

ORIGINAL OPEN MEETING AGENDA ITEM



BEFORE THE ARIZONA CORPORATION COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

RECEIVED

2008 NOV -5 P 3: 11

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

NOV - 5 2008



IN THE MATTER OF THE APPLICATION OF
COOLIDGE POWER CORPORATION IN THE
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES 40-360.03 AND 40-360.06, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF A NOMINAL 575 MW
NATURAL GAS-FIRED, SIMPLE CYCLE
GENERATING FACILITY LOCATED WITHIN
THE CITY OF COOLIDGE IN PINAL
COUNTY, ARIZONA.

DOCKET NO. L-00000HH-08-0422-00141

CASE NO. 141

**ARIZONA CORPORATION
COMMISSION'S STAFF'S REQUEST
FOR REVIEW FOLLOWING
RATIFICATION**

I. INTRODUCTION.

On November 4, 2008, a Notice of Ratification was filed in the above-captioned proceeding. The Notice of Ratification stated that at the Arizona Power Plant and Line Siting Committee's ("Committee") October 30, 2008, open meeting, the Committee voted to ratify its October 1, 2008, vote to grant approval of Coolidge Power Corporation's ("Coolidge") application for a Certificate of Environmental Compatibility ("CEC").

Under the Open Meeting Law statutes ("A.R.S. § 38-431 *et seq.*") ("OML"), it appears that ratification of a prior decision relates back to the original date the action was taken by the public body. *See* A.R.S. § 38-431.05.B. Because in this instance no change was made to the CEC as originally issued by the Committee, the Committee's ratification of its prior vote validates the Committee's issuance of the Coolidge CEC, which became effective on October 6, 2008, the day the CEC was docketed.

However, the Siting statutes and rules ("A.R.S. § 40-360 *et seq.*" and "A.A.C. R14-3-201 *et seq.*") ("Siting Laws") contain specific timeclock requirements for Committee and Arizona Corporation Commission ("Commission") action on siting applications. Reconciliation of these

1 specific timeclock requirements with the general OML ratification process requires that parties to a
2 siting proceeding must be provided an opportunity to file a request for review following the new
3 action taken by the Committee when it considers ratification of its prior legal action. Thus, a party to
4 a siting proceeding may file a request for review subsequent to the ratification process, even if the
5 original CEC is validated by the Committee as a result of ratification.

6 **II. STAFF'S REQUEST FOR REVIEW FOLLOWING RATIFICATION.**

7 This filing constitutes the Arizona Corporation Commission Staff's ("Staff") request for
8 review of the new action taken by the Committee on October 30, 2008, to validate its previous
9 decision. See A.R.S. § 40-360.07. Before discussing the ratification process, Staff states that it
10 continues to support the Coolidge project on the merits. Nothing in this request for review following
11 ratification alters Staff's position that on the merits of the project, and the Staff recommends that a
12 CEC should be granted by the Commission.

13 As described in Staff's first request for review filed on October 22, 2008, certain
14 irregularities occurred over the course of this proceeding. On October 30, 2008, however, the
15 Committee conducted a ratification proceeding to address the issues related to the OML raised in
16 Staff's October 22, 2008, request for review. Although the issues related to the OML still remain a
17 part of the record in this proceeding, the Committee's ratification process was designed to mitigate
18 these issues.

19 Staff's October 22, 2008, request for review also raised other issues in the Committee
20 proceedings related to the Siting Laws, *ex parte* rule, and due process. These other issues, as well as
21 the issues related to the OML, remain a part of the record to be transmitted by the Committee's
22 Chairman pursuant to A.R.S. § 40-360.07. Although the Commission may certainly consider these
23 issues in its deliberations, these issues do not preclude the Commission from approving the CEC, and
24 Staff continues to support this project on the merits.

25 **III. COMPLETION OF THE RECORD.**

26 In order to ensure that the complete record is before the Commission when it considers this
27 case, Staff believes that the email between the parties and the Committee members should also be
28 docketed. Staff hereby files the attached emails to complete the record in the above-captioned

1 matter. *See* Attachment A.¹ The email printouts are from email in which Staff was either the sender
2 or the recipient in an email exchange with a Committee member or members, concerning this case.
3 Staff requests that the Applicant (as well as any of its representatives) file any other email not
4 included in Staff's Attachment A, in which it was either the sender or the recipient in an email
5 exchange with any Committee member(s) concerning this case. Staff respectfully makes the same
6 request of the Committee members, including the Chairman of the Committee, to file any email
7 between a member and a party related to this matter, not already included in the attachment to this
8 filing.²

9 Extensive use of email to transact Committee business may create a parallel proceeding if not
10 open and accessible to the public. Furthermore, it appears that the email would not be transmitted to
11 the Commission for its full consideration of the application unless entered into evidence in the
12 Committee proceedings or by the filing of the email in docket, as is requested herein. Staff also notes
13 that even if an email exchange is initially procedural, it may stray into an exchange of evidentiary
14 matters or off-the-record comments and legal argument by a party.³ Therefore, this request to the
15 Applicant and the Committee members includes the docketing of all email, whether procedural or
16 substantive.

17 ...
18 ...
19 ...
20 ...
21 ...
22 ...
23 ...

25 ¹ The attached email may contain multiple copies of email in order to reflect the series of email exchanges on a particular matter.

26 ² Although Staff believed that the Chairman would docket certain email, it appears that the Chairman's intent may have been narrower in scope. *See* Docket No. L-00000D-08-0330-00138, Procedural Order filed October 31, 2008.

27 ³ An example of an email that appears to be a mix of procedural and substantive matters is found at Attachment B to this
28 filing. Staff has separately attached this particular series of email exchanges to highlight the problems that may be inadvertently presented when e-mail is used to transact business that would appear to be better addressed as part of the evidentiary hearing process under the Siting Law, even when aspects of the email exchange are procedural.

1 **IV. CONCLUSION.**

2 In summary, Staff supports this project and urges the Commission to approve this CEC.
3 Although Staff has discussed certain procedural matters in this filing, Staff does not believe that these
4 issues preclude the Commission from approving this CEC, and Staff continues to support this project
5 on the merits.

6 RESPECTFULLY SUBMITTED this 5th day of November, 2008.

7 

8 Janice Alward, Chief Counsel
9 Maureen Scott, Senior Staff Counsel
10 Nancy Scott, Staff Counsel
11 Legal Division
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix, Arizona 85007
15 (602) 542-3402

13 Original and twenty-five (25)
14 copies of the foregoing filed this
15 5th day of November, 2008, with:

15 Docket Control
16 Arizona Corporation Commission
17 1200 West Washington Street
18 Phoenix, Arizona 85007

18 Copies of the foregoing
19 mailed/e-mailed this 5th day
20 of November, 2008, to:

20 John Foreman, Chairman
21 Arizona Power Plant and
22 Transmission Line Siting Committee
23 Office of the Attorney General
24 1275 West Washington Street
25 Phoenix, Arizona 85007
26 john.foreman@azag.gov

24 Jay Moyes
25 Moyes, Sellers, & Sims
26 1850 North Central Avenue, Suite 1100
27 Phoenix, Arizona 85004
28 jimoyes@lawms.com

27 

28 S:\JA\ward\Line Sitings\08-0422 - ACCs Req for Review - Ratification.doc

ATTACHMENT A

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 24, 2008 10:27 AM
To: John Foreman; Janice Alward; Maureen Scott
Cc: Susan Ellis; Tara Williams; Linda Hogan
Subject: RE: 141 Agenda sent last Friday

Chairman Foreman / Counsel: According to our check of eDocket just now, the Notice and Agenda for Oct. 30 in Case 141 was docketed by the Chairman on October 22.

So, the only eDocket issue appears to be the incorrect time that eDocket is indicating for adjournment of the hearing in 138.

In any event, I am comfortable that we are properly "noticed" for 141: however, I will appreciate it if Staff counsel will please confirm that they are satisfied with how the Notice and Agenda is posted at the ACC offices. Thank you.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, October 24, 2008 9:33 AM
To: JAlward@azcc.gov; mscott@azcc.gov; Jay Moyes
Cc: Susan Ellis; Tara Williams; lhogan@azcc.gov
Subject: Fwd: 141 Agenda sent last Friday

Counsel,

I have forwarded to you the attached e-mail Tara Williams sent to Linda Hogan and eDocket on October 22 with the #141 agenda. I also tried to view the eDocket for October 30. It incorrectly lists the #138 hearing as going until 3 pm. The agenda for #138 clearly says the #138 hearing will end at approximately noon on October 30. I was unable to get any information about the #141 hearing on the eDocket. It may be that I am just not be very good at using the eDocket. In any event, I assume the written notice has been properly filed. If the written notice was not properly filed or the eDocket was improperly done, hopefully they will be able to fix it when it is called to their attention.

I will try to send a copy of this to Linda Hogan so she can see if a problem exists and, if it is there is a problem, she can see it is fixed. I will ask Tara to follow up with her if she has questions.

Please let me know if this is not remedied by this afternoon.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 24, 2008 8:41 AM
To: John Foreman; Janice Alward; Maureen Scott
Cc: Steve Wene; JCZCoxForwarder; LuAnn Kornegay
Subject: FW: eDocket-sched-chg-notify Digest, Vol 20, Issue 1;

Importance: High

Chairman Foreman: I just received the attached automatic email indicating an eDocket schedule change for Case 138, and am concerned that it appears to conflict with the open meeting you have scheduled in Coolidge in Case 141 at 3:00 p.m. on October 30. I had understood that 138 would adjourn at noon in order to allow travel time to Coolidge by 3:00. I'm assuming there is a mistake in this eDocket information about Case 138, and worry that parties in that case may be misled by it. I don't know how to address this with eDocket, but perhaps Staff does.
Let me know if there is something I can or should do.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: edocket-sched-chg-notify-bounces@listserve.azcc.gov
[mailto:edocket-sched-chg-notify-bounces@listserve.azcc.gov] On Behalf Of edocket-sched-chg-notify-request@listserve.azcc.gov
Sent: Friday, October 24, 2008 5:55 AM
To: edocket-sched-chg-notify@listserve.azcc.gov
Subject: eDocket-sched-chg-notify Digest, Vol 20, Issue 1

Send eDocket-sched-chg-notify mailing list submissions to
edocket-sched-chg-notify@listserve.azcc.gov

To subscribe or unsubscribe via the World Wide Web, visit

<http://listserve.azcc.gov/listmanager/listinfo/edocket-sched-chg-notify>

or, via email, send a message with subject or body 'help' to
edocket-sched-chg-notify-request@listserve.azcc.gov

You can reach the person managing the list at
edocket-sched-chg-notify-owner@listserve.azcc.gov

When replying, please edit your Subject line so it is more specific than "Re: Contents of eDocket-sched-chg-notify digest..."

Today's Topics:

1. 08-0330 - Arizona Public Service Company

(acc-schedule-changes@azcc.gov)

Message: 1

Date: Thu, 23 Oct 2008 13:03:32 -0700
From: <acc-schedule-changes@azcc.gov>
Subject: eDocket Chg: 08-0330 - Arizona Public Service Company
To: eDocket-sched-chg-notify@listserve.azcc.gov
Message-ID: <PATRICKZbLAX3cf3edn00000005@patrick.cc.az.local>
Content-Type: text/plain; charset="us-ascii"

eDocket Schedule Change Notification

The following item has been changed:

Subject: AZ Power Plant and Line Siting Committee Hearing
Location: See Notes
Docket No.: L-00000D-08-0330-00138
Company Name: Arizona Public Service Company

This item which was originally scheduled for...

Start Time: 10/30/2008 7:00:00 AM
End Time: 10/30/2008 7:30:00 AM

...has been rescheduled and will now occur on...

Start Time: 10/30/2008 9:30:00 AM
End Time: 10/30/2008 3:00:00 PM

The attachment can import this data into your Outlook calendar. Be advised that any prior Outlook calendar item for this event is outdated and should be deleted.

=====
This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov
=====

----- next part -----

BEGIN:VCALENDAR
VERSION:1.0
METHOD:PUBLISH
BEGIN:VEVENT
UID:ItemID15951
SUMMARY:AZ Power Plant and Line Siting Committee Hearing ORGANIZER:Me LOCATION:See Notes
DTSTART:20081030T163000Z DTEND:20081030T220000Z DTSTAMP:20081023T200332Z DESCRIPTION:View
event online:
<http://patrick/eCase/ItemDetails.aspx?ItemID=15951>\n\nPlease click on the agenda button
below for more information.
URL:<http://patrick/eCase/ItemDetails.aspx?ItemID=15951>
BEGIN:VALARM
TRIGGER:P1DTHOM
ACTION:DISPLAY
DESCRIPTION:Reminder
END:VALARM
END:VEVENT
END:VCALENDAR

eDocket-sched-chg-notify mailing list
eDocket-sched-chg-notify@listserve.azcc.gov

<http://listserve.azcc.gov/listmanager/listinfo/edocket-sched-chg-notify>

End of eDocket-sched-chg-notify Digest, Vol 20, Issue 1

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 17, 2008 5:07 PM
To: Tara Williams
Cc: John Foreman; Janice Alward; Maureen Scott; LuAnn Kornegay
Subject: RE: Linda Hogan's e-mail address

Attachments: Final 10-17 corrected Notice and Agenda of ratification meeting .doc



Final 10-17
corrected Notice a...

Tara: the mailing of the signed notice and agenda to committee members has already gone out. (But I'm sure they won't be needing to contact Linda for special accommodations.) The newspapers have been contacted by phone to make the correction. I will also attach a new electronic copy with that error corrected if the Chairman wishes to print and sign that in substitution for the one he signed earlier this afternoon, for use in any posting or filings. Please let us know if there are any other matters with which we may assist the Chairman's office with respect to the provision of notice and agenda.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, October 17, 2008 4:20 PM
To: Jay Moyes; LuAnn Kornegay; Steve Wene
Subject: Linda Hogan's e-mail address

I received an e-mail from Linda Hogan regarding her e-mail address on the documents. It should be lhogan@azcc.gov without the "." after the L.
Please change the appropriate forms. I apologize for the confusion.

Thank you,
Tara Williams
Assistant to John Foreman
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not

the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

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

3 IN THE MATTER OF THE APPLICATION OF
4 COOLIDGE POWER CORPORATION, IN
5 CONFORMANCE WITH THE
6 REQUIREMENTS OF ARIZONA REVISED
7 STATUTES 40-360.03 AND 40-360.06, FOR A
8 CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AUTHORIZING
 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

Docket No. L-00000HH-08-0422-00141

Case No. 141

10 **NOTICE AND AGENDA**
11 **OF**
12 **OPEN MEETING**
13 **OF THE**
14 **ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE**
15 **FOR THE PURPOSE OF RATIFYING A PRIOR ACTION**
16 **TAKEN IN VIOLATION OF OPEN MEETING LAW**

17 **NOTICE:** Pursuant to A.R.S. § 38-431.02 and 38-431.05, notice is hereby given to the members
18 of the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") and to
19 the general public that the Committee will hold an open meeting, open to the public on Thursday,
20 October 30, 2008, at 3:00 p.m., at the Coolidge Youth Center, 660 South Main Street, Coolidge,
21 AZ 85228. Additional meetings as permitted by law, if necessary, will be noticed on the Project
22 website at <http://www.transcanada.com/coolidge> and on the Arizona Corporation Commission's
23 ("ACC") website at: www.azcc.gov/AZ_Power_Plant/Line_Siting-Calendar.asp.

24 The purpose of the open meeting is for the Committee to consider ratification of a prior action of
25 the Committee that may have been taken in violation of the Open Meeting Law, A.R.S. §§ 38-
26 431, *et seq.* This action involved the Committee's decision to grant a Certificate of
27 Environmental Compatibility ("Certificate") for the proposed Coolidge Generating Station (the
28 "Project") upon the culmination of the public hearing held on September 30 and October 1, 2008,
 pursuant to Notice of Hearing duly published in accordance with A.R.S. § 40-360.04 and Arizona
 Administrative Code R14-3-208, in connection with which hearing there may have occurred
 violations of applicable Open Meeting Law requirements.

 The public may obtain a detailed written description of the prior action to be ratified by
 reviewing or requesting copies of the Certificate of Environmental Compatibility, the transcripts
 of the hearings and public comment proceedings and all exhibits and filings comprising the entire
 record in this proceeding, Docket No. L-00000HH-08-0422-00141, Case No. 141, at the Arizona
 Corporation Commission ("Commission"), Docket Control, 1200 West Washington Street,
 Phoenix, Arizona, between the hours of 8:00 a.m. and 5:00 p.m. These materials are available
 now at the Commission's offices above and will be available at least 72 hours in advance of the
 open meeting on October 30, 2008. (Note, there may be page limitations imposed on the number
 of pages that may be copied from the transcripts because of contract obligations with the court

1 reporting service. However, the complete transcripts of the proceedings may be reviewed by the
2 public at the Commission's offices at the above address.) Some of these materials are also
3 available on line at the Commission's website at <http://www.azcc.gov/>.

4 PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF THE OPEN MEETING.
5 Any interested member of the public may appear and present public comment during the time
6 allotted for public comment. A person may be limited to a single opportunity, and/or to a limited
7 amount of time, to present comments, at the discretion of the Chairman of the Committee.

8 The Project is the subject of the Application of Coolidge Power Corporation for a Certificate of
9 Environmental Compatibility authorizing the Project ("the Application").

10 The Project consists of the construction of a natural gas fired, simple-cycle power plant. The
11 Project will include 12 General Electric (GE) LM6000 PC SPRINT NxGen combustion turbine
12 generators. Each generator unit will be capable of operating independent of the other units,
13 allowing the Project to efficiently produce an aggregate generating output ranging from
14 approximately 25 MW up to approximately 575 MW, at prescribed ambient temperature and
15 humidity conditions, as needed to respond to peak load. The Project includes a short 230kV
16 transmission line running within the Project Site to connect the generators to a new switchyard
17 within the same Project Site.

18 The proposed Project Site is an approximately 100-acre parcel of farmland located in Section 10,
19 Township 6 South, Range 8 East, G&SRB&M, Pinal County, Arizona. The general location of
20 the 100-acre Project Site is east of the Union Pacific Railroad right-of-way that runs parallel with
21 and east of Highway 87, and south of the former Valero refinery facilities that lie south of
22 Randolph Road, all within the southern portion of the corporate limits of the City of Coolidge.

23 The Application contains detailed information about the Project, and is on file at the Docket
24 Control Center of the Arizona Corporation Commission, 1200 W. Washington, Suite #108,
25 Phoenix, Arizona 85007 and at the Commission's Tucson Office at 400 W. Congress, Suite #218,
26 Tucson, Arizona 85701. The Application is available for review at the Coolidge Public Library,
27 and may also be viewed on the Project website at <http://www.transcanada.com/coolidge>.

28 These proceedings are governed by Arizona Revised Statutes Sections 38-431 *et seq.*, 40-360 *et*
seq, and Arizona Administrative Code Rules, R14-3-201 *et seq.*, R14-3-220 and R14-3-113. No
substantive communications, not in the public record, may be made to any member of the
Committee.

AGENDA: The agenda for this open meeting is as follows:

1. Call to Order, and Roll Call
2. Chairman's explanation of the need for and purpose of the meeting.
3. Discussion and potential vote regarding consideration of the oral recordings, transcript, exhibits, the Certificate of Environmental Compatibility and all other docketed filings comprising the entire record in Case No. 141, all of which have been publicly available at the Commission since October 6, 2008, as the basis for the Committee's potential ratification of its October 1, 2008 vote to approve a Certificate of Environmental Compatibility for the Project.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 4. Discussion and potential vote regarding exclusion of the September 29, 2008 site tour by certain Committee members and all references of record to such tour and/or communications by or to Committee members in connection therewith.
- 5. Discussion and potential vote on potential ratification of the Committee's prior action taken in Case No. 141 on October 1, 2008, to approve a Certificate of Environmental Compatibility for the Project.
- 6. Next Committee meeting date, time, and location if necessary, as permitted by law.

The Committee may omit some of the matters on the agenda and may change the order of consideration of the items as time and circumstances require.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Linda Hogan, voice phone number 602-542-3931, email: l.hogan@azcc.gov . Requests should be made as early as possible to arrange the accommodation.

Dated this 17th day of October, 2008.

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

Maureen Scott

From: LuAnn Kornegay [LKKornegay@LAWMS.COM]
Sent: Friday, October 17, 2008 4:06 PM
To: John Foreman; Janice Alward; Maureen Scott
Cc: Nancy Scott; Jay Moyes; Steve Wene
Subject: Coolidge Generating Station
Attachments: 20081017185530.pdf

Attached is a copy of the notice and agenda for the open meeting on October 30, 2008 that was signed by Mr. Foreman this afternoon. Thank you!

LuAnn Kornegay
Administrative Coordinator
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
kkornegay@lawms.com
602-604-2156
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free & no responsibility is accepted by Moyes Sellers & Sims for any loss or damage arising in any way from its use.

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

3 IN THE MATTER OF THE APPLICATION OF
4 COOLIDGE POWER CORPORATION, IN
5 CONFORMANCE WITH THE
6 REQUIREMENTS OF ARIZONA REVISED
7 STATUTES 40-360.03 AND 40-360.06, FOR A
8 CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AUTHORIZING
10 CONSTRUCTION OF A NOMINAL 575 MW
11 NATURAL GAS-FIRED, SIMPLE CYCLE
12 GENERATING FACILITY LOCATED WITHIN
13 THE CITY OF COOLIDGE IN PINAL
14 COUNTY, ARIZONA

Arizona Corporation Commission

Docket No. L-00000HH-08-0422-00141

Case No. 141

10 **NOTICE AND AGENDA**
11 **OF**
12 **OPEN MEETING**
13 **OF THE**
14 **ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE**
15 **FOR THE PURPOSE OF RATIFYING A PRIOR ACTION**
16 **TAKEN IN VIOLATION OF OPEN MEETING LAW**

17 **NOTICE:** Pursuant to A.R.S. § 38-431.02 and 38-431.05, notice is hereby given to the members
18 of the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") and to
19 the general public that the Committee will hold an open meeting, open to the public on Thursday,
20 October 30, 2008, at 3:00 p.m., at the Coolidge Youth Center, 660 South Main Street, Coolidge,
21 AZ 85228. Additional meetings as permitted by law, if necessary, will be noticed on the Project
22 website at <http://www.transcanada.com/coolidge> and on the Arizona Corporation Commission's
23 ("ACC") website at: www.azcc.gov/AZ_Power_Plant/Line_Siting-Calendar.asp.

24 The purpose of the open meeting is for the Committee to consider ratification of a prior action of
25 the Committee that may have been taken in violation of the Open Meeting Law, A.R.S. §§ 38-
26 431, *et seq.* This action involved the Committee's decision to grant a Certificate of
27 Environmental Compatibility ("Certificate") for the proposed Coolidge Generating Station (the
28 "Project") upon the culmination of the public hearing held on September 30 and October 1, 2008,
29 pursuant to Notice of Hearing duly published in accordance with A.R.S. § 40-360.04 and Arizona
30 Administrative Code R14-3-208, in connection with which hearing there may have occurred
31 violations of applicable Open Meeting Law requirements.

32 The public may obtain a detailed written description of the prior action to be ratified by
33 reviewing or requesting copies of the Certificate of Environmental Compatibility, the transcripts
34 of the hearings and public comment proceedings and all exhibits and filings comprising the entire
35 record in this proceeding, Docket No. L-00000HH-08-0422-00141, Case No. 141, at the Arizona
36 Corporation Commission ("Commission"), Docket Control, 1200 West Washington Street,
37 Phoenix, Arizona, between the hours of 8:00 a.m. and 5:00 p.m. These materials are available
38 now at the Commission's offices above and will be available at least 72 hours in advance of the
39 open meeting on October 30, 2008. (Note, there may be page limitations imposed on the number
40 of pages that may be copied from the transcripts because of contract obligations with the court

1 reporting service. However, the complete transcripts of the proceedings may be reviewed by the
2 public at the Commission's offices at the above address.) Some of these materials are also
3 available on line at the Commission's website at <http://www.azcc.gov/>.

4 **PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF THE OPEN MEETING.**
5 Any interested member of the public may appear and present public comment during the time
6 allotted for public comment. A person may be limited to a single opportunity, and/or to a limited
7 amount of time, to present comments, at the discretion of the Chairman of the Committee.

8 The Project is the subject of the Application of Coolidge Power Corporation for a Certificate of
9 Environmental Compatibility authorizing the Project ("the Application").

10 The Project consists of the construction of a natural gas fired, simple-cycle power plant. The
11 Project will include 12 General Electric (GE) LM6000 PC SPRINT NxGen combustion turbine
12 generators. Each generator unit will be capable of operating independent of the other units,
13 allowing the Project to efficiently produce an aggregate generating output ranging from
14 approximately 25 MW up to approximately 575 MW, at prescribed ambient temperature and
15 humidity conditions, as needed to respond to peak load. The Project includes a short 230kV
16 transmission line running within the Project Site to connect the generators to a new switchyard
17 within the same Project Site.

18 The proposed Project Site is an approximately 100-acre parcel of farmland located in Section 10,
19 Township 6 South, Range 8 East, G&SRB&M, Pinal County, Arizona. The general location of
20 the 100-acre Project Site is east of the Union Pacific Railroad right-of-way that runs parallel with
21 and east of Highway 87, and south of the former Valero refinery facilities that lie south of
22 Randolph Road, all within the southern portion of the corporate limits of the City of Coolidge.

23 The Application contains detailed information about the Project, and is on file at the Docket
24 Control Center of the Arizona Corporation Commission, 1200 W. Washington, Suite #108,
25 Phoenix, Arizona 85007 and at the Commission's Tucson Office at 400 W. Congress, Suite #218,
26 Tucson, Arizona 85701. The Application is available for review at the Coolidge Public Library,
27 and may also be viewed on the Project website at <http://www.transcanada.com/coolidge>.

28 These proceedings are governed by Arizona Revised Statutes Sections 38-431 *et seq.*, 40-360 *et*
seq., and Arizona Administrative Code Rules, R14-3-201 *et seq.*, R14-3-220 and R14-3-113. No
substantive communications, not in the public record, may be made to any member of the
Committee.

AGENDA: The agenda for this open meeting is as follows:

1. Call to Order, and Roll Call
2. Chairman's explanation of the need for and purpose of the meeting.
3. Discussion and potential vote regarding consideration of the oral recordings, transcript, exhibits, the Certificate of Environmental Compatibility and all other docketed filings comprising the entire record in Case No. 141, all of which have been publicly available at the Commission since October 6, 2008, as the basis for the Committee's potential ratification of its October 1, 2008 vote to approve a Certificate of Environmental Compatibility for the Project.

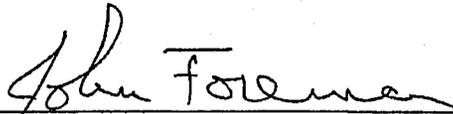
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Discussion and potential vote regarding exclusion of the September 29, 2008 site tour by certain Committee members and all references of record to such tour and/or communications by or to Committee members in connection therewith.
5. Discussion and potential vote on potential ratification of the Committee's prior action taken in Case No. 141 on October 1, 2008, to approve a Certificate of Environmental Compatibility for the Project.
6. Next Committee meeting date, time, and location if necessary, as permitted by law.

The Committee may omit some of the matters on the agenda and may change the order of consideration of the items as time and circumstances require.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Linda Hogan, voice phone number 602-542-3931, email: Lhogan@azcc.gov . Requests should be made as early as possible to arrange the accommodation.

Dated this 17th day of October, 2008.



John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 17, 2008 3:22 PM
To: Jay Moyes; John Foreman; Janice Alward; Maureen Scott
Cc: LuAnn Kornegay; Steve Wene
Subject: RE: Coolidge siting case

I will be there shortly to obtain the Chairman's signature. My staff except LuAnn have left for the day so I will be the "messenger" personally.

If staff wishes to be present, that is fine, but I assure there will be no substantive communication that is not strictly procedural.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: Jay Moyes
Sent: Friday, October 17, 2008 3:15 PM
To: 'John Foreman'; Janice Alward; Maureen Scott
Cc: LuAnn Kornegay; Steve Wene
Subject: RE: Coolidge siting case

Attached is a clean version resulting from an "accept all changes" acceptance of Staff's redlined version, plus a couple of typos removing double periods. I am willing to accept Staff's changes, and appreciate the prompt response. Does the Chairman have electronic signature capability? Or scanning and emailing back a signed original will also work. Or I can come to your office and pick up a hard copy signed original. Which do you prefer?

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 3:02 PM

To: Janice Alward; Jay Moyes
Cc: Maureen Scott; LuAnn Kornegay
Subject: Re: Coolidge siting case

I have reviewed the revisions made by Staff counsel and do not have a problem with them. I think the original was appropriate also, but I do not want to spend the time working out the details. I suggest the Applicant use the draft sent by Staff counsel and I will sign a conformed copy whenever you have one ready for me to sign.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Janice Alward" <JAlward@azcc.gov> 10/17/2008 2:55 PM >>>
Attached is our suggested draft Open Meeting Notice and Agenda for Coolidge ratification proceeding.

Jay, we note that we only received your first draft of these matters this morning. Given the narrow time frame for our review, we have done our best to try to draft a suggested notice and agenda for ratification that comports with the Open Meeting Law and the Siting Statutes.

Chairman and Jay, please review our proposed draft in order to ensure that it complies with your views of the applicable requirements of the Open Meeting Law and Siting Statutes. We also note that the Chairman has asked the parties for suggestions in drafting this notice, which we were happy to do. However, we think it is within the Chairman's purview to determine the form of notice and agenda for this matter. Thanks all.

=====
This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov
=====

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 3:18 PM
To: Janice Alward; Maureen Scott; Jay Moyes
Cc: LuAnn Kornegay; Steve Wene
Subject: RE: Coolidge siting case

I do not have electronic signature capability. I available to sign an original at your convenience this afternoon.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 10/17/2008 3:15 PM >>>
Attached is a clean version resulting from an "accept all changes" acceptance of Staff's redlined version, plus a couple of typos removing double periods. I am willing to accept Staff's changes, and appreciate the prompt response. Does the Chairman have electronic signature capability? Or scanning and emailing back a signed original will also work. Or I can come to your office and pick up a hard copy signed original. Which do you perefere?

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 3:02 PM
To: Janice Alward; Jay Moyes
Cc: Maureen Scott; LuAnn Kornegay
Subject: Re: Coolidge siting case

I have reviewed the revisions made by Staff counsel and do not have a problem with them. I think the original was appropriate also, but I do not want to spend the time working out the details. I suggest the Applicant use the draft sent by Staff counsel and I will sign a conformed copy whenever you have one ready for me to sign.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Janice Alward" <JAlward@azcc.gov> 10/17/2008 2:55 PM >>>
Attached is our suggested draft Open Meeting Notice and Agenda for Coolidge ratification proceeding.

Jay, we note that we only received your first draft of these matters this morning. Given the narrow time frame for our review, we have done our best to try to draft a suggested notice and agenda for ratification that comports with the Open Meeting Law and the Siting Statutes.

Chairman and Jay, please review our proposed draft in order to ensure that it complies with your views of the applicable requirements of the Open Meeting Law and Siting Statutes. We also note that the Chairman has asked the parties for suggestions in drafting this notice, which we were happy to do. However, we think it is within the Chairman's purview to determine the form of notice and agenda for this matter. Thanks all.

=====
This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov
=====

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 17, 2008 3:15 PM
To: John Foreman; Janice Alward; Maureen Scott
Cc: LuAnn Kornegay; Steve Wene
Subject: RE: Coolidge siting case

Attachments: Clean accept all version of Staff's revised Notice and Agenda .doc



Clean accept all
version of S...

Attached is a clean version resulting from an "accept all changes" acceptance of Staff's redlined version, plus a couple of typos removing double periods. I am willing to accept Staff's changes, and appreciate the prompt response. Does the Chairman have electronic signature capability? Or scanning and emailing back a signed original will also work. Or I can come to your office and pick up a hard copy signed original. Which do you prefer?

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 3:02 PM
To: Janice Alward; Jay Moyes
Cc: Maureen Scott; LuAnn Kornegay
Subject: Re: Coolidge siting case

I have reviewed the revisions made by Staff counsel and do not have a problem with them. I think the original was appropriate also, but I do not want to spend the time working out the details. I suggest the Applicant use the draft sent by Staff counsel and I will sign a conformed copy whenever you have one ready for me to sign.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not

the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Janice Alward" <JAlward@azcc.gov> 10/17/2008 2:55 PM >>>

Attached is our suggested draft Open Meeting Notice and Agenda for Coolidge ratification proceeding.

Jay, we note that we only received your first draft of these matters this morning. Given the narrow time frame for our review, we have done our best to try to draft a suggested notice and agenda for ratification that comports with the Open Meeting Law and the Siting Statutes.

Chairman and Jay, please review our proposed draft in order to ensure that it complies with your views of the applicable requirements of the Open Meeting Law and Siting Statutes. We also note that the Chairman has asked the parties for suggestions in drafting this notice, which we were happy to do. However, we think it is within the Chairman's purview to determine the form of notice and agenda for this matter. Thanks all.

=====
This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov
=====

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

3 IN THE MATTER OF THE APPLICATION OF
4 COOLIDGE POWER CORPORATION, IN
5 CONFORMANCE WITH THE
6 REQUIREMENTS OF ARIZONA REVISED
7 STATUTES 40-360.03 AND 40-360.06, FOR A
8 CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AUTHORIZING
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

Docket No. L-00000HH-08-0422-00141

Case No. 141

10 **NOTICE AND AGENDA**
11 **OF**
12 **OPEN MEETING**
13 **OF THE**
14 **ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE**
15 **FOR THE PURPOSE OF RATIFYING A PRIOR ACTION**
16 **TAKEN IN VIOLATION OF OPEN MEETING LAW**

17 **NOTICE:** Pursuant to A.R.S. § 38-431.02 and 38-431.05, notice is hereby given to the members
18 of the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") and to
19 the general public that the Committee will hold an open meeting, open to the public on Thursday,
20 October 30, 2008, at 3:00 p.m., at the Coolidge Youth Center, 660 South Main Street, Coolidge,
21 AZ 85228. Additional meetings as permitted by law, if necessary, will be noticed on the Project
22 website at <http://www.transcanada.com/coolidge> and on the Arizona Corporation Commission's
23 ("ACC") website at: www.azcc.gov/AZ_Power_Plant/Line_Siting-Calendar.asp.

24 The purpose of the open meeting is for the Committee to consider ratification of a prior action of
25 the Committee that may have been taken in violation of the Open Meeting Law, A.R.S. §§ 38-
26 431, *et seq.* This action involved the Committee's decision to grant a Certificate of
27 Environmental Compatibility ("Certificate") for the proposed Coolidge Generating Station (the
28 "Project") upon the culmination of the public hearing held on September 30 and October 1, 2008,
pursuant to Notice of Hearing duly published in accordance with A.R.S. § 40-360.04 and Arizona
Administrative Code R14-3-208, in connection with which hearing there may have occurred
violations of applicable Open Meeting Law requirements.

The public may obtain a detailed written description of the prior action to be ratified by
reviewing or requesting copies of the Certificate of Environmental Compatibility, the transcripts
of the hearings and public comment proceedings and all exhibits and filings comprising the entire
record in this proceeding, Docket No. L-00000HH-08-0422-00141, Case No. 141, at the Arizona
Corporation Commission ("Commission"), Docket Control, 1200 West Washington Street,
Phoenix, Arizona, between the hours of 8:00 a.m. and 5:00 p.m. These materials are available
now at the Commission's offices above and will be available at least 72 hours in advance of the
open meeting on October 30, 2008. (Note, there may be page limitations imposed on the number
of pages that may be copied from the transcripts because of contract obligations with the court

1 reporting service. However, the complete transcripts of the proceedings may be reviewed by the
2 public at the Commission's offices at the above address.) Some of these materials are also
3 available on line at the Commission's website at <http://www.azcc.gov/>.

4 PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF THE OPEN MEETING.
5 Any interested member of the public may appear and present public comment during the time
6 allotted for public comment. A person may be limited to a single opportunity, and/or to a limited
7 amount of time, to present comments, at the discretion of the Chairman of the Committee.

8 The Project is the subject of the Application of Coolidge Power Corporation for a Certificate of
9 Environmental Compatibility authorizing the Project ("the Application").

10 The Project consists of the construction of a natural gas fired, simple-cycle power plant. The
11 Project will include 12 General Electric (GE) LM6000 PC SPRINT NxGen combustion turbine
12 generators. Each generator unit will be capable of operating independent of the other units,
13 allowing the Project to efficiently produce an aggregate generating output ranging from
14 approximately 25 MW up to approximately 575 MW, at prescribed ambient temperature and
15 humidity conditions, as needed to respond to peak load. The Project includes a short 230kV
16 transmission line running within the Project Site to connect the generators to a new switchyard
17 within the same Project Site.

18 The proposed Project Site is an approximately 100-acre parcel of farmland located in Section 10,
19 Township 6 South, Range 8 East, G&SRB&M, Pinal County, Arizona. The general location of
20 the 100-acre Project Site is east of the Union Pacific Railroad right-of-way that runs parallel with
21 and east of Highway 87, and south of the former Valero refinery facilities that lie south of
22 Randolph Road, all within the southern portion of the corporate limits of the City of Coolidge.

23 The Application contains detailed information about the Project, and is on file at the Docket
24 Control Center of the Arizona Corporation Commission, 1200 W. Washington, Suite #108,
25 Phoenix, Arizona 85007 and at the Commission's Tucson Office at 400 W. Congress, Suite #218,
26 Tucson, Arizona 85701. The Application is available for review at the Coolidge Public Library,
27 and may also be viewed on the Project website at <http://www.transcanada.com/coolidge>.

28 These proceedings are governed by Arizona Revised Statutes Sections 38-431 *et seq*, 40-360 *et seq*,
and Arizona Administrative Code Rules, R14-3-201 *et seq*, R14-3-220 and R14-3-113. No
substantive communications, not in the public record, may be made to any member of the
Committee.

AGENDA: The agenda for this open meeting is as follows:

1. Call to Order, and Roll Call
2. Chairman's explanation of the need for and purpose of the meeting.
3. Discussion and potential vote regarding consideration of the oral recordings, transcript, exhibits, the Certificate of Environmental Compatibility and all other docketed filings comprising the entire record in Case No. 141, all of which have been publicly available at the Commission since October 6, 2008, as the basis for the Committee's potential ratification of its October 1, 2008 vote to approve a Certificate of Environmental Compatibility for the Project.

- 1 4. Discussion and potential vote regarding exclusion of the September 29, 2008 site tour by
2 certain Committee members and all references of record to such tour and/or
3 communications by or to Committee members in connection therewith.
4 5. Discussion and potential vote on potential ratification of the Committee's prior action
5 taken in Case No. 141 on October 1, 2008, to approve a Certificate of Environmental
6 Compatibility for the Project.
7 6. Next Committee meeting date, time, and location if necessary, as permitted by law.

8 The Committee may omit some of the matters on the agenda and may change the order of
9 consideration of the items as time and circumstances require.

10 Persons with a disability may request a reasonable accommodation, such as a sign language
11 interpreter, by contacting Linda Hogan, voice phone number 602-542-3931, email:
12 l.hogan@azcc.gov . Requests should be made as early as possible to arrange the accommodation.

13 Dated this 17th day of October, 2008.

14 _____
15 John Foreman, Chairman
16 Arizona Power Plant and Transmission
17 Line Siting Committee
18 Assistant Attorney General
19 john.foreman@azag.gov
20
21
22
23
24
25
26
27
28

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 3:02 PM
To: Janice Alward; Jay Moyes
Cc: Maureen Scott; LuAnn Kornegay
Subject: Re: Coolidge siting case

I have reviewed the revisions made by Staff counsel and do not have a problem with them. I think the original was appropriate also, but I do not want to spend the time working out the details. I suggest the Applicant use the draft sent by Staff counsel and I will sign a conformed copy whenever you have one ready for me to sign.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Janice Alward" <JAlward@azcc.gov> 10/17/2008 2:55 PM >>>
Attached is our suggested draft Open Meeting Notice and Agenda for Coolidge ratification proceeding.

Jay, we note that we only received your first draft of these matters this morning. Given the narrow time frame for our review, we have done our best to try to draft a suggested notice and agenda for ratification that comports with the Open Meeting Law and the Siting Statutes.

Chairman and Jay, please review our proposed draft in order to ensure that it complies with your views of the applicable requirements of the Open Meeting Law and Siting Statutes. We also note that the Chairman has asked the parties for suggestions in drafting this notice, which we were happy to do. However, we think it is within the Chairman's purview to determine the form of notice and agenda for this matter. Thanks all.

=====
This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov
=====

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 17, 2008 2:46 PM
To: Janice Alward; Maureen Scott; John Foreman
Subject: it's getting close to the newspapers' deadline...

Janice and Maureen: We eagerly await your suggested revisions, as we have to get a final to the newspapers very shortly. Thanks! The form I suggested is modeled after that recommended by the Agency Handbook for a ratification meeting.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 1:40 PM
To: Janice Alward; Jay Moyes
Cc: Maureen Scott; LuAnn Kornegay
Subject: Re: Coolidge siting case

I do not foreseeable a problem with the Committee members. We will poll them and find out if there is a problem. If there is, we will recess early or not use the morning session in #138.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Janice Alward" <JAlward@azcc.gov> 10/17/2008 1:37 PM >>>

Thanks for the draft, Jay. Maureen and I are reviewing it now and plan on forwarding a redlined version within the next hour. However, we wanted to share with you and the Chairman some logistical concerns on the time and location of the Coolidge open meeting on Oct 30th. Because the Committee is scheduled to be in Glendale on another matter, it seems it might be too much to ask that they then travel to Coolidge that same day for the Coolidge open meeting in the afternoon, whether the meeting is at 2 or 3 pm. We may not be able to even have a quorum under those circumstances. Might it be better for the Committee members' convenience if the Chairman considers vacating the Glendale matter that morning or moves the Coolidge open meeting to the Glendale location. In either event, we could then move the time for the Coolidge open meeting to earlier in the afternoon.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 1:17 PM
To: Janice Alward; Maureen Scott; Jay Moyes
Cc: LuAnn Kornegay
Subject: Re:

It appears that "ncorporation" should be "incorporation" at line 19 on page two. In all other respects it appears to be what talked about this morning. Please let us know the position of ACC Staff as soon as you are able.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 10/17/2008 12:24 PM >>>

Attached is my quickly drafted initial proposed Notice and Agenda per the Chairman's recommendations and our discussions. The newspapers must receive the final version before COB today, and likewise we must mail the final version to committee members today, so I will appreciate your response to this draft as soon as possible. If you want to call me with proposed changes, as opposed to creating your own revised version, that will be fine. Whichever way you think will be the most efficient and quick. Thanks. JAY

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

=====
This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov

=====

Maureen Scott

From: Janice Alward
Sent: Friday, October 17, 2008 1:37 PM
To: 'John Foreman'; Jay Moyes
Cc: LuAnn Kornegay; Maureen Scott
Subject: Coolidge siting case

Thanks for the draft, Jay. Maureen and I are reviewing it now and plan on forwarding a redlined version within the next hour. However, we wanted to share with you and the Chairman some logistical concerns on the time and location of the Coolidge open meeting on Oct 30th. Because the Committee is scheduled to be in Glendale on another matter, it seems it might be too much to ask that they then travel to Coolidge that same day for the Coolidge open meeting in the afternoon, whether the meeting is at 2 or 3 pm. We may not be able to even have a quorum under those circumstances. Might it be better for the Committee members' convenience if the Chairman considers vacating the Glendale matter that morning or moves the Coolidge open meeting to the Glendale location. In either event, we could then move the time for the Coolidge open meeting to earlier in the afternoon.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 1:17 PM
To: Janice Alward; Maureen Scott; Jay Moyes
Cc: LuAnn Kornegay
Subject: Re:

It appears that "ncorporation" should be "incorporation" at line 19 on page two. In all other respects it appears to be what talked about this morning. Please let us know the position of ACC Staff as soon as you are able.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 10/17/2008 12:24 PM >>>
Attached is my quickly drafted initial proposed Notice and Agenda per the Chairman's recommendations and our discussions. The newspapers must receive the final version before COB today, and likewise we must mail the final version to committee members today, so I will appreciate your response to this draft as soon as possible. If you want to call me with proposed changes, as opposed to creating your own revised version, that will be fine. Whichever way you think will be the most efficient and quick. Thanks. JAY

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 1:34 PM
To: Janice Alward; Maureen Scott; Jay Moyes
Cc: Randy Schroeder
Subject: Re: Coolidge Youth Center

I have no problem with either half of the gym or the smaller meeting room at the Coolidge Youth Center. I also have no problem going with or without the microphones. I do think a court reporter is sufficient, but do not have a problem with recording also.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 10/17/2008 1:28 PM >>>

The gymnasium is scheduled for a "haunted house", but it will only use half of the gym and will not be "in operation" or occupied between 3:00 and 5:00 p.m. Otherwise there is a smaller meeting room than can hold 30 people with some seated at tables and some at chairs without tables.

For the purpose of the ratification meeting I believe either of these options would be workable. Because we have no time to secure another site, I propose that we go ahead with the Coolidge Youth Center as the meeting location in the notice and agenda, as drafted. We have made the reservation, and will arrange tables and chairs for setup in half of the gymnasium.

Do we need to have audio recording, or just a court reporter? I would hope that in a more "cozy" setting for only a couple of hours we could move our tables and chairs closer and function effectively without microphones, in which case audio recording is not very practicable. If we pay for and obtain an expedited transcript, that can be filed with the Executive Director within the requisite 3-day timeframe, in lieu of audio tapes. However, if Staff or the Chairman prefers microphones and audio recording, we will go to that expense. Please advise.

Janice/Maureen: Do you have comments on the draft Notice and Agenda yet? I've found the same typo as the Chairman and corrected it.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 17, 2008 1:29 PM
To: John Foreman; Janice Alward; Maureen Scott
Cc: Randy Schroeder
Subject: Coolidge Youth Center

The gymnasium is scheduled for a "haunted house", but it will only use half of the gym and will not be "in operation" or occupied between 3:00 and 5:00 p.m. Otherwise there is a smaller meeting room than can hold 30 people with some seated at tables and some at chairs without tables. For the purpose of the ratification meeting I believe either of these options would be workable. Because we have no time to secure another site, I propose that we go ahead with the Coolidge Youth Center as the meeting location in the notice and agenda, as drafted. We have made the reservation, and will arrange tables and chairs for setup in half of the gymnasium.

Do we need to have audio recording, or just a court reporter? I would hope that in a more "cozy" setting for only a couple of hours we could move our tables and chairs closer and function effectively without microphones, in which case audio recording is not very practicable. If we pay for and obtain an expedited transcript, that can be filed with the Executive Director within the requisite 3-day timeframe, in lieu of audio tapes. However, if Staff or the Chairman prefers microphones and audio recording, we will go to that expense. Please advise.

Janice/Maureen: Do you have comments on the draft Notice and Agenda yet? I've found the same typo as the Chairman and corrected it.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 1:17 PM
To: Janice Alward; Maureen Scott; Jay Moyes
Cc: LuAnn Kornegay
Subject: Re:

It appears that "ncorporation" should be "incorporation" at line 19 on page two. In all other respects it appears to be what talked about this morning. Please let us know the position of ACC Staff as soon as you are able.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 10/17/2008 12:24 PM >>>

Attached is my quickly drafted initial proposed Notice and Agenda per the Chairman's recommendations and our discussions. The newspapers must receive the final version before COB today, and likewise we must mail the final version to committee members today, so I will appreciate your response to this draft as soon as possible. If you want to call me with proposed changes, as opposed to creating your own revised version, that will be fine. Whichever way you think will be the most efficient and quick. Thanks. JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any

way from its use.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, October 17, 2008 12:25 PM
To: Maureen Scott; Janice Alward; John Foreman
Cc: LuAnn Kornegay
Attachments: Notice and Agenda Ratification Meeting .doc

Attached is my quickly drafted initial proposed Notice and Agenda per the Chairman's recommendations and our discussions. The newspapers must receive the final version before COB today, and likewise we must mail the final version to committee members today, so I will appreciate your response to this draft as soon as possible. If you want to call me with proposed changes, as opposed to creating your own revised version, that will be fine. Whichever way you think will be the most efficient and quick. Thanks. JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

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

3 IN THE MATTER OF THE APPLICATION OF
4 COOLIDGE POWER CORPORATION, IN
5 CONFORMANCE WITH THE
6 REQUIREMENTS OF ARIZONA REVISED
7 STATUTES 40-360.03 AND 40-360.06, FOR A
8 CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AUTHORIZING
10 CONSTRUCTION OF A NOMINAL 575 MW
11 NATURAL GAS-FIRED, SIMPLE CYCLE
12 GENERATING FACILITY LOCATED WITHIN
13 THE CITY OF COOLIDGE IN PINAL
14 COUNTY, ARIZONA

Arizona Corporation Commission

Docket No. L-00000HH-08-0422-00141

Case No. 141

10 **NOTICE AND AGENDA**
11 **OF**
12 **PUBLIC MEETING**
13 **OF THE**
14 **ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE**
15 **FOR THE PURPOSE OF RATIFYING PAST ACTION**
16 **TAKEN IN VIOLATION OF OPEN MEETING LAW**

15 **NOTICE:** Pursuant to A.R.S. § 38-431.02 and 38-431.05, notice is hereby given to the members
16 of the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") and to
17 the general public that the Committee will hold a meeting open to the public on Thursday,
18 October 30, 2008, at 3:00 p.m., at the Coolidge Youth Center, 660 South Main Street, Coolidge,
19 AZ 85228. The meeting will adjourn at approximately 5:00 p.m., unless the proceedings conclude
20 earlier in the day. Additional meetings, if necessary, will be noticed on the Project website at
21 <http://www.transcanada.com/coolidge> and on the Arizona Corporation Commission's ("ACC")
22 website at: [www.azcc.gov/AZ_Power Plant/Line Siting-Calendar.asp](http://www.azcc.gov/AZ_Power_Plant/Line_Siting-Calendar.asp).

20 The purpose of the meeting is to ratify an action of the Committee that may have been taken in
21 violation of the Open Meeting Law, A.R.S. §§ 38-431, *et seq.* This action involved the
22 Committee's decision to grant a Certificate of Environmental Compatibility ("Certificate") for the
23 proposed Coolidge Generating Station (the "Project") upon the culmination of the public hearing
24 held on September 30 and October 1, 2008, pursuant to Notice of Hearing duly published in
25 accordance with A.R.S. § 40-360.04 and Arizona Administrative Code R14-3-208, in connection
26 with which hearing there may have occurred violations of applicable Open Meeting Law
27 requirements.

24 The public may review the Certificate and the transcript of the hearing and public comment
25 proceedings and all exhibits and filings comprising the entire record in this proceeding at the
26 Arizona Corporation Commission ("Commission"), Docket Control, 1200 West Washington
27 Street, Phoenix, Arizona, between the hours of 8:00 a.m. and 5:00 p.m., at least 72 hours in
28 advance of the meeting.

27 **PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF THE MEETING.** Any
28 interested member of the public may appear and present public comment during the time allotted
for public comment noted above. A person may be limited to a single opportunity, and/or to a
limited amount of time, to present comments, at the discretion of the Chairman of the Committee.

1 The Project is the subject of the Application of Coolidge Power Corporation for a Certificate of
2 Environmental Compatibility authorizing the Project ("the Application").

3 The Project consists of the construction of a natural gas fired, simple-cycle power plant. The
4 Project will include 12 General Electric (GE) LM6000 PC SPRINT NxGen combustion turbine
5 generators. Each generator unit will be capable of operating independent of the other units,
6 allowing the Project to efficiently produce an aggregate generating output ranging from
7 approximately 25 MW up to approximately 575 MW, at prescribed ambient temperature and
8 humidity conditions, as needed to respond to peak load. The Project includes a short 230kV
9 transmission line running within the Project Site to connect the generators to a new switchyard
10 within the same Project Site.

11 The proposed Project Site is an approximately 100-acre parcel of farmland located in Section 10,
12 Township 6 South, Range 8 East, G&SRB&M, Pinal County, Arizona. The general location of
13 the 100-acre Project Site is east of the Union Pacific Railroad right-of-way that runs parallel with
14 and east of Highway 87, and south of the former Valero refinery facilities that lie south of
15 Randolph Road, all within the southern portion of the corporate limits of the City of Coolidge.

16 The Application contains detailed information about the Project, and is on file at the Docket
17 Control Center of the Arizona Corporation Commission, 1200 W. Washington, Suite #108,
18 Phoenix, Arizona 85007 and at the Commission's Tucson Office at 400 W. Congress, Suite #218,
19 Tucson, Arizona 85701. The Application is available for review at the Coolidge Public Library,
20 and may also be viewed on the Project website at <http://www.transcanada.com/coolidge>.

21 These proceedings are governed by Arizona Revised Statutes Sections 40-360 and 40-360.13 and
22 Arizona Administrative Code Rules R14-3-220 and R14-3-113. No substantive communications,
23 not in the public record, may be made to any member of the Committee.

24 **AGENDA: The agenda for this open meeting is as follows:**

- 25 1. Call to Order, and Roll Call
- 26 2. Chairman's explanation of the need for and purpose of the meeting.
- 27 3. Discussion and decision regarding incorporation by reference of the oral recordings,
28 transcript, exhibits, the Certificate of Environmental Compatibility and all other docketed
filings comprising the entire record in Case No. 141, all of which have been publicly
available at the Commission since October 6, 2008.
4. Discussion and decision on a proposal to exclude consideration of a site tour by certain
Committee members and all references of record to such tour and/or communications by
or to Committee members in connection therewith, and whether such exclusion, if made at
the time of Committee deliberations, would have affected the vote of those members on
the action that was taken on October 1, 2008, to grant the Certificate of Environmental
Compatibility.
5. Discussion and decision on a proposal to ratify the action taken in Case No. 141 on
October 1, 2008.
6. Next Committee meeting date, time, and location.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Committee may omit some of the matters on the agenda and may change the order of consideration of the items as time and circumstances require.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Linda Hogan, voice phone number 602-542-3931, email: l.hogan@azcc.gov . Requests should be made as early as possible to arrange the accommodation.

Dated this 17th day of October, 2008.

—

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Thursday, October 16, 2008 5:22 PM
To: Maureen Scott
Subject: FW: procedural hearing in #141 ERROR IN ATTACHED OUTLINE FOR REMEDIAL ACTION
Importance: High
Attachments: Outline for Remedial Action .doc

Oops... did it again. Prior transmission of this had wrong address. Sorry.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

From: Jay Moyes
Sent: Thursday, October 16, 2008 5:20 PM
To: 'John Foreman'; 'm.scott@azcc.gov'; 'Nancy Scott'
Cc: 'Susan Ellis'; 'Tara Williams'
Subject: RE: procedural hearing in #141 ERROR IN ATTACHED OUTLINE FOR REMEDIAL ACTION
Importance: High

ALL: ATTACHED IS A CORRECTED VERSION OF THE "OUTLINE FOR REMEDIAL ACTION", CHANGING THE DATE AT END OF PARAGRAPH 1 FROM OCTOBER 24 TO OCTOBER 17.
Sorry for the inconvenience. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

From: Jay Moyes
Sent: Thursday, October 16, 2008 3:28 PM
To: 'John Foreman'; m.scott@azcc.gov; Nancy Scott
Cc: Susan Ellis; Tara Williams
Subject: RE: procedural hearing in #141

Chairman Foreman:

You are correct that nothing has been communicated to Applicant or me regarding this issue other than at the hearing on October 1. I share your questioning of the grounds for certain of the allegations made by Staff counsel that day, and I am curious about communications from the Executive Director of the Commission in this regard, of which I've also seen no writing nor has he contacted me. Nevertheless, my immediate focus is upon expeditious remedial actions to prevent prejudice to Applicant, my client, which could flow from delay in bringing the Certificate before the Commission for approval at its regular November open meeting. I am completely confident that neither the public nor the only other party, ACC Staff, have been prejudiced in any manner.

Attached are two word docs I am proposing for discussion at the procedural conference tomorrow morning:

The first is simply an abbreviated suggested outline for how we should proceed to remedy the alleged violations through ratification proceedings in accordance with applicable statute, as you suggest, rather than argue about the validity of the allegations.

The second is a proposed form of Notice and Agenda, based on the format recommended by the Arizona Agency Handbook (Form 7.12)

I look forward to our conference tomorrow and to resolving this unfortunate "coloring" of what has otherwise been a very enjoyable and non-controversial process. Thanks for your continuing cooperation and leadership.

--JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Wednesday, October 15, 2008 11:16 AM
To: m.scott@azcc.gov; Jay Moyes
Cc: Susan Ellis; Tara Williams
Subject: procedural hearing in #141

Counsel,

At the procedural hearing on Friday, October 17, at 9:30 am at my office we will discuss ways to deal with the issues raised by the Staff for the ACC. Although no written pleading specifying what particular action violates what particular law has been filed as I requested at the hearing on September 30, it is my understanding from communications my office has received from the Executive Director of the Corporation Commission that the ACC Staff continues to have concerns about compliance with the open meetings law. My interpretation of what was

communicated is staff is concerned that the notice provided to me by counsel that was posted for the meeting did not have an explicit agenda for the actions taken and that the record shows either inappropriate communications occurred during the tour or that what did occur during the tour was not the subject of a correctly worded notice/agenda. It does not appear these concerns have been communicated on the record to counsel for the applicant beyond what was put on the record at the hearing.

After the discussion of similar concerns at the hearing on October 14 in #139/#140, I will suggest that a similar resolution of these concerns be used in this case. Although I do not think the majority of the concerns are well founded, I do not think anyone wants to litigate the issues to resolution. I would like each of you to be prepared to indicate on the record your position on whether to schedule a ratification hearing pursuant to A.R.S. § 38-431.05(B) before October 31, 2008. A new notice would need to be posted and published. A new agenda would need to be posted at the ACC. I would expect counsel to agree to forms for both in advance. The notice previously used would appear to be sufficient with minor modification. The agenda agreed to in #139/#140 would appear to be a place to start for the agenda. At the ratification hearing I would instruct the members of the Committee to vote on whether to ratify the previously approved CEC without considering anything relating to the tour. If they ratify the previously made decision, it appears the concerns raised by the ACC Staff would be met.

If I am not understanding fully the objections of Staff or if either of you have a different suggestion about how to resolve the present situation, please advise me and opposing counsel as soon as possible. I look forward to seeing you on Friday.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

OUTLINE FOR REMEDIAL ACTION

Pursuant to ARS § 38-431.05(B) ; and Arizona Agency Handbook § 7.11

CASE NO. 141

1. Post, at location(s) previously designated to Secretary of State for posting of Committee meeting notices and agendas, a Notice and Agenda (in form attached hereto) of public meeting for ratification. Posting to be completed as soon as possible on October 17.
2. Convene ratification meeting upon adjournment of the hearing in Case 138, at approx. 5:00 p.m. on Wednesday, October 22, at Peoria City Hall, 8401 W. Monroe Street, Peoria, AZ 85345.
3. After roll call, Chairman explains purpose of meeting, arising from prior oversight of failure to post at Commission offices [and other normal posting locations?] agenda of Committee meetings of September 29 - October 1.
4. Chairman incorporates by reference the hearing and public comment transcripts and exhibits of record, which were docketed on October 7, and references the audio recordings thereof which have also been publicly available at the Commission offices and at the Coolidge and Casa Grand public libraries since October 3, and the Certificate issued on October 3 and docketed October 6.
5. Discussion and decision on proposal to exclude consideration of September 29 site tour by certain Committee members, and whether such exclusion would have affected the vote of those members on the action that was taken on October 1.
6. Discussion and decision on proposal to ratify the action taken on October 1 and to confirm the original effective date of such ratified action and of the CEC issued October 3.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Thursday, October 16, 2008 3:48 PM
To: Maureen Scott
Cc: John Foreman; LuAnn Kornegay; Susan Ellis; Tara Williams
Subject: FW: procedural hearing in #141
Attachments: Notice and Agenda Ratification Meeting .doc; Outline for Remedial Action .doc

Maureen: There was an error in your email address when I did a "reply all" to Chairman Foreman's email, and so the attached email from me did not get delivered to you earlier this afternoon. My apologies. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

From: Jay Moyes
Sent: Thursday, October 16, 2008 3:28 PM
To: 'John Foreman'; m.scott@azcc.gov; Nancy Scott
Cc: Susan Ellis; Tara Williams
Subject: RE: procedural hearing in #141

Chairman Foreman:

You are correct that nothing has been communicated to Applicant or me regarding this issue other than at the hearing on October 1. I share your questioning of the grounds for certain of the allegations made by Staff counsel that day, and I am curious about communications from the Executive Director of the Commission in this regard, of which I've also seen no writing nor has he contacted me. Nevertheless, my immediate focus is upon expeditious remedial actions to prevent prejudice to Applicant, my client, which could flow from delay in bringing the Certificate before the Commission for approval at its regular November open meeting. I am completely confident that neither the public nor the only other party, ACC Staff, have been prejudiced in any manner.

Attached are two word docs I am proposing for discussion at the procedural conference tomorrow morning:

The first is simply an abbreviated suggested outline for how we should proceed to remedy the alleged violations through ratification proceedings in accordance with applicable statute, as you suggest, rather than argue about the validity of the allegations.

The second is a proposed form of Notice and Agenda, based on the format recommended by the Arizona Agency Handbook (Form 7.12)

I look forward to our conference tomorrow and to resolving this unfortunate

"coloring" of what has otherwise been a very enjoyable and non-controversial process. Thanks for your continuing cooperation and leadership.

--JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Wednesday, October 15, 2008 11:16 AM
To: m.scott@azcc.gov; Jay Moyes
Cc: Susan Ellis; Tara Williams
Subject: procedural hearing in #141

Counsel,

At the procedural hearing on Friday, October 17, at 9:30 am at my office we will discuss ways to deal with the issues raised by the Staff for the ACC. Although no written pleading specifying what particular action violates what particular law has been filed as I requested at the hearing on September 30, it is my understanding from communications my office has received from the Executive Director of the Corporation Commission that the ACC Staff continues to have concerns about compliance with the open meetings law. My interpretation of what was communicated is staff is concerned that the notice provided to me by counsel that was posted for the meeting did not have an explicit agenda for the actions taken and that the record shows either inappropriate communications occurred during the tour or that what did occur during the tour was not the subject of a correctly worded notice/agenda. It does not appear these concerns have been communicated on the record to counsel for the applicant beyond what was put on the record at the hearing.

After the discussion of similar concerns at the hearing on October 14 in #139/#140, I will suggest that a similar resolution of these concerns be used in this case. Although I do not think the majority of the concerns are well founded, I do not think anyone wants to litigate the issues to resolution. I would like each of you to be prepared to indicate on the record your position on whether to schedule a ratification hearing pursuant to A.R.S. § 38-431.05(B) before October 31, 2008. A new notice would need to be posted and published. A new agenda would need to be posted at the ACC. I would expect counsel to agree to forms for both in advance. The notice previously used would appear to be sufficient with minor modification. The agenda agreed to in #139/#140 would appear to be a place to start for the agenda. At the ratification hearing I would instruct the members of the Committee to vote on whether to ratify the previously approved CEC without considering anything relating to the tour. If they ratify the previously

made decision, it appears the concerns raised by the ACC Staff would be met.

If I am not understanding fully the objections of Staff or if either of you have a different suggestion about how to resolve the present situation, please advise me and opposing counsel as soon as possible. I look forward to seeing you on Friday.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

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

3 IN THE MATTER OF THE APPLICATION OF
4 COOLIDGE POWER CORPORATION, IN
5 CONFORMANCE WITH THE
6 REQUIREMENTS OF ARIZONA REVISED
7 STATUTES 40-360.03 AND 40-360.06, FOR A
8 CERTIFICATE OF ENVIRONMENTAL
9 COMPATIBILITY AUTHORIZING
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

Docket No. L-00000HH-08-0422-00141

Case No. 141

10 **NOTICE AND AGENDA**
11 **OF**
12 **PUBLIC MEETING**
13 **OF THE**
14 **ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE**
15 **FOR THE PURPOSE OF RATIFYING PAST ACTION**
16 **TAKEN IN POSSIBLE VIOLATION OF OPEN MEETING LAW**

17 **NOTICE:** Pursuant to A.R.S. §§ 38-431.02 and 38-431.05, notice is hereby given to the
18 members of the Arizona Power Plant and Transmission Line Siting Committee (the "Committee")
19 and to the general public that the Committee will hold a meeting open to the public on
20 Wednesday, October 22, 2008, at 5:15 p.m., at the Peoria City Hall, 8401 West Monroe Street,
21 Peoria, Arizona.

22 The purpose of the meeting is to ratify an action of the Committee that may have been taken in
23 violation of the Open Meeting Law, A.R.S. §§ 38-431, *et seq.* This action involved the
24 Committee's decision, by unanimous vote, to grant a Certificate of Environmental Compatibility
25 ("Certificate") to the Applicant in this Case No. 141 upon the culmination of the public hearing
26 on September 30 and October 1, 2008, held pursuant to Notice of Hearing duly published in
27 accordance with A.R.S. § 40-360.04 and Arizona Administrative Code R14-3-208, but for which
28 open meeting the Committee inadvertently failed to post an agenda in conformance with
applicable Open Meeting Law requirements.

29 The public may review the Certificate and the transcript of the hearing and public comment
30 proceedings and all exhibits and filings comprising the entire record in this proceeding at the
31 Arizona Corporation Commission ("Commission"), Docket Control, 1200 West Washington
32 Street, Phoenix, Arizona, between the hours of 8:00 a.m. and 5:00 p.m., at least 72 hours in
33 advance of the meeting.

34 **AGENDA:** The agenda for this open meeting is as follows:

- 35 1. Call to Order, and Roll Call

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Chairman's explanation of the need for and purpose of the meeting.
3. Incorporation by reference of the oral recordings, transcript, exhibits, the Certificate of Environmental Compatibility and all other docketed filings comprising the entire record in Case No. 141, all of which have been publicly available at the Commission since October 6, 2008.
4. Discussion and decision on a proposal to exclude consideration of a site tour by certain Committee members and all references of record to such tour and/or communications by or to Committee members in connection therewith, and whether such exclusion, if made at the time of Committee deliberations, would have affected the vote of those members on the action that was taken on October 1, 2008, to grant the Certificate of Environmental Compatibility.
5. Discussion and decision on a proposal to ratify the action taken in Case No. 141 on October 1, 2008, and to confirm the original effective date of such action and of the Certificate of Environmental Compatibility signed by the Chairman on October 3, 2008.
6. Next Committee meeting date, time, and location.

The Committee may omit some of the matters on the agenda and may change the order of consideration of the items as time and circumstances require.
Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Linda Hogan, voice phone number 602-542-3931, email: l.hogan@azcc.gov . Requests should be made as early as possible to arrange the accommodation.

Dated this 17th day of October, 2008.

—

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

OUTLINE FOR REMEDIAL ACTION

Pursuant to ARS § 38-431.05(B) and Arizona Agency Handbook § 7.11

CASE NO. 141

1. Post, at location(s) previously designated to Secretary of State for posting of Committee meeting notices and agendas, a Notice and Agenda (in form attached hereto) of public meeting for purpose of ratification. Posting to be completed immediately, October 17.
2. Convene ratification meeting upon adjournment of the hearing in Case 138, at approx. 5:00 p.m. on Wednesday, October 22, at Peoria City Hall, 8401 W. Monroe Street, Peoria, AZ 85345.
3. After roll call, Chairman explains purpose of meeting, arising from prior oversight of failure to post at Commission offices [and other normal posting locations?] agenda of Committee meetings of September 29 - October 1.
4. Chairman incorporates by reference the hearing and public comment proceedings transcripts and exhibits of record, which were docketed on October 7, and references the audio recordings thereof which have also been publicly available at the Commission offices and at the Coolidge and Casa Grand public libraries since October 3, and the final signed Certificate issued on October 3 and docketed October 6.
5. Discussion and decision on proposal to exclude consideration of September 29 site tour by certain Committee members, and whether such exclusion would have affected the vote of those members on the action that was taken on October 1.
6. Discussion and decision on proposal to ratify the action taken on October 1 and to confirm the original effective date of such ratified action and of the final signed CEC issued October 3.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Thursday, October 09, 2008 3:47 PM
To: Susan Ellis; Maureen Scott; Nancy Scott; LuAnn Kornegay
Cc: Jay Moyes; Steve Wene
Subject: Procedural hearing #141

Please find a convenient time for a procedural hearing in this matter as soon as possible. I have time available October 10, October 16, and October 17. Call Susie and 602.542.7764 to coordinate the time. We will meet here. We will need a court reporter.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 03, 2008 8:47 AM
To: Janice Alward; Nancy Scott; Jay Moyes
Cc: Susan Ellis; Maureen Scott; LuAnn Kornegay; Steve Wene
Subject: RE: Final CEC

This is Susie's "flex" day so she will not be here. I should be in the office most of the day. If I am not present when you bring it over, leave it at the front door and make sure they let me know it is there--you might send an e-mail or leave a phone message also. I plan to be out of the office for a time in the middle of the day, but I will be back in the afternoon.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 10/2/2008 11:05 AM >>>
Chairman Foreman: An electronic copy of the final CEC approved by the Committee yesterday is being forwarded to Staff Counsel this morning, with a request that they notify my office by the end of today if they see any needed corrections. My office will then hand deliver to you tomorrow 4 hard copy final originals for you to review and, if it looks correct to you, to sign and forward on to the Commission. We will appreciate one signed original returned to my office, and one to Nancy Scott, for our records. I appreciate so much your cooperation and efficient management of the hearing process, and Staff's cooperation, enabling us to complete it in two days. It is a pleasure working with you and I look forward to our meeting with the Commissioners to approve this CEC, and to future hearings for other projects. Thanks. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Thursday, October 02, 2008 9:16 AM

To: Nancy Scott; Jay Moyes
Cc: Susan Ellis; Maureen Scott; LuAnn Kornegay; Steve Wene
Subject: Final CEC

Counsel,

I will look forward to receiving the final form of the CEC. My understanding is the Applicant will provide my office with the original.

I would appreciate it if counsel for the ACC Staff would notify my office as soon as possible that you have reviewed the final document and approve it. I want to make sure it correctly states all the modifications made and approved by the Committee. I will review it and compare it to my notes and then, assuming no problems are found, sign it. I will be out of the office for most of today and I will probably not have time to review it until Friday.

Thank you all again for the way you worked together professionally during this matter. It made my job much easier.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Maureen Scott

From: LuAnn Kornegay [LKKornegay@LAWMS.COM]
Sent: Thursday, October 02, 2008 1:53 PM
To: Nancy Scott; John Foreman; Maureen Scott; Susan Ellis
Cc: Jay Moyes; Steve Wene
Subject: CGS - Final CEC
Attachments: 10-2-08 cec final.doc

Good morning –

Attached is a copy of the CEC that was finalized yesterday. Nancy, please review it and let us know by the end of the day today if there are any changes and/or corrections.

Thank you!!!!!!

LuAnn Kornegay
Administrative Coordinator
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
lkornegay@lawms.com
602-604-2156
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free & no responsibility is accepted by Moyes Sellers & Sims for any loss or damage arising in any way from its use.

1 adverse impact to the environment, as mitigated by compliance with the conditions
2 attached to the issuance of the Certificate.

3 The Committee finds that under the facts of this case, as reflected by the record, the
4 Committee has jurisdiction to consider the Application and to grant the Certificate, and
5 Applicant is legally entitled to receive the following Certificate for the Project upon the
6 conditions set forth therein.

7 Coolidge Power Corporation, and its assignee(s), are hereby granted this Certificate
8 of Environmental Compatibility authorizing construction of a nominal 575 MW natural
9 gas-fired, simple-cycle generating facility and associated generation intertie ("gen-tie")
10 transmission line interconnecting the generating facility (collectively the "Project") to a
11 new switchyard to be separately constructed, owned and operated by Salt River Project
12 ("SRP"). As depicted on the attached Exhibit A, the Project will be constructed on an
13 approximately 100 acre parcel of industrially-zoned land in the City of Coolidge, located
14 within the East ½ and the East ½ of the West ½ of Section 10, Township 6 South, Range 8
15 East of the Gila and Salt River Base and Meridian, Pinal, County, Arizona (the "Project
16 Site"). The Project will include up to twelve (12) General Electric LM6000 PC SPRINT
17 NxGen individual simple-cycle natural gas combustion turbine generator units, each
18 producing up to approximately 48 MWs under optimal conditions, for an aggregate
19 generating output range from approximately 25 MW to approximately 575 MW. The
20 Project will interconnect at the 230kV voltage level with the certificated Pinal West to
21 Southeast Valley/Browning 500/230kV transmission line to be constructed by SRP
22 between the Pinal Central (formerly Pinal South) substation and the Dinosaur (formerly
23 RS-19) substation (the "PC-DIN Circuit"), via a new Randolph switchyard to be
24 constructed, owned and operated by SRP at the Project Site. The PC-DIN Circuit will run
25 adjacent to, and the new switchyard will be constructed on, the western portion of the
26 Project Site. The switchyard will lie within a single span of conductors from the Pinal
27 Central-Dinosaur 230kV line. The Project gen-tie transmission line will not exceed
28 approximately 3000 feet in total length, and will be constructed using tubular steel

1 monopole tower structures of the type generally depicted on the attached Exhibit B,
2 approximately 100-145 feet in height, in total numbers and spacing to be determined in
3 accordance with applicable interconnection standards and applicable safety and reliability
4 standards.

5 This Certificate is granted upon the following conditions:

- 6 1. This authorization to construct the Project will expire five (5) years from the date
7 this Certificate is approved by the Commission unless the Project is capable of
8 operation within the five-year time frame. If the Project is not capable of
9 operation within the five-year time frame, the Applicant, or its assignee(s), may
10 apply to the Commission for an extension of time.
- 11 2. The Project shall comply with all existing applicable air and water pollution
12 control standards and regulations, and with all existing applicable ordinances,
13 master plans and regulations of the State of Arizona, Pinal County, the United
14 States, and any other governmental entities having jurisdiction, including but not
15 limited to the following:
 - 16 a. All applicable land use regulations;
 - 17 b. All applicable zoning stipulations and conditions, including but not
18 limited to landscaping and dust control requirements;
 - 19 c. All applicable air quality control standards and regulations, and permit
20 conditions of the Pinal County Air Quality Control District, the Arizona
21 Department of Environmental Quality and/or Federal agencies having
22 jurisdiction; and the Applicant, or its assignee(s), shall install and operate
23 selective catalytic reduction and oxidation catalyst emission control
24 technologies, as required by the air permit;
 - 25 d. All applicable water use, discharge and/or disposal requirements of the
26 Arizona Department of Water Resources and the Arizona Department of
27 Environmental Quality;
 - 28 e. All applicable noise control standards;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- f. All applicable regulations and permits governing storage and handling of chemicals and petroleum products; and
- g. All other applicable federal and state regulations and standards.

3. Applicant, or its assignee(s), will provide to the Commission copies of the Project's executed interconnection agreement with SRP, and the technical operating studies which will be performed by SRP prior to actual physical interconnection of the Project to the SRP transmission system.

4. At least 30 days prior to commercial operation of the Project, Applicant, or its assignee(s), will file with Commission Docket Control a letter from SRP confirming the completion of all required transmission system upgrades, and the compliance by Applicant, or its assignee(s), with all requirements of SRP to interconnect the Project with the SRP switchyard and transmission system and to ensure compliance with all applicable WECC/NERC standards, without the implementation of an automated Remedial Action Scheme ("RAS") to mitigate any N-1 contingencies, except as a temporary measure until May 30, 2011. The Project may rely upon a temporary RAS to mitigate impacts of an outage on the Dinosaur to Browning 230kV transmission line and, should one occur, will ramp down generation to below 360MW immediately and to below 280MW within thirty (30) minutes. The Project may rely upon a temporary RAS to mitigate impacts of an outage on the Randolph to Dinosaur 230kV transmission line and, should one occur, will shut down generation. The temporary RAS will not be employed to mitigate any N-1 contingency after May 30, 2011; provided, however, that if the Project commercial operation date is delayed beyond May 30, 2011, the Applicant, or its assignee(s), may apply to the Commission for an extension of time.

5. Applicant, or its assignee(s), shall document and make reasonable efforts to respond to each complaint made to Applicant, or its assignee(s), of alleged interference with radio or television signals from the operation of the Project.

1 Applicant, or its assignee(s), shall maintain written records for a period of five
2 years of all such complaints including the date of the alleged interference, the
3 name and identifying information of the complaining party, the response made,
4 and the results of the corrective action taken or an explanation of why no action
5 was taken, as applicable.

6 6. The Project will be designed and constructed to incorporate reasonable measures
7 to minimize impact upon raptors.

8 7. Non-specular conductor and dulled surfaces shall be used for the gen-tie
9 transmission line structures.

10 8. Applicant, or its assignee(s), or its affiliate company, or its customer will become
11 a member of the WECC (or its successor), and will file with the Commission a
12 copy of its executed WECC Membership Agreement.

13 9. Before commencing construction of Project facilities located within 100 feet of
14 any existing natural gas or hazardous liquid pipeline, the Applicant, or its
15 assignee(s), shall:

16 a. Perform the appropriate grounding and cathodic protection studies to
17 show that the Project's location parallel to and within 100 feet of such
18 pipeline results in no material adverse impacts to the pipeline or to public
19 safety when both the pipeline and the Project are in operation. If material
20 adverse impacts are noted in the studies, Applicant, or its assignee(s), shall
21 take appropriate steps to ensure that such material adverse impacts are
22 mitigated. Applicant, or its assignee(s), shall file in Commission Docket
23 Control reports of the studies performed; and

24 b. Perform a technical study simulating an outage of the Project that may be
25 caused by the collocation of the Project parallel to and within 100 feet of
26 the existing natural gas or hazardous liquid pipeline. This study should
27 either: (i) show that such outage does not result in customer outages; or (ii)
28 include operating plans to minimize any resulting customer outages.

1 Applicant, or its assignee(s), shall file a copy of this study in Commission
2 Docket Control.

3 10. Applicant, or its assignee(s), and/or its affiliate company and/or its customer, will
4 participate in good faith in Arizona and regional workshops and other
5 assessments of the natural gas infrastructure and market.

6 11. Applicant, or its assignee(s), and/or its affiliate company and/or its customer, will
7 take commercially reasonable steps to ensure a reliable supply and delivery of
8 natural gas for the Project.

9 12. Within 30 days of the Commission decision authorizing construction of the
10 Project, Applicant, or its assignee(s), will erect and maintain at the site a sign of
11 not less than 4 feet by 8 feet dimensions, advising:

12 a. That the site has been approved for the construction of a 575 megawatt
13 generating facility and associated gen-tie transmission line interconnecting
14 the generating facility to a new switchyard;

15 b. The expected date of completion of the Project;

16 c. The phone number and address of a Project representative; and

17 d. A website where the public may access public information about the
18 Project.

19 13. To the extent applicable, Applicant, or its assignee(s), will comply with the notice
20 and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 *et*
21 *seq.*) and will, to the extent feasible, minimize the destruction of native plants
22 during the construction and operation of the Project.

23 14. During the construction and maintenance of the Project, to the extent practicable,
24 the Applicant, or its assignee(s), will use existing roads for construction and
25 access, and to the extent applicable taking into account that the Project Site lies
26 within a designated industrial use area, minimize impacts to wildlife and
27 vegetation outside of the Project Site.
28

- 1 15. If any archaeological, paleontological, or historical site or object that is at least
2 fifty years old is discovered on state, county, or municipal land during the
3 construction or operation of the Project, Applicant, or its assignee(s), will
4 promptly report the discovery to the Director of the Arizona State Museum and,
5 in consultation with the Director, take all reasonable steps to secure and maintain
6 the preservation of the discovery in accordance with A.R.S. § 41-844.
- 7 16. If human remains or funerary objects are encountered during the course of any
8 ground disturbing activities related to the development of the Project, Applicant,
9 or its assignee(s), will cease work and notify the Director of the Arizona State
10 Museum in accordance with A.R.S. § 41-865.
- 11 17. Within 120 days after the approval of this Certificate by the Commission,
12 Applicant, or its assignee(s), will provide the following information to all persons
13 who have filed with the City of Coolidge or Pinal County any official master plan
14 and/or subdivision plat for residential home development on property within one
15 mile from the center of the Project Site: (i) a copy of this Certificate; (ii) a map
16 showing the location of the Project; (iii) a pictorial representation of the Project;
17 and (iv) a request that developers and homebuilders include this information in
18 their disclosure statements to prospective buyers.
- 19 18. Applicant, or its assignee(s), will provide copies of this Certificate to the City of
20 Coolidge, Pinal County, the Arizona State Land Department, and the State
21 Historic Preservation Office.
- 22 19. On or before March 1 of each year, beginning in 2010, Applicant, or its
23 assignee(s), will submit a self-certification letter identifying progress made with
24 respect to each condition of this Certificate, including which conditions have
25 been met. Each letter, together with reasonably detailed supporting
26 documentation, will be filed with Commission Docket Control, with copies to the
27 Arizona Attorney General and the Department of Commerce Energy Office. This
28 requirement will expire on the date the Project is placed into commercial

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

operation or the Certificate expires.

GRANTED this _____ day of October, 2008.

ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

By _____
John Foreman, Chairman

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Thursday, October 02, 2008 11:06 AM
To: John Foreman; Nancy Scott; Janice Alward
Cc: Susan Ellis; Maureen Scott; LuAnn Kornegay; Steve Wene
Subject: RE: Final CEC

Chairman Foreman: An electronic copy of the final CEC approved by the Committee yesterday is being forwarded to Staff Counsel this morning, with a request that they notify my office by the end of today if they see any needed corrections. My office will then hand deliver to you tomorrow 4 hard copy final originals for you to review and, if it looks correct to you, to sign and forward on to the Commission. We will appreciate one signed original returned to my office, and one to Nancy Scott, for our records. I appreciate so much your cooperation and efficient management of the hearing process, and Staff's cooperation, enabling us to complete it in two days. It is a pleasure working with you and I look forward to our meeting with the Commissioners to approve this CEC, and to future hearings for other projects. Thanks. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Thursday, October 02, 2008 9:16 AM
To: Nancy Scott; Jay Moyes
Cc: Susan Ellis; Maureen Scott; LuAnn Kornegay; Steve Wene
Subject: Final CEC

Counsel,
I will look forward to receiving the final form of the CEC. My understanding is the Applicant will provide my office with the original. I would appreciate it if counsel for the ACC Staff would notify my office as soon as possible that you have reviewed the final document and approve it. I want to make sure it correctly states all the modifications made and approved by the Committee. I will review it and compare it to my notes and then, assuming no problems are found, sign it. I will be out of the office for most of today and I will probably not have time to review it until Friday. Thank you all again for the way you worked together professionally during this matter. It made my job much easier.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377

john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Thursday, October 02, 2008 9:16 AM
To: Nancy Scott; Jay Moyes
Cc: Susan Ellis; Maureen Scott; LuAnn Kornegay; Steve Wene
Subject: Final CEC

Counsel,

I will look forward to receiving the final form of the CEC. My understanding is the Applicant will provide my office with the original. I would appreciate it if counsel for the ACC Staff would notify my office as soon as possible that you have reviewed the final document and approve it. I want to make sure it correctly states all the modifications made and approved by the Committee. I will review it and compare it to my notes and then, assuming no problems are found, sign it. I will be out of the office for most of today and I will probably not have time to review it until Friday.

Thank you all again for the way you worked together professionally during this matter. It made my job much easier.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Maureen Scott

From: Nancy Scott
Sent: Sunday, September 28, 2008 2:16 PM
To: 'Jay Moyes'; 'John Foreman'
Cc: Steven Olea; Prem Bahl; Maureen Scott; 'Steve Wene'; 'Susan Ellis'; 'LuAnn Kornegay'
Subject: Staff's Slide Presentation (Prem Bahl) - Coolidge Generating Station
Attachments: Staff Presentation ~ Coolidge Generating Station CEC_ 9-28-08.ppt

Attached is a revised copy of Mr. Bahl's slide presentation. Pursuant to agreement between Applicant and Staff regarding the final proposed CEC conditions, the previously submitted Slide #26 has been deleted and the subsequent slides renumbered. Sorry for any inconvenience.

Susie, please redistribute to the Committee members. Thanks.

Nancy

From: LuAnn Kornegay [mailto:LKKornegay@LAWMS.COM]
Sent: Sunday, September 28, 2008 10:38 AM
To: Susan Ellis; Jay Moyes; Steve Wene; Nancy Scott; John Foreman
Subject: Applicants Exhibit Book-Coolidge Generating Station

Good morning

I discovered an error in the witness books that were sent to you last week. It is as follows:

The very last page of Exhibit A-5 is a picture of a sign posting of the Notice of Hearing. That picture should be behind the letter "d" of Exhibit A-4.

I apologize for the inconvenience this may have caused. I have corrected the error in the remaining binders that will be distributed at the hearing.

Thank you!

LuAnn Kornegay
Administrative Coordinator
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
lkornegay@lawms.com
602-604-2156
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free & no responsibility is accepted by Moyes Sellers & Sims for any loss or damage arising in any way from its use.

Nancy Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, September 26, 2008 3:19 PM
To: Nancy Scott; Jay Moyes; Ramaley Karilee S
Cc: Susan Ellis
Subject: Re: Status report re Case No. 141, Coolidge Generating Station

I am pleased you are working well together and no need exists for the meeting on Monday. I will have Susie e-mail the Committee members to remind them of the tour and the option of leaving from the hotel. My guess is most will not have checked in on Monday before 1 pm. but we will make sure.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 9/26/2008 1:58 PM >>>
Chairman Foreman: I'm sorry to learn that you've been ill, and hope you've recovered.

Thank you for your efforts with regard to the SHPO situation. I believe we have worked out a plan, now that the experts have completed the Class III and are preparing their report, for communication with SHPO without the necessity of a conference hosted by you on Monday. That will leave us both more time to address last minute preparations and get to Coolidge for the site tour. Of course, if your preference is to still meet with them, and they are going to be there, I will be happy to attend.

it appears that there is no other need for the settlement conference I requested Wednesday night regarding CEC conditions. While there remain a few minor differences to work out yet today, I'm pleased to report excellent progress toward achieving a single form of CEC to be jointly proposed by Applicant and Staff. Hopefully we may yet reach that point by this evening. In any case I'm reasonably confident we will be in that position no later than the beginning of the hearing, and likely sooner. Accordingly, and per your earlier direction at the Procedural Conference, I will not be docketing at this point Applicant's unilateral proposed form of CEC, notwithstanding that requirement of the earlier Procedural Order, but will continue efforts to complete a joint draft. (Because both my client and SRP are non-jurisdictional at the ACC except for quite narrow exceptions, such as power plant and line siting, it is understandable that some of the information and conditions language Staff would ideally like to see as a matter of broad policy does tend toward blurring those jurisdictional lines that SRP and my client feel are legally important to respect and preserve. All parties are working in good faith to address the information that is relevant without infringing upon those jurisdictional boundaries, and I believe we will achieve that with the assistance of some testimony in the record and confirming written filing in the docket.)

You should have received a copy by now of Applicant's Exhibit Notebook. Please let me know if there are any questions re that or other matters.

Finally, my office (LuAnn) remains a bit unsure about which, if any, Committee members, are planning to be picked up at the hotel in Casa Grande for van transport to Coolidge to begin the tour at the Youth Center, as opposed to just meeting us at the Youth Center. If you or Suzie are communicating with members, please let them know that it is an option to connect at the hotel, and be returned to there after the tour, saving them the two-way drive (if they are staying at the hotel.) But in order to make the 1:30 departure of the official tour from the Youth Center we must depart the hotel no later than 1:00 p.m., sharp.

Thank you. --JAY

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Nancy Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, September 26, 2008 1:58 PM
To: John.Foreman@azag.gov; Nancy Scott; Ramaley Karilee S
Subject: Status report re Case No. 141, Coolidge Generating Station

Chairman Foreman: I'm sorry to learn that you've been ill, and hope you've recovered.

Thank you for your efforts with regard to the SHPO situation. I believe we have worked out a plan, now that the experts have completed the Class III and are preparing their report, for communication with SHPO without the necessity of a conference hosted by you on Monday. That will leave us both more time to address last minute preparations and get to Coolidge for the site tour. Of course, if your preference is to still meet with them, and they are going to be there, I will be happy to attend.

it appears that there is no other need for the settlement conference I requested Wednesday night regarding CEC conditions. While there remain a few minor differences to work out yet today, I'm pleased to report excellent progress toward achieving a single form of CEC to be jointly proposed by Applicant and Staff. Hopefully we may yet reach that point by this evening. In any case I'm reasonably confident we will be in that position no later than the beginning of the hearing, and likely sooner. Accordingly, and per your earlier direction at the Procedural Conference, I will not be docketing at this point Applicant's unilateral proposed form of CEC, notwithstanding that requirement of the earlier Procedural Order, but will continue efforts to complete a joint draft. (Because both my client and SRP are non-jurisdictional at the ACC except for quite narrow exceptions, such as power plant and line siting, it is understandable that some of the information and conditions language Staff would ideally like to see as a matter of broad policy does tend toward blurring those jurisdictional lines that SRP and my client feel are legally important to respect and preserve. All parties are working in good faith to address the information that is relevant without infringing upon those jurisdictional boundaries, and I believe we will achieve that with the assistance of some testimony in the record and confirming written filing in the docket.)

You should have received a copy by now of Applicant's Exhibit Notebook. Please let me know if there are any questions re that or other matters.

Finally, my office (LuAnn) remains a bit unsure about which, if any, Committee members, are planning to be picked up at the hotel in Casa Grande for van transport to Coolidge to begin the tour at the Youth Center, as opposed to just meeting us at the Youth Center. If you or Suzie are communicating with members, please let them know that it is an option to connect at the hotel, and be returned to there after the tour, saving them the two-way drive (if they are staying at the hotel.) But in order to make the 1:30 departure of the official tour from the Youth Center we must depart the hotel no later than 1:00 p.m., sharp.

Thank you. --JAY

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoves@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, September 26, 2008 8:57 AM
To: Michele Finical; LuAnn Kornegay; John.Foreman@azag.gov; susan.ellis@azag.gov
Cc: Prem Bahl; Maureen Scott; Nancy Scott
Subject: RE: Coolidge Generating Station - Staff's Engineer Presentation

Thanks, Michelle. Has Bob Gray's presentation changed any since the slides that we saw a couple of days ago? If so, could you send that along as well?

All: A copy of Applicant's Exhibit Notebook was delivered yesterday to Staff counsel, Chairman Foreman and others. All of Applicant's final versions of witness presentation slides are included there. We also docketed yesterday those same slides as our "summaries of witness testimony", and you should have received service copies of that filing as well. Please let LuAnn know promptly if you have not received those, or if you need additional copies. Thanks. JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: Michele Finical [mailto:MFinical@azcc.gov]
Sent: Friday, September 26, 2008 8:46 AM
To: Jay Moyes; LuAnn Kornegay; John.Foreman@azag.gov; susan.ellis@azag.gov
Cc: Prem Bahl; Maureen Scott; Nancy Scott
Subject: Coolidge Generating Station - Staff's Engineer Presentation

All,

Attached is the powerpoint presentation of Prem Bahl.

=====
This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov
=====

Nancy Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Thursday, September 25, 2008 12:30 AM
To: Nancy Scott; John.Foreman@azag.gov
Cc: cgibson@azstateparks.gov; Brad Howard; Jason Schulz; Randy Schroeder; Ramaley Karilee S; kenda pollio
Subject: RE: Coolidge Generating Station, Case No. 141; Applicant's request for a procedural and settlement conference

Chairman Foreman: On behalf of the Applicant in Case No. 141, I respectfully request and urge that you convene a procedural and settlement conference of the two parties at your convenience on Friday, September 26.

The efficient conduct of the hearing proceedings next week will be greatly advanced by an opportunity for me to discuss with you and counsel for Staff two matters prior to the hearing before the Committee: (1) The proposed form of CEC, and conditions proposed by Staff that Applicant believes are in conflict with governing statutes; and (2) the issue of the letter docketed by SHPO, the Class III survey promptly conducted by Applicant pursuant thereto, and Ms. Scott's email on the subject, to which this email replies.

With respect to the form of CEC, Staff and Applicant are making very good progress; however, to help us resolve some key differences I request some guidance with regard to the Committee's legal interpretation and application of ARS 40-360.06(C), which clearly and expressly precludes Committee imposition of air pollution control standards more stringent than those applicable by regulations of the agency of primary jurisdiction, in this case the Pinal County Air Quality Control District.

With respect to the second item, Ms. Scott's message of "concern" from the Commission professes to "take no position", yet it very clearly does argue a position, by strong implication, that any action on a CEC in this case would deprive a "participant" of due process if taken prior to responsive comment by SHPO to Applicant's Class III survey. Staff has made no attempt to communicate its "non-position" to Applicant or discuss its implications and ramifications, or the factual and legal foundation of the participation by SHPO and the prior communication between Applicant and SHPO relevant to SHPO's participation. Because of the simple reality that the factual condition and history of the subject Site are such a poor and obviously inapt premise upon which to argue the issue, I am personally increasingly concerned that SHPO's position, which Staff has elected to advance by assertion of its not so subtle "non-position", has much more to do with attempted establishment of procedural precedent with the Committee under your Chairmanship than it does with any legitimate concern in this case that items of historical significance will have been found by non-excavating surveys on land that has been disturbed and farmed for many decades, or that SHPO would actually have any substantive comments of concern on the Class III survey completed earlier this week while the essential majority of such farmland was covered with a mature cotton crop. I believe it will unduly prejudice my client's case if frank discussion of this issue cannot take place with you and Staff, with SHPO representative(s) in attendance, prior to debate in front of the entire Committee. No one has been deprived of opportunity to participate, and certainly not SHPO. Applicant voluntarily submitted a Class I survey; and promptly upon finally learning of SHPO's response to that, we communicated again with SHPO to clarify between two contradictory directives contained in SHPO's docketed letter to you, and then conducted the requested Class III survey at the very earliest opportunity compatible with the farmer's crop irrigation schedule. I will defer fully arguing Applicant's position until we can address this with you in the presence of the other party in the case and, hopefully, with SHPO also present, with a view and commitment toward mutual resolution that does not require postponement of a final decision on Applicant's request for a CEC, nor provide grounds for allegation that if such a postponement doesn't occur the Commission should somehow conclude that the case record is incomplete or that an interested person's opportunity to participate was foreclosed.

Because the hearing date is so imminent, I respectfully request that you direct Staff and Applicant to conference with you this Friday, and that SHPO be invited. I respect your very busy calendar, and your consideration of this request on such short notice is sincerely appreciated. --JAY

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jjmoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

From: Nancy Scott [mailto:NScott@azcc.gov]
Sent: Wednesday, September 24, 2008 2:17 PM
To: John.Foreman@azag.gov
Cc: Jay Moyes; cgibson@azstateparks.gov
Subject: Coolidge Generating Station, ACC Docket 08-0422

Chairman Foreman,

Commission Staff has reviewed the correspondence from SHPO docketed on 9/15/08 regarding a Class III cultural resources survey of the parcel in the above-named project. Such a survey is not the type of technical issue that Staff normally reviews when evaluating an application and, therefore, Staff takes no position on any action to be taken in this regard. Nonetheless, we would like to bring to the Committee's attention, the Commission's firm commitment to accord all participants due process in these matters

The Commission must base its final approval on the evidence contained in the record and, as such, is always concerned that all participants have full opportunity to appear at the hearing and submit comment on the application. There appears to be a possibility that SHPO may not have sufficient time to supply their comments to the Committee regarding the results of the Class III survey, before a determination on the application is made. We would hope that action could be taken which would avoid the possibility that any interested party may be left with the view that they were not allowed to fully participate in the proceedings and offer their views and recommendations for the record. And, ultimately, a determination before SHPO is allowed to submit its comments may result in a record which the full Committee and the Commission may believe is not complete such that a determination can not ultimately be made.

Again, Commission Staff takes no position in this matter, but believed it was important to bring this concern to the Committee's attention.

Thank you,

Nancy Scott
Attorney, Legal Division
Arizona Corporation Commission
1200 W. Washington
Phoenix, Arizona 85007
Ph: (602) 542-6020
Fx: (602) 542-4870
nscott@azcc.gov

Copies:
Jay Moyes
Connie Gibson

This footnote confirms that this email message has
been scanned to detect malicious content. If you experience problems, please e-mail postmaster@azcc.gov

Maureen Scott

From: Nancy Scott
Sent: Thursday, September 25, 2008 8:19 AM
To: Maureen Scott
Subject: FW: Coolidge Generating Station, Case No. 141; Applicant's request for a procedural and settlement conference

From: Jay Moyes [mailto:JIMoyes@LAWMS.COM]
Sent: Thursday, September 25, 2008 12:30 AM
To: Nancy Scott; John.Foreman@azag.gov
Cc: cgibson@azstateparks.gov; Brad Howard; Jason Schulz; Randy Schroeder; Ramaley Karilee S; kenda pollio
Subject: RE: Coolidge Generating Station, Case No. 141; Applicant's request for a procedural and settlement conference

Chairman Foreman: On behalf of the Applicant in Case No. 141, I respectfully request and urge that you convene a procedural and settlement conference of the two parties at your convenience on Friday, September 26.

The efficient conduct of the hearing proceedings next week will be greatly advanced by an opportunity for me to discuss with you and counsel for Staff two matters prior to the hearing before the Committee: (1) The proposed form of CEC, and conditions proposed by Staff that Applicant believes are in conflict with governing statutes; and (2) the issue of the letter docketed by SHPO, the Class III survey promptly conducted by Applicant pursuant thereto, and Ms. Scott's email on the subject, to which this email replies.

With respect to the form of CEC, Staff and Applicant are making very good progress; however, to help us resolve some key differences I request some guidance with regard to the Committee's legal interpretation and application of ARS 40-360.06(C), which clearly and expressly precludes Committee imposition of air pollution control standards more stringent than those applicable by regulations of the agency of primary jurisdiction, in this case the Pinal County Air Quality Control District.

With respect to the second item, Ms. Scott's message of "concern" from the Commission professes to "take no position", yet it very clearly does argue a position, by strong implication, that any action on a CEC in this case would deprive a "participant" of due process if taken prior to responsive comment by SHPO to Applicant's Class III survey. Staff has made no attempt to communicate its "non-position" to Applicant or discuss its implications and ramifications, or the factual and legal foundation of the participation by SHPO and the prior communication between Applicant and SHPO relevant to SHPO's participation. Because of the simple reality that the factual condition and history of the subject Site are such a poor and obviously inapt premise upon which to argue the issue, I am personally increasingly concerned that SHPO's position, which Staff has elected to advance by assertion of its not so subtle "non-position", has much more to do with attempted establishment of procedural precedent with the Committee under your Chairmanship than it does with any legitimate concern in this case that items of historical significance will have been found by non-excavating surveys on land that has been disturbed and farmed for many decades, or that SHPO would actually have any substantive comments of concern on the Class III survey completed earlier this week while the essential majority of such farmland was covered with a mature cotton crop. I believe it will unduly prejudice my client's case if frank discussion of this issue cannot take place with you and Staff, with SHPO representative(s) in attendance, prior to debate in front of the entire Committee. No one has been deprived of opportunity to participate, and certainly not SHPO. Applicant voluntarily submitted a Class I survey; and promptly upon finally learning of SHPO's response to that, we communicated again with SHPO to clarify between two contradictory directives contained in SHPO's docketed letter to you, and then conducted the requested Class III survey at the very earliest opportunity compatible with the farmer's crop irrigation schedule. I will defer fully arguing Applicant's position until we can address this with you in the presence of the other party in the case and, hopefully, with SHPO also present, with a view and commitment toward mutual resolution that does not require postponement of a final decision on Applicant's request for a CEC, nor provide grounds for allegation that if such a postponement doesn't occur the Commission

should somehow conclude that the case record is incomplete or that an interested person's opportunity to participate was foreclosed.

Because the hearing date is so imminent, I respectfully request that you direct Staff and Applicant to conference with you this Friday, and that SHPO be invited. I respect your very busy calendar, and your consideration of this request on such short notice is sincerely appreciated. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

From: Nancy Scott [mailto:NScott@azcc.gov]
Sent: Wednesday, September 24, 2008 2:17 PM
To: John.Foreman@azag.gov
Cc: Jay Moyes; cgibson@azstateparks.gov
Subject: Coolidge Generating Station, ACC Docket 08-0422

Chairman Foreman,

Commission Staff has reviewed the correspondence from SHPO docketed on 9/15/08 regarding a Class III cultural resources survey of the parcel in the above-named project. Such a survey is not the type of technical issue that Staff normally reviews when evaluating an application and, therefore, Staff takes no position on any action to be taken in this regard. Nonetheless, we would like to bring to the Committee's attention, the Commission's firm commitment to accord all participants due process in these matters

The Commission must base its final approval on the evidence contained in the record and, as such, is always concerned that all participants have full opportunity to appear at the hearing and submit comment on the application. There appears to be a possibility that SHPO may not have sufficient time to supply their comments to the Committee regarding the results of the Class III survey, before a determination on the application is made. We would hope that action could be taken which would avoid the possibility that any interested party may be left with the view that they were not allowed to fully participate in the proceedings and offer their views and recommendations for the record. And, ultimately, a determination before SHPO is allowed to submit its comments may result in a record which the full Committee and the Commission may believe is not complete such that a determination can not ultimately be made.

Again, Commission Staff takes no position in this matter, but believed it was important to bring this concern to the Committee's attention.

Thank you,

Nancy Scott
Attorney, Legal Division
Arizona Corporation Commission
1200 W. Washington

Phoenix, Arizona 85007

Ph: (602) 542-6020

Fx: (602) 542-4870

nscott@azcc.gov

Copies:

Jay Moyes

Connie Gibson

This footnote confirms that this email message has been scanned to detect malicious content. If you experience problems, please e-mail postmaster@azcc.gov



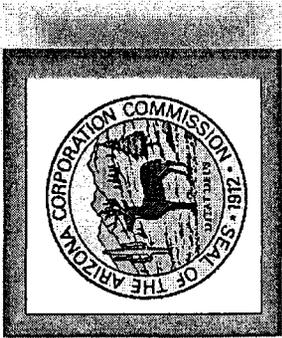
**Arizona
Corporation
Commission**

Docket No. L-00000HH-08-0422-00141

Coolidge Generating Station

Prem K. Bahl, ACC Staff

**Presented to
The Power Plant & Line Siting Committee
September 30 & October 1, 2008**



ACC Staff Witness

Name: Prem Bahl

Title: Electric Utilities Engineer

Employer: Arizona Corporation Commission

Address: Utilities Division
1200 W. Washington
Phoenix, AZ 85007



Professional Background

- **M.S.E.E. – South Dakota State University (1972)**
- **Registered P.E. (Arizona) – Electrical (1978)**
- **Professional Experience:**
 - **16 Years as Staff Engineer with the Arizona Corporation Commission (since 1988); two years as Chief Engic Engineer with RUCO; twenty years with Electric Utility industry in U.S. and India; and five years with Consulting Engineering firms**



Presentation Overview

- **Project Description**
- **Project Need and Benefits**
- **System Impact Study (“SIS” or “Study”)**
- **System Impact Study Results**
 - **Power Flow Study**
 - **Short Circuit Study**
 - **Transient Stability Study**
- **Conclusions & Recommendations**



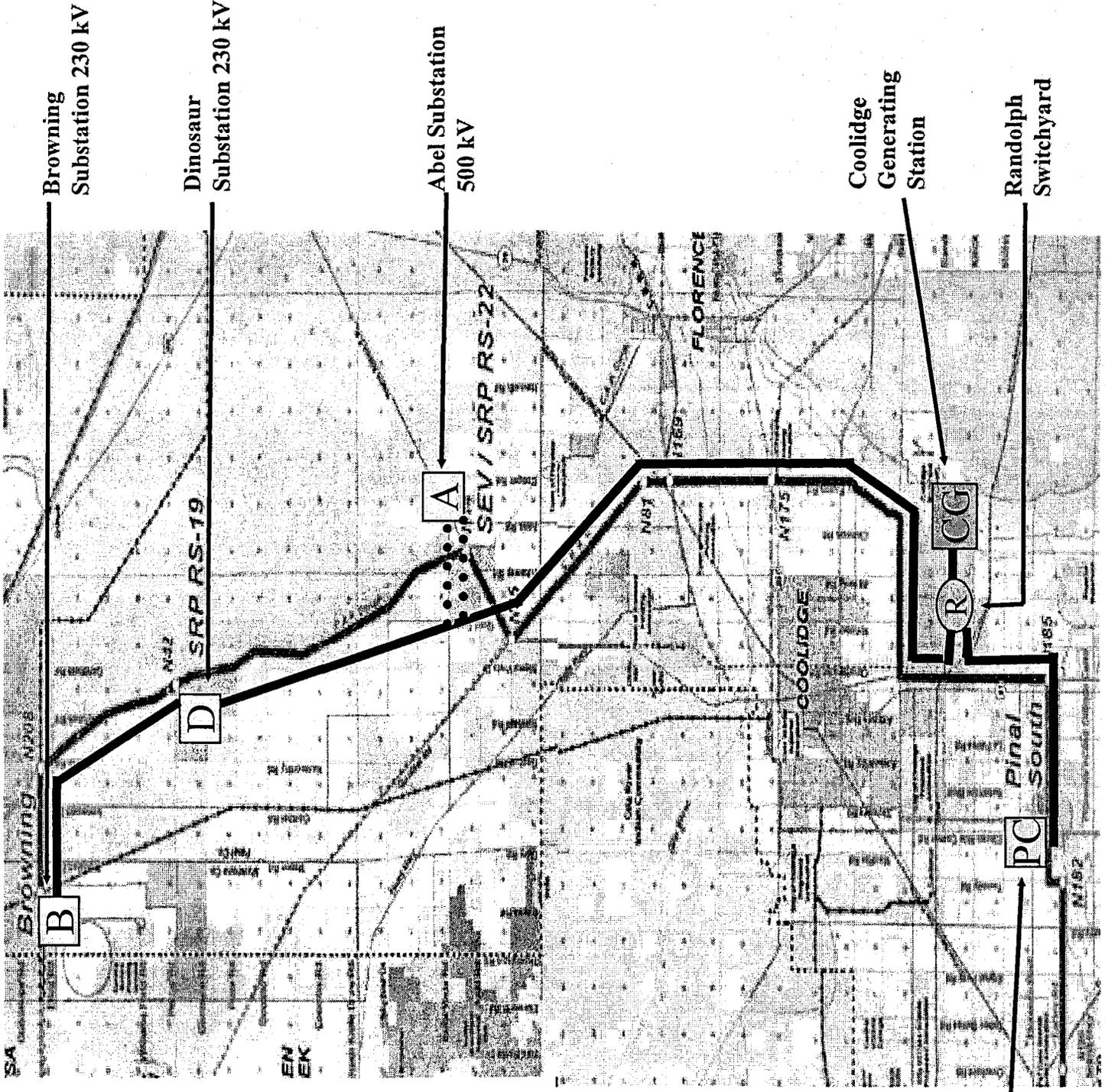
Project Description

- On August 8, 2008, Coolidge Power Corporation (“Coolidge Power” or “Applicant”), applied to the Arizona Corporation Commission (“Commission”) for a Certificate of Environmental Compatibility (“CEC”) for the construction of the Coolidge Generating Station (“CSG,” “Plant” or “Project”).
- The Project consists of twelve simple cycle gas fired GE LM6000 combustion turbine generators (“CTs”), with a total plant capacity ranging from a minimum of 25 MW to a maximum of 575 MW (495 MW in summer).
- SRP has entered into a long-term (20-year) contract with Coolidge Power to receive the full output of the Plant, and to act as Control Area Operator for the Plant.



Project Description

- The CGS will be interconnected with the 230 kV line between Pinal Central (“PC”) and Dinosaur (“DIN”) Substations through a 230 kV Randolph (“RAN”) Substation.
- PC-RAN-DIN 230 kV line will be constructed in two phases:
 - Phase I ~ RAN-DIN 230 kV (will be energized on September 1, 2010)
 - Phase II ~ RAN-PC 230 kV (will be energized on May 1, 2011)



Pinal Central Substation 500 kV (2011)
 9/30 & 10/1/2008



Project Need and Benefits

- Coolidge Power proposed the Project in response to a request for proposal (“RFP”) from Salt River Project (“SRP”).
- SRP’s rapidly growing load in the Pinal County needs a generation resource under peak load conditions.
- The 230 kV transmission line from Pinal Central to Abel to Dinosaur, which will receive output from CGS, was included in the Central Arizona Transmission System High Voltage (“CATS-HV”) Saturated Load and Transmission Study Final Report issued on September 21, 2006, and later in SRP’s 10-year Plan 2007-2016, filed with the Commission in January 2007.



Project Need and Benefits

- **The benefit of the Project is that it is a peaking plant that provides not only load serving requirement but also spinning reserve requirement, as it can be brought on line at full capacity within ten minutes.**



System Impact Study

- Pursuant to the Arizona State statute 40-360.02(B), Coolidge Power filed the Interconnection System Impact Study (“SIS”) in Docket Control on March 20, 2008.



Components of System Impact Study

- **Power flow analysis**
- **Short circuit analysis**
- **Transient stability analysis**



WECC Reliability Criteria and NERC Planning Standards

● SRP technical study criteria was based on WECC¹
Reliability criteria and NERC² Planning Standards:

- N-0 (Base Case – no contingency)
- N-1 (Single contingency)
- N-1-1 (Non-simultaneous double contingency)
- N-2 (Simultaneous double contingency)

Notes: 1) Western Electricity Coordinating Council
2) North American Reliability Corporation



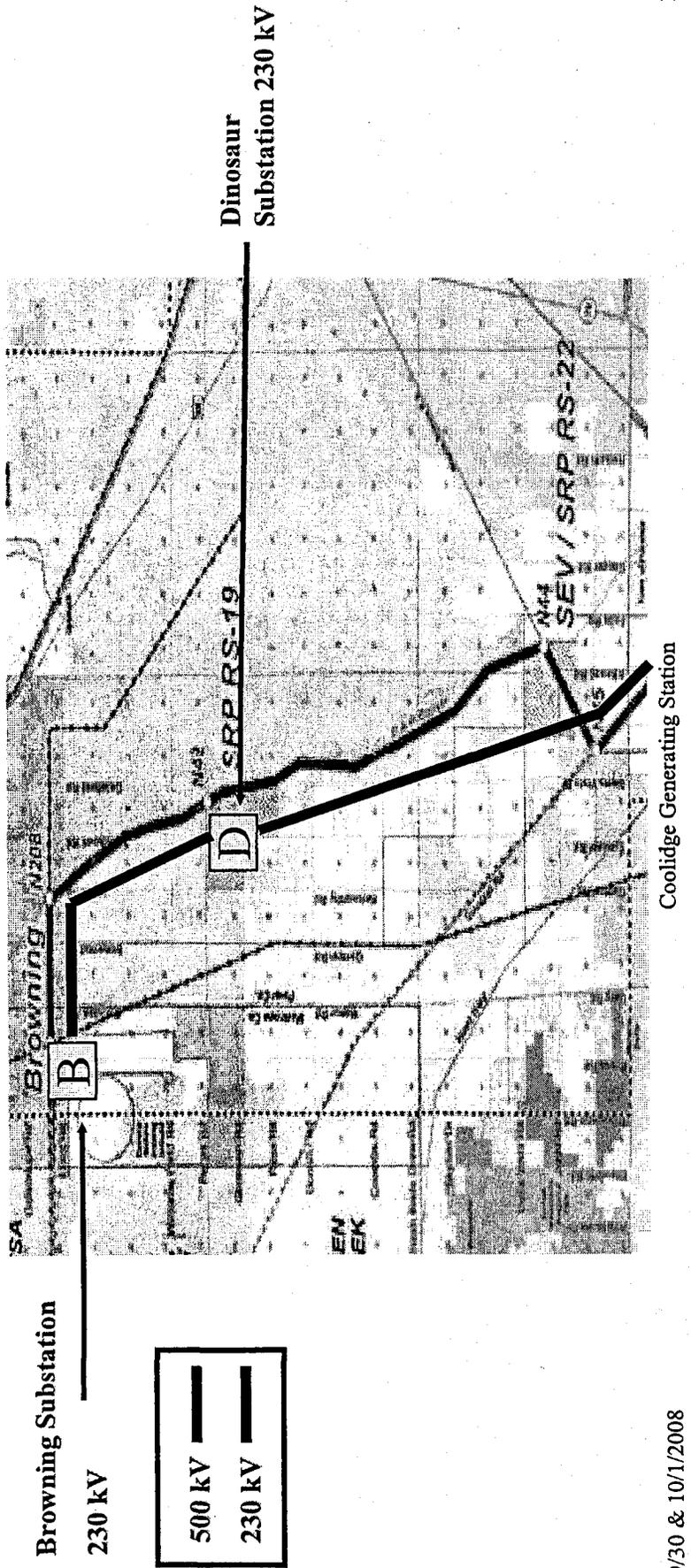
Power Flow Study Results

- **Several Power Flow scenarios were developed to simulate various potential transmission schedules with the following results. Temporary Remedial Action Scheme (“RAS”) for N-1 contingencies will be implemented until 4-30-11. Permanent RAS will be employed for N-2 or N-1-1 contingencies after May 1, 2011.**
 - **2011 Summer peak load conditions were studied**
 - **Plant output 100 MW from 9-1-10 to 9-30-10**
 - **N-1 Contingency (before 10-1-10) ~ Browning to Dinosaur 230 kV outage → Reduce Plant output to 95 MW ~ temporary RAS**



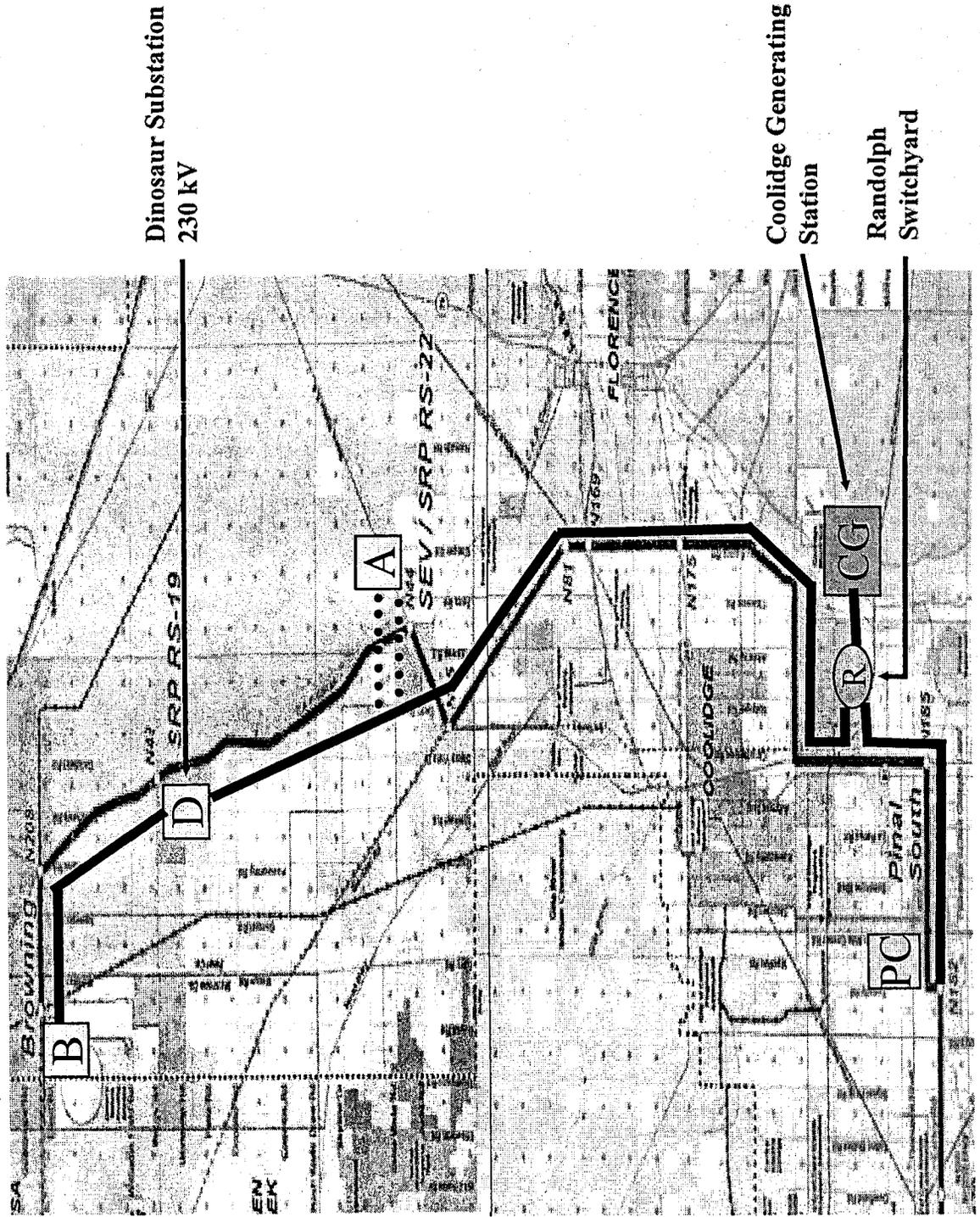
Power Flow Study Results

N-1 Contingency (10-1-10 to 4-30-11) ~ Browning to Dinosaur 230 kV outage → Reduce Plant output to 360 MW (emergency rating of the Dinosaur 230/69 kV transformer), and, within half hour to 280 MW (Dinosaur 230/69 kV transformer normal rating) ~ temporary RAS





- N-1 (10-1-10 to 4-30-11) ~ Randolph to Dinosaur 230 kV
 (radial line) outage → temporary RAS shuts down the Plant
 (power nowhere to go)





Power Flow Study Results

- **Micromill One to Germann 69 kV line (approximately one mile long) gets overloaded for the Browning 230/69 kV transformer outage to 102% of its emergency rating. SRP will upgrade this line to mitigate this overloading at an estimated cost of \$350,000.**
- **SRP's Santan to Thunderstone 230 kV line will be upgraded prior to 2010 to mitigate overloading of this line to 114% of its emergency rating for the Silver King 500/230 kV transformer outage.**



Power Flow Study Results

– APS Casa Grande 230/69 kV transformer was overloaded to 112.5% of its emergency limit as a result of Milligan 230/69 kV transformer outage. This transformer had a pre-TransCanada loading of 109.3% of its emergency limit.

(According to APS' Jason Spitzkoff, 230/69 kV transformers are designed for overloading up to 120% of their emergency limit.)



Short Circuit Study Results

- SRP conducted the short circuit analysis using the ASPEN OneLiner program employing an SRP 2011 planning model.
- Post-Plant fault current level increases (a difference greater than 500 A) at the busses close to the CGS are below the breaker interrupting limits.



Transient Analysis Results

- **The transient stability analysis was performed by selecting contingencies involving fault locations having the largest impact on the transmission system surrounding the Plant.**
- **Modified 2011 Heavy Summer WECC base case and a sensitivity base case were selected. The sensitivity base case included the 230 kV Pinal Central to Sundance and 500 kV Pinal Central to Tortolita lines.**



Transient Analysis Results

- An additional base case scenario was considered when the Plant may be radially connected to Dinosaur Substation. An assumption of in-service date for the Abel 230/69 kV transformer prior to May 1, 2011, with the contingencies of Browning to Dinosaur and Dinosaur to Abel 230 kV lines would have the most severe impact on the system.
- For the above worst-case scenario, as with the other cases, no transient stability violations were noted.



Conclusions

- **Based on the analysis of the Application and results of SIS, Staff concludes as follows:**
 - **The Applicant has established need and benefits of the Project.**
 - **Power flow analysis indicates that certain SRP facilities that were overloaded as a result of certain contingencies would be upgraded prior to May 1, 2011, when the Plant would be interconnected to the Pinal Central to Dinosaur 230 kV line.**
 - **There is no negative reliability impact to non-SRP facilities.**



Conclusions

- Temporary RAS required for N-1 contingencies from September 1, 2010, to April 30, 2011, is acceptable since it is not cost effective to upgrade the system, such as adding the second Dinosaur 230/69 kV transformer, for less than one year of operation until Randolph to Pinal Central 230 kV line is completed by May 1, 2011.
- The cost to implement temporary RAS is \$75,000. The Project will pay for it.
- The cost of putting in a second transformer at Dinosaur would be \$5 million, which is not cost effective.



Conclusions

- **The SLS indicates no change in the short circuit duty of equipment in the interconnected transmission grid under all contingency scenarios.**
- **The Study indicates no system stability violations under all contingency scenarios.**



Recommendations

- Based on Staff's review of the Applicant's request to receive CEC for the Plant, and on the analysis of the SIS, Staff makes the following recommendations.
 - The Applicant shall file with ACC Docket Control confirmation of the completion of the required upgrades to the Micromill One-Germann 69 kV line and the Santan to Thunderstone 230 kV line at least thirty days before commercial operation of the Plant.

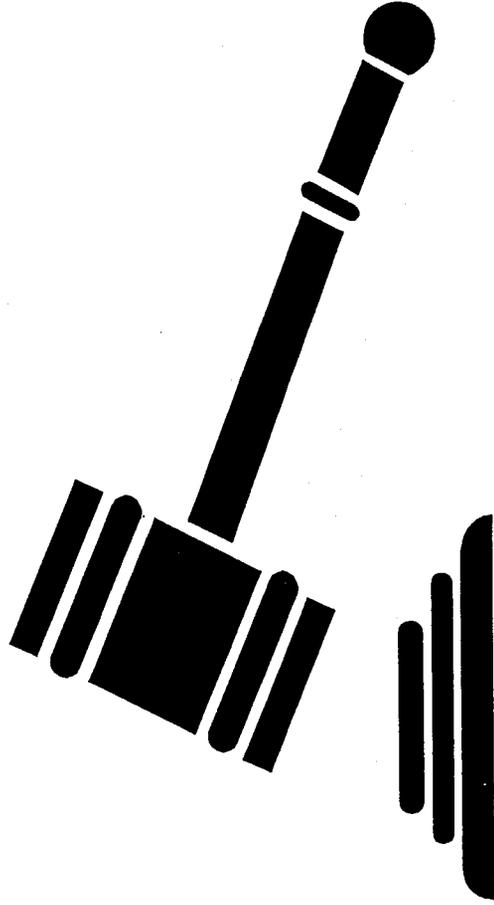


Recommendations

- Approval of Applicant’s plan to employ temporary RAS for the period between September 1, 2010, and April 30, 2011, be granted because the mitigation measures for such a short period of time are not cost effective.
- No RAS should be employed for any N-1 contingencies after April 30, 2011, for either load dropping or generation tripping. Permanent RAS may be employed for N-2 or N-1-1 contingencies.



Questions ?



Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Thursday, August 14, 2008 9:27 AM
To: Maureen Scott; Jay Moyes
Cc: Susan Ellis; LuAnn Kornegay
Subject: RE: Coolidge Generating Station; Notice of Hearing

The notice looks fine to me. I am available to sign it today, all day.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Maureen Scott" <mscott@azcc.gov> 8/14/2008 9:09 AM >>>
Chairman Foreman, attached is a copy of the revised notice. We have added Jay's sentence (referenced below in item 1) back in after the sentence I added in the third paragraph regarding public comment. In addition, in the next full paragraph, I have added contact numbers for the Commission's Consumer Services Division in the event an interested person or entity needs copies of the provisions pertaining to intervention. Finally, after discussion with Jay, we both agreed to elimination of the "/ss/" or typed signature; and instead both believe that your actual signature would probably be better. Finally, I have added the correct website address for interested persons to obtain copies of the Line Siting Calendar in paragraph 1 of the notice. Thank you for your consideration of these changes.

Maureen A. Scott
Senior Staff Counsel
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-6022

From: Jay Moyes [mailto:JIMoyes@LAWMS.COM]
Sent: Wednesday, August 13, 2008 6:39 PM
To: John Foreman
Cc: Maureen Scott; Suzie Ellis; LuAnn Kornegay

Subject: Coolidge Generating Station; Notice of Hearing

Chairman Foreman:

1. Thanks for your prompt response to the earlier drafts. Maureen and I have reached agreement on the attached final form of notice. I made one substantive language change from the clean version you indicated was acceptable to you earlier today --- at Maureen's request the following phrase was deleted from the third paragraph: "Any person may be limited to a single opportunity, and/or to a limited amount of time, to present comments, at the discretion of the Chairman of the Committee."

If the attached form still meets your approval, please confirm or have Susie call. LuAnn will send it to the Coolidge Examiner for publication twice, initially on Saturday or Tuesday. For publication purposes it will simply reflect your typed signature in the "/ss/ " format.

NOTE: the indicated ACC website appears to me to need correction, which Maureen will confirm tomorrow (Thursday) morning to LuAnn, who will make any correction on the final notice before it goes to the newspaper.

2. Unless you direct otherwise, our office will, on your behalf, also send by certified mail a copy of this notice to the City of Coolidge as the "affected area of jurisdiction" pursuant to ARS 40-360.04(A) , and, as a courtesy, to Pinal County.

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

=====

This footnote confirms that this email message has been scanned to detect malicious content.

If you experience problems, please contact postmaster@azcc.gov

=====

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Wednesday, August 13, 2008 6:39 PM
To: John Foreman
Cc: Maureen Scott; Suzie Ellis; LuAnn Kornegay
Subject: Coolidge Generating Station; Notice of Hearing
Attachments: CGS Notice of Hearing, Final 8-13.doc

Chairman Foreman:

1. Thanks for your prompt response to the earlier drafts. Maureen and I have reached agreement on the attached final form of notice. I made one substantive language change from the clean version you indicated was acceptable to you earlier today --- at Maureen's request the following phrase was deleted from the third paragraph: "Any person may be limited to a single opportunity, and/or to a limited amount of time, to present comments, at the discretion of the Chairman of the Committee."

If the attached form still meets your approval, please confirm or have Susie call. LuAnn will send it to the Coolidge Examiner for publication twice, initially on Saturday or Tuesday. For publication purposes it will simply reflect your typed signature in the "/ss/" format.

NOTE: the indicated ACC website appears to me to need correction, which **Maureen will confirm tomorrow (Thursday) morning to LuAnn, who will make any correction on the final notice before it goes to the newspaper.**

2. Unless you direct otherwise, our office will, on your behalf, also send by certified mail a copy of this notice to the City of Coolidge as the "affected area of jurisdiction" pursuant to ARS 40-360.04(A), and, as a courtesy, to Pinal County.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Any person may make a limited appearance at the hearing by filing a written statement with the Director of Utilities, Arizona Corporation Commission, 1200 West Washington, Phoenix, Arizona 85007, not less than five days before the date set for hearing. A person making a limited appearance or presenting oral comment shall not be a party to this proceeding nor have the right to present testimony or cross-examine witnesses. Any organization or individual wishing to qualify to be a party to this proceeding must comply with Arizona Revised Statutes Section 40-360.05 and Rule 14-3-204 of the Arizona Administrative Code.

The Project consists of the construction of a natural gas fired, simple-cycle power plant. The Project will include 12 General Electric (GE) LM6000 PC SPRINT NxGen combustion turbine generators. Each generator unit will be capable of operating independent of the other units, allowing the Project to efficiently produce an aggregate generating output ranging from approximately 25 MW up to approximately 575 MW, at prescribed ambient temperature and humidity conditions, as needed to respond to peak load. The Project includes a short 230kV transmission line running within the Project Site to connect the generators to a new switchyard within the same Project Site.

The proposed Project Site is an approximately 100-acre parcel of farmland located in Section 10, Township 6 South, Range 8 East, G&SRB&M, Pinal County, Arizona. The general location of the 100-acre Project Site is east of the Union Pacific Railroad right-of-way that runs parallel with and east of Highway 87, and south of the former Valero refinery facilities that lie south of Randolph Road, all within the southern portion of the corporate limits of the City of Coolidge.

The Application contains detailed information about the Project, and is on file at the Docket Control Center of the Arizona Corporation Commission, 1200 W. Washington, Suite #108, Phoenix, Arizona 85007 and at the Commission's Tucson Office at 400 W. Congress, Suite #218, Tucson, Arizona 85701. The Application is available for review at the Coolidge Public Library, and may also be viewed on the Project website at <http://www.transcanada.com/coolidge>.

These proceedings are governed by Arizona Revised Statutes Sections 40-360 and 40-360.13 and Arizona Administrative Code Rules R14-3-220 and R14-3-113. No substantive communications, not in the public record, may be made to any member of the Committee.

Dated this 15th day of August, 2008.

/ss/ John Foreman, Assistant Attorney General
Chairman, Arizona Power Plant and
Transmission Line Siting Committee

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Wednesday, August 13, 2008 2:04 PM
To: Maureen Scott
Subject: FW: Case No. 141: Coolidge Generating Station; Form of Notice of Hearing for publication

Maureen: I'll try to call you as soon as I finish a couple of conference calls. My preference is to go with the "clean" version that I attached, subject to any "typo"-level corrections. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Wednesday, August 13, 2008 1:58 PM
To: Maureen Scott; Jay Moyes
Cc: LuAnn Kornegay
Subject: Re: Case No. 141: Coolidge Generating Station; Form of Notice of Hearing for publication

I would be willing to sign either notice. Both appear to satisfy the statutory requirements.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 8/13/2008 1:19 PM >>>
Chairman Foreman and Ms. Scott:

Last week I forwarded to Chairman Foreman a proposed form of Notice of Hearing, to which he responded, only preliminarily, with no changes except the time of the tour. We have since furnished that form to Ms.

Scott for comment and she has responded with a redlined revision with fairly extensive changes. I agree with many but not all of her revisions. I have made editing corrections and further substantive revisions to her redlined version, reflected by additional redlining on the attached. Also attached is a "clean" version incorporating my last revisions.

Substantively I believe the differences to be a question of how extensively the notice sets forth the detailed provisions of the various statutes and rules governing participation in the hearing, as opposed to referencing the citations to those statutes and rules without all the detailed "text". My preference is for the shorter version, on the philosophy that a more concise notice is more likely to be read by more people, and that those with serious interest in becoming full parties (as opposed to just making comments or statements) will consult the statutes/rules and seek counsel to get the details to assure compliance.

My comments in this regard are shown on the redlined version attached.

It is important that we finalize the notice and get it to the newspaper by COB on Friday. I will appreciate Chairman Foreman's guidance on how he would like to proceed. If he can respond with his general preference on which approach he wants us to use (inasmuch as it is, after all, his notice, not the applicant's or staff's), then I'm sure Maureen and I can quickly finalize the language for his final approval.

Thanks for the consideration of both of you. --JAY_

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Wednesday, August 13, 2008 1:58 PM
To: Maureen Scott; Jay Moyes
Cc: LuAnn Kornegay
Subject: Re: Case No. 141: Coolidge Generating Station; Form of Notice of Hearing for publication

I would be willing to sign either notice. Both appear to satisfy the statutory requirements.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 8/13/2008 1:19 PM >>>
Chairman Foreman and Ms. Scott:

Last week I forwarded to Chairman Foreman a proposed form of Notice of Hearing, to which he responded, only preliminarily, with no changes except the time of the tour. We have since furnished that form to Ms. Scott for comment and she has responded with a redlined revision with fairly extensive changes. I agree with many but not all of her revisions. I have made editing corrections and further substantive revisions to her redlined version, reflected by additional redlining on the attached. Also attached is a "clean" version incorporating my last revisions.

Substantively I believe the differences to be a question of how extensively the notice sets forth the detailed provisions of the various statutes and rules governing participation in the hearing, as opposed to referencing the citations to those statutes and rules without all the detailed "text". My preference is for the shorter version, on the philosophy that a more concise notice is more likely to be read by more people, and that those with serious interest in becoming full parties (as opposed to just making comments or statements) will consult the statutes/rules and seek counsel to get the details to assure compliance. My comments in this regard are shown on the redlined version attached.

It is important that we finalize the notice and get it to the newspaper by COB on Friday. I will appreciate Chairman Foreman's guidance on how he would like to proceed. If he can respond with his general preference on which approach he wants us to use (inasmuch as it is, after all, his notice, not the applicant's or staff's), then I'm sure Maureen and I can quickly finalize the language for his final approval.

Thanks for the consideration of both of you. --JAY_

Jay I. Moyes, Esq.

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Wednesday, August 13, 2008 1:19 PM
To: John Foreman; Maureen Scott
Cc: LuAnn Kornegay
Subject: Case No. 141: Coolidge Generating Station; Form of Notice of Hearing for publication
Attachments: Jay's 8-13 clean rev. proposed CGS Notice of Hearing .doc; Coolidgenotice Jay's 8-13 rev of Maureen's 8-12 rev.doc

Chairman Foreman and Ms. Scott:

Last week I forwarded to Chairman Foreman a proposed form of Notice of Hearing, to which he responded, only preliminarily, with no changes except the time of the tour. We have since furnished that form to Ms. Scott for comment and she has responded with a redlined revision with fairly extensive changes. I agree with many but not all of her revisions. I have made editing corrections and further substantive revisions to her redlined version, reflected by additional redlining on the attached. Also attached is a "clean" version incorporating my last revisions.

Substantively I believe the differences to be a question of how extensively the notice sets forth the detailed provisions of the various statutes and rules governing participation in the hearing, as opposed to referencing the citations to those statutes and rules without all the detailed "text". My preference is for the shorter version, on the philosophy that a more concise notice is more likely to be read by more people, and that those with serious interest in becoming full parties (as opposed to just making comments or statements) will consult the statutes/rules and seek counsel to get the details to assure compliance. My comments in this regard are shown on the redlined version attached.

It is important that we finalize the notice and get it to the newspaper by COB on Friday. I will appreciate Chairman Foreman's guidance on how he would like to proceed. If he can respond with his general preference on which approach he wants us to use (inasmuch as it is, after all, his notice, not the applicant's or staff's), then I'm sure Maureen and I can quickly finalize the language for his final approval.

Thanks for the consideration of both of you. --JAY_

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Committee.

Any person may make a limited appearance at the hearing by filing a written statement with the Director of Utilities, Arizona Corporation Commission, 1200 West Washington, Phoenix, Arizona 85007, not less than five days before the date set for hearing. A person making a limited appearance or presenting oral comment shall not be a party to this proceeding nor have the right to present testimony or cross-examine witnesses. Any organization or individual wishing to qualify to be a party to this proceeding must comply with Arizona Revised Statutes Section 40-360.05 and Rule 14-3-204 of the Arizona Administrative Code.

Comment [jim1]: In prior cases some commenters sought to make extensive comments at multiple sessions, and the Chairman's desire to reasonably limit such was argued to be contradictory to the notice of public comment opportunity because the notice did not specify such potential discretionary limitations. I think this is a good addition that will help the Chairman manage the efficiency of the proceeding.

The Project consists of the construction of a natural gas fired, simple-cycle power plant. The Project will include 12 General Electric (GE) LM6000 PC SPRINT NxGen combustion turbine generators. Each generator unit will be capable of operating independent of the other units, allowing the Project to efficiently produce an aggregate generating output ranging from approximately 25 MW up to approximately 575 MW, at optimal ambient temperature and humidity conditions, as needed to respond to peak load. The Project includes a short 230kV transmission line running within the Project Site to connect the generators to a new switchyard within the same Project Site.

The proposed Project Site is an approximately 100-acre parcel of farmland located in Section 10, Township 6 South, Range 8 East, G&SRB&M, Pinal County, Arizona. The general location of the 100-acre Project Site is east of the Union Pacific Railroad right-of-way that runs parallel with and east of Highway 87, and south of the former Valero refinery facilities that lie south of Randolph Road, all within the southern portion of the corporate limits of the City of Coolidge.

The Application contains detailed information about the Project, and is on file at the Docket Control Center of the Arizona Corporation Commission, 1200 W. Washington, Suite #108, Phoenix, Arizona 85007 and at the Commission's Tucson Office at 400 W. Congress, Suite #218, Tucson, Arizona 85701. The Application is available for review at the Coolidge Public Library, and may also be viewed on the Project website at <http://www.transcanada.com/coolidge>.

These proceedings are governed by Arizona Revised Statutes Sections 40-360 and 40-360.13 and Arizona Administrative Code Rules R14-3-220 and R14-3-113. No substantive communications, not in the public record, may be made to any member of the Committee.

Dated this ____ day of August, 2008.

Comment [jim2]: This paragraph is not needed, given Maureen's addition to first paragraph above

Comment [jim3]: In my opinion this is unnecessary in a notice of hearing, and is adequately covered by the reference in the fourth paragraph above to the applicable statutes and rules governing parties. I will defer to the preferences of the Chairman, inasmuch as this is his notice, which we only facilitate as an accommodation at his request.

John Foreman, Assistant Attorney General
Chairman, Arizona Power Plant and
Transmission Line Siting Committee

limited amount of time, to present comments, at the discretion of the Chairman of the Committee.

Any person may make a limited appearance at the hearing by filing a written statement with the Director of Utilities, Arizona Corporation Commission, 1200 West Washington, Phoenix, Arizona 85007, not less than five days before the date set for hearing. A person making a limited appearance or presenting oral comment shall not be a party to this proceeding nor have the right to present testimony or cross-examine witnesses. Any organization or individual wishing to qualify to be a party to this proceeding must comply with Arizona Revised Statutes Section 40-360.05, and Rule 14-3-204 of the Arizona Administrative Code.

The Project consists of the construction of a natural gas fired, simple-cycle power plant. The Project will include 12 General Electric (GE) LM6000 PC SPRINT NxGen combustion turbine generators. Each generator unit will be capable of operating independent of the other units, allowing the Project to efficiently produce an aggregate generating output ranging from approximately 25 MW up to approximately 575 MW, at optimal ambient temperature and humidity conditions, as needed to respond to peak load. The Project includes a short 230kV transmission line running within the Project Site to connect the generators to a new switchyard within the same Project Site.

The proposed Project Site is an approximately 100-acre parcel of farmland located in Section 10, Township 6 South, Range 8 East, G&SRB&M, Pinal County, Arizona. The general location of the 100-acre Project Site is east of the Union Pacific Railroad right-of-way that runs parallel with and east of Highway 87, and south of the former Valero refinery facilities that lie south of Randolph Road, all within the southern portion of the corporate limits of the City of Coolidge.

The Application contains detailed information about the Project, and is on file at the Docket Control Center of the Arizona Corporation Commission, 1200 W. Washington, Suite #108, Phoenix, Arizona 85007 and at the Commission's Tucson Office at 400 W. Congress, Suite #218, Tucson, Arizona 85701. The Application is available for review at the Coolidge Public Library, and may also be viewed on the Project website at <http://www.transcanada.com/coolidge>.

Each county and municipal government and state agency interested in the proposed Project and desiring to become a party to the proceedings, shall, not less than ten (10) days before the date set for hearing, file with the Director of Utilities Division, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, a notice of its intent to be a party.

Any domestic, non-profit corporation or association, formed in whole or in part to promote conservation of natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests, to

Comment [jim1]: In prior cases some commenters sought to make extensive comments at multiple sessions, and the Chairman's desire to reasonably limit such was argued to be contradictory to the notice of public comment opportunity because the notice did not specify such potential discretionary limitations. I think this is a good addition that will help the Chairman manage the efficiency of the proceeding.

Deleted: ¶

Deleted: Any person wishing to present oral comment to the Committee with respect to the Application may choose to be heard either at the commencement of either of the regular morning hearing sessions or at a special evening public comment session on September 30, 2008, at 7:00 p.m., also at the Coolidge Youth Center.

Deleted: pursuant to

Deleted: .

Deleted: must comply with

Deleted: The Project will be designed to produce approximately 575 MW of electrical output prescribed ambient temperature and humidity conditions

Deleted: Unit

Deleted:

Deleted: U

Deleted: accommodate

Deleted: . T

Deleted: .

Comment [jim2]: This paragraph is not needed, given Maireen's addition to first paragraph above

Deleted: .

Deleted: Depending upon the issues raised and the number of parties appearing during the hearing, the Committee may, at its discretion, recess the hearing to a time and place that will be announced during the hearing and notice of which will be posted on the following website: www.azcc.gov/utility/electric/linesiting-calendar.htm

represent commercial and industrial groups, or to promote orderly development of the area in which the Project is to be located and desiring to become a party to the proceedings shall, not less than ten (10) days before the date set for hearing, file with the Director of Utilities Division, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, a notice of its intent to be a party.

The Committee or its Chairman, at any time deemed appropriate, may make other persons parties to the proceedings.

These proceedings are governed by Arizona Revised Statutes Sections 40-360 and 40-360.13 and Arizona Administrative Code Rules R14-3-220 and R14-3-113. No substantive communications, not in the public record, may be made to any member of the Committee. The written decisions of the Committee shall be submitted to the Arizona Corporation Commission pursuant to Arizona Revised Statutes Section 40-360.07. Any person intending to be a party before the Arizona Corporation Commission must be a party to the proceedings before the Committee.

Dated this _____ day of August, 2008.

John Foreman, Assistant Attorney General
Chairman, Arizona Power Plant and
Transmission Line Siting Committee

Comment [jim3]: In my opinion this is unnecessary in a notice of hearing, and is adequately covered by the reference in the fourth paragraph above to the applicable statutes and rules governing parties. I will defer to the preferences of the Chairman, inasmuch as this is his notice, which we only facilitate as an accommodation at his request.

Deleted: r

Comment [jim4]: Same as comment 3 above

Deleted: ORDERED

Formatted: Indent: Left: 0.5"

Deleted: . . .

Deleted: .

Deleted: .

Deleted: Assistant Attorney General

Deleted: .

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, August 01, 2008 3:15 PM
To: John Foreman
Cc: Maureen Scott
Subject: RE: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

Thank you. I will get a draft notice to you and Maureen Scott early next week. Have a good weekend! ---JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2008 3:08 PM
To: Jay Moyes
Cc: Maureen Scott; LuAnn Kornegay; Ramaley Karilee S
Subject: RE: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

I do want to have you circulate to me and counsel for staff a draft form of notice for their comment and my approval. Unless counsel object, we can schedule the pre-hearing conference for September 19 at 10 am. We can have it here at my office. We will reserve a conference room and have a court reporter present. I will generate a procedural order formally setting the conference as soon as you file the application.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 8/1/2008 3:02 PM >>>
Chairman Foreman: Because I have a district board meeting that afternoon in Buckeye, I request 10:00 a.m. for the procedural conference if it is held on September 19. Thanks.

Also, do you want me to propose a draft form of notice of hearing for publication?

Based on printing schedules, it appears today that our application filing will most likely occur either late Tuesday the 5th, or early Wednesday the 6th, so we will need to get the notice to the weekly newspaper(s) quickly thereafter in order to publish the following week.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2008 9:19 AM
To: Jay Moyes
Cc: Maureen Scott; Ramaley Karilee S
Subject: Re: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

Susie Ellis, my new secretary, has circulated an e-mail to the Committee members to confirm their availability on the dates and times we discussed. I expect to set a pre-hearing conference on September 19 in my initial procedural order. Would you prefer 10 am or 2 pm?

I look forward to working with you all on this matter.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 7/31/2008 7:41 PM >>>
Chairman Foreman:

Thank you for the courtesy of meeting with me without a prior appointment today. I had met earlier today with Maureen Scott and ACC Staff to review the Project and address scheduling. I also spoke again with Maureen subsequent to my visit with you. As you and I discussed, Maureen and I have concluded that the dates that are workable for convening the hearing to consider the application of Coolidge Power Corporation for a CEC for the proposed Coolidge Generating Station are September 30 and October 1. You indicated a desire to schedule a site tour on the preceding day, September 29; and Maureen and I

concur that a pre-hearing tour would be an excellent complement to an efficient hearing process. We would also expect a separate public comment session in the evening of September 30 (as well as comment opportunity in the course of the regular hearing as you direct.) Our mutual, firm objective is to complete the hearing, including Committee deliberation and decision, by the end of the day on October 1. The relatively simple and non-controversial nature of this project should make that a realistic goal.

We recognize that you will need to poll the Committee members regarding availability. It is our strong hope that a sufficient number will make themselves available on those days, because if we must look beyond those dates, Staff's current schedules apparently would require delay until October 20 at the earliest. That would fall outside the statutory 30-60 day window, calculated from a filing date of August 6 (the latest date on which I will be filing) and a hearing notice publication on August 16, the latest date in compliance with the statutory 10-day post-filing notice requirement. (In reality, first publication of the notice will need to occur earlier in the week of August 11 to meet the regular weekly publication schedule of the Coolidge-area local newspaper(s), since the 16th is a Saturday.) Moving the hearing to an earlier week in September likewise appears from our discussion today to not be feasible given your current schedule and pre-commitments; and, Staff is also adamant that their other workload will not allow them to complete their preparations timely for our hearing any earlier than September 30. Consequently, we appear to be essentially relegated to the 30th and 1st ; therefore, we will appreciate any persuasion you may be able to assert with your Committee in order to convene a sufficient quorum such that you would be comfortable proceeding on those days.

If you have a preferred form of notice for publication, I would appreciate you sending that by reply email. If not, I am happy to propose one for your consideration. I look forward to any questions or other guidance. I will plan to deliver a copy of the application to your office no later than August 6, even though I know you will also receive one from Docket Control. We will be making many extra sets for convenience of interested parties.

Unless you direct otherwise, I will expect my office to coordinate with your office and handle the publication of notice, arrangements for the tour, lodging arrangement assistance for Committee members as/if desired, arrangements for the venue and audio/video facilities, official audio recording and court reporter services, and any other facilitation we can offer. Our team has already reserved for the subject week a very suitable large facility in Coolidge for the hearing venue.

Thanks for your continuing cooperation and assistance. -JAY (my cell phone number is 602-390-6309; please feel free to call at any time)

Jay I. Moyes

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, August 01, 2008 3:08 PM
To: Jay Moyes
Cc: Maureen Scott; LuAnn Kornegay; Ramaley Karilee S
Subject: RE: Coolidge Power Corporation; CEC application for the project Coolidge Generating Station

I do want to have you circulate to me and counsel for staff a draft form of notice for their comment and my approval. Unless counsel object, we can schedule the pre-hearing conference for September 19 at 10 am. We can have it here at my office. We will reserve a conference room and have a court reporter present. I will generate a procedural order formally setting the conference as soon as you file the application.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 8/1/2008 3:02 PM >>>

Chairman Foreman: Because I have a district board meeting that afternoon in Buckeye, I request 10:00 a.m. for the procedural conference if it is held on September 19. Thanks.

Also, do you want me to propose a draft form of notice of hearing for publication?

Based on printing schedules, it appears today that our application filing will most likely occur either late Tuesday the 5th, or early Wednesday the 6th, so we will need to get the notice to the weekly newspaper(s) quickly thereafter in order to publish the following week.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2008 9:19 AM
To: Jay Moyes

Cc: Maureen Scott; Ramaley Karilee S
Subject: Re: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

Susie Ellis, my new secretary, has circulated and e-mail to the Committee members to confirm their availability on the dates and times we discussed. I expect to set a pre-hearing conference on September 19 in my initial procedural order. Would you prefer 10 am or 2 pm?

I look forward to working with you all on this matter.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 7/31/2008 7:41 PM >>>
Chairman Foreman:

Thank you for the courtesy of meeting with me without a prior appointment today. I had met earlier today with Maureen Scott and ACC Staff to review the Project and address scheduling. I also spoke again with Maureen subsequent to my visit with you. As you and I discussed, Maureen and I have concluded that the dates that are workable for convening the hearing to consider the application of Coolidge Power Corporation for a CEC for the proposed Coolidge Generating Station are September 30 and October 1. You indicated a desire to schedule a site tour on the preceding day, September 29; and Maureen and I concur that a pre-hearing tour would be an excellent complement to an efficient hearing process. We would also expect a separate public comment session in the evening of September 30 (as well as comment opportunity in the course of the regular hearing as you direct.) Our mutual, firm objective is to complete the hearing, including Committee deliberation and decision, by the end of the day on October 1. The relatively simple and non-controversial nature of this project should make that a realistic goal.

We recognize that you will need to poll the Committee members regarding availability. It is our strong hope that a sufficient number will make themselves available on those days, because if we must look beyond those dates, Staff's current schedules apparently would require delay until October 20 at the earliest. That would fall outside the statutory 30-60 day window, calculated from a filing date of August 6 (the latest date on which I will be filing) and a hearing notice publication on August 16, the latest date in compliance with the statutory 10-day post-filing notice requirement. (In reality, first publication of the notice will need to occur earlier in the week of August 11 to meet the regular weekly publication schedule of the Coolidge-area local newspaper(s), since the 16th is a Saturday.) Moving the hearing to an earlier week in September likewise appears from our discussion today to not be feasible given your current schedule and pre-commitments; and, Staff is also adamant that their other workload will not allow them to complete their preparations timely for our hearing any earlier than September 30. Consequently, we appear to be essentially relegated to the 30th and 1st; therefore, we will appreciate any persuasion you may be able to assert with your Committee in order to convene a sufficient quorum such that you would be comfortable proceeding on those days.

If you have a preferred form of notice for publication, I would appreciate you sending that by reply email. If not, I am happy to propose one for your consideration. I look forward to any questions or other guidance. I will plan to deliver a copy of the application to your office no later than August 6, even though I know you will also receive one from Docket Control. We will be making many extra sets for convenience of interested parties.

Unless you direct otherwise, I will expect my office to coordinate with your office and handle the publication of notice, arrangements for the tour, lodging arrangement assistance for Committee members as/if desired, arrangements for the venue and audio/video facilities, official audio recording and court reporter services, and any other facilitation we can offer. Our team has already reserved for the subject week a very suitable large facility in Coolidge for the hearing venue.

Thanks for your continuing cooperation and assistance. -JAY (my
cell phone number is 602-390-6309; please feel free to call at any time)

Jay I. Moyes

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Friday, August 01, 2008 3:02 PM
To: John Foreman
Cc: LuAnn Kornegay; Maureen Scott; Ramaley Karilee S
Subject: RE: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

Chairman Foreman: Because I have a district board meeting that afternoon in Buckeye, I request 10:00 a.m. for the procedural conference if it is held on September 19. Thanks.

Also, do you want me to propose a draft form of notice of hearing for publication?

Based on printing schedules, it appears today that our application filing will most likely occur either late Tuesday the 5th, or early Wednesday the 6th, so we will need to get the notice to the weekly newspaper(s) quickly thereafter in order to publish the following week.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, August 01, 2008 9:19 AM
To: Jay Moyes
Cc: Maureen Scott; Ramaley Karilee S
Subject: Re: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

Susie Ellis, my new secretary, has circulated and e-mail to the Committee members to confirm their availability on the dates and times we discussed. I expect to set a pre-hearing conference on September 19 in my initial procedural order. Would you prefer 10 am or 2 pm?

I look forward to working with you all on this matter.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 7/31/2008 7:41 PM >>>
Chairman Foreman:

Thank you for the courtesy of meeting with me without a prior appointment today. I had met earlier today with Maureen Scott and ACC Staff to review the Project and address scheduling. I also spoke again with Maureen subsequent to my visit with you. As you and I discussed, Maureen and I have concluded that the dates that are workable for convening the hearing to consider the application of Coolidge Power Corporation for a CEC for the proposed Coolidge Generating Station are September 30 and October 1. You indicated a desire to schedule a site tour on the preceding day, September 29; and Maureen and I concur that a pre-hearing tour would be an excellent complement to an efficient hearing process. We would also expect a separate public comment session in the evening of September 30 (as well as comment opportunity in the course of the regular hearing as you direct.) Our mutual, firm objective is to complete the hearing, including Committee deliberation and decision, by the end of the day on October 1. The relatively simple and non-controversial nature of this project should make that a realistic goal.

We recognize that you will need to poll the Committee members regarding availability. It is our strong hope that a sufficient number will make themselves available on those days, because if we must look beyond those dates, Staff's current schedules apparently would require delay until October 20 at the earliest. That would fall outside the statutory 30-60 day window, calculated from a filing date of August 6 (the latest date on which I will be filing) and a hearing notice publication on August 16, the latest date in compliance with the statutory 10-day post-filing notice requirement. (In reality, first publication of the notice will need to occur earlier in the week of August 11 to meet the regular weekly publication schedule of the Coolidge-area local newspaper(s), since the 16th is a Saturday.) Moving the hearing to an earlier week in September likewise appears from our discussion today to not be feasible given your current schedule and pre-commitments; and, Staff is also adamant that their other workload will not allow them to complete their preparations timely for our hearing any earlier than September 30. Consequently, we appear to be essentially relegated to the 30th and 1st; therefore, we will appreciate any persuasion you may be able to assert with your Committee in order to convene a sufficient quorum such that you would be comfortable proceeding on those days.

If you have a preferred form of notice for publication, I would appreciate you sending that by reply email. If not, I am happy to propose one for your consideration. I look forward to any questions or other guidance. I will plan to deliver a copy of the application to your office no later than August 6, even though I know you will also receive one from Docket Control. We will be making many extra sets for convenience of interested parties.

Unless you direct otherwise, I will expect my office to coordinate with your office and handle the publication of notice, arrangements for the tour, lodging arrangement assistance for Committee members as/if desired, arrangements for the venue and audio/video facilities, official audio recording and court reporter services, and any other facilitation we can offer. Our team has already reserved for the subject week a very suitable large facility in Coolidge for the hearing venue.

Thanks for your continuing cooperation and assistance. -JAY (my
cell phone number is 602-390-6309; please feel free to call at any time)

Jay I. Moyes

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, August 01, 2008 9:19 AM
To: Jay Moyes
Cc: Maureen Scott; Ramaley Karilee S
Subject: Re: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

Susie Ellis, my new secretary, has circulated an e-mail to the Committee members to confirm their availability on the dates and times we discussed. I expect to set a pre-hearing conference on September 19 in my initial procedural order. Would you prefer 10 am or 2 pm?

I look forward to working with you all on this matter.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 7/31/2008 7:41 PM >>>
Chairman Foreman:

Thank you for the courtesy of meeting with me without a prior appointment today. I had met earlier today with Maureen Scott and ACC Staff to review the Project and address scheduling. I also spoke again with Maureen subsequent to my visit with you. As you and I discussed, Maureen and I have concluded that the dates that are workable for convening the hearing to consider the application of Coolidge Power Corporation for a CEC for the proposed Coolidge Generating Station are September 30 and October 1. You indicated a desire to schedule a site tour on the preceding day, September 29; and Maureen and I concur that a pre-hearing tour would be an excellent complement to an efficient hearing process. We would also expect a separate public comment session in the evening of September 30 (as well as comment opportunity in the course of the regular hearing as you direct.) Our mutual, firm objective is to complete the hearing, including Committee deliberation and decision, by the end of the day on October 1. The relatively simple and non-controversial nature of this project should make that a realistic goal.

We recognize that you will need to poll the Committee members regarding availability. It is our strong hope that a sufficient number will make themselves available on those days, because if we must look beyond those dates, Staff's current schedules apparently would require delay until October 20 at the earliest. That would fall outside the statutory 30-60 day window, calculated from a filing date of August 6 (the latest date on which I will be filing) and a hearing notice publication on August 16, the latest date in compliance with the statutory 10-day post-filing notice requirement. (In reality, first publication of the notice will need to occur earlier in the week of August 11 to meet the regular weekly publication schedule of the Coolidge-area local newspaper(s), since the 16th is a Saturday.) Moving the hearing to an earlier week in September likewise appears

from our discussion today to not be feasible given your current schedule and pre-commitments; and, Staff is also adamant that their other workload will not allow them to complete their preparations timely for our hearing any earlier than September 30. Consequently, we appear to be essentially relegated to the 30th and 1st ; therefore, we will appreciate any persuasion you may be able to assert with your Committee in order to convene a sufficient quorum such that you would be comfortable proceeding on those days.

If you have a preferred form of notice for publication, I would appreciate you sending that by reply email. If not, I am happy to propose one for your consideration. I look forward to any questions or other guidance. I will plan to deliver a copy of the application to your office no later than August 6, even though I know you will also receive one from Docket Control. We will be making many extra sets for convenience of interested parties.

Unless you direct otherwise, I will expect my office to coordinate with your office and handle the publication of notice, arrangements for the tour, lodging arrangement assistance for Committee members as/if desired, arrangements for the venue and audio/video facilities, official audio recording and court reporter services, and any other facilitation we can offer. Our team has already reserved for the subject week a very suitable large facility in Coolidge for the hearing venue.

Thanks for your continuing cooperation and assistance. -JAY (my
cell phone number is 602-390-6309; please feel free to call at any time)

Jay I. Moyes

Moyes Sellers & Sims

1850 N. Central Ave.

Suite 1100

Phoenix, AZ 85004

jimoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Maureen Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Thursday, July 31, 2008 7:42 PM
To: John.foreman@azag.gov
Cc: Maureen Scott; Ramaley Karilee S
Subject: Coolidge Power Corporation; CEC application for the Coolidge Generating Station project

Chairman Foreman:

Thank you for the courtesy of meeting with me without a prior appointment today. I had met earlier today with Maureen Scott and ACC Staff to review the Project and address scheduling. I also spoke again with Maureen subsequent to my visit with you. As you and I discussed, Maureen and I have concluded that the dates that are workable for convening the hearing to consider the application of Coolidge Power Corporation for a CEC for the proposed Coolidge Generating Station are September 30 and October 1. You indicated a desire to schedule a site tour on the preceding day, September 29; and Maureen and I concur that a pre-hearing tour would be an excellent complement to an efficient hearing process. We would also expect a separate public comment session in the evening of September 30 (as well as comment opportunity in the course of the regular hearing as you direct.) Our mutual, firm objective is to complete the hearing, including Committee deliberation and decision, by the end of the day on October 1. The relatively simple and non-controversial nature of this project should make that a realistic goal.

We recognize that you will need to poll the Committee members regarding availability. It is our strong hope that a sufficient number will make themselves available on those days, because if we must look *beyond* those dates, Staff's current schedules apparently would require delay until October 20 at the earliest. That would fall outside the statutory 30-60 day window, calculated from a filing date of August 6 (the latest date on which I will be filing) and a hearing notice publication on August 16, the latest date in compliance with the statutory 10-day post-filing notice requirement. (In reality, first publication of the notice will need to occur *earlier* in the week of August 11 to meet the regular *weekly* publication schedule of the Coolidge-area local newspaper(s), since the 16th is a Saturday.) Moving the hearing to an *earlier* week in September likewise appears from our discussion today to not be feasible given your current schedule and pre-commitments; and, Staff is also adamant that their other workload will not allow them to complete their preparations timely for our hearing any earlier than September 30. Consequently, we appear to be essentially relegated to the 30th and 1st; therefore, we will appreciate any persuasion you may be able to assert with your Committee in order to convene a sufficient quorum such that you would be comfortable proceeding on those days.

If you have a preferred form of notice for publication, I would appreciate you sending that by reply email. If not, I am happy to propose one for your consideration. I look forward to any questions or other guidance. I will plan to deliver a copy of the application to your office no later than August 6, even though I know you will also receive one from Docket Control. We will be making many extra sets for convenience of interested parties.

Unless you direct otherwise, I will expect my office to coordinate with your office and handle the publication of notice, arrangements for the tour, lodging arrangement assistance for Committee members as/if desired, arrangements for the venue and audio/video facilities, official audio recording and court reporter services, and any other facilitation we can offer. Our team has already reserved for the subject week a very suitable large facility in Coolidge for the hearing venue.

Thanks for your continuing cooperation and assistance. --JAY (my cell phone number is 602-390-6309; please feel free to call at any time).

Jay I. Moyes
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004

jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

ATTACHMENT B

Nancy Scott

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, September 26, 2008 3:19 PM
To: Nancy Scott; Jay Moyes; Ramaley Karilee S
Cc: Susan Ellis
Subject: Re: Status report re Case No. 141, Coolidge Generating Station

I am pleased you are working well together and no need exists for the meeting on Monday. I will have Susie e-mail the Committee members to remind them of the tour and the option of leaving from the hotel. My guess is most will not have checked in on Monday before 1 pm. but we will make sure.

John Foreman
Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
Phoenix, AZ 85007
Tel: 602-542-7902
FAX: 602-542-4377
john.foreman@azag.gov

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 9/26/2008 1:58 PM >>>
Chairman Foreman: I'm sorry to learn that you've been ill, and hope you've recovered.

Thank you for your efforts with regard to the SHPO situation. I believe we have worked out a plan, now that the experts have completed the Class III and are preparing their report, for communication with SHPO without the necessity of a conference hosted by you on Monday. That will leave us both more time to address last minute preparations and get to Coolidge for the site tour. Of course, if your preference is to still meet with them, and they are going to be there, I will be happy to attend.

it appears that there is no other need for the settlement conference I requested Wednesday night regarding CEC conditions. While there remain a few minor differences to work out yet today, I'm pleased to report excellent progress toward achieving a single form of CEC to be jointly proposed by Applicant and Staff. Hopefully we may yet reach that point by this evening. In any case I'm reasonably confident we will be in that position no later than the beginning of the hearing, and likely sooner. Accordingly, and per your earlier direction at the Procedural Conference, I will not be docketing at this point Applicant's unilateral proposed form of CEC, notwithstanding that requirement of the earlier Procedural Order, but will continue efforts to complete a joint draft. (Because both my client and SRP are non-jurisdictional at the ACC except for quite narrow exceptions, such as power plant and line siting, it is understandable that some of the information and conditions language Staff would ideally like to see as a matter of broad policy does tend toward blurring those jurisdictional lines that SRP and my client feel are legally important to respect and preserve. All parties are working in good faith to address the information that is relevant without infringing upon those jurisdictional boundaries, and I believe we will achieve that with the assistance of some testimony in the record and confirming written filing in the docket.)

You should have received a copy by now of Applicant's Exhibit Notebook. Please let me know if there are any questions re that or other matters.

Finally, my office (LuAnn) remains a bit unsure about which, if any, Committee members, are planning to be picked up at the hotel in Casa Grande for van transport to Coolidge to begin the tour at the Youth Center, as opposed to just meeting us at the Youth Center. If you or Suzie are communicating with members, please let them know that it is an option to connect at the hotel, and be returned to there after the tour, saving them the two-way drive (if they are staying at the hotel.) But in order to make the 1:30 departure of the official tour from the Youth Center we must depart the hotel no later than 1:00 p.m., sharp.

Thank you. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

Nancy Scott

From: Jay Moyes [JIMoyes@LAWMS.COM]
Sent: Thursday, September 25, 2008 12:30 AM
To: Nancy Scott; John.Foreman@azag.gov
Cc: cgibson@azstateparks.gov; Brad Howard; Jason Schulz; Randy Schroeder; Ramaley Karilee S; kenda pollio
Subject: RE: Coolidge Generating Station, Case No. 141; Applicant's request for a procedural and settlement conference

Chairman Foreman: On behalf of the Applicant in Case No. 141, I respectfully request and urge that you convene a procedural and settlement conference of the two parties at your convenience on Friday, September 26.

The efficient conduct of the hearing proceedings next week will be greatly advanced by an opportunity for me to discuss with you and counsel for Staff two matters prior to the hearing before the Committee: (1) The proposed form of CEC, and conditions proposed by Staff that Applicant believes are in conflict with governing statutes; and (2) the issue of the letter docketed by SHPO, the Class III survey promptly conducted by Applicant pursuant thereto, and Ms. Scott's email on the subject, to which this email replies.

With respect to the form of CEC, Staff and Applicant are making very good progress; however, to help us resolve some key differences I request some guidance with regard to the Committee's legal interpretation and application of ARS 40-360.06(C), which clearly and expressly precludes Committee imposition of air pollution control standards more stringent than those applicable by regulations of the agency of primary jurisdiction, in this case the Pinal County Air Quality Control District.

With respect to the second item, Ms. Scott's message of "concern" from the Commission professes to "take no position", yet it very clearly does argue a position, by strong implication, that any action on a CEC in this case would deprive a "participant" of due process if taken prior to responsive comment by SHPO to Applicant's Class III survey. Staff has made no attempt to communicate its "non-position" to Applicant or discuss its implications and ramifications, or the factual and legal foundation of the participation by SHPO and the prior communication between Applicant and SHPO relevant to SHPO's participation. Because of the simple reality that the factual condition and history of the subject Site are such a poor and obviously inapt premise upon which to argue the issue, I am personally increasingly concerned that SHPO's position, which Staff has elected to advance by assertion of its not so subtle "non-position", has much more to do with attempted establishment of procedural precedent with the Committee under your Chairmanship than it does with any legitimate concern in this case that items of historical significance will have been found by non-excavating surveys on land that has been disturbed and farmed for many decades, or that SHPO would actually have any substantive comments of concern on the Class III survey completed earlier this week while the essential majority of such farmland was covered with a mature cotton crop. I believe it will unduly prejudice my client's case if frank discussion of this issue cannot take place with you and Staff, with SHPO representative(s) in attendance, prior to debate in front of the entire Committee. No one has been deprived of opportunity to participate, and certainly not SHPO. Applicant voluntarily submitted a Class I survey; and promptly upon finally learning of SHPO's response to that, we communicated again with SHPO to clarify between two contradictory directives contained in SHPO's docketed letter to you, and then conducted the requested Class III survey at the very earliest opportunity compatible with the farmer's crop irrigation schedule. I will defer fully arguing Applicant's position until we can address this with you in the presence of the other party in the case and, hopefully, with SHPO also present, with a view and commitment toward mutual resolution that does not require postponement of a final decision on Applicant's request for a CEC, nor provide grounds for allegation that if such a postponement doesn't occur the Commission should somehow conclude that the case record is incomplete or that an interested person's opportunity to participate was foreclosed.

Because the hearing date is so imminent, I respectfully request that you direct Staff and Applicant to conference with you this Friday, and that SHPO be invited. I respect your very busy calendar, and your consideration of this request on such short notice is sincerely appreciated. --JAY

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jjmoyes@lawms.com

602-604-2106

602-274-9135 (fax)

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Moyes Sellers & Sims, for any loss or damage arising in any way from its use.

From: Nancy Scott [mailto:NScott@azcc.gov]
Sent: Wednesday, September 24, 2008 2:17 PM
To: John.Foreman@azag.gov
Cc: Jay Moyes; cgibson@azstateparks.gov
Subject: Coolidge Generating Station, ACC Docket 08-0422

Chairman Foreman,

Commission Staff has reviewed the correspondence from SHPO docketed on 9/15/08 regarding a Class III cultural resources survey of the parcel in the above-named project. Such a survey is not the type of technical issue that Staff normally reviews when evaluating an application and, therefore, Staff takes no position on any action to be taken in this regard. Nonetheless, we would like to bring to the Committee's attention, the Commission's firm commitment to accord all participants due process in these matters

The Commission must base its final approval on the evidence contained in the record and, as such, is always concerned that all participants have full opportunity to appear at the hearing and submit comment on the application. There appears to be a possibility that SHPO may not have sufficient time to supply their comments to the Committee regarding the results of the Class III survey, before a determination on the application is made. We would hope that action could be taken which would avoid the possibility that any interested party may be left with the view that they were not allowed to fully participate in the proceedings and offer their views and recommendations for the record. And, ultimately, a determination before SHPO is allowed to submit its comments may result in a record which the full Committee and the Commission may believe is not complete such that a determination can not ultimately be made.

Again, Commission Staff takes no position in this matter, but believed it was important to bring this concern to the Committee's attention.

Thank you,

Nancy Scott
Attorney, Legal Division
Arizona Corporation Commission
1200 W. Washington
Phoenix, Arizona 85007
Ph: (602) 542-6020
Fx: (602) 542-4870
nscott@azcc.gov

Copies:
Jay Moyes
Connie Gibson

This footnote confirms that this email message has
been scanned to detect malicious content. If you experience problems, please e-mail postmaster@azcc.gov
