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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF)	
OF COOLIDGE POWER CORPORATION)	Arizona Corporation Commission
IN CONFORMANCE WITH THE REQUIREMENTS)	
OF ARIZONA REVISED STATUTES §§ 40-360.03)	Docket No. L-00000HH-08-0422-00141
40-360.06, <i>et seq.</i> , FOR A CERTIFICATE OF)	
ENVIRONMENTAL COMPATABILITY AUTHORIZING)	Case No. 141
CONSTRUCTION OF A NOMINAL 575 MW NATURAL)	
GAS-FIRED, SIMPLE CYCLE GENERATING FACILITY)	
LOCATED WITHIN THE CITY OF COOLIDGE IN)	
PINAL COUNTY, ARIZONA)	

Arizona Corporation Commission
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PRE- HEARING PROCEDURAL ORDER

An application for Certificate of Environmental Compatibility was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission on August 8, 2008. A copy of the application was transmitted to John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order,

IT IS ORDERED:

1. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time of the pre-hearing conference scheduled below if they disagree that the time limit for decision on the application by the Line Siting Committee is February 4, 2008, set by A.R.S. § 40.360.04(D).
2. The Applicant shall arrange for the publication and posting of notice of the hearing on or before August 18, 2008, in a form approved by the Chairman and circulated to all known potential interested parties. In addition, the Applicant shall submit a copy of the notice and present testimony describing the publication and posting of the notice at the hearing.
3. The Applicant shall make arrangements for the hearing to be held at the Coolidge Youth Center, 660 South Main Street, Coolidge, AZ 85228, beginning at 9:30 a.m. on September 30, 2008, and continuing on October 1, 2008, at 9:30 a.m. In addition, the Applicant shall make arrangements for a public comment session to be held at the same venue starting at 7:00 p.m. on September 30, 2008. The Applicant

1 shall make arrangements, if needed, for further regular sessions and additional
2 public comment sessions on dates and at times to be determined later.

- 3 4. The Applicant shall contact Michael Kearns, Chief Finance Officer of the ACC (602-
4 542-0659) and advise him of the Applicant's position concerning reimbursement of
5 the Line Siting Fund should the expenses of the hearing exceed the application fee
6 and to discuss financial arrangements regarding hotel reservations and other
7 expenses of the Line Siting Committee members. A.R.S. § 40-360.10. The Applicant
8 shall advise the Chairman of the results of these discussions so the necessary
9 information may be communicated to the Line Siting Committee members.
- 10 5. The Applicant and all other potential parties ("persons" within the meaning of A.R.S.
11 § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
12 360.05(A)) shall meet and confer on or before the beginning of the hearing to
13 determine whether any of the intervening parties have similar interests in the
14 application process that will allow them jointly to present testimony on direct or
15 cross-examination of witnesses or jointly to offer exhibits into evidence. The
16 Applicant shall, and any other potential party may, report to the Chairman the results
17 of the attempts of the parties to resolve the issues and to determine if common
18 interests exist that will allow parties to jointly present evidence and argument or to
19 avoid repetition of testimony and argument at the hearing.
- 20 6. In addition, all parties shall meet and confer as needed before, during and after the
21 hearing to resolve any disputes amongst the parties. The parties also shall keep all
22 other parties advised of their positions and intentions with regard to the presentation
23 of evidence, witnesses and the application process in general to avoid delay, the
24 presentation of repetitive evidence and any unfair advantage from surprise.
- 25 7. The Applicant and all other potential parties ("persons" within the meaning of A.R.S.
26 § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
360.05(A)) shall prepare brief summaries of the expected direct testimony of each
witness they will call. In lieu of a testimonial summary, a party may pre-file and
exchange all or substantially all of the direct testimony of any witness. Testimonial
summaries and pre-filed testimony should be filed no later than the last pre-hearing
conference or three business days before the witness is to testify, whichever is later.
Except for good cause no witness will be allowed to testify on direct examination
concerning issues not reasonably identified in the pre-filed testimony or testimonial
summary.
8. The Applicant and all other potential parties (persons within the meaning of A.R.S. §
40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
360.05(A)) shall meet, confer and exchange all exhibits the party plans to offer in
evidence before the hearing or before they are referred to in testimony or offered in
evidence. The Applicant shall, and other parties may, provide one or more three
ring binders for the Chairman and each member of the Line Siting Committee to hold

1 exhibits at the beginning of the hearing and as needed during the hearing. Each
2 party shall prepare a numbered list of the exhibits and a copy of all exhibits suitable
3 for placement in the binders that have been exchanged with the other parties that
4 each party expects to offer in evidence at the hearing for the Chairman and each
5 Line Siting Committee member. The exhibits shall be provided at the beginning of
6 the hearing and during the hearing before reference to the exhibit is made in the
7 hearing. Except for good cause no exhibit that was not exchanged with the other
8 parties and, if appropriate, provided to the Line Siting Committee shall be considered
9 at the hearing.

10 9. All exhibits shall be consecutively numbered with the Applicants' exhibits
11 denominated: A-1, A-2, etc. Each intervening party will be assigned by the
12 Chairman a letter or letters with which to consecutively number its exhibits. For
13 example, the Arizona Corporation Commission will number its exhibits: CC-1, CC-2,
14 etc.

15 10. The Applicant may make an opening statement at the beginning of the hearing of no
16 more than thirty minutes. Each other party may make an opening statement of no
17 more than five minutes.

18 11. Public comment will be heard after the opening statements and at other times set by
19 the Chairman during the hearing. See ¶ 3, above.

20 12. Applicant shall arrange for transportation of the Chairman and other Line Siting
21 Committee members on a tour of the vicinity of the location in the application
22 commencing on September 29, 2008, at 1:30 p.m. from the Coolidge Youth Center,
23 660 South Main Street, Coolidge, AZ. The Applicant shall submit to the Chairman in
24 advance of the hearing a schedule and protocol for the tour for approval.

25 13. Parties may present their witnesses in panels where appropriate. A party that
26 intends to present witnesses in panels shall identify the members of any panel at the
time it files its witness summaries.

14 Applicant shall make arrangements for either the preparation of audio recording of
the hearing, or expedited court reporter transcripts, so that either the recordings or
the transcripts are available for public inspection within three working days after
each hearing date, as required by A.R.S. § 38-431.01D. Applicant shall file a
certification with ACC Docket Control under the above Docket number that it has
provided a copy of the transcripts to at least two public libraries identified in the
certification that are in the vicinity of the application.

15 On or before the final pre-hearing conference set below the Applicant shall, and the
other parties may, file proposed findings of fact, proposed conclusions of law and a
proposed Certificate of Environmental Compatibility concerning the issues to be

1 addressed by the Line Siting Committee in determining whether to grant the
2 application.

3 16. Before the beginning of closing arguments and the Line Siting Committee's
4 deliberations, the parties shall meet and confer concerning proposed findings of fact,
5 proposed conclusions of law and the wording of a proposed Certificate of
6 Environmental Compatibility. If the parties are able to agree upon part or all
7 proposed findings of fact, proposed conclusions of law and a proposed form of
8 Certificate of Environmental Compatibility, all that is agreed upon should be reduced
9 to writing and filed with ACC Docket Control under the above Docket number. If the
10 parties are not able to agree completely, the Applicant shall, and all other parties
11 may, file proposed findings of fact, proposed conclusions of law and proposed
12 Certificates of Environmental Compatibility on the day before the beginning of
13 closing arguments and the Line Siting Committee's deliberations.

14 17. All witness summaries, proposed findings of fact, proposed conclusions of law and
15 proposed Certificates of Environmental Compatibility, shall be filed with ACC Docket
16 Control under the above Docket number pursuant to A.A.C. R14-3-204 and -205. All
17 documents that are filed shall be served on all other parties and the Chairman by
18 electronic mail, facsimile transmission or hand-delivery on the day they are filed. If
19 any documents that are filed are hand delivered during the hearing, eleven copies
20 shall be submitted to the Chairman for distribution to the other committee members.

21 18. The Applicant and all other potential parties ("persons" within the meaning of A.R.S.
22 § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
23 360.05(A)) shall meet with the Chairman for a final pre-hearing conference on
24 September 19, 2008, at 10:00 a.m. at the offices of the Attorney General of Arizona
25 at 1275 W. Washington, Phoenix, Arizona. Parties may appear by telephone with the
26 prior permission of the Chairman. At the final pre-hearing conference the Chairman
will review with the parties:

- a. The publication and posting of notices of the hearing;
- b. Any notices to intervene, applications to intervene, and applications to make a limited appearance;
- c. The status of the filing and exchange of witness summaries or written testimony, proposed findings of fact, proposed conclusions of law, and proposed Certificates of Environmental Compatibility;
- d. The status of the exchange of exhibits amongst the parties;
- e. Any objections, motions, responses and legal memoranda that have been filed;
- f. Preparations for the hearing, public comment session, and tour of the vicinity of the proposed site; and
- g. The status of settlement negotiations or attempts to narrow the issues at the hearing.

1 IT IS FURTHER ORDERED, that the Chairman may amend or waive any portion of
2 this Procedural Order by subsequent Procedural Order or by ruling at the pre-application
3 conference, pre-hearing conference or hearing.

4 DATED: August 13, 2008

5
6 John Foreman, Chairman
7 Arizona Power Plant and Transmission
8 Line Siting Committee
9 Assistant Attorney General
10 john.foreman@azag.gov

11 Pursuant to A.A.C. R14-3-204,
12 The Original and 25 copies were
13 filed August 13, 2008 with:

14 Docket Control
15 Arizona Corporation Commission
16 1200 W. Washington St.
17 Phoenix, AZ 85007

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