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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

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AZ CORP COMMISSION
DOCUMENT CONTROL

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IN THE MATTER OF THE APPLICATION OF ALLEGHENY ENERGY SUPPLY COMPANY, L.L.C., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY FOR CONSTRUCTION OF A 1,080 MW (NOMINAL) GENERATING FACILITY IN SECTION 35, TOWNSHIP 3 NORTH, RANGE 11 WEST IN LA PAZ COUNTY, ARIZONA AND AN ASSOCIATED TRANSMISSION LINE AND SWITCHYARDS BETWEEN AND IN SECTION 35, TOWNSHIP 3 NORTH, RANGE 11 WEST AND SECTIONS 23-26, TOWNSHIP 3 NORTH, RANGE 11 WEST ALSO IN LA PAZ COUNTY, ARIZONA.

CASE NO. 116

DOCKET NO. L-00000AA-01-0116

PROCEDURAL ORDER

BY THE COMMISSION:

On January 30, 2002, the Arizona Power Plant and Transmission Line Siting Committee filed its decision in the above-captioned matter.

On February 13, 2002, Arizona Unions for Reliable Energy ("AZURE") filed a Request for Review and Request for Written Brief and Oral Argument ("Request for Review").

On February 14, 2002, the Arizona Corporation Commission's ("Commission") Staff filed a Request for Review ("Request for Review").

Pursuant to A.R.S. § 40-360.07, the Commission hereby sets the matter for oral argument and for the taking of briefs.

A.R.S. § 40-360.07.B provides that the powerplant and transmission line siting committee "shall transmit to the Commission the complete record, including a certified transcript, and the review shall be conducted on the basis of the record." Accordingly, the Committee shall transmit the complete record to the Commission, if it has not already done so. This statutory provision clearly sets forth that the kind of review that the Commission is allowed to make in reaching its decision on this matter is limited to a review of the record created by the proceedings before the Committee. That record is closed, and additional testimony and evidence cannot be considered by the Commission

1 when making its decision on the certificate. However, the Commission is authorized to hear oral
2 argument and take briefs discussing the testimony and evidence already contained in the record. The
3 Commission is aware that the record in this matter is sizable, and concise briefs that cite to the record
4 (transcript page, exhibit number) will assist the Commission in its review and decision making. The
5 parties should bear in mind that A.R.S. §40-360.07 provides that: "In arriving at its decision, the
6 commission shall comply with the provisions of § 40-360.06 and shall balance in the broad public
7 interest, the need for an adequate, economical and reliable supply of electric power with the desire to
8 minimize the effect thereof on the environment and ecology of this state". Briefs that address the
9 factors set forth in A.R.S. § 40-360.06 and this standard of review and decision making while citing
10 to specific evidence in the record will assist the Commission.

11 Further, the Commission is authorized to hear oral arguments to assist in its decision making.
12 Again, the statute is clear that the record is closed to evidence and testimony. Oral arguments that
13 address the evidence and testimony in the record, and an opportunity for questions by the
14 Commissioners, will assist the Commission in its decision making. Accordingly, we will set oral
15 arguments and public comments to commence on March 21, 2002 at 1:00 p.m. at the Commission's
16 Hearing Room, 1200 West Washington, Phoenix, Arizona. The oral arguments will be made by
17 parties to the proceeding only. The Parties that filed Requests for Review and the Applicant will be
18 allowed 20 minutes each to present their oral argument. All other parties will be allowed 10 minutes.
19 The presiding officer may allow additional time, if necessary. A Special Open Meeting for a
20 Commission vote on the matter will be held on April 8, 2002 at 10:00 a.m., in Phoenix, and notice of
21 such will be provided by the Commission.

22 IT IS THEREFORE ORDERED that the parties shall file concise written briefs, containing
23 citations to the record, with the Commission to assist it in complying with the provisions of § 40-
24 360.06 and balance in the broad public interest, the need for an adequate, economical and reliable
25 supply of electric power with the desire to minimize the effect thereof on the environment and
26 ecology of this state, no later than March 11, 2002.

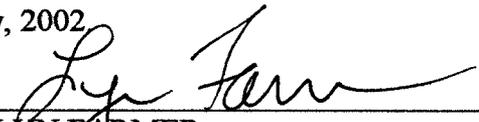
27 IT IS FURTHER ORDERED that oral arguments by the parties to the proceeding and public
28 comments shall be held before the Commission, commencing on March 21, 2002, at 1:00 p.m. in the

1 Commission's hearing room, 1200 West Washington, Phoenix, Arizona.

2 IT IS FURTHER ORDERED that a Special Open Meeting will be held on April 8, 2002 at
3 10:00 a.m. in the Commission's hearing room, 1200 West Washington, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that the Committee shall, if it has not already, promptly
5 transmit the complete record to the Commission.

6 DATED this 23rd day of February, 2002

7 
8 _____
9 LYN FARMER
10 CHIEF ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 This 23rd day of January, 2002 to:

13 Laurie A. Woodall, Chairman
14 OFFICE OF THE ATTORNEY GENERAL
15 1275 W. Washington Street
16 Phoenix, Arizona 85007

17 Paul Bullis
18 OFFICE OF THE ATTORNEY GENERAL
19 1275 W. Washington Street
20 Phoenix, Arizona 85007

21 Margaret Trujillo
22 444 N. 44th Street, Suite 400
23 Phoenix, Arizona 85008

24 Richard W. Tobin, II
25 ADEQ
26 3033 N. Central Avenue
27 Phoenix, Arizona 85007

28 Mark Whirter
DEPT OF COMMERCE
3800 N. Central Avenue, Suite 1200
Phoenix, Arizona 85012

Patrick Schiffer
c/o Rose Mae Nokes
500 N. Third Street
Phoenix, Arizona 85004-3903

- 1 A. Wayne Smith
6106 S. 32nd Street
2 Phoenix, Arizona 85040
- 3 Honorable Sandie Smith
PINAL COUNTY BOARD
4 OF SUPERVISORS
575 N. Idaho Road, #101
5 Apache Junction, Arizona 85219
- 6 Jeff McGuire
7 P.O. Box 1046
8 Sun City, Arizona 85372
- 9 Honorable Mike Whalen
MESA CITY COUNCIL
10 20 E. Main Street, Suite 750
Mesa, Arizona 85211
- 11 Michael M. Grant
12 GALLAGHER & KENNEDY
13 2575 E. Camelback Road
Phoenix, Arizona 85016-9225
14 Attorneys for Allegheny Energy Supply Co., L.L.C.
- 15 James D. Viereg
MORRISON & HECKER L.L.P.
16 2800 N. Central Avenue, Suite 1600
Phoenix, Arizona 85004-1047
17 Attorneys for AZURE
- 18 Mark R. Wolfe
19 ADAMS BROADWELL JOSEPH & CARDOZO
651 Gateway Boulevard, Suite 900
20 South San Francisco, California 94080
21 Attorneys for AZURE
- 22 R. Glenn Buckelew
LA PAZ COUNTY ATTORNEY
23 1320 Kofa Avenue
24 Parker, Arizona 85344
- 25 Patrick Palmer
604 Hovland
26 Bisbee, Arizona 85603

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28

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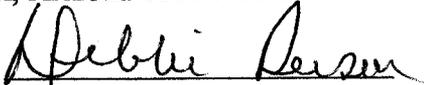
Kevin C. Geraghty
ALLEGHENY ENERGY SUPPLY CO LLC
14112 W. McDowell Road, Suite 201
Goodyear, Arizona 85338

Randall L. Simpson
URS Corporation
7720 N. 16th Street, Suite 100
Phoenix, Arizona 85020

Christopher Kempley, Chief Counsel
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest G. Johnson, Director
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1003

By: 
Debbi Person
Secretary to Lyn Farmer