as I did in March of 1978, not to debate the alternate line routes, but rather to discuss briefly some of the benefits to the State of Arizona that come about because of Southern California Edison Company's participation in the Palo Verde Plant. We feel it is extremely important that this line be installed in accordance with the applicant's schedule. As soon as these facilities are installed, the reliability of the electric systems of Arizona and Southern California will be enhanced as well as the opportunities to take advantage of economy interchanges between the Southern California area and

the Arizona systems.

I would also like to relate to you that one of the most important benefits to Arizona of the Palo Verde Project is the size of the project. The economy of scale of this plant requires many participants and a number of them from other states. Of course, one of these participants is Southern California Edison Company. We think the joint ownership plant with multiple participants allowing us to utilize larger units has been well proven as to its economy at both the Four Corners Project and the Navajo Project and, while Arizona Public Service is not directly involved in either the Mohave Project or the San Juan Project, these are other examples of the same phenomenon.

The plant itself has many economic benefits to Arizona that I am sure many of you have heard many times. In the construction stages, there have been 4,500 people roughly employed out there at this time. After operation, there will be some 400 to 500 people on the operating force. The plant itself will generate somewhere between $100 million and $150 million in property taxes on an annual basis, many of these taxes being paid by the out-of-state ratepayers of the utilities that are participants in the project. All these should result in lower costs to the people of Arizona.

I think you will note that the anticipated completion date of this line is well ahead of the need for transmitting

power from this plant to Southern California Edison per se. However, completion of this transmission line as soon as possible will be advantageous to Arizona. It will permit the most optimum utilization of these existing base load generating plants in Arizona and New Mexico. In effect, this means that the California utilities utilizing the enhanced transmission capacity will be supplying a greater portion of the revenue requirements that would otherwise have to come from Arizona's customers. Additionally, this new transmission capability will reduce the use of imported oil, which is vital to the nation as a whole, including Arizona.

Therefore, I ask the serious consideration of the Committee to act promptly on this application so that these facilities can be installed in compliance with the applicant's schedule.

BY MR. GEHR:

Q May I ask one additional question? Mr. Bjorklund mentioned that Southern California Edison Company's share of the capacity of Palo Verde Units 1, 2, and 3 was 562 megawatts What percentage is that of the total capacity of that plant?

A 15.8%.

MR. GEHR: I have no further questions. Thank you, Mr. Hulse.

(Thereupon the witness was excused.)

FRED R. KLUMB,

called as a witness on behalf of the applicant, having been theretofore duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GEHR:

Q Would you please state your name and your position with Southern California Edison Company?

A My name is Fred Klumb. I am the Chief of Transmission Design Engineering for the Southern California Edison Company. I am directly responsible for the design of Edison's high-voltage transmission lines, including the project described in this application for a Certificate of Environmental Compatibility.

Q Do you have a statement which you would like to present to this Committee to support the application?

A Yes, I do.

Q Would you proceed, please?

A The reason why we are here today is simply that the construction of the Palo Verde-Devers transmission line is subject to the concurrent jurisdiction of the State of Arizona and the Federal government. In other words, we must find a corridor for the transmission line that is acceptable at both the Federal and state levels.

The process to find such a corridor began in

August, 1976 when route selection studies were initiated. An intensive in-house company effort was made to select routes which were most compatible with all aspects of the environment, and considered the biology of the region, cultural resources, geology, socio-economics values, visual intrusion, existing and planned land uses and input from governmental agencies and private interest groups, as well as consideration of engineering, economic and right-of-way acquisition factors.

In April 1977, Edison completed and issued an environmental report which indicated a preferred route and various alternates and subalternates, any of which in our view would be compatible with the environment and other relevant factors. In early 1977, concerns voiced by the property owners, farmers and residents in the Harquahala-Tonopah area led to a reinvestigation of the area.

Much effort was expended to gather the inputs and routing suggestions of all residents of the Harquahala Valley and also the Tonopah Valley since the BLM had also suggested two alternatives north out of the plant site. An Edison office was established in Buckeye to gather public inputs and several local people were flown by helicopter over the various alternative route segments to assist in the selection process. An Edison right-of-way agent was assigned to this office full time to work with the local people to develop their inputs and inform them of all stages of the licensing process

with both this committee and the BLM.

After a year of additional study and continually meeting with the people of the valley, an application for approval of four alternative routes was filed with this Committee in early 1978 in Case No. 34.

At the conclusion of public hearings in March 1978, this Committee issued a Certificate of Environmental Compatibility for one of these alternatives.

Concurrently, the BLM was considering its environmental reviews of the proposed alternative routings of the line. Its efforts were reported first in a draft environmental statement issued in August, 1978. After several public meetings and consideration of numerous written comments, BLM issued its final environmental statement in February, 1979.

Thereafter, on February 1, 1980, BLM issued a grant of easement for the corridor which it had approved. This corridor is the same as that previously approved by this Committee in Case No. 34 except for two segments identified in this application as S-23, being the route here (indicating) in the Tonopah Valley area closely following the CAP, and then S-5, being here (indicating) in the Dome Rock Mountains on the west end of the route.

The principal reason for the selection and approval of S-23 by BLM was that the alternate which this Committee had approved passed through an area of the Eagletail Mountains

which had been designated for study as a wilderness area. BLM was therefore under a Congressional mandate to preserve the wilderness values of the area until such time as final recommendations are acted upon by Congress.

The BLM's study concluded that the route most compatible with the environment in the vicinity of the Harquahala Valley is as shown in the maps in Exhibit A of the application with the designation of S-23.

The route of the S-23 segment near the Harquahala Valley runs east of Saddle Mountain, rosses I-10 and goes behind Burnt Mountain, then parallels the Central Arizona Water Project and I-10 westerly before returning south to the area of the El Paso Natural Gas Company pumping station, a distance of approximately 49 miles. Edison believes this route to be a reasonable compromise given the history of these proceedings and, therefore, we are applying for it today. Indeed, in light of the Federal government's ownership of the land in this area, it appears that we have no alternatives.

Although the BLM has not agreed with this Committee about the values of the area south and west of the Eagletail Mountains, they are in agreement, for the most part, concerning the remaining portion of the route in Arizona.

The slight route variation in the Dome Rock Mountains, for which we are also applying today, will take

more advantage of existing roads and I believe this will add to the environmental compatibility of the entire route in Arizona. Federal agencies own and manage 85% of the land of the complete route in Arizona from the plant site to the Colorado River.

Before closing, I should like to clarify some of the maps included in Exhibit A attached to the application. If you would turn to Sheet 11 of Exhibit A, you will note that the legend indicates that the Committee approved route started at the east boundary of Section 2 of Township 1 North, Range 7 West. The fact is that the Committee approved the same route as BLM between that point and the Palo Verde site. It should be noted also that the east end of S-23 is the point at which the BLM approved route diverges from the Committee approved route. This clarification also applies to Sheets 1, 2 and 11A of Exhibit A.

In conclusion, the transmission line segments proposed in this application have been comprehensively analyzed from an environmental and engineering standpoint. Edison has made every effort to accommodate all concerned interests in this project. Therefore, based on this analysis and Edison's past construction and operating experience, it is my belief that the two new route segments are environmentally compatible and present no unusual engineering problems.

Q Thank you Mr. Klumb. Are you familiar with the

application?

A Yes.

Q Are all of the statements that are made in the application true and correct to the best of your knowledge?

A Yes, with the correction of the Exhibit A map.

(Thereupon the witness was excused.)

MR. GEHR: If the Committee please, our presentation has really been quite brief and not the customary one which has gone into many facets of engineering, costs, environmental effects, and such matters. I take responsibility for abbreviating this portion of the hearing. The record is complete, however. The application is complete. It contains all of that information on which you should base your consideration. We really feel that the main issue is something different. We think to encumber this record would just be burdensome for you, at least to start out with. However, we recognize that some members of the Committee who may not have heard Case No. 34 where much of this testimony was brought out in great detail might want to ask questions or even may want to refresh your recollection even if you were present. Therefore, Mr. Klumb can answer those questions that are concerns that you have in such level of detail as the Members of the Committee wish. He also has with him to assist him in special areas of expertise, whether it is biology or archaeology or historical concerns, experts in those areas to

assist him and who can respond in any level of detail that members of the Committee would like. We have made this presentation brief really to free the Committee from what we think probably is an undesired burden, but we are ready to go into whatever level of detail you would like.

Basically, we have been told that the BLM representatives, Mr. Whitlock and Mr. Kipping, will be here to provide statements respecting their part in this whole process. Our basic issue is that the basic problem that we are faced with is that the Federal government owns 85% of the right-of-way and we must get approval from the Federal government to put a line on their land. We are faced with that at the outset.

With that, I just wanted to explain to you why we have made such a brief presentation. It is not because the line isn't important. It is a very significant line to the applicant. It is not because we intend to slight the Members of the Committee, but rather to get to the heart of the matter.

I have nothing further to offer at this time.

THE CHAIRMAN: Thank you, sir. At the conclusion of the presentation by the BLM and by the intervenors, we will make all people available for questions. At that time, if Mr. Klumb needs to refer to other people to help him answer questions, we will have those additional people sworn in before the questions are answered.

MR. GEHR: Thank you.

THE CHAIRMAN: At this time, Mr. Whitlock, could you come forward, please, sir.

For the record and for the Committee's information, pursuant to authority in the statutes, I have taken the initiative and asked Mr. Whitlock to be present today to make this statement because I knew the Committee would have some questions about the decision making process that the BLM went through in approving the route, and I appreciate their presence today. I will let him read his statement. At the conclusion of all the statements, you may address questions to Mr. Whitlock or to the applicant.

(Thereupon Mr. Whitlock and Mr. Kipping were duly sworn.)

CLAIR M. WHITLOCK,

called as a witness, having been theretofore duly sworn, testified as follows:

THE WITNESS: Mr. Chairman and Members of the Committee:

I am Clair Whitlock, State Director, Bureau of Land Manager, in Arizona. Having recently transferred from the Anchorage, Alaska BLM office, I'm pleased to appear before this Committee. We in BLM appreciate this invitation by the Committee so that you may understand how the Palo Verde-Devers

500 KV Transmission Line Environmental Statement was prepared and how the decisions were reached in the selection of the most environmentally acceptable routing.

On January 20, 1977, Southern California Edison Company (SCE) submitted applications to the Bureau of Land Manager (BLM) for rights-of-way to construct one single-circuit 500 KV transmission line from the Palo Verde Nuclear Generating Station to SCE's Devers Substation near Palm Springs, California. As the Federal agency most affected by the proposed transmission line, BLM was designated lead for preparation of a Federal Environmental Impact Statement (EIS) concerning the proposed action and its alternatives.

The EIS was prepared jointly with the U.S. Nuclear Regulatory Commission (NRC) due to NRC's licensing authorities connected with the project.

At the time SCE filed its first application with this Committee, in March 1978, (Case No. 34), BLM was in the early stages of gathering information to be included in the ES and we were not prepared to take a position regarding route selection. In August of 1978, a draft ES was published. In February of 1979, after receiving and analyzing comments on the DES, a final ES was distributed.

During the preparation of the draft and final ES documents, the Bureau conducted three public meetings in the corridor area to obtain public input to assist in the selection

of the most environmentally acceptable routes. Three other meetings were conducted to determine whether public lands crossed by certain of the route segments should be studied for their wilderness potential. In all, 235 people attended these meetings. Forty-one letters were received on the draft ES. The Tonopah Valley Association also submitted 907 identical petitions bearing 1508 signatures opposing crossing the Tonopah Valley.

On January 2, 1980, after analyzing the information in the final ES, we identified what we believe to be the most environmentally acceptable route for the transmission line. Each member of the Siting Committee was mailed copies of the DES, the FES and our January 2, 1980, letter announcing the route selection. I also understand that SCE has provided copies of our FES to accompany their current filing before this Committee.

Two segments of the route previously approved by this Committee in Case No. 34 were found to be environmentally unacceptable by BLM. Referring to the applicant's Exhibit "A-1", the previously approved segment from Point 8 to Point NNN south and west of the Eagle Tail Mountains is not legally acceptable because it would directly impact one or more proposed wilderness study areas. The Federal Land Policy and Management Act requires BLM to inventory the public lands to determine if they have wilderness characteristics. In

addition, the act requires us to manage areas so identified "in a manner so as not to impair the suitability of such areas for preservation as wilderness ..." until a report and recommendation on the suitability are sent to and acted upon by Congress. The construction of a transmission line and the required upgrading and construction of access roads would impair the suitability of these areas and therefore cannot be allowed until Congress decides whether they will become wilderness areas. In addition, these same access roads would increase vehicle access to the area, with significant impacts to wildlife, vegetation and cultural resources.

The segment previously approved from Point KK to Point YYY would require access road construction in a presently undistrubed canyon of the Dome Rock Mountains. This area is an important desert bighorn sheet range and, as such, is considered environmentally unacceptable for such an intrusion. It compares unfavorably with Segment S-5 which follows an existing El Paso Natural Gas pipeline until it is west of the Dome Rock Mountains, with little or no additional impact to desert bighorn sheep.

The selected route is the one presently under application to this Committee and shown on Exhibit "A-1" of SCE's "Application for Certificate of Environmental Compatibility." Specifically, and referring again to the applicant's Exhibit "A-1", the selected route proceeds from

the generating plant site westerly to Point 8, Segment S-23 to Point NNN, from Point NNN to Point KK, and Segment S-5 to Point YYY, which is the crossing of the Colorado River.

Our route selection considered all the information in the FES and comments received subsequent to the FES. Four major considerations were most influential in the selection:

1. Making the best use of existing roads and utility rights-of-way, thereby reducing the impacts of road construction and opening of new areas to vehicle access;

2. Avoiding, or reducing, as much as possible, private land and any social or economic impacts on those private lands;

3. Avoiding direct impacts on proposed and established wilderness study areas; and

4. Avoiding critical bighorn sheep habitat.

On February 1, 1980, we issued a grant of easement for the Arizona portion of the transmission line which was accepted and signed by SCE on April 9, 1980.

The grant describes a 160-foot-wide right-of-way to be located within the corridor described in the environmental statement. The corridor varies up to two miles in width to allow flexibility to locate roads, tower sites, and disturbance areas to avoid or reduce impacts to site specific resources such as archaeological sites. The grant affects only Federal lands administered by BLM. Acquisition of rights-of-way

across other than BLM administered lands remains the responsibility of SCE.

Of all the routes analyzed, we believe the selected route minimizes the number of anticipated adverse impacts that could occur.

Karl L. Kipping, who was BLM's team leader during preparation of the ES, is present and will be available to answer questions from the Committee Members or parties to the hearing. Thank you very much.

THE CHAIRMAN: Thank you, Mr. Whitlock. I appreciate it.

(Thereupon the witness was excused.)

THE CHAIRMAN: I think before we have any questions, we have one other statement to be read. Is Mrs. Heisler here, please? Would you come up and be sworn, please?

DORIS M. HEISLER,

called as a witness, being first duly sworn, testified as follows:

THE WITNESS: Although my presentation will sound as though I am speaking on behalf of the association, because of the amendment today, I will be presenting it as an individual.

We were present at the Siting Committee hearing in

March of 1978 speaking in opposition to the S-23 route represented by our attorney, Frank Haze Burch. I am here to reinforce our opposition to that line again.

I am Doris M. Heisler. I am a resident in and landowner in Tonopah Valley. I am also second vice chairman of the Tonopah Valley Association.

As a word of introduction, the Tonopah Valley Association is a landowners' association representing over 3,000 landowner and resident families of the Tonopah Valley. It was formed approximately four years ago in 1976 for the express purpose of guiding the future development of the Tonopah Valley in order to maintain and promote conservation and natural beauty in the Tonopah Valley area, to protect the environment, to preserve the historical sites, and to promote the orderly development of the area of the Tonopah Valley.

This testimony summarizes the feelings of a majority of the residents and landowners of the Tonopah Valley, and represents a consensus of opinion based upon a broad series of community meetings and private investigations relating to the impact of the proposed 500 KV power transmission line between the Palo Verde Nuclear Generating Station near Wintersburg, Arizona, and the Devers Substation near Palm Springs, California, particularly as that impact affects the Tonopah Valley and related areas.

Our association has met with representatives of

Southern California Edison Company, representatives of various governmental agencies, and we have received from said parties voluminous material relating to the transmission line and the various previously proposed routes Southern California Edison Company has requested.

1. It is our opinion that the best route for the Southern California Edison Company to follow for the benefit of the residents and landowners, in both the Tonopah Valley and the Harquahala Valley, adjacent to us, would be the southerly route that was granted to Southern California Edison Co. by the Transmission Line & Siting Committing in March of 1978, which is designated on Southern California Edison Co. (SCE) maps as Route S-21, and BLM maps as J-K-L. I believe there was some amendment to that point. That route would come out west from the Palo Verde Nuclear Generating Station, proceed to Clanton Well, turn northwest through Nottbusch Valley, and go west of the Eagle Tail Mountins. We believe that the selection of this route would do the least damage to environment and would minimize the impact of the transmission line upon adjacent wildlife and plant life and would not affect any existing scenic areas or historical sites in the Tonopah Valley, and we continue to support this route as being the best route.

2. We are aware that at least three areas adjacent to the southerly route have been chosen by BLM for inclusion

in their study as potential wilderness areas, as indicated in the attached map. After considerable study and input from our area people, we concluded that out of the areas adjacent to the southerly route (S-21), only a portion of the Eagle Tail Mountains could possibly meet the wilderness criteria, and that those other areas did not meet the wilderness criteria and should not be included in their further study. It was also our conclusion that if that portion of the Eagle Tail Mountains was included as potential wilderness area, it still would not interfere with construction of a power transmission line in that area. We feel that it was a purposeful act by BLM to include those areas in their wilderness study in order to block the southerly transmission route (S-21) from passing through those areas in order to push the line further north.

3. Although the newly proposed SCE preferred route known as Route S-23 (BLM's D-E route) which passes between the Palo Verde Hills and Saddle Mountain along the east side of Saddle Mountain, over Interstate 10 Freeway, and around Burnt Mountain on the north, then extending westerly along the Central Arizona Project and crossing it at several points, then recrossing Interstate 10 further west would probably be the least detrimental of any of the routes previously proposed to pass through the northern part of our Tonopah Valley, we still feel that it would have adverse impacts upon the residents and landowners of the Tonopah Valley

and others, and that the route should be kept south. We have set forth herein a number of reasons supporting this position.

(A) There is some archaeological sensitivity between the Palo Verde Hills and Saddle Mountain which might be detrimentally affected.

(B) The east side of Saddle Mountain is presently being considered by the Bureau of Land Management as a potential wilderness or roadless area, and the construction of the transmission lines under Route S-23 (BLM's D-E) could infringe upon this area, especially since a corridor to include possible future transmission lines is being sought for establishment.

(C) We are informed that both county, state and federal agencies are considering Saddle Mountain for a potential park area. It is also presently a favorite area for rock hunting and hiking activities, and is considered an area of very high scenic value for the local residents, many of whom have moved to this area to enjoy the beauty of the surrounding mountains and the desert terrain. We look upon the placement of a transmission line in front of Saddle Mountain the equivalence of placing a transmission line in front of Camelback Mountain in Phoenix, also noted for its unique beauty.

(D) The line would cross a number of private

properties interfering with the existing uses of the land presently enjoyed by the owners or limiting future uses of the lands.

(E) There would be a severe visual disturbance to Interstate 10 traffic and Salome Highway traffic, which presently has an undisturbed scenic view in this area, and this would have a particularly detrimental effect at Burnt Mountain. Additionally, the line on S-23 would cross Interstate 10 at two points along the route.

(F) Soil erosion presently exists in some areas adjacent to the Northern Harquahala Plains, and construction of the S-23 (D-E route) could aggravate this situation.

(G) Water depletion has caused an unstable soil condition in the northern part of the Harquahala Plains area, and there are presently some major areas of fissures. Heavy construction equipment, the construction of towers, et cetera, in this area would certainly result in additional damage to that presently existing.

(H) We are informed that an electronic communication system will govern the flow of water along the Central Arizona Project canal, and there may be possible interference with that system by reason of construction of Route S-23 (D-E) route adjacent to the canal area. S-23 would also cross the Central Arizona Project at several points.

(I) Route S-23 would also cross the coaxial cable

of American Telephone & Telegraph Co., which may present a concern for their communication system.

(J) According to the Federal Aviation Agency, aircraft may utilize Interstate 10 freeway for navigational purposes in inclement weather, and with S-23 (D-E) route crossing the freeway at two points, the aircraft could conceivably operate in close proximity to the power lines, thus presenting a danger to the aircraft and pilots.

(K) Also, West Indian School Road in the Tonopah Valley was previously named and is still shown on some maps and addresses in the area as Airline Road because it serves as a navigational guide path for flying aircraft. Any towers crossing Indian School Road or aligning it or Interstate 10 at any point in the northern part of the Tonopah Valley could endanger the safety of the aircraft and pilots. S-23 route and some of the previously proposed routes could greatly affect it.

(L) The Flood Control District of Maricopa County has stated that Route S-23 (D-E) may pose a possible conflict with their Harquahala Valley flood retarding structures.

4. We are very concerned that any power lines are being considered to pass through any area north of the Palo Verde Nuclear Generating Station in Tonopah Valley. We are already so highly impacted by the Palo Verde Nuclear Generating Station itself, which encompasses almost 4,000 acres

of land; by the existence of Interstate 10 freeway; by the Central Arizona Project canal presently under construction seven miles north of Tonopah; by the two sets of Salt River Project 500 KV transmission lines, one recently constructed and the other to be constructed through our Tonopah Valley east thence northeast and east thence southeast from the nuclear plant; and by the pipeline to be constructed from the sewage treatment plants in western Phoenix through the Tonopah Valley west to the Palo Verde Nuclear Plant to carry sewage waters for cooling of the nuclear reactors. We feel that any further impacting of our area would greatly hamper the growth and progress of our valley, would depreciate property values, would limit the private and public usage and enjoyment of the land, would affect physical and mental stress upon local people, and would destroy the scenic beauty of the area.

5. We are also concerned that if a corridor for future power lines is established and the S-23 proposed route is granted, that sufficient space may not be available between the mountain passes to accommodate future lines, which may result in having to use adjacent private and agricultural lands at some points to accommodate those lines, and detrimentally affect our lands.

In summary, we state again, the best route is that southerly route designated as S-21 (BLM Route J-K-L) as granted

by the Transmission Line & Siting Committee hearing of March of 1978, and will continue to support the same, and voice our opposition at his hearing to the new SCE preferred route of S-23 (BLM's Route D-E) as set forth above.

Petitions were gathered from our landowners and residents and presented to BLM, to our Congressmen, and other interested parties in 1978, showing our support of a southerly route and in opposition to any lines passing through the northern part of our Tonopah Valley area. The petitions were 907 in number, containing 1,508 signatures of our landowners and residents.

We feel that we are not being listened to as citizens, and are being denied our constitutional rights of life, liberty, and the pursuit of happiness. The BLM statement draft has seemingly ignored our voiced opinions both written and oral as to the detriment of any more impact to our area by power lines. We were very pleased when SCE was granted the southerly route (S-21) by the Transmission Line & Siting Committee in March of 1978 as being the best route to project power from the Palo Verde Nuclear Generating Station to Devers Substation in California. Since that time, BLM has attempted to block that southerly route with potential wilderness areas needing further study for 10 to 15 years. We are still supportative of the southerly route (S-21) and in opposition to any power transmission lines being located

in the northern part of our Tonopah Valley.

This concludes my presentation. Hopefully, the material which has been presented to the Committee has given you in summary form sufficient information as to the concerns of the citizens as landowners and residents of the Tonopah Valley. Thank you.

THE CHAIRMAN: Thank you, Mrs. Heisler.

Before we proceed with questioning from the Committee as a whole, does the applicant have any cross-examination or questions they would like to ask of Mrs. Heisler regarding her statement?

MR. GEHR: I would like to ask a couple of questions, if I may.

THE CHAIRMAN: Sure.

CROSS-EXAMINATION

BY MR. GEHR:

Q Good morning, Mrs. Heisler.

A Good morning.

Q I think I can sense from your testimony the frustration --

A Yes, sir, a bit.

Q -- that you are presented with, you and the other residents. I suppose that no one really wants to have a transmission line located near them; they would prefer to have

it located somewhere else. I think you would agree with that.

A Yes.

Q Without getting into the question of the motives of BLM in proposing the wilderness study areas to the south and west of the Eagle Tail Mountains, it is my understanding that, having done so, having designated those areas, they are then obligated by law to preserve those areas until they are acted upon sometime in the future, and I think you said 10 to 15 years in the future, is that correct?

A Yes, sir.

Q Is that your understanding? It is mine. Sometimes government, particularly Federal government, seems to work painfully slow, doesn't it? You have referred to the new route a couple of times in your testimony as the SCE preferred route. We tried in our application to indicate that it was the BLM approved route. Would you accept that designation?

A Yes, sir, I guess I would.

Q Would you concede that the applicant is subject to the same kinds of frustration in getting a transmission line route through an area, any area in the State of Arizona, where the Federal government owns in excess of 65% of the land, and on this particular route where the Federal government owns 85%?

A Yes, sir.

Q You concede that we must get the Federal government

to go along with us.

I have no further questions.

THE CHAIRMAN: Thank you.

Mrs. Heisler, if you could just remain seated, I would like the other witnesses, including the BLM witnesses, to maybe come to the front and take seats.

Let's take 10 minutes for a break. We will reconvene in 10 minutes.

(Thereupon a brief recess was taken, after which proceedings were resumed as follows:)

THE CHAIRMAN: This meeting is now reconvened.

Before we start, we will go around to my left and have each Committee Member identify themselves and who they represent for the record to show that they are now back and present at the meeting.

MR. SUNDIE: Dennis Sundie, Designee for Wesley Steiner, Arizona Water Commission.

MR. CARR: John Carr, Designee for Robert Jantzen, Arizona Game and Fish Commission.

MR. AYRES: James Ayres, for Mike Ramnes, Arizona State Parks.

MR. NAUGLE: Dave Naugle, Arizona Corporation Commission.

THE CHAIRMAN: Basil Coffman is also still here for the Commission.

MR. BILLINGS: Carl Billings, Designee for R. Bruce Scott, Arizona Department of Health Services.

MR. WINKELMAN: Russ Winkelman, Professional Landscape Architect.

MR. ROBERTS: Clyde Roberts, Cochise County.

MR. SULLIVAN: Tom Sullivan, Arizona State Land Department, for Commissioner Fallini.

MS. MURRAY: Terry Murray, Designee for Larry Landry, of the Office of Economic Planning & Development.

MR. MOSS: Dean Moss, Designee for Robert Sternberger, Arizona Water Control Council.

MR. COUNTS: Rick Counts, representing cities.

MR. FISH: Paul Fish, for the Arizona State Museum.

THE CHAIRMAN: At this point, we will allow the Committee Members to address their questions to any of the witnesses they so desire. We will go around in order again starting at my left. Before you ask a question, for the record, I would ask that you identify yourself again.

MR. SUNDIE: I have a question for Mr. Klumb. What is the difference in cost between the '78 route and this new route being proposed? The reason I ask is I had a hard time finding it.

MR. KLUMB: I may have a hard time finding it, also. I think if you turn to page 4 in the application under the tab "Application," on the top of that page, we have the

Arizona portion of the BLM-approved route, and the transmission line and the right-of-way cost total $36,881,800. In the previous application in Case No. 34, on page 6 also, of the tab marked "Application," the number at the bottom of the page there totals $36,010,800. So I have to say that the difference represents the different cost. The route lengths are very close. Also, as I am reminded, we have an inflated number going from an operating date of January 1, 1982, to the new operating date of May 1, 1982. That could account for the difference in costs, and the mileages must be the same or close to the same.

Does that answer your question on costs?

MR. SUNDIE: That's fine. Thank you.

I have a question for Mr. Kipping. The Arizona Department of Transportation expressed concern about the effects the transmission line would have on the Burnt Well rest stop. What considerations did you give this in your deliberations in picking that route?

MR. KIPPING: We did consider the Burn Well rest area quite a bit in the visual impact section. We did analyze a route paralleling the Buckeye-Salome Road which would have stayed south of the interstate and about a mile and one-half south of the Burnt Well rest stop, which is approximately in this location (indicating). We considered a route which would have come across and then across to join and stay south

of the highway. The main reason that route was dropped was impact on the private lands and agricultural lands in the Harquahala Valley. The route that we selected comes up just on the west side of a range of mountains that sticks out between the Buckeye-Salome Road and the interstate, so that there are pretty high hills, higher than the transmission line would be, up to within half a mile or less of the interstate, which the line will be backgrounded against those hills and not very visible at all. On the north side, there is another hill or ridge that sticks south from Burnt Mountain which essentially blocks the view from the rest area except for a very narrow view right down the highway. So, for the most part, the route we selected, there will be only a very short segment right next to the highway that will be visible from the rest stop and it will be approximately a mile and one-half from the rest stop. It will be quite a ways away.

MR. SUNDIE: Mr. Whitlock, you make a statement on page 2 that if we were to construct this line, it would impair the suitability of these proposed wilderness study areas and, therefore, it cannot be allowed. Is there a Federal law that says we can't do this or are you just saying that you can't allow this?

MR. WHITLOCK: Once a wilderness area has been designated for consideration, then it is into the wilderness hopper, and the law is very clear that there may be no actions

taken on that land or adjacent to it that will do anything to impair the wilderness suitability until such time as Congress has had an opportunity to act on whether it will in fact become a wilderness area or not, and these areas out here are at that stage where they are just now being considered as wilderness study areas.

MR. SUNDIE: So what happens if we don't approve this modification? What happens if we say we like the original '78 route? Where does the applicant go from there? I mean does he not build the line?

THE CHAIRMAN: Can you answer the question? I mean is that answerable?

MR. WHITLOCK: I don't know if it is answerable.

MR. KIPPING: If you refuse to allow or if you insisted on staying with the first route, then we cannot grant a right-of-way to Southern California Edison until we have completed the full wilderness study, made a recommendation to Congress, and Congress decides no, that they are not going to be wilderness. If Congress decides they are going to be wilderness, then they cannot be allowed even then.

MR. SUNDIE: How long will this process take? What is the schedule on this?

MR. KIPPING: I am not sure that I can tell you how long that will take. We are just completing our statewide intensive wilderness inventories now, and the actual study in

which we compare other resource values besides wilderness characteristics will be done as part of the planning system. We have to make recommendations to Congress with 15 years of the date of the act, which gives us until 1991. We have to make recommendations by that time. Of course, we will move as rapidly as we can to make those recommendations, but we have quite a number in the state that have to be considered.

MR. SUNDIE: I guess that is my question. How does this area fit into that schedule?

MR. KIPPING: I am not sure what the Phoenix District planning schedule is.

MR. WHITLOCK: This is the Lower Gila Resource Area and they are just now starting to collect information for their management framework plan or resource management plan, and I believe that that is scheduled for completion in 1983 or 1984, the land use planning or the resource management plan. It is out of that that our recommendation to the Secretary of Interior as to whether it should become a wilderness area or not, but that is only a recommendation, and he, too, can only recommend to the Congress.

MR. SUNDIE: Mrs. Heisler made some statements that this area has no wilderness characteristics. How would you respond to that?

MR. WHITLOCK: The criterion that we have used in making the determination as to whether these qualify for

further study is very rigid and we have already considered whether there are any intrusions into the area and whether they are significant, and it becomes a question then of whether there are outstanding qualities there for solitude and for extensive type recreation, and the inventories that have been made reveal that those areas do in fact qualify for further study.

MR. SUNDIE: You will probably find 300 areas in Arizona that are known for their solitude.

MR. WHITLOCK: That's true, but we are bound by law to do an inventory and identify those areas. Even though there may be a dozen areas identical, Congress reserves that prerogative to themselves to decide whether Eagle Tail Mountains becomes a wilderness area then or some other area that may be identical. We don't have that prerogative.

MR. SUNDIE: So we are asked in our deliberations to accept this potential, in other words, even though it isn't final.

MR. WHITLOCK: Yes.

MR. SUNDIE: I have a couple questions for Mrs. Heisler. In here, you make some statements relative to the Harquahala Valley flood control project, the Central Arizona Project. Have you checked these out with the water and power service and the Maricopa County Flood Control District?

MRS. HEISLER: I have taken these from the actual

statements, actually from some of the books that were put out by Southern California Edison, letters that were written in from various people who submitted letters.

MR. SUNDIE: Our information as recent as last week with the water and power service said that they have absolutely no problem with the alignment as far as the operation and maintenance problems with the Central Arizona Project are concerned and they say they are used to working with utilities in routing transmission lines along their facilities. The Maricopa County Flood Control District said that they have been working with the applicant relative to tower design, and so forth, so that it will not impact the structures that they are planning out there. So I think it should be a matter of record that some of these things really are of no concern to the agencies involved.

THE CHAIRMAN: I am sorry to interrupt. The people in the back appear to be having a hard time hearing, so if the Committee Members and the witnesses could speak up.

MR. SUNDIE: Okay, fine. I have no further questions.

THE CHAIRMAN: Do you have any further answers?

MRS. HEISLER: I was just saying approximately the same. They may have been amended since that point, but I have not been made aware of the amendments, so I have no way of knowing those things.

THE CHAIRMAN: Mr. Carr.

MR. CARR: Speaking on behalf of the Game and Fish Department, we generally believe that these alternatives have been more preferred than the ones that were previously authorized by this Committee.

THE CHAIRMAN: Could you speak up, sir? I'm sorry.

MR. CARR: I'm sorry. I have one question to Mr. Klumb.

In our Exhibit H letter, the Game and Fish Department's Exhibit H letter, we refer to a rainwater catchment that is constructed in Section 33, Township 3 North, Range 8 West, which is on the north side of Burnt Mountain, and I am not sure exactly if the transmission line would impact that catchment or not, but it might, and my question is if it was necessary to remove that catchment, are there provisions to replace that?

MR. KLUMB: Yes, we will provide a replacement if it is necessary to move it.

MR. CARR: Thank you. That's all the questions I have.

MR. AYRES: I have no questions at this time.

THE CHAIRMAN: Mr. Naugle.

MR. NAUGLE: Yes.

Mr. Bjorklund, in your prepared testimony, the second paragraph, you referred to the company's spending quite a bit of time conducting studies and obtaining local

input. During that period of time, did you have conversations, informal-formal, with the Bureau of Land Management, and, if so, what did you perceive to be their concerns, inputs into the alternative routes that you proposed to this Committee?

MR. BJORKLUND: I can't answer that question. Maybe Mr. Klumb or somebody from our right-of-way can.

MR. KLUMB: I'm sorry, I missed the first part of the question. Can you repeat the first part, please?

MR. NAUGLE: Yes. I am wondering through the initial studies and contacts you made whether you did contact the Bureau of Land Management at that time and what the company's perceptions of their positions might have been?

MR. KLUMB: We worked with the BLM from the very beginning when their team was formed. In fact, we presented our project to Karl Kipping and his team in Yuma, and I can't recall the date right now, but we worked very closely with them trying to pick routes, routes that we would start with, study routes that would be compatible with what they might pick, and all through the process routes got moved, changed, dropped, added. We kept in very close contact with them all the way through the process.

MR. NAUGLE: I have a follow-up question to that, then. Why was the Committee in a position of accepting a route which from the presentation today is totally untenable in

light of Federal law?

MRS. KLUMB: Well, when we had Case 34, we had several alternates, and the alternate that was approved by the Committee at that time was I believe not our preferred, but it was an alternate route that we worked with the BLM before the wilderness areas were really established as to being any possibility of getting west of the Eagle Tails. This route that we showed in that case had the best possible chance. In other words, whatever roads were existing west of the Eagle Tails, we followed them, and if you can picture that part of the old application, that route is as crooked as a dog's hind leg, and that was for that very reason. We went out, Edison, myself, Karl, and his team members went out and we found every road we could and we said we are going to go this way because this is the only possible chance we would ever be able to get through there.

MR. NAUGLE: So at the time that you made the initial application in Case No. 34, the alternative that the Committee eventually selected was not an illegal action or did not confront Federal law?

MR. KLUMB: At that time, I think that, yes, that's correct.

MR. NAUGLE: Thank you.

Mr. Bjorklund, another question. I can't let this one pass by. You refer in your testimony to the need for

Palo Verde and, of course, the resultant transmission line. You refer to a 3%, I believe, annual growth figure in your load peak demand. Has the California Public Utilities Commission concurred with that projection?

MR. BJORKLUND: In California, we have the State Energy Commission as well as the Public Utilities Commission, and the load forecast and demand requirement is under the jurisdiction of the Energy Commission. The Energy Commission's growth forecast is four pages, growth for just additional customers, growth for oil replacement, growth for the retirement of older facilities, and growth for or need for the cessation of other contracts, for instance, our contracts with the Pacific Northwest. So when we talk about a 3% growth rate, we will need approximately the 6,000 megawatts. It is interesting enough that when you take the California Energy Commission's forecast for need for Southern California Edison, it is in excess of 6,000 megawatts taking the four criteria that I just indicated to you. There has been some public comment regarding a so-called 3% growth rate that the utilities say that they are going to grow at and the 1.7, 1.8% growth rate which the Energy Commission says that we are going to grow. I think that difference is in the definition of growth and of need. So the 6,000 megawatts that I refer to are consistent with the California regulatory biannual report that was issued earlier this year.

MR. NAUGLE: You haven't projected that downwards in light of residential conservation service?

MR. BJORKLUND: The conservation we see is that the energy conservation, and that is the total amount of kilowatt hours that are required, will be less than 3%, but that the peak demand, that means that instantaneous demand that is required, will be still in the 3% area. So we see as a result of reffective conservation a reduction in the amount of total energy that the customer will use, but not a compatible or consistent reduction in the instantaneous demand that the economy will grow at.

MR. NAUGLE: That leads me to another question. Has Southern Cal Ed, the company, or the Public Utilities Commission embarked on a program to contain peak demand?

MR. BJORKLUND: Most definitely. Most definitely. Numerous programs of what we call load management, from load control devices to swimming pool tripper programs to have swimming pools kick off automatically in the afternoon, to co-generation projects, just numerous ways in which we can reduce that capacity as well as energy. Now, when you talk about insulation programs and things of that nature, you are talking about the energy.

MR. NAUGLE: Are those basically experimental programs or have some of them been formally adopted?

MR. BJORKLUND: Well, they are formally adopted, but

experimental in that we still have to test customer reaction to voluntary programs.

MR. NAUGLE: Thank you.

Mr. Hulse, there was general reference to benefits to Arizona in which I believe you specifically referred to the property taxes with the resultant benefit of lowering the resident's responsibility for those tax burdens. I would like to talk a little or ask you a few questions on the general state of affairs of our transmission ties with California in light of both APS' sales, whether they be firm or economy interchange. I am sure you are aware of the general extent of Tucson Electric Power Company and Arizona Electric Power Co-op. Could you give us some general discussion on that?

MR. HULSE: Well, at the present time, there are two transmission lines that run from the EHV lines, 500 KV variety, that run from New Mexico, if I may make that as a grouping because of San Juan and Four Corners involvement, the Navajo Plant, the Cholla, and so on, to California. One goes from the Moenkopi or the Cameron area across in to the El Dorado Substation south of Las Vegas, one goes west out of the Navajo Plant generally into the same area. At the present time, those two transmission lines are very heavily loaded and the firm sales -- I am not sure about all the firm sales. I am not completely conversant with that. We do not

have any firm sales to the west as far as Arizona Public Service is concerned.

I should add that there is one other tie that has been utilized I think in the case of Salt River's sale to the Los Angeles Water and Power or their participation in the Coronado Project, and that is the displacement to the Phoenix system and then from the Liberty Substation west of Phoenix back into the same Las Vegas area. Those two systems are loaded right to the hilt today, and when the Four Corners and Navajo units are up, there have been cases in recent weeks when we have been unable to sell coal energy off peak to the California utilities because of transmission limitations. That is why I would encourage strongly that this line be built as expeditiously as possible.

MR. NAUGLE: I think it would be fair to say then that we are not looking only at moving power from the Palo Verde Station to California, but also utilizing that line to move generation from other plants in Arizona and New Mexico.

MR. HULSE: Well, once the line is built, it is built primarily to deliver power from Palo Verde to the California system, but, obviously, you don't build a line with the exact capacity to deliver that energy and there are times when that is down. Now, as we in Arizona, all utilities, have moved to get away from oil to coal for our own customers' use, then we also end up with many hours a day or times of

year when we have excess coal energy that we can sell the way we are now to California or anyplace we can get it transmission-wise to and we share the costs. We recover not only all the operating costs, but we recover a good portion of the fixed costs of those plants by those economy sales.

MR. NAUGLE: Mr. Hulse, it appears that the Committee is faced with some fairly restrictive Federal laws that may in the future limit us not only in this decision in this application, but possibly to future applications from the utility companies for transmission or possibly a power plant. Does your company, APS, have some concerns in that light? Are you going to be able to construct necessary transmission in these general areas in the future with these restrictions?

MR. HULSE: Well, unfortunately as happens in this world, the restrictions grow faster than we are able to cope with at times. I think the thing that makes this unique is that the regulations and things that came out regarding wilderness study areas came out coincident with this thing. Obviously, in the past, when we routed transmission lines anywhere, we continued to have to understand the insurmountable obstacles that are out there -- terrain, habitat, impact on communities, and so on, and so forth. The wilderness area thing that has arisen here will be a further restriction we will have to cope with and try to accommodate. So, I don't know in Arizona particularly yet, but I know in some other

states in which we have involvement, Utah and New Mexico, we are taking a hard look at whether some of these areas that the BLM has really called wilderness or wilderness study areas truely meet the category and we have challenged those in some cases.

MR. NAUGLE: Mrs. Heisler referred in her petition to potential damage in located a second line through one of the corridors between a couple of the mountains. In light of I believe APS' interest to build a generating facility out in Bouse, do you anticipate some difficulty building transmission from that site into the Phoenix metropolitan area?

MR. HULSE: Well, yes. Let me put Bouse in the right perspective first of all. It is a site we bought after a statewide study of all these concerns of wilderness and water and air shed and all this sort of thing. It is off in the nineties somewhere in our planning schedule, as you know. The timing of that unit will be extremely dependent upon the load growth. We do not consider we have a commitment to that. Secondly, I think the most obvious, assuming that Southern California people are reasonable people, and they damn sure will be, I am sure of that, we would anticipate that plant tying into that facility and we will have a displacement situation. So we see the fact that this line goes through this area and we tie the Bouse facility in at some future

date, if that is our decision, that we could do this with less transmission because of its location rather than additional transmission. On the need for the second line into the Phoenix area, I would be premature to judge that.

MR. NAUGLE: Mr. Whitlock, I have a few questions. You may be unable to answer them because of your recent addition to Arizona. You might want to defer some of them to your associate. One thing I would like to have clear in my mind and perhaps have definitive dates on. Apparently we heard Case No. 34 back in 1978, and what was the date of the Federal act which provided for BLM to designate potential wilderness areas?

MR. WHITLOCK: That was in October, 1976. This is the Federal Land Policy Management Act.

MR. NAUGLE: Was BLM then required to promulgate rules and regulations defining the criteria to be used?

MR.WHITLOCK: Yes.

MR. NAUGLE: When was that completed?

MR. WHITLOCK: Do you have a precise date?

MR. KIPPING: I don't have a precise date. They were not completed at the time we had to do the wilderness inventory here. We received special instructions from our Washington office to do a wilderness inventory on this study area in advance of the completion of the finalized Bureau procedures, because we had to recognize that the act required

us to inventory and protect these areas that did have wilderness characteristics, so they gave us advance instructions on how to conduct the inventory so that we could do it specifically in connection with this project and make those determinations so we could address the impacts in the statement.

MR. NAUGLE: The criteria that was developed by BLM in conjunction with the Congressional act, does it envision or does it address the problem of primarily those states in the West which have a very high percentage of the total land masses controlled and owned by a Federal agency?

MR. WHITLOCK: The wilderness act is maybe ten years old or older and it applied to some of the other agencies such as the National Forest, National Park Service, Fish and Wildlife Service. Until the Federal Land Policy and Management Act passed, BLM had no authority or no instruction to identify wilderness areas. As it occurs, BLM manages the land. BLM manages primarily in the 11 western states and Alaska, and, therefore, that is why we see the impact come right now. The instruction was quite specific that we would inventory all lands, whereas the other agencies had the authority to be selective and zero in on those lands that it was very obvious or there was no question or there was a question. BLM was instructed by law to inventory all of their lands, and that put a mandate then that any action such as a transmission line or a gas line or a power plant or a

coal mine that was proposed after October of 1976, that we do consider the wilderness values. So even though the instructions, regulations, and so forth, hadn't been promulgated at the time this application was filed, we still were under a mandate to give it consideration, and, as Karl has pointed out, we had interim instructions, and that is what everybody throughout BLM used until those instructions came out about a year and one-half ago, I think.

MR. NAUGLE: Most Federal agencies when they establish rules and regulations go through quite a public hearing phase. Could you give a general statement as to what might have come from Arizona or from where the power companies were involved?

MR. WHITLOCK: In regard to the regulations and guidelines?

MR. NAUGLE: Yes.

MR. WHITLOCK: I don't have an answer to that. I don't know if Karl does or not. There were extensive meetings, advertised, a lot of opportunity to comment, but I don't know what they were.

MR. KIPPING: It is pretty hard to give a general response to it. The response was varied. We have people that are extremely pro-wilderness and extremely anti-wilderness all over the state.

MR. NAUGLE: Perhaps I could redirect that question to Southern Cal Ed and Arizona Public Service. Did you

participate in those public hearings, take a position?

MR. HULSE: Let me address first of all the criteria as published in the regulations was not challenged by our company as far as I know. When it came to some specific designated areas, we have tried to prove or disprove that we didn't think some of those areas met that criteria. This particular one I am not familiar, because it is primarily a transmission line situation. As you know, our relationship with our subsidiaries Bixco and Resources where we have land reserves in Southern Utah and gas properties in New Mexico, we have gone in and tried to petition, and successfully so in some cases, that these lands did not actually meet the criteria and should not be included in the study area and the BLM offices in those states have so decided.

MR. KLUMB: I think for Southern California Edison when the law was first reviewed, we did have comment. I don't recall when it was or what the comments were, but as it affects Southern California Edison and the California utilities, we all did input to that. Then as each individual study area is looked at and assessed, in which California is a little bit further ahead because they have already submitted a recommendation to the state director, he has approved it and it has gone on to Washington, in each one of these, we have had an input and, in fact, there is now a corridor committee, I can't recall the exact name, that includes

representatives from all utilities, not only electric utilities but gas pipelines, telephones, railroads, everybody that would use a possible corridor from Point A to Point B, and this committee has assembled all the possible corridors that they see would be used by these utilities and has submitted that to the Bureau of Land Management not in the wilderness inventory stage, but in the other stages, the land use stage, and this has been done in California, is going on now, and I see this same thing happening in Arizona, all of the other western states. I believe that if Karl is not involved in this, he soon will be.

MR. WHITLOCK: May I add one thing? That is that the Secretary of Interior and our Director, Frank Gregg, both were very concerned that the blanket coverage that came with BLM's Organic Act in 1976 was of great concern to them, so it was their instruction to BLM that they would accelerate their inventories and boil down those areas that would become wilderness study areas just as rapidly as possible so that the rest of the land that BLM manages would then be back under the full operation of multiple use. For that reason, we have worked very diligently the last year, year and one-half, and we have a target of about September 30th or no later than probably in November to have those areas identified, having been reviewed one more time this summer by the general public so that we can block out wilderness away from the rest of it

so that then the utility companies and other users will know precisely where they stand when it comes to development of their plans.

MR. NAUGLE: That sounds much nicer than 1991.

MR. KIPPING: That is the identification of the study areas, and those study areas then will have to go through the additional study and comparison of other resources and meet the '91 schedule.

MR. NAUGLE: So you have two or three steps in there.

MR. KIPPING: Yes.

MR. NAUGLE: Mr. Whitlock or Mr. Kipping, is it normal for BLM in a situation like this to develop an alternative route if there is one that might be reasonable? The Committee is normally faced with making a choice among various routes rather than being faced with a choice of yes or no on one particular route.

MR. WHITLOCK: Normally, we will develop some alternatives and we will normally develop the preferred route in advance of an action by a state enabling body, that is, the body whoever it may be, public utilities commission or whoever the given state may be given the authorization from the state's point of view, the state's authorization there. Normally, we are ahead of the power curve, but in this case, as some of you may recall, my predecessor, Robert Buffington, made a statement to the Commission when they heard the

approved route back in Case 34. He stated at that time that we hadn't had an opportunity yet to complete our environmental assessment, and at that point, he could not endorse the route that was being proposed at that time.

MR. NAUGLE: One final question, Mr. Whitlock. In your prepared testimony on page 3, you refer to four major considerations which influence a selection. I am wondering what priorities those considerations take in your agency's selection of the primary route or granting of easements.

MR. WHITLOCK: Are you asking are they listed in priority order?

MR. NAUGLE: I don't think they are.

MR. WHITLOCK: Not necessarily.

MR. NAUGLE: I would like you to prioritize them if you are able to.

MR. WHITLOCK: Well, it is pretty difficult to prioritize. What you end up with is a series of considerations that become a mix of considerations, and it tends to be more of a weighting than a setting of priorities, and as the mix is put together, they then influence us as to what is the proper path to take.

MR. NAUGLE: I would assume that avoidance of direct impacts on proposed or established wilderness study areas would have to take precedance over the other three considerations from a lawful standpoint.

MR. WHITLOCK: From a legal standpoint, that's correct.

MR. NAUGLE: Then let me ask you the question. How much weighting, and you referred to weighting, so I will return to that, how much weighting do you give the social impacts upon those private lands? Obviously, we have some residents out there that are quite concerned in this area.

MR. WHITLOCK: I can't give you a one to ten. We give it certainly quite a bit of consideration. You have to again balance it off against all of the other values out there, including the environmental values, the wildlife, visibility, and so forth.

MR. KIPPING: Perhaps I can expand on that a little bit. It weighed very heavily in this case, because the other alternatives, if you will turn to almost any of the maps in our Final Environmental Statement, you will see a number of different lines. One of them came north out of the plant site, paralleled the Buckeye-Salome Road. Another one came north as far as the interstate and paralleled the interstate. One of the alternatives was the original preferred route that Southern California Edison filed on back in '77, which would have come out of the plant site and picked up the El Paso Gas pipeline and cut at a diagonal across the farmland in the Harquahala Valley. The reason we finally settled on this route is -- well, this map has the land ownership on it on the actual route that Southern Cal Edison

has surveyed out there now, and you will see that they have green for private lands, orange for state lands, and if it is uncolored directly under the route, it is Federal land, and the route that they have picked they are able to stay on Federal land. It is at the extreme western edge, in fact, right on the break between the Tonopah and Harquahala Valleys. So the attempt was to stay on Federal land and have as little impact as possible on the residents of the two valleys.

MR. NAUGLE: I guess the reason I asked that question is, going through I think it is Exhibit B-1, there are two very small paragraphs on the social impacts on those residents in the Buckeye area. I would assume that you follow a pretty structured format when you prepare a major study like this, and I guess as a member of the Committee, I would prefer to see BLM evaluate a particular situation and, if more attention needs to be given to the social impacts in the report, perhaps develop that to a greater extent.

MR. KIPPING: The rulings on environmental statements have changed since we did this one, for instance, but please don't assume that just because there is only a very small statement about something in the document that that makes it less important than something else. Sometimes there is just nothing more to say than that there will be a heavy impact, and you can say that very shortly. In our rules that we are operating under today, which are a little different than we

operated under with this statement, involved a scoping process before you actually start the statement and decide at the outset what issues or impacts are really significant and then focus only on those and try to avoid having pages of garbage talking about something that nobody thinks is important. So, yes, that process is changing.

MR. NAUGLE: That is encouraging.

That's all the questions I have.

MR. BILLINGS: No questions.

MR. WINKELMAN: Mr. Bjorklund, I think it has been rather clearly stated that Southern California Edison has not necessarily in proposing this route -- I refer to the designation as BLM's designated route. Could I conclude from that that Southern California Edison has no real preference between the two routes that we are looking at, that which was previously proposed and approved and the one we are looking at today?

MR. BJORKLUND: That is a correct statement.

MR. WINKELMAN: Mr. Hulse, Mrs. Heisler in her testimony expressed a concern, I think, that whichever route becomes approved would become a corridor or it would become in the future more impacted. Is that a legitimate concern? Was that a possibility?

MR. HULSE: I think inherently that becomes so, because the incremental impact of the additional facilities anywhere

is minimized by staying in the same corridor. That is why the attempt in some cases to stay next to a pipeline or a highway or some other item such as that.

MR. KIPPING: Could I expand on that perhaps from BLM's standpoint? Our environmental statement did address a corridor. It focused on the impacts of one 500 KV line with the possibility of a second 500 KV line within that corridor. The particular reason that we talked about the second 500 KV line is that the Arizona Nuclear Power Project had proposed Units 4 and 5 during the time we were developing this statement, and had Units 4 and 5 been approved, then the possibility of a second line through this corridor was very real. Since that time, Units 4 and 5 have been disallowed or the application has been withdrawn and the possibility of a second line is more remote, but we still feel that the corridor would accommodate two lines. Any more than two would definitely require additional environmental study before we could say yes or no.

MR. HULSE: Let me add one thing. I don't think any power systems, area systems, would want to put more than two lines in one corridor from a reliability standpoint.

MR. WINKELMAN: Mrs. Heisler, speaking as an individual, you did a rather good job of representing the Tonopah Association.

MRS. HEISLER: Thank you.

MR. WINKELMAN: I was kind of intrigued with part of your testimony on page 2 where you express a feeling that the BLM as a matter of fact did a purposeful act in identifying this area. Would you expand on that, or would you care to?

MRS. HEISLER: The fact that the land was granted in March of that year, and we understood, of course, that this was under study for potential wilderness areas; in the point of us attending numerous public meetings for input concerning wilderness studies; and the fact that we had come to the conclusion that we did not feel that these areas actually met the criteria with possibly the exception of a portion of the Eagle Tail Mountains, which is quite rugged in the south peaks; the fact that they blocked all the way up to the roadways on three sides of the dog leg where it could not possibly pass through or grant a line to go through; and the fact that it was, of course, accomplished after the line was granted or the route was granted to Southern California Edison. We just felt that it was an act to push the line further north and that they really didn't want it to go down to southerly lands. We had had comments made to us off the record at different times by them that the southerly route or the lands down in the south that were owned by the BLM and by the state could possibly contain some biological or archaeological uses for the future and that the land where the people owned, which is only a small percentage that is

privately owned in the state, that it was already highly impacted by residences or by agricultural lands that had been disturbed by roadways, by power lines, et cetera, that they felt that they should put the further impacts into the already impacted areas. Being one of the residents out in one of these already impacted areas and, as I made mention in here, the fact of all the impacts that have come upon us within the last few years since this was into consideration for the nuclear plant, we just felt that this was a situation that they were pushing this again north into the impacted areas.

Did I answer your question?

MR. WINKELMAN: Yes, very well, thank you.

Mr. Whitlock, I am sure that your job and the responsibility of preserving wilderness areas and public resources is a meritorious one. I have to say that, because of the burden that I feel at this moment, that of depriving Southern California of the use of power, possibly imperiling the economic feasibility of the Palo Verde Nuclear Plant, or approving the BLM line, your efforts become something of a mixed blessing. One of the questions that occurs to me with reference to the question that we had about scheduling, is there not a way that BLM could expedite decisions in these matters in a fashion that these kinds of alternatives or lack of alternatives would come before this Committee? In

other words, couldn't that evaluation of this particular wilderness area or these wilderness areas be accomplished more expediently?

MR. WHITLOCK: Well, I have control over so much of that action, and there are also some time limits that run. By the end of this year, this fiscal year, say the first of October of first of November, sometime in that time frame, we will know for certain what will be wilderness study areas. I can do some prioritizing, but once we do our thing, which may take six months or a year, whatever the time frame may be, I lose control of it. Then it becomes the action of the Secretary of Interior, recommendation to the President, who then takes his case to the Congress, and I guess when you look at the track record on wilderness areas that other agencies have proposed, we just don't have any control over that part of the action. I might say that we think, of course, that we did do a credible job in evaluating these areas as wilderness areas and that they will qualify at least for further study. There is no malice aforethought. We have looked at those areas as objectively as we can. Karl has been involved in that process and I think he may want to comment a little bit further on the process we went through on the three wilderness areas that are involved here.

MR. KIPPING: As I said, we had special instructions which were issued in advance of the Bluebook some of you

may have seen, which is our current instructions on doing wilderness inventory. Those instructions did not vary very much from the final Bluebook version, by the way. It is very difficult for me to read through our instructions and the Bluebook and find any difference. We did an initial inventory with a team of five people from BLM, a recreation planner, a landscape architect -- well, actually four recreation planners and a landscape architect were involved in the initial inventory. We then took that information to the public in a series of three public meetings and invited -- well, we had workshop efforts on those. One of those meetings was held in the Harquahala Valley. Then we had to go back a second time and, based on that public input, take another look, and we did after that public input trim out several areas that on the first shot we thought might qualify. But even after the intensive second look and then the public input, these three areas do contain areas which meet the criteria of the Wilderness Act; that is, outstanding opportunities for solitude or primitive and unconfined recreation. The instructions we got then were that if any of this roadless area meets that criteria, you will draw the boundaries on the edge of the road or farmlands or whatever defines the edge of the total block of public lands and then the wilderness study will consider that entire block. During the study phase, you may propose boundaries different than

the roads, but we really had no latitude in whether we used the road for a boundary or drew the boundary back into the block of public lands a ways. We were told we would use the roads for boundaries unless there was some disturbance such as a mining area or something else that we could use as a boundary.

MR. WINKELMAN: Mr. Whitlock, could I conclude then from your earlier response that if it was this Committee's decision to deny this route that the Bureau of Land Management insofar as the State of Arizona is concerned is not able to respond in terms of a schedule? In other words, this thing really is hung up. These guys would not have a place to put this line and we could not anticipate any kind of an evaluation. In other words, you couldn't tell us when an evaluation of this area would be forthcoming.

MR. WHITLOCK: If that were to happen, we would have to sit down and look at our own work load and look at the mandatory time frames that are involved in identifying wilderness study areas and we would have to go from there, and I am not prepared today to give you a time frame in which we could react.

MR. WINKELMAN: Well, I am impressed with the responsibility that Southern California Edison has placed upon me in terms of what their needs are, and I wonder if you share that concern and is there such a thing as rearranging

those priorities in order to accomplish an evaluation of what I think is a terribly major project so that we aren't faced with a simple alternative yes, build it, or no, don't build it.

MR. WHITLOCK: Well, as I stated, I can look at priorities. I am not prepared to give you a time frame today. I can look at priorities and I am going to have to on several that also have pressing needs to be looked at, because people have been thinking about projects for a long time and then comes along the wilderness study. But I want to point out that I lose control of it pretty fast. Once the wilderness study has been completed, from that point on, I have no control over it, and what the Department of Interior, the White House, and then the Congress might do in a time frame, that is beyond my control and I just can't -- I can't give a lot of encouragement to it happening expeditiously. I guess that is what I am telling you. I can control to a certain extent what I and my own staff can do expeditiously, but beyond that, that is just a problem that I can't control. We think that we have given Southern Cal Edison a reasonable alternative and costwise it appears to us that we have provided what they need.

MR. WINKELMAN: Well, Mr. Whitlock, just as a comment, it doesn't strike me, insofar as Southern California Edison has indicated they don't care which route it goes, that they

are the ultimate victim. Those people who Mrs. Heisler does not represent are in fact the victims, and that is the concern I am expressing.

THE CHAIRMAN: Excuse me, sir, we are having trouble hearing you, so I know that the people back there can't. I would ask you to speak up when you are asking questions.

MR. WINKELMAN: Every time you do that, we run out of questions, which I have.

THE CHAIRMAN: Maybe I should do it more often.

MR. ROBERTS: This was my question. He just asked it and Mr. Whitlock answered it.

MR. SULLIVAN: Mr. Klumb, as I understand, backing up to the cost figures that we were talking about on this line, as I read what was stated, between the two routes there was about a $700,000 difference and you suggested possibly, since those figures were two years old, that because of the inflationary aspects of it, they may very well be a break-even type of situation at this time.

MR. KLUMB: Yes.

MR. SULLIVAN: So there is no monetary consideration in that. I am a little bit confused over Southern California Edison's position at this particular time. I get the impression that you are really not that concerned about getting a certificate from this Committee today, that really the other route is the one you prefer, but BLM is kind of

stuffing this one down your throat and you are trying to be the good guys while they are the bad guys. Am I correct in assuming that should this Committee decide that they really think their first decision was correct, that Southern California Edison could live with something like a 15-year time frame before this line is constructed?

MR. GEHR: No. I would like to take a stab at it. In view of the questions that have come up, we were going to elicit the evidence, and I will do so. I would just as soon let you do it.

The time has run out for construction of this line in order to get it in service when it is needed. It is needed just as soon as possible to get the benefits. We just don't have -- we don't have until December. I think testimony will show we have to start construction in July of this year.

MR. BJORKLUND: May I just make a couple -- that is a very good question and a very good thought. In response to the other question that I was asked, does it make any difference, our objective has been all along to get a line from the Palo Verde facility to California and to do that with the least impact on the environment and on the State of Arizona, and we were in fact satisfied with the results of this Committee a year or so ago. We also find it acceptable to go the northern route. So, in answer to the question is either route acceptable, that response should not be indicated

as a passive response. Yes, they would be, but the most important thing is a route through the state that will allow us to continue our participation in the Palo Verde project and allow us to serve the customers in the state. Yes, we are frustrated. We tried so very hard to work with you, with the community, with the state, and now we are in a Catch-22, and we don't have time. We don't have the time to wait for whatever will happen. The wagon has backed up and construction should start, and as each administrative procedure drags on, the construction drags on, and we have reached the point of no return. So I am glad you asked the question, because we are not passive. We are more trying to do that which is the best for everyone, and we are in the middle.

MR. SULLIVAN: Mrs. Heisler, did the Tonopah Valley Association have any stated position on the Palo Verde Nuclear Generating Station?

MRS. HEISLER: Not at that time. When the vote 200 came up, we did not actually have a committee that was in the process of looking into all of these various facets. Individuals voted for or against the plant. We have never as an association ever stated for or against the plant. Our attitude right now is not the fact we are even against the lines to put the power where it needs to go to California. It is just that we feel that they should go in the most

feasible place to do the least impact on the people.

MR. SULLIVAN: Mrs. Heisler, pardon me if I sound a little crass. What you are really saying or I am reading into your statement is that we support the power lines as long as they go on somebody else, is that correct?

T.5 MRS. HEISLER: Not the fact of individuals, but the fact that we feel that Federal land is actually owned by everybody, it is a governmental thing we all share, and the impacts or the difficulties that would be arising through the usage of them across governmental land. The fact that the people own so little land privately, we just don't feel it is fair to put the additional impacts that we would have to shoulder rather than the ones that could be shared by everyone.

MR. SULLIVAN: Mr. Chairman, probably more in the way of a statement than a question of any of the witnesses is the fact that on both of these routes, you are talking about a considerable amount of lands owned by all of us and administered by the Bureau of Land Management. As I recall the older route, there is about 85% and the new route about 80%, and what the land managing agency managing that land for us is saying is we don't particularly care to have the lines on us, either, but if we are going to have them on us, then we would like to have them in a way that has the least impact on the resources for the general public. I think it

is unfortunate that the BLM is in the position that they can't very well say we are going to put it somewhere else, maybe all on private property, which I imagine would endear them to a lot of people's hearts. I'll quit right there and get ready for the rest of the questions.

MS. MURRAY: Mrs. Heisler, did I understand correctly that of all of the proposals to date, the southern route is the most acceptable and the northern route currently proposed is the least detrimental if a northern route would be selected?

MRS. HEISLER: I would have to answer that in two parts.

MS. MURRAY: Please do.

MRS. HEISLER: The southerly route would be the most acceptable to us. The northerly route was not the most detrimental. The one that is S-23 is not the most detrimental of all of them that they had presented through our valley. The one that Karl Kipping had made mention of paralleling the Salome Highway or the one paralleling I-10 or one line that they originally had in that would have gone north of the plant up along the EP route, those would have much further impacted our area than the line that is presently being considered through the north. But the fact that we have so many other impacts at this point also puts the northerly route an additional impact to us, so this is why we would say the

southerly route is definitely the most satisfactory to us.

MS. MURRAY: I would like to ask any of the representatives from Southern Cal Edison to respond to this question. I would just like clarification as to what your next step will be if the Committee acts unfavorably to your application today, if that is not tipping your hand.

MR. BJORKLUND: No.

MR. KLUMB: I think I would be out of a job, number one.

MS. MURRAY: This is a bad time to be out of a job.

MR. BJORKLUND: I don't think we have a next step. I think we would have to completely go back and reassess the total situation. The project would certainly be jeopardized.

MS. MURRAY: Your participation in the project?

MR. BJORKLUND: Yes. We can't participate unless we have a way to get it, and if we are blocked on both quarters, if we are blocked by the Siting Committee and by the BLM, we don't have much recourse left. I don't want to appear to be extra negative or in a doomsday position, but I just don't see any viable alternatives for us, the time constraints are there, unless we look at expensive routes or ones that would threaten the viability of the project.

MS. MURRAY: So your participation is at stake largely today with this petition.

MR. BJORKLUND: I think that this would be a consideration.

Again, I don't want to have this be an unfriendly mode, because it is not, but certainly we have to ask ourselves the question what does happen, how do we get there, and answers don't seem to be forthcoming. If they were, we would have done that.

MS. MURRAY: Thank you.

MR. BJORKLUND: Do you have any other comments?

MR. KLUMB: No.

MR. BJORKLUND: Or maybe even Russ would.

MR. HULSE: No.

MR. MOSS: Mr. Hulse, a question for you. First a statement. I am a little concerned that this Committee finds itself in a position of having to be coming back to this decision after it had been resolved, and in connection with that and I am going to ask you this because you probably are the best person, as I understand it, there are two California utility companies participating in construction of the Palo Verde Generating Station, is that correct?

MR. HULSE: Well, right at the present time, the monies being advanced for Palo Verde, Southern California Edison Company is the only one. There is an arrangement between Salt River and Los Angeles Department of Water and Power for their assuming a recapturable ownership position in I think 5.7% of the power plant.

MR. MOSS: Does San Diego Gas & Electric Company have

any involvement in this project?

MR. HULSE: San Diego Gas & Electric does not have any participation in this project. This Committee knows there is a study under way for a tie to San Diego and it would come into the same switchyard for obvious reasons of having access to many participants for interchange arrangements.

MR. MOSS: Okay, that gets to what I wanted to ask. That study under way for a tie to San Diego will also cross, and, Mr. Kipping, I think to you, BLM land, is that correct?

MR. KIPPING: That's right.

MR. MOSS: Is there the potential with that route for the same kind of problem? Is there the possibility that this Committee could find itself in a box again of having a route approved or considered and then having a BLM decision that was counter to it?

MR. HULSE: May I respond to that?

MR. MOSS: Yes, sir.

MR. HULSE: Obviously, we are in a different time frame so we've got some better definitions of the land that are in the inventory, so we'll try to do that, but certainly before anything can be done on any of these facilities across Arizona land, there has to be an environmental assessment and possibly an environmental impact statement and the route deal. I would further like to add this. This coming back to this Committee, while it is very frustrating, I wish I could say it

was unique. I think the last time that I was involved in one of these, it had to do with our 500 KV line in northern Arizona whereby you approved a route which impacted the Apache Indians, and, since they are not part of this country, they chose not to respond to your jurisdiction and we were required to come back. So I don't think we should try to see this as a tug-of-war between agencies. We ought to see this as a compromising effect here. While you didn't ask me, because it is almost lunchtime, I am going to say that there are some restraints that these people have on them at BLM. I am not any lover of Federal agencies, just so we get all that on the record, but, by the same token, the laws of the land are what they are and the regulations are what they are.

MR. KIPPING: Since the question was directed at me, Mr. Hulse made the point we are in a different time frame and our wilderness inventories in the areas potentially impacted by the APS-San Diego interconnection project are further along. We also are encouraging APS and San Diego to wait until we have preferred alternatives, also, in that environmental statement process before they come to the Committee the first time. We advised Southern California Edison to do that the first time they approached the Committee but they chose not to.

MR. MOSS: Thank you.

MR. KIPPING: So the chance is still there, yes, but it

has probably been much reduced.

MR. MOSS: Thank you.

MR. COUNTS: I appreciate the admonition that it is nearly lunchtime, but I have a couple of questions. I might as well start with you, Mr. Hulse. You have been good on several occasions to point out the economic benefits to the citizens and ratepayers of Arizona and we have covered that differential in cost problem, but I am not clear on one very fundamental fact. Who pays? Does Southern California Edison pay or does APS pay for the construction of the route?

MR. HULSE: Southern California Edison pays, has title, and owns it.

MR. COUNTS: That's what I thought. So from a disinterested viewpoint, then would you say that the priority was equally acceptable if it weren't for the later-known Federal preference? You don't care because of any cost differentials?

MR. HULSE: No, and I have not made -- I am not in the environmental field, I am in the resource planning, and I can't evaluate that, but certainly they both appear to me as an expert in all fields of utility management that -- Come on, you guys, that's sarcasm.

MR. SULLIVAN: Nobody was laughing.

MR. HULSE: I know it. Yes, both are acceptable routes from a transmission construction and such.

MR. COUNTS: Another question directed to Mr. Whitlock. Apparently we are correct in understanding that the wilderness study areas were designated subsequent to the decision in Case 34, and from that there have been a couple of questions pertaining to the later promulgated rules. Would it be fair to say that it is the position of BLM that the decision made in Case 34 was not of any consequence in view of the special criteria supplied from Washington, or to the intent to disturb based on that decision through an appropriate state decision-making process? Was that given some credibility because of the time, effort, expense, maybe even some notion of vested rights expended, and the fact that this Committee and the utility companies have expended a considerable amount of time? Did that have any weight at all?

MR. WHITLOCK: I will ask Karl to answer that, since he was on the ground at that time.

MR. KIPPING: Certainly we did recognize the Siting Committee's decision. It is included in our environmental statement as one of the things to be considered. At that time of the Committee meeting in March of '77, we had just set up the dates for our public meetings on the wilderness inventory. We had not had those meetings as of yet, but we knew they were coming up, and I believe you will find that in the record of that hearing. In the wilderness inventory, we are allowed only to consider whether the lands have wilderness

characteristics and we cannot consider what other uses those lands may have until we get to the formal study phase, which is the next step, and that study phase is the thing that Mr. Whitlock was saying he could control to a certain extent, but not the time frame on getting a decision out of Congress.

MR. COUNTS: I understand your respons. The reason that I directed the question to Mr. Whitlock was because I was kind of implying policy, and that is whether there was a policy to recognize the implications of prior appropriate state designations, and I take it that you are relying on the more technical answer we go by the rule book.

MR. WHITLOCK: Well, that rule book is also the policy. In making a wilderness determination, you can look at what is on the ground today and not what is projected to be done out there in the future by whoever, and that is the rock and the hard place that we found ourselves in with the Commission having ruled on a line to the south and the Federal Land Policy Management Act and the subsequent regulations pushing us from the other side, and in that case, there wasn't any latitude for us to look at a projected project.

MR. COUNTS: Maybe you can help me with this, then. Apparently this transmission line can go through an already designated wilderness area. It is difficult for me to understand why the prohibition is so absolute when we are just talking about a potential one.

MR. KIPPING: It does not pass through any wilderness areas.

MR. COUNTS: It does not go through a wilderness area?

MR. KIPPING: No.

MR. COUNTS: The line was drawn through it.

MR. KIPPING: In what location?

MR. COUNTS: I could be wrong, but it generally goes through the middle of the Kofa --

MR. KIPPING: Are you talking about the Kofa Game Range? The formal proposals there on the Kofa did not come down as far as the pipeline. There is at the very least a quarter mile corridor along that pipeline, and the route we selected would not pass through any of the formal wilderness proposals in the Kofa Game Range.

MR. COUNTS: But it does bisect the Kofa Game Range and you are saying there is a quarter mile corridor. I thought we were talking about a two-mile corridor.

MR. KIPPING: No, the corridor that the Fish and Wildlife Service left between their proposed wilderness areas on the Kofa Game Range is a minimum of one-quarter mile wide. It gets wider other places.

MR. COUNTS: We might have even had a blowup of that in our other case.

MR. KIPPING: We have those available, but, unfortunately, at this scale, it is a little difficult to see them.

MR. COUNTS: Since you are answering all the policy questions, Mr. Kipping, that I was trying to direct to Mr. Whitlock, maybe I can come up with a couple for you. On the two-mile corridor that is not really designated, is it fair to understand that what we mean is generally one mile on either side of a line? Is it shown on a map?

MR. KIPPING: That is what we did our intensive analysis of, yes.

MR. COUNTS: So the line is kind of in the middle and it could be as far as a mile either way from that?

MR. KIPPING: That's correct.

MR. COUNTS: The corridors are not described in a two-mile width.

MR. KIPPING: At the time we drew the lines for the corridors, there was no on-the-ground survey of a center line for the power line, we so had to talk in terms of a little flexibility one way or another.

MR. COUNTS: Just as an aside, I could have used the two-mile corridor designation in visualizing. It would have been easier than to try to pick out the quarter mile that wasn't shown.

One other thing. On Exhibit A-2, Sheet 8, there is a half section of land that appears to be subdivided and I believe your route goes through that subdivision. Am I correct in understanding that that is not in any way developed?

MR. KIPPING: That's correct.

MR. COUNTS: It has just merely been subdivided or platted?

MR. KIPPING: As I understand. This specific information was developed by Southern California Edison, but as I understand, I guess we are still in Maricopa County, the Maricopa County Planning & Zoning Board had approved a subdivision there, but nothing has actually been constructed.

MR. COUNTS: Thank you. One last question, and I will direct it to Mr. Gehr. I didn't know if that was appropriate, but since he has acted as a witness in responding to one of the other questions, let me try it. We haven't heard very much about Segment 5. Pretty clearly that modification is not necessary to miss a wilderness study area. Why is that necessary?

MR. GEHR: I cannot answer that question, I think you should address it to Mr. Kipping, but it is my understanding that that resulted from a compromise or a negotiation between Fish & Wildlife and BLM.

MR. KIPPING: I can address that. We chose that route.

MR. COUNTS: It looked to me like you were trying to miss the Yuma Proving Ground, and I wasn't sure in the serenity criteria.

MR. KIPPING: Well, one of the routes that was analyzed was through the Yuma Proving Ground. However, there is no

access, no road access, through almost all of that route through the Yuma Proving Ground. Also, the Army had some proposals,and some very firm proposals, for some new testing areas pretty close to this line, and they objected. The other route parallels the El Paso Natural Gas pipeline and can use the same roads for access, so forth, up to this point, but the route approved by the Siting Committee earlier comes out through a canyon that presently has no road access through it and it is very steep topography. We chose instead to stay with the pipeline and the road access connected with it until they get out of the rough portion of the Dome Rock Mountains and then to swing back to intersect the same river crossing point. It is basically bighorn sheep habitat and concerns for bighorn sheep, because there presently is vehicle access, and so forth, in this canyon. This would open up a new canyon.

MR. COUNTS: I just wanted to get that undisturbed canyon point into the record, and I have no further questions.

MR. FISH: No questions.

MR. BILLINGS: Mr. Chairman, I move that we --

THE CHAIRMAN: It is not time for motions yet.

Are there any more questions?

MR. SUNDIE: Yes, I have some.

Mr. Klumb, you have given all the testimony today. Why didn't the applicant present us with a compromise

considering all the factors that were involved? Looking at some of the things in the EIS filed by BLM, we could have possibly picked a route going up the east side of the Eagle Tails. It is my understanding that this Committee's deliberations usually end up in compromises where we weigh all the factors and presentations that come before us. BLM's presentation here is just one of the factors we should have to consider. What you are essentially asking us to do is accept BLM's position only, forget about the people, and so forth. Why didn't you give us some way out? You know, you're saying, "Hey, if you don't do this, my gosh, we're really in bad shape. We can't build this line."

MR. GEHR: Mr. Klumb will answer the question and he is the witness who was sworn and can give testimony. I am not a witness, but I would like to call to your attention that the route to the east of the Eagle Tails was extensively discussed in Case 34 and we strenuously asked the Committee to give us both routes so that that one, the one to the east, might also be considered by BLM in the continuation of their studies. The Committee saw fit to reject that, but you will see that in Case 34, these alternatives were considered.

MR. SUNDIE: We also rejected S-23, also.

MR. GEHR: Yes, you did.

MR. SUNDIE: I would appear to me that you should have come before us today and said well, isn't there some way that

we can compromise this. Is BLM not open to compromise? I mean you are going to go with this route and that's it, no other one? I mean is this what you are asking us to do, Mr. Whitlock?

MR. WHITLOCK: Well, that's our preference, yes.

MR. GEHR: I think it would be appropriate to examine Exhibit B-1, which shows that, for example, on wilderness impacts, there is a map at page 3-36 and they show that the eastern route along the Eagle Tails is also highly impacting possible wilderness study areas.

MR. SUNDIE: But it goes along the edge of it and I imagine a corridor could be adjusted potentially in that area to mitigate some of those impacts as opposed to the Siting Committee's route that goes right through the study area. I am just very concerned. I don't like this process. I can't speak for the rest of the Committee. I believe that you have been a little negligent in your deliberations today and I wish we just had more to work on. There is just not enough information to make a decision. It is very difficult.

THE CHAIRMAN: Mr. Sundie, I don't want to interrupt, you can certainly make whatever comments you want to make on the record, but at this point in time, we are supposed to be asking questions of the witnesses.

MR. SUNDIE: Okay. I'm sorry. Fine. Could I ask you a question?

THE CHAIRMAN: Well, I am not a witness, but after the questions are directed to the witnesses, you can then ask me for legal advice.

MR. SUNDIE: I have no further questions.

THE CHAIRMAN: Are there any other questions for the witnesses?

(No response.)

THE CHAIRMAN: Does the applicant have any additional questions to ask the witnesses or do you have any additional evidence to put on at this time?

MR. GEHR: No, sir, we do not.

THE CHAIRMAN: The witnesses are excused.

Does the applicant have any closing comments to make before the Committee makes any additional comments or motions?

MR. GEHR: No, I think all the considerations have been brought forth. We do not believe we have been negligent. We believe we have received from the Department of Interior a grant of easement. They have stated the preferred route. They have done the study. We feel that this is the only alternative we have that we can go forward with to get our line constructed. Their FES was published last summer, but the preferred route was not announced until January of 1980. The grant of easement was issued in February of 1980, and we promptly came to you as soon as we could. We've not got any other alternative if we are going to construct this line in

time for its need.

THE CHAIRMAN: Thank you, sir.

At this time, before any motions are made, do any of the Committee Members have any statements to make for the record or any questions that they have for the Chair? Mr. Sundie.

MR. SUNDIE: Mr. Chairman, what alternative does the applicant have if we reject this routing?

THE CHAIRMAN: If we reject the application?

MR. SUNDIE: That's right.

THE CHAIRMAN: If the Committee rejects this application, the applicant has the right to appeal that decision to the Corporation Commission and ask the Corporation Commission to go ahead and approve the application. They can also accept our decision and try to find another route, or they can, I suppose, as was hinted by the applicant, pull out of the Palo Verde Project. Their alternatives are numerous, but I suppose technically under our law their only legal choice they have to do is to file a new application for another route or to appeal this decision to the Corporation Commission.

Any other questions or comments? Yes, sir.

MR. WINKELMAN: I have one question I would like to direct to perhaps Mr. Bjorklund. Have you sought any relief from this situation from our Congressional delegation from the State of Arizona?

MR. BJORKLUND: Not to my knowledge.

THE CHAIRMAN: Again, the questions to the witnesses, we are through with that. If you have any questions to the attorneys, that's fine.

Are there any comments anybody wants to make?

MR. SULLIVAN: Mr. Chairman, I think we are getting kind of hung up here on who made an original decision and can we back off it, and so forth. I think the comments that Mr. Hulse made are very important. I seldom find myself in a position of defending utilities, to say the very least.

MR. HULSE: Or agreeing with me entirely.

MR. SULLIVAN: That's for sure. However, the fact remains that there is nothing unique about this procedure. The utilities are caught in a Catch-22 situation. Do they go for their Federal ES or do they come back to the Siting Committee and ask to make some minor adjustments in their routing. When someone says why weren't there alternatives, let's look at how much line is actually being considered on this total routing, and you will find that quite a bit of it already has been approved by the Siting Committee and apparently is in agreement with what BLM's findings are, also. So I don't find any difficulty with that, and whenever you are ready to move into the case of a motion, I will be more than happy to make one.

THE CHAIRMAN: Mr. Billings.

MR. BILLINGS: I want to make a motion.

THE CHAIRMAN: Yes, sir.

MR. BILLINGS: The reason I want to make it is because I want to make my comments as part of the discussion on that motion.

THE CHAIRMAN: Fine.

MR. BILLINGS: I move that we do issue a Certificate of Environmental Compatibility for the changes that have been applied for. That is the motion. As a discussion to that, I would like to say that --

MR. SULLIVAN: Second.

THE CHAIRMAN: Excuse me. Go ahead and comment.

MR. BILLINGS: I recognize the fact that there has been a problem here due to the BLM designation of the wilderness areas after our decision, and I trust that this will not happen again, that the Committee when we hear another line, that we won't be having a wilderness area decided after our proceedings, and I would feel very unhappy if that happened.

THE CHAIRMAN: Do I have a second to the motion?

MR. SULLIVAN: Second.

THE CHAIRMAN: There is a second. Any discussion?

MR. CARR: Mr. Chairman, I would like to make one comment to the motion, and that is that this Committee reviewed a series of alternatives for this transmission line and

selected one. The BLM went through a process of their environmental statements and examined a series of alternatives and they chose one. Everybody had the opportunity to provide input into these different alternatives and there was a disagreement on the two alternatives, but as far as the possibility or the availability of examining alternatives, I think everybody has had that opportunity. We just have another one right here today.

THE CHAIRMAN: Any further discussion?

MR. NAUGLE: I have perhaps a comment. Without having the opportunity to review the Congressional legislation we have been referring to and the rules, but knowing how many agencies, whether state or federal, promulgate rules, I make the assumption that much of the responsibility for developing that criteria rested with the Bureau of Land Management and cannot all be blamed on the Congressional act, which is generally much shorter in verbiage. The Bureau of Land Management was aware of our previously granting that certificate and, obviously, I would have wanted some of us anyway to have participated in the public hearings on the adoption of those rules, but we didn't, and we were perhaps negligent in that area.

THE CHAIRMAN: Anything further?

MR. SULLIVAN: Question.

THE CHAIRMAN: Call for the question. Let's take a

vote beginning to my left and go around through the Committee Members. Please identify yourself for the record and state your vote either yes or no. The motion is to approve the certificate as applied for. The only limitations are those statutory conditions as set out in the Siting Committee statutes.

MR. SUNDIE: Dennis Sundie, yes.

MR. CARR: John Carr, yes.

MR. AYRES: James Ayres, yes.

MR. NAUGLE: David Naugle, yes.

MR. BILLINGS: Carl Billings, yes.

MR. WINKELMAN: Russ Winkelman, no.

MR. ROBERTS: Clyde Roberts, yes.

MR. SULLIVAN: Tom Sullivan, yes.

MS. MURRAY: Terry Murray, yes.

MR. MOSS: Dean Moss, yes.

MR. COUNTS: Rick Counts, yes.

MR. FISH: Paul Fish, yes.

THE CHAIRMAN: One quick matter here. The statutes require that the certificate has to be approved by a majority of the Committee Members. A majority so voted yes and the certificate will issue. The applicant is directed to draft that certificate for my signature and present it to me in no less than 30 days.

This concludes this matter and this meeting of the

Transmission Line and Power Plant Siting Committee is adjourned.

* * *

I HEREBY CERTIFY that I was present at the meeting of the Power Plant and Transmission Line Siting Committee of Arizona in the foregoing entitled and numbered matter; that I made a shorthand record of all proceedings and testimony had and adduced before said Committee at said meeting; that the foregoing 106 typewritten pages constitute a full, true and accurate transcript of said record, all to the best of my skill and ability.

Mark M. Grumley

MARK M. GRUMLEY
Court Reporter

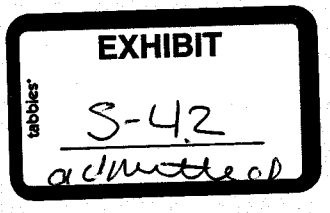
LOS ANGELES DEPARTMENT OF WATER & POWER

CITIZENS ENERGY CORPORATION
a non-profit energy company

GREEN PATH NORTH PROJECT (GPN)

A Status Report to
Southwest Transmission Expansion Planning
San Diego, CA
November 17, 2006

by Tim Wu
Los Angeles Department of Water and Power



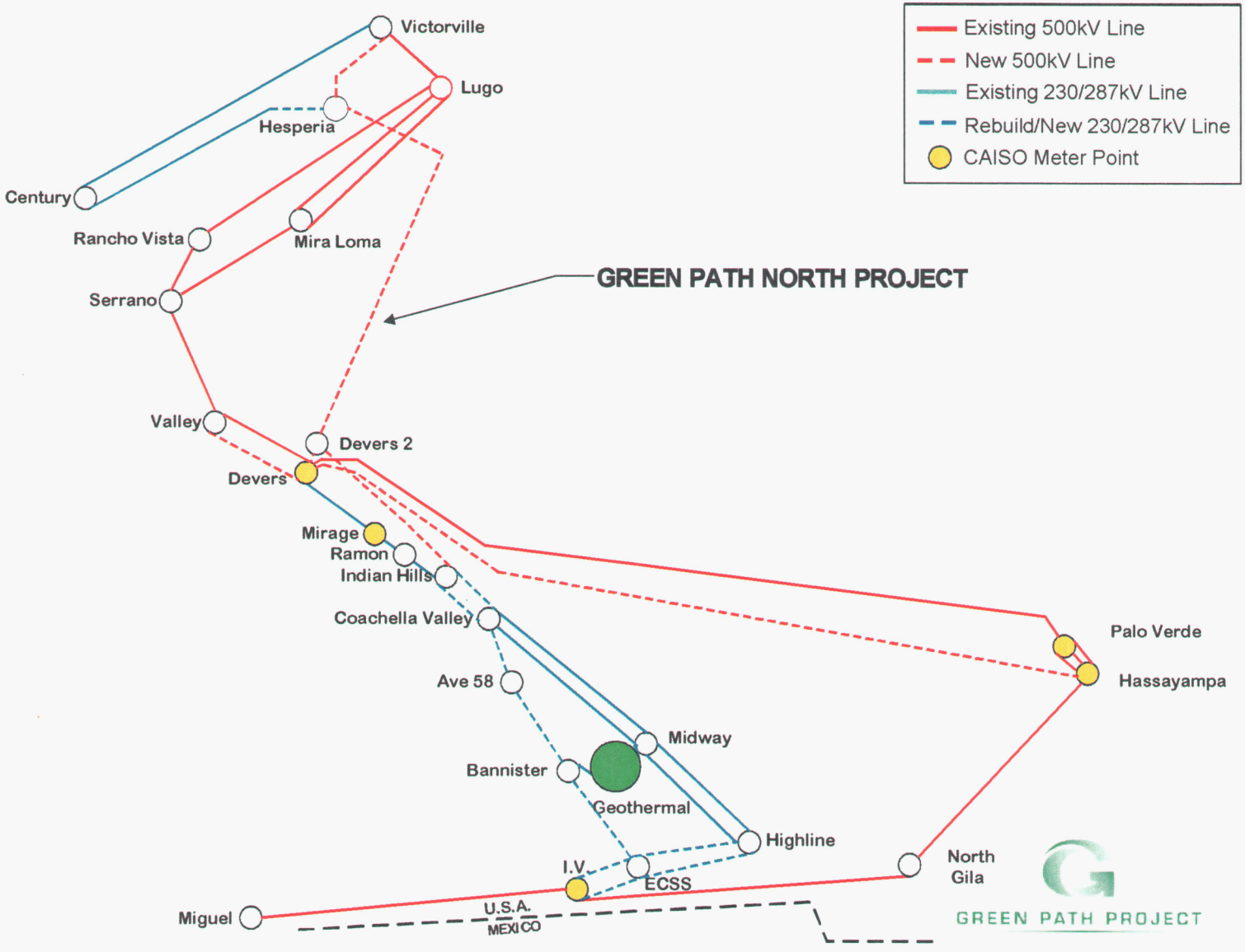
GREEN PATH PROJECT

- Base Case Development
- Plan-of-Service
- Major Path Flow Assumptions
- Load Flow Summary
- One-Line Diagram
- Non-Simultaneous Study Results
  - Power Flow
  - Transient Stability
  - Post-Transient Voltage

Plan-of-Service

- GPN Non-simultaneous Rating is at 1200 MW
- New Hesperia 500/287kV substation
- New 500kV line from Devers II to Hesperia with 70% series compensation (85 miles)
- New Indian Hills 500/230kV substation
- New 500 kV line from Indian Hills to Devers II (30 miles)
- Upgrade 17 miles of one single-circuit from Hesperia to Victorville from 287kV to 500 kV
- Re-route one existing Victorville-Century 287 kV line to Hesperia-Century 287 kV Line

Green Path North



Base Case Development

- Starting with the 2010 Heavy Autumn non-simultaneous post-PVD2 and EOR Upgrade case approved by the WATS/WECC Peer Review Group
- Mohave Generating Plant is assumed off-line for worst-case scenarios
- 3 base cases were developed:
  - Case A: Pre-Project 2010 HA
  - Case B: Post-Project 2010 HA
  - Case C: Post-Project 2010 HA with Lugo-RV looped-in, as a sensitivity case.

Major Path Flow Assumptions

Major Path	Path Rating	Case A	Case B	Case C
EOR	10500 *	10502	10506	10499
WOR	11823	9908	10045	9978
M-V	3000 (S-N)	1330 (S-N)	1324 (S-N)	1389 (S-N)
IPPDC	1920	1853	1853	1853
PDCI	3100	970	970	970
Vict-Lugo	2400 (V-L)	1021	1292	364
COI	4800 (N-S)	2861	2866	2851
Sylmar Tie	1600	-192	-377	-377
IID-SCE	600	400	532	502
SCIT	18886	12357	12390	12365
PV West		5236	5295	5383

* Anticipated combined EOR rating

Non-Simultaneous Study Results

- Power Flow
- Transient Stability
- Post-Transient Voltage

Power Flow Summary (N-0)

Transfer Level	Pre-project (A)	Post-project (B)
PVD1	1678	1828
PVD2	1683	1816
WOD	3300	2790
GPN		1206
SOL	1718	1810
Victorville-Lugo	1021	1292

Power Flow Results

(N-1)				
Outage	Circuit Overload	Area	Case A	Case B
HASSAYAMPA-N.GILA	USNAF-ELTERMIN 92kV	**8**	**126%**	**133%**
	USNAF-DIXIELAN 92kV	**8**	**122%**	**129%**
	DIXIELAN-DIXPRI2 92kV	**8**	**185%**	**196%**
N.GILA-IV w/SPS	IVPS-ELCENTSW 230kV	**8**	**120%**	**110%**

Power Flow Results

(N-1)				
Outage	Circuit Overload	Area	Case A	Case B
IV-Miguel w/ SPS	PENSQTOS-ENCINA 230 kV	**22**	**99%**	**98%**
	SAMPSON-DIVISION 69 kV	**22**	**100%**	**100%**
	RAMON-MIRAGE 230 kV	**8**	**121%**	**119%**
	COCHELLA-RAMON 230 kV	**8**	**114%**	**110%**
	RTAP2-TRP1 92kV	**8**	**119%**	**145%**
	LEATHERS-MIDWAY 92kV	**8**	**<90%**	**106%**

Power Flow Results

(N-1)				
Outage	Circuit Overload	Area	Case A	Case B
DEVERSLA-IH500	RAMON-MIRAGE	**8**	**<90%**	**113% ***
	COACHELLA-RAMON	**8**	**<90%**	**108%***

* Over normal ratings of 986 A and 976 A, respectively

GREEN PATH PROJECT

Power Flow Analysis

(N-2)				
Outages	Circuit Overload	Area	Case A	Case B
VISTA-SANBRNO SANBERNO-ETIWANDA	VSTA-DEVERS Line 1	**24**	**104%**	**<90%**
COACHELLA-INDIAN HILLS 1& 2	RAMON-MIRAGE	**8**	N/A	**107% ***
	COACHELLA-RAMON	**8**	N/A	**107% ***
COACHELLA-DEVERS & COACHELLA-RAMON	AVE92-INDHL92	**8**	**130%**	**92%**
	DIXIELAN-DIXPRI2	**8**	**107%**	**98%**

* Over normal ratings of 986 A and 976 A, respectively

Power Flow Analysis

(N-2)				
Outages	Circuit Overload	Area	Case A	Case B
DEVERS-VALLEYSC 1&2 **w/o SCE's Load Tripping**	DEVERS-VSTA Line 2	**24**	**111%**	**<90%**
	VSTA-DEVERS Line 1	**24**	**118%**	**<90%**
	DEVERS-OAK VALLY	**24**	**116%**	**<90%**
	SANBERNO-DEVERS	**24**	**128%**	**<90%**

*

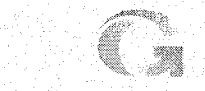
Power Flow Analysis

(N-2)				
Outages	Circuit Overload	Area	Case A	Case B
VICTORVILLE-CENTURY 1& 2	STJOHN-ATWATER	**26**	**101% ***	**N/A**
CENTURY-VICTORVILLE& CENTURY-HESP	STJOHN-ATWATER	**26**	**N/A**	**104%***

* Limited by disconnect switches ratings

Transient Results

(N-1)	Case A			Case B		
		Possible violations			Possible violations	
Description	**Stable**	**MORC1**	**MORC2**	**Stable**	**MORC1**	**MORC2**
Navajo-Crystal	Yes	None	None	Yes	None	None
Crystal-McCullough	Yes	None	None	Yes	None	None
Mead-Perkins	Yes	None	None	Yes	None	None
Moenkopi-Eldorado	Yes	None	None	Yes	None	None
Eldorado-Lugo	Yes	None	None	Yes	None	None
PV-Devers	Yes	None	None	Yes	None	None
Hassayampa-NGila	Yes	None	None	Yes	None	None
IV-NGila	Yes	None	None	Yes	None	None
IV-Miguel-RAS	Yes	None	None	Yes	None	None
Devers-Valley	Yes	None	None	Yes	None	None
PDCI	Yes	None	None	Yes	None	None
Devers-Hesperia	**N/A**	**N/A**	**N/A**	Yes	None	None



* Need further investigations

Transient Stability Results

(N-2)	Case A			Case B		
		Possible violations			Possible violations	
Description	**Stable**	**MORC1**	**MORC2**	**Stable**	**MORC1**	**MORC2**
IPP Bipole	Yes	None	None	Yes	None	None
McCullugh-Victorvl	Yes	None	None	Yes	None	None
Lugo-Mira Loma	Yes	None	None	Yes	None	None
Lugo-Vincent-slg	Yes	None	None	Yes	None	None
PV-Westwing-slg	Yes	None	None	Yes	None	None
Cryst-McC & HA-Md	Yes	None	None	Yes	None	None
PV/Harquaha-Devers	Yes	None	None	Yes	None	None
PV Units 2&3	Yes	None	None	Yes	None	None
SONGS Units 1&2	Yes	None	None	Yes	None	None
Path 42 w/ SPS	Yes	None	None	Yes	None	None
Devers-Valley	Yes	None	None	Yes	None	None
Coachella-Indian Hills	**N/A**	**N/A**	**N/A**	Yes	None	None

Post-Transient Voltage Results

(N-1)	Case A	Case B
Description	**ΔV > 5%**	**ΔV > 5%**
Navajo-Crystal	None	None
Crystal-McCullough	None	None
Mead-Perkins	None	None
Moenkopi-Eldorado	None	None
Eldorado-Lugo	None	None
PV-Devers	None	None
Hassayampa-NGila	**None**	None
IV-NGila	**None**	None
IV-Miguel-RAS	**None**	None
Devers-Valley	None	None
Harquaha-Devers	None	None
Devers-Hesperia (GPN)	**N/A**	None
Hesperia-Rancho Vista	**N/A**	**N/A**
Lugo-Hesperia	**N/A**	**N/A**

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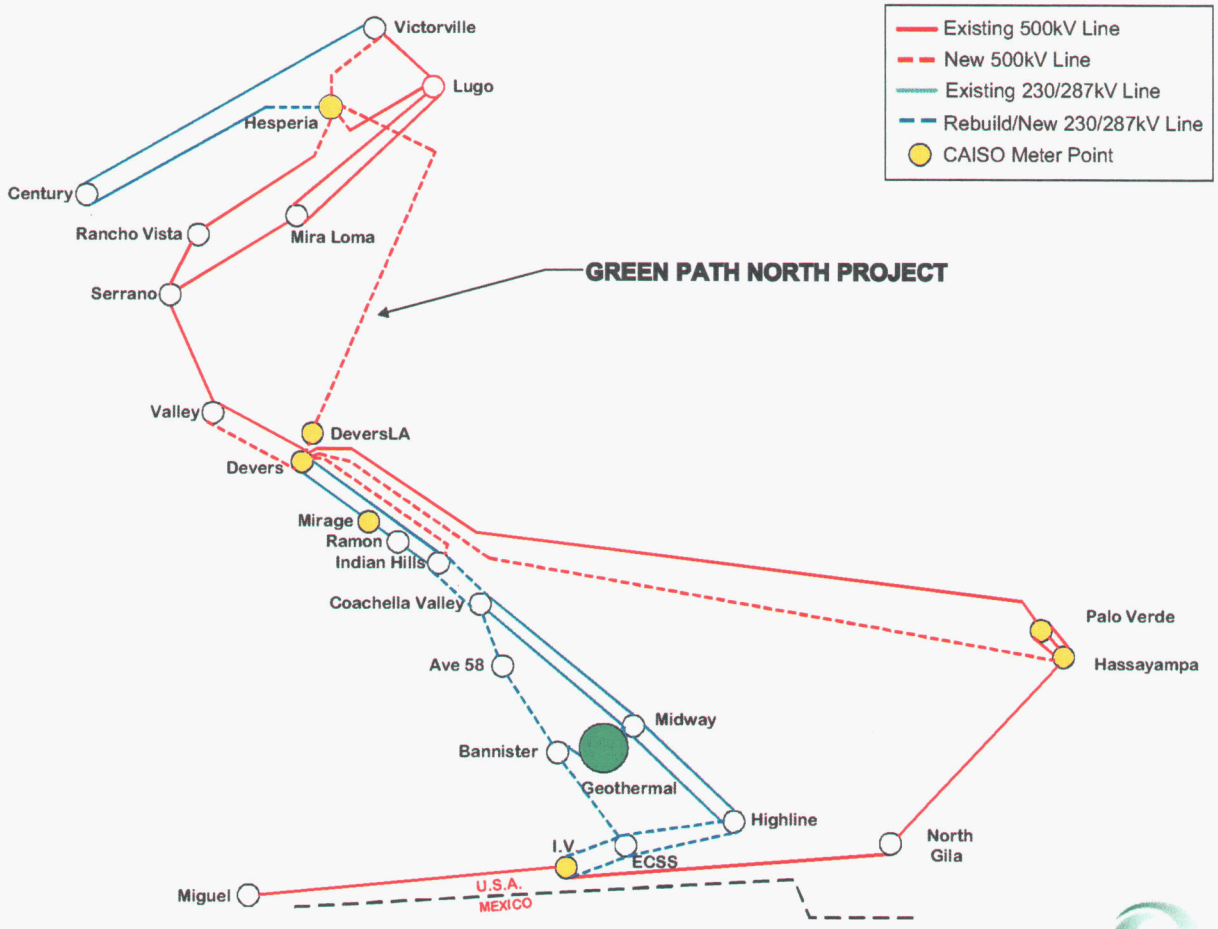
Post-Transient Voltage Results

(N-2)	Case A	Case B
Description	**ΔV > 10%**	**ΔV > 10%**
IPP Bipole	None	None
McCullough-Victorville	None	None
Lugo-Mira Loma	None	None
Lugo-Vincent	None	None
PV-Westwing	None	None
Crystal-McC & H.Allen-Mead	None	None
Pv/Harquahala-Devers w/ SPS	None	None
PV Units 2&3	None	None
SONGS Units 1	None	None
Path 42 w/ SPS	None	None
Devers-Valley w/ SPS	None	None
Coachella-Indian Hills	**N/A**	None

Hesperia Lugo Tie Sensitivity



GREEN PATH PROJECT

Major Path Flow Assumptions

Major Path	Path Rating	Case A	Case B	Case C
EOR	10500 *	10502	10506	10499
WOR	11823	9908	10045	9978
M-V	3000 (S-N)	1333 (S-N)	1324 (S-N)	1389 (S-N)
IPPDC	1920	1853	1853	1853
PDCI	3100	970	970	970
Vict-Lugo	2400 (V-L)	1021	1292	364
COI	4800 (N-S)	2862	2866	2851
Sylmar Tie	1600	-192	-377	-377
IID-SCE	600	398	532	502
SCIT	18886	12353	12390	12365
PV West		5238	5295	5383

* Anticipated combined EOR rating

Power Flow Summary (N-0)

Transfer Level	Pre-project (A)	Post-project (B)	w/Tie to Lugo (C)
PVD1	1678	1828	1879
PVD2	1683	1816	1862
WOD	3300	2782	2430
GPN		1206	1631
SOL	1718	1810	1382
Victorville-Lugo	1021	1292	364
Hesperia-Rancho Vst			881
Hesperia-Lugo			725

Power Flow Results

(N-1)					
Outage	Circuit Overload	Area	Case A	Case B	Case C
HASSAYAMPA-N.GILA	USNAF-ELTERMIN 92kV	**8**	**126%**	**133%**	**121%**
	USNAF-DIXIELAN 92kV	**8**	**122%**	**129%**	**117%**
	DIXIELAN-DIXPRI2 92kV	**8**	**185%**	**196%**	**176%**
N.GILA-IV w/SPS	IVPS-ELCENTSW 230kV	**8**	**120%**	**110%**	**106%**

Power Flow Results

(N-1)					
Outage	Circuit Overload	Area	Case A	Case B	Case C
IV-Miguel w/ SPS	PENSQTOS-ENCINA 230 kV	**22**	**99%**	**98%**	**98%**
	SAMPSON-DIVISION 69 kV	**22**	**100%**	**100%**	**100%**
	RAMON-MIRAGE 230 kV	**8**	**121%**	**119%**	**110%**
	COCHELLA-RAMON 230 kV	**8**	**114%**	**110%**	**103%**
	RTAP2-TRP1 92kV	**8**	**119%**	**145%**	**143%**
	LEATHERS-MIDWAY 92kV	**8**	**<90%**	**106%**	**<90%**

Power Flow Analysis

(N-2)					
Outages	Circuit Overload	Area	Case A	Case B	Case C
VISTA-SANBRNO SANBERNO-ETIWANDA	VSTA-DEVERS Line 1	**24**	**104%**	**<90%**	**<90%**
COACHELLA-INDIAN HILLS 1& 2	RAMON-MIRAGE	**8**	N/A	**107% ***	**106% ***
	COACHELLA-RAMON	**8**	N/A	**107% ***	**106% ***
COACHELLA-DEVERS & COACHELLA-RAMON	AVE92-INDHL92	**8**	**130%**	**92%**	**<90%**
	DIXIELAN-DIXPRI2	**8**	**107%**	**98%**	**<90%**

* Over normal ratings of 986 A and 976 A, respectively

Power Flow Analysis

(N-2)					
Outages	Circuit Overload	Area	Case A	Case B	Case C
DEVERS-VALLEYSC 1&2 **w/o SCE's Load Tripping**	DEVERS-VSTA Line 2	**24**	**111%**	**<90%**	**<90%**
	VSTA-DEVERS Line 1	**24**	**118%**	**<90%**	**<90%**
	DEVERS-OAK VALLY	**24**	**116%**	**<90%**	**<90%**
	SANBERNO-DEVERS	**24**	**128%**	**<90%**	**<90%**

Power Flow Analysis

(N-2)					
Outages	Circuit Overload	Area	Case A	Case B	Case C
VICTORVILLE-CENTURY 1& 2	STJOHN-ATWATER	**26**	**101% ***	**N/A**	**N/A**
CENTURY-VICTORVILLE& CENTURY-HESP	STJOHN-ATWATER	**26**	**N/A**	**104%***	**104%***

* Limited by disconnect switches ratings

Transient Results

(N-1)	Case A			Case B			Case C		
		Possible violations			Possible violations			Possible violations	
Description	**Stable**	**MORC1**	**MORC2**	**Stable**	**MORC1**	**MORC2**	**Stable**	**MORC1**	**MORC2**
Navajo-Crystal	Yes	None	None	Yes	None	None	Yes	None	None
Crystal-McCullough	Yes	None	None	Yes	None	None	Yes	None	None
Mead-Perkins	Yes	None	None	Yes	None	None	Yes	None	None
Moenkopi-Eldorado	Yes	None	None	Yes	None	None	Yes	None	None
Eldorado-Lugo	Yes	None	None	Yes	None	None	Yes	None	None
PV-Devers	Yes	None	None	Yes	None	None	Yes	None	None
Hassayampa-NGila	Yes	None	None	Yes	None	None	Yes	None	None
IV-NGila	Yes	None	None	Yes	None	None	Yes	None	None
IV-Miguel-RAS	Yes	None	None	Yes	None	None	Yes	None	None
Devers-Valley	Yes	None	None	Yes	None	None	Yes	None	None
PDCI	Yes	None	None	Yes	None	None	Yes	None	None
Devers-Hesperia	**N/A**	**N/A**	**N/A**	Yes	None	None	Yes	None	None
Hesperia-RV	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	Yes	None	None
Lugo-Hesperia	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**	No *		

* Need further investigations

Transient Stability Results

(N-2)	Case A			Case B			Case C		
		Possible violations			Possible violations			Possible violations	
Description	**Stable**	**MORC1**	**MORC2**	**Stable**	**MORC1**	**MORC2**	**Stable**	**MORC1**	**MORC2**
IPP Bipole	Yes	None	None	Yes	None	None	Yes	None	None
McCullugh-Victorvl	Yes	None	None	Yes	None	None	Yes	None	None
Lugo-Mira Loma	Yes	None	None	Yes	None	None	Yes	None	None
Lugo-Vincent-slg	Yes	None	None	Yes	None	None	Yes	None	None
PV-Westwing-slg	Yes	None	None	Yes	None	None	Yes	None	None
Cryst-McC & HA-Md	Yes	None	None	Yes	None	None	Yes	None	None
PV/Harquaha-Devers	Yes	None	None	Yes	None	None	Yes	None	None
PV Units 2&3	Yes	None	None	Yes	None	None	Yes	None	None
SONGS Units 1&2	Yes	None	None	Yes	None	None	Yes	None	None
Path 42 w/ SPS	Yes	None	None	Yes	None	None	Yes	None	None
Devers-Valley	Yes	None	None	Yes	None	None	Yes	None	None
Coachella-Indian Hills	**N/A**	**N/A**	**N/A**	Yes	None	None	Yes	None	None

Post-Transient Voltage Results

(N-1)	Case A	Case B	Case C
Description	**ΔV > 5%**	**ΔV > 5%**	**ΔV > 5%**
Navajo-Crystal	None	None	None
Crystal-McCullough	None	None	None
Mead-Perkins	None	None	None
Moenkopi-Eldorado	None	None	None
Eldorado-Lugo	None	None	None
PV-Devers	None	None	None
Hassayampa-NGila	None	None	None
IV-NGila	None	None	None
IV-Miguel-RAS	None	None	None
Devers-Valley	None	None	None
Harquaha-Devers	None	None	None
Devers-Hesperia (GPN)	**N/A**	None	None
Hesperia-Rancho Vista	**N/A**	**N/A**	None
Lugo-Hesperia	**N/A**	**N/A**	None

Conclusions

- At the proposed non-simultaneous rating of 1200 MW and with the identified mitigations, GPN has demonstrated acceptable system performance and met all the WECC/NERC planning criteria.
- GPN could relieve the post-DPV2 West-of Devers congestion by ~ 500 MW.
- GPN could eliminate the required load tripping scheme for the loss of 2 Devers-Valley lines (~ 1575 MW)
- GPN could reduce the required load tripping scheme for the loss of PVD1&2 lines (~ 50%)
- GPN with Lugo Tie could yield added benefits to the system

Project Milestone Schedule

STEP Presentation on New Plan of Service	7/24/06
WATS/WECC Project Review Group meeting	10/17/06
WATS/WECC Project Review Group approved GPN non-simultaneous rating at 1200 MW	11/6/06
STEP Presentation	11/17/06
WATS/WECC Project Review Group meeting	12/12/06
Complete WECC Rating & Reliability Assessment	02/07
Complete Environmental Studies/Permitting	06/08
Start Construction	03/09
Complete Construction	10/10
Commission & Operation	11/10