

OPEN MEETING AGENDA ITEM



0000090170

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

- 3 MIKE GLEASON, Chairman
- 4 WILLIAM A. MUNDELL
- 5 JEFF HATCH-MILLER
- 6 KRISTIN K. MAYES
- 7 GARY PIERCE

2008 NOV -5 P 3:11

AZ CORP COMMISSION
DOCKET CONTROL

6 IN THE MATTER OF THE APPLICATION OF
 7 ARIZONA SOLAR ONE, LLC IN
 8 CONFORMANCE WITH THE
 9 REQUIREMENTS OF ARIZONA REVISED
 10 STATUES §§ 40-360, *et seq.*, FOR A
 11 CERTIFICATE OF ENVIRONMENTAL
 12 COMPATIBILITY AUTHORIZING THE
 13 CONSTRUCTION OF THE SOLANA
 14 GENERATING STATION, LOCATED IN
 15 SECTION 9, TOWNSHIP 6 SOUTH, RANGE 7
 16 WEST, MARICOPA COUNTY, ARIZONA.

DOCKET NO. L-00000GG-08-0407-00139
 Arizona Corporation Commission
 CASE NO. 139
 DOCKETED

NOV - 5 2008

DOCKETED BY	<i>MM</i>
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12 IN THE MATTER OF THE APPLICATION OF
 13 ARIZONA SOLAR ONE, LLC IN
 14 CONFORMANCE WITH THE
 15 REQUIREMENTS OF ARIZONA REVISED
 16 STATUES §§ 40-360, *et seq.*, FOR A
 17 CERTIFICATE OF ENVIRONMENTAL
 18 COMPATIBILITY AUTHORIZING THE
 19 CONSTRUCTION OF THE SOLANA GEN-TIE,
 20 WHICH ORIGINATES AT THE SOLANA
 21 GENERATING STATION, LOCATED IN
 22 MARICOPA COUNTY, AND TERMINATES AT
 23 THE PANDA 230 kV SUBSTATION, LOCATED
 24 IN GILA BEND, ARIZONA.

DOCKET NO. L-00000GG-08-0408-00140
 CASE NO. 140

ARIZONA CORPORATION
COMMISSION STAFF'S REQUEST
FOR REVIEW

19 I. INTRODUCTION.

20 A formal evidentiary hearing for the above-captioned matter was held over the course of three
 21 days between September 22, 2008, and October 14, 2008, before the Arizona Power Plant and Line
 22 Siting Committee ("Committee"). On October 21, 2008, Committee Chairman John Foreman filed
 23 with the Arizona Corporation Commission ("Commission") the Committee's decision and order
 24 approving Arizona Solar One's ("Applicant") request for a Certificate of Environmental
 25 Compatibility ("CEC") for a Solar-Thermal Generating Station ("Solar Plant") and a 230 kV power
 26 line ("Gen-Tie").

27 In addition to approving the Company's request for a CEC, the Committee considered
 28 numerous conditions that would apply to the CEC. Staff offered two recommended conditions to the

1 CEC. The first condition was accepted and is included in the CEC approving the Gen-Tie as
2 Condition 15. The second condition, which required a physical separation between the proposed
3 Gen-Tie's tower structures and existing transmission towers, was not adopted by the Committee.
4 Staff continues to believe that a tower separation condition would be appropriate to protect the public
5 interest in reliable electric transmission, and therefore, pursuant to A.R.S. § 40-360.07(B), Staff
6 requests Commission review of the Committee's decision so that the Commission may consider the
7 addition of Staff's second proposed CEC condition.

8 As an additional matter, Staff is proposing a minor clarification to the corridor as described in
9 the CEC. The Committee voted to approve a corridor for the Gen-Tie facilities that modified the
10 corridor that the Applicant originally requested. Owing to ambiguity associated with the description
11 of the corridor related to the Gen-Tie's connection to the Panda 230 kV substation, Staff of the
12 Commission's Utilities Division ("Staff") is offering for the Commission's consideration language to
13 clarify that segment of the corridor.

14 Staff is likewise aware that certain procedural irregularities occurred in this proceeding. Staff
15 does not, however, believe that these procedural irregularities should affect the Commission's
16 decision in this matter because they were reasonably addressed during the proceeding. Finally, Staff
17 suggests that it is appropriate to complete the record in this matter with certain e-mails that have
18 been circulated during the course of this proceeding, and Staff has therefore included those e-mails
19 with this filing. Each of these issues is addressed in turn below.

20 **II. BACKGROUND.**

21 Staff filed for intervention in this matter on August 14, 2008. At the evidentiary hearing,
22 Staff provided two witnesses, Bob Gray and Ray Williamson, to present its case. Mr. Gray discussed
23 the natural gas issues that are implicated by the "need" evaluation associated with the Solar Plant.
24 Specifically, Mr. Gray addressed the Applicant's testimony concerning 1) the benefits of solar
25 thermal generation as a means to diversify energy sources; 2) Arizona's growing reliance on natural
26 gas as a fuel source and the concomitant vulnerability to fluctuation in natural gas prices; 3) the
27 potential of the proposed Solar Plant to affect natural gas prices observed in Arizona; and, 4) the
28 Solar Plant's ability to help APS meet its Renewable Energy Standard ("REST") requirements. As

1 Mr. Gray testified, although in isolation the Solar Plant will likely not produce sufficient electricity
2 to have a significant impact on natural gas pricing, the Solar Plant will contribute to the public
3 interest by diversifying Arizona's energy resources as well as satisfying APS' REST requirements.
4 Further, Mr. Gray noted that, as projects similar to the Solar Plant move forward, the underlying
5 technology will become more common and likely less expensive.

6 Mr. Williamson's testimony covered Staff's technical review of the engineering issues raised
7 by the Solar Plant and the Gen-Tie. Among his conclusions, Mr. Williamson noted that certain
8 system improvements will be necessary in order to reliably interconnect the Solar Plant with APS'
9 grid. Mr. Williamson further explained that Staff supports the approval of the Solar Plant and Gen-
10 Tie because they will enhance APS' ability to meet its REST requirements and will provide clean
11 renewable energy for Arizona. Mr. Williamson concluded that, through employment of thermal salt
12 storage, the Solar Plant will be able to provide dispatchable electricity to the grid throughout APS'
13 peak service hours. Finally, Mr. Williamson noted that the Solar Plant will improve APS' ability to
14 reliably meet its load requirements, provided that needed system improvements are made prior to
15 interconnection with the grid.

16 In conjunction with Staff's concerns about reliability, Staff proposed two conditions to the
17 CEC for the Gen-Tie through the testimony of both Mr. Gray and Mr. Williamson. The first
18 condition requires cathodic protection studies about the effect that high voltage lines might have
19 when placed in close proximity to natural gas and hazardous chemical underground pipelines. The
20 second condition pertains to the separation of the Gen-Tie's transmission towers from existing 230
21 kV structures by at least the height of the tallest tower in each respective span. The Committee
22 accepted the condition relating to cathodic protection studies, and it is incorporated as Condition 15
23 of the CEC for Line Siting case 140. However, the Committee did not accept Staff's proposed tower
24 separation condition.

25 **III. REQUEST FOR REVIEW.**

26 **A. Pole Separation.**

27 As part of Mr. Williamson's testimony, Staff proposed a condition to further enhance the
28 reliability of the Gen-Tie by separating its transmission towers from existing transmission towers

1 already present in the approved corridor. As presented to the Committee and modified for its
2 consideration, the condition stated:

3 The Applicant shall maintain appropriate distance between the
4 Project and existing 230 kV transmission lines in the same corridor.
5 Except when crossing existing lines or entering and exiting
6 substations, this distance should be at a minimum equal to or greater
7 than the height of the tallest tower in each span.

8 Staff believes that a tower separation condition would serve the public interest by enhancing the
9 reliability of the Gen-Tie. As explained by the application, the towers that Applicant proposes to
10 construct for the Gen-Tie could be as tall as 190 feet. Tr. at 491:5-6. Further, there is an existing
11 230 kV transmission line owned by APS within the same corridor that the Committee approved for
12 the Gen-Tie. Tr. at 112. That existing transmission line utilizes wooden poles to suspend the line.
13 Tr. at 403:19-20.

14 The Applicant has stated that its construction plans contemplate a pole separation from the
15 existing wooden structures by an increment equal to the height of the tallest wooden structure in the
16 respective span. Tr. at 403:3-11, Exhibit A-8 at 8:1-2. This measure will improve transmission
17 reliability by limiting the damage that a failing wooden structure may inflict on the 230 kV Gen-Tie.
18 Staff suggests that a pole separation condition should be included to protect the preexisting
19 transmission line from the Gen-Tie as well. Consequently, Staff recommends that the Commission
20 require a tower separation condition that provides for the mutual protection of either the wood frame
21 230 kV line or the Gen-Tie in the event of a tower failure on either line.

22 In the alternative, Staff believes that it would be appropriate to memorialize the Applicant's
23 commitment to maintain a tower separation equal to the height of the tallest wooden transmission
24 structure on the existing 230 kV line if the Commission concludes that Staff's pole separation
25 condition is not necessary. As Applicant has noted, wooden tower structures are more at risk of
26 failure than steel monopole structures. Tr. at 402:21 – 403:2. Further, it would be beneficial to
27 specifically set forth the parameters governing the Gen-Tie's construction by including a condition
28 that specifies a minimum tower separation. In the event that the Commission believes that a tower
separation condition premised upon protecting the Gen-Tie towers from the existing wooden towers

1 is appropriate for this CEC, Staff would recommend the following language:

2 The Applicant shall maintain appropriate distance between the
3 Project Gen-Tie towers and existing 230 kV transmission lines in the
4 same corridor. Except when crossing existing lines or entering and
5 exiting substations, this distance should be at a minimum equal to or
6 greater than the height of the tallest wooden 230kV transmission
7 tower in each span.

8 **B. Clarification of CEC Corridor.**

9 During its deliberations, the Committee approved a corridor that modified what the Applicant
10 had proposed in its application for CEC. Notably, the evidence on the record indicates that the
11 Committee reduced the requested corridor widths along the route. The wording in the CEC that
12 expresses the modification may be considered as ambiguous in its description the Gen-Tie
13 connection to the Panda 230 kV substation.

14 As described in the CEC, the relevant segment is:

15 At the point along the section line / Watermelon Road alignment
16 located parallel to the eastern boundary of the existing APS Panda
17 230 kV Substation, the route extends 1,000 feet north of Watermelon
18 Road, within a 500-foot wide corridor east of the existing APS Panda
19 230 kV Substation.

20 Line Siting Case 140, CEC at 4.

21 The ambiguity arises from the description of a 1,000 feet of corridor as an additional leg of
22 the *route*, instead of the *corridor*. In order to clarify that the segment is a corridor adjustment and
23 not an additional route segment, Staff proposes for the Commission's consideration the following
24 language in place of the present description:

25 At the point along the section line / Watermelon Road alignment
26 located south of the eastern boundary of the existing APS Panda 230
27 kV Substation, the corridor also extends 1,000 feet north of
28 Watermelon Road, for 500 feet east of the existing APS Panda 230
 kV Substation.

 Staff has discussed this proposed change with the Applicant and is informed that the Applicant finds
 this clarification acceptable.

C. Procedural Issues.

 In another siting proceeding before the Committee, certain procedural irregularities have
 occurred that required the Committee to conduct a ratification proceeding pursuant to A.R.S. § 38-

1 431.05.B. See Docket No. L-00000HH-08-0422-00141 (“Coolidge”). Although the Solana
2 proceeding has also experienced certain procedural irregularities, they do not require ratification.

3 Although there was a public notice of hearing dated August 6, 2008, that was published and
4 posted for the hearings in this case, the August 6th hearing notice did not comply with the notice and
5 agenda requirements of the Open Meeting Law (“OML”). See Attachment A. As a result, two days
6 of the Solana hearings were not properly noticed in accordance with OML. See A.R.S. § 38-431.02.
7 However, unlike the Coolidge case, the defective notice was discovered before the Committee voted
8 on the merits of the application. An appropriate notice was then issued and posted, see Attachment
9 B, and the Committee mitigated the issues created by the defective notice by admitting the transcripts
10 from the first two days of hearing. Tr. at 330:12-14. Staff believes that these efforts were designed
11 to mitigate the issues associated with the defective notice.

12 In the Coolidge matter, there were also various issues associated with the conduct of the tour.
13 See Docket No. L-00000HH-08-0422-00141, Arizona Corporation Commission, Staff’s Request for
14 Review and Notice of Filing of Concerns Related to Irregularities in Proceedings at 4-7, October 21,
15 2008. For example, the tour in the Coolidge proceeding appears to have involved off-the-record *ex*
16 *parte* communications between Committee members and the Applicant. These off-the-record
17 discussions raise issues related to the OML, the Commission’s *ex parte* rule, and the siting statutes,
18 among others. *Id.* In the Solana proceeding, however, there is no indication that the same issues exist
19 with respect to the tour. In any case, the Committee excluded the tour from its consideration of the
20 merits of the case. Tr. at 336:8-13. This treatment is not unreasonable because the Applicant
21 presented a virtual tour as part of the evidentiary proceeding which visually described the routes and
22 could serve as a substitute for an actual tour. Staff believes that the Committee’s exclusion of the
23 tour from its consideration of the merits was designed to mitigate any procedural irregularities that
24 may have been associated with the tour.

25 **D. Supplementation of the Record.**

26 As the above-captioned matter progressed from the filing of the application through the
27 conclusion of proceedings and the filing of the signed Certificates of Environmental Compatibility,
28 e-mail communications were employed extensively to facilitate procedural and scheduling issues. In

1 addition, potentially substantive e-mails were exchanged between parties and were sometimes copied
2 to members of the Committee. Staff believes that, in order for the public to have confidence that the
3 record developed at the publicly held proceedings is complete and free of the concern that parallel
4 proceedings were occurring outside of the public scrutiny, it would be appropriate to provide in the
5 docket copies of those e-mails that were distributed between parties and members of the Committee.

6 Staff did not voice any concerns earlier surrounding the use of e-mails in this proceeding in
7 consideration of an e-mail between Committee Chairman Foreman and parties to another line siting
8 proceeding in which the Chairman indicated that all future e-mails should be docketed. *See*
9 Attachment C. Although Staff believed at that time that the Chairman intended to docket all future
10 e-mails that might be substantive in nature, the Chairman's intent may have been narrower in scope.
11 *See* Docket No. L-00000D-08-0330-00138, Procedural Order, October 31, 2008.

12 Staff continues to believe that any e-mail that is arguably related to the substance of this
13 proceeding is part of the record and should be docketed. Consequently, Staff hereby provides notice
14 of filing those e-mails between parties and Committee members which are in Staff's possession.
15 These e-mails are provided in the attached printouts of e-mail communications, labeled as
16 Attachments D and E.¹ Likewise, Staff respectfully requests that the other parties, as well as the
17 Committee members, docket any additional e-mail communications that are not already included in
18 this filing which were between any party and any Committee member(s).

19 E-mails provided under Attachment D are the printed copies of all e-mails exchanged
20 between parties and Committee members that Staff has in its possession. E-mails that are provided
21 under Attachment E are a selection of e-mails that illustrate how e-mails may inadvertently stray
22 into substantive discussion off the record.

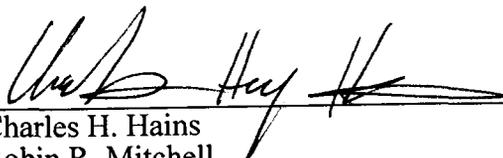
23 Therefore, in order to complete the record and to provide a fuller context for the discussions
24 that occurred during the noticed proceedings, Staff provides these e-mails so that they may be
25 recognized as part of the record herein. Staff also respectfully requests that any additional e-mails
26 between any party and any Committee member(s) not included in Attachment A to this pleading be
27 filed with the docket in this matter.

28 ¹ Staff notes that, in order to present the sequence of e-mails received and responses provided by other individuals,
several of the e-mails produced within the Attachments are duplicated in later e-mail responses.

1 **IV. CONCLUSION.**

2 In summary, Staff supports this project and urges the Commission to approve these CECs.
3 Staff does, however, recommend that the Commission include Staff's pole separation condition as
4 described on pages 3-4 of this filing. Staff also recommends that the Commission clarify the
5 approved corridor that is described in the CEC as set forth in Section III.B of this filing. Finally,
6 although Staff has discussed certain procedural matters in Sections III.C and III.D, Staff does not
7 believe that these issues preclude the Commission from approving these CECs, and Staff continues
8 to support this project on the merits.

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

10 
11 _____
12 Charles H. Hains
13 Robin R. Mitchell
14 Attorney, Legal Division
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007
18 (602) 542-3402

16 Original and twenty-eight (28)
17 copies of the foregoing filed this
18 5th day of November, 2008 with:

19 Docket Control
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, Arizona 85007

23 Copies of the foregoing
24 mailed this 5th day of
25 November, 2008 to:

26 John Foreman, Chairman
27 Arizona Power Plant and
28 Transmission Line Sitting Committee
Office of the Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

1 Thomas H. Campbell
Albert H. Acken
2 Lewis and Roca, LLP
40 North Central Ave., Suite 1900
3 Phoenix, Arizona 85004-4429

4 Timothy M. Hogan
5 202 East McDowell Road, Suite 153
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8 1850 North Central Avenue, Suite 1100
Phoenix, Arizona 85004

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ATTACHMENT A

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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

IN THE MATTER OF THE APPLICATION OF
ARIZONA SOLAR ONE, LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF THE SOLANA
GENERATING STATION, LOCATED IN
SECTION 9, TOWNSHIP 6 SOUTH, RANGE 7
WEST, MARICOPA COUNTY, ARIZONA

Docket No. L-00000GG-08-0407-
00139

Case No. 139

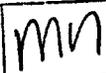
IN THE MATTER OF THE APPLICATION OF
ARIZONA SOLAR ONE, LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
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CONSTRUCTION OF THE SOLANA GEN-
TIE, WHICH ORIGINATES AT THE
SOLANA GENERATING STATION,
LOCATED IN SECTION 9, TOWNSHIP 6
SOUTH, RANGE 7 WEST, MARICOPA
COUNTY, AND TERMINATES AT THE
PANDA 230 kV SUBSTATION, LOCATED IN
SECTION 20, TOWNSHIP 5 SOUTH, RANGE
4 WEST, GILA BEND, ARIZONA

Docket No. L-00000GG-08-0408-
00140

Case No. 140

Arizona Corporation Commission
DOCKETED

AUG -7 2008

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NOTICE OF HEARING

A PUBLIC HEARING WILL BE HELD before the Power Plant and Transmission Line Siting Committee (the "Committee") regarding the Applications of Arizona Solar One, LLC, ("Applicant") for Certificates of Environmental Compatibility authorizing: (1) the Solana Generating Station, and (2) the Solana Gen-Tie (together, the "Project"). The hearing will be held at the Wigwam Golf Resort & Spa, located at 300 Wigwam Boulevard, Litchfield Park, Arizona 85340; telephone: 623-935-3811, toll free: 1-800-327-0396. The hearing shall begin on Monday, September 22, 2008, at 9:30 a.m. and continue on Tuesday, September 23, 2008, at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on each day. Additional hearing days, if necessary, will be noticed on the

1 Arizona Corporation Commission's ("ACC") website at:
2 www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp and on the Project website at
3 <http://solanasolar.com>.

4 **PUBLIC COMMENT WILL BE TAKEN AT THE BEGINNING OF EACH**
5 **HEARING DAY. PUBLIC COMMENT WILL ALSO BE TAKEN IN A SPECIAL**
6 **EVENING SESSION ON MONDAY, SEPTEMBER 22, 2008, BEGINNING AT 6:00**
7 **P.M., AT THE WIGWAM GOLF RESORT & SPA, LOCATED AT 300 WIGWAM**
8 **BOULEVARD, LITCHFIELD PARK, ARIZONA, 85340.**

9 The Committee may conduct a tour of the Project area and the proposed routes on
10 Wednesday, September 24, 2008. The map and itinerary for the tour will be available at
11 the hearings and posted on the Project website. Members of the public may follow the
12 Committee on the tour in their own private vehicles. During the tour, the Committee will
13 not discuss or deliberate in any manner concerning the Applications.

14 The Project consists of a 280 MW concentrated solar power plant and approximately 20
15 miles of 230kV transmission line and required substation facilities and modifications. A
16 general location map of the Project area and Applicant's proposed power plant location,
17 transmission line routes, and requested corridor widths are set forth below.

18 The proposed location of the Solana Generating Station is a 3000-acre site located
19 approximately 70 miles southwest of Phoenix, in Maricopa County, Arizona. The site is
20 generally located north of Interstate 8, west of Painted Rock Dam Road, south of
21 Powerline Road, and east of Bureau of Land Management land in Section 9, Township 6
22 South, Range 7 West.

23 The Solana Gen-Tie would originate at a new 230 kV substation within the Solana
24 Generating Station site located in Section 9, Township 6 South, Range 7 West. From the
25 new substation within the Solana site, the Applicant's Preferred Route would head to the
26 intersection of Painted Rock Dam Road and Powerline Road. At this point, the route
27 would head east in an alignment parallel to Powerline Road for approximately 12 miles to
28 the Gila Bend Substation. At the Gila Bend Substation, the route would turn to the north
for two miles, following the existing APS 230 kV Gila Bend to Gila River transmission
line to Watermelon Road. At Watermelon Road, the route would turn east in an alignment
adjacent to Watermelon Road and continue to its termination point at the Panda 230 kV
Substation, located in Section 20, Township 5 South, Range 4 West, Gila Bend, Arizona.

The Application also identifies two proposed alternative routes described below:

Alternative 1: From the substation within the Solana site, the route would head to
the intersection of Painted Rock Dam Road and Powerline Road. At the intersection
of Painted Rock Dam Road and Powerline Road, the route would head north along
Painted Rock Dam Road to Watermelon Road. At Watermelon Road, the route
would turn east and continue in an alignment adjacent to Watermelon Road all the
way to the Panda 230 kV Substation, located in Section 20, Township 5 South,
Range 4 West, Gila Bend, Arizona.

Alternative 2: This route would follow the same path as the Preferred Route to the
point of the Gila Bend Substation. From the Gila Bend Substation, Alternative 2
would continue east for approximately one-half mile. The route would stay north of
Interstate 8 and parallel the Frontage Road to 323rd Avenue. The route would then
turn north and parallel 323rd Avenue for one mile to West Indian Road. At West
Indian Road, the route would turn east and parallel West Indian Road for one mile
to 315th Avenue. At 315th Avenue the route would turn north and parallel the

1 section line to a location one-eighth of a mile south of Watermelon Road, at which
2 point it would turn east to the vicinity of the Panda Substation. When nearly south
3 of the Panda Substation, the route would turn generally north and enter the Panda
230 kV Substation, located in Section 20, Township 5 South, Range 4 West, Gila
Bend, Arizona.

4 The Applicant is requesting a general corridor that is a minimum of 1,000 feet wide, based
5 on the centerlines of the linear features described, except along Watermelon Road, where
the Applicant requests a 2,000-foot-wide corridor.

6 The Applications, including detailed maps of the Project's location, are on file with the
7 Docket Control Center of the ACC's Phoenix Office at 1200 West Washington Street,
Suite 108, Phoenix, Arizona 85007. Copies of the Applications also are available for
review at:

8 Gila Bend Public Library
9 202 N Euclid Ave.
10 Gila Bend, AZ 85337
(928) 683-2061

11 Depending on the issues raised and the number of intervenors appearing during the
12 hearing, the Committee may deem it appropriate at some point to recess the hearing to a
13 time and place to be announced during the hearing, or to be determined after the recess, at
14 which time and place the hearing will be resumed. These dates and places will be posted
on the Project and ACC websites. At the discretion of the Committee, such resumed
hearing may be held at a date, time, and place to be agreed upon by the Committee or its
Chairman.

15 **NOTE: NOTICE OF SUCH RESUMED HEARING WILL BE GIVEN.**
16 **PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT REQUIRED.**

17 Each county and municipal government and state agency interested in the proposed Project
18 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, Arizona Corporation
19 Commission, 1200 West Washington Street, Phoenix, Arizona 85007, a notice of its intent
to be a party.

20 Any domestic, non-profit corporation or association, formed in whole or in part to promote
21 conservation of natural beauty, to protect the environment, personal health, or other
biological values, to preserve historical sites, to promote consumer interests, to represent
22 commercial and industrial groups, or to promote the orderly development of the area in
which the Project is to be located and desiring to become a party to the proceedings shall,
23 not less than ten (10) days before the date set for hearing, file with the Director of Utilities,
Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona
85007, a notice of its intent to be a party.

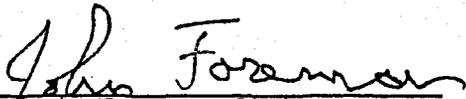
24 The Committee or its Chairman, at any time deemed appropriate, may make other persons
25 parties to the proceedings.

26 Any person may make a limited appearance at the hearing by filing a statement in writing
27 with the Director of Utilities, Arizona Corporation Commission, 1200 West Washington
Street, Phoenix, Arizona 85007, not less than five (5) days before the date set for hearing.
28 A person making a limited appearance shall not be a party or have the right to present
testimony or cross-examine witnesses.

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These proceedings are governed by Arizona Revised Statutes §§ 40-360 and 40-360.13 and Arizona Administrative Code rules R14-3-201 to R14-3-220 and 14-3-113. No substantive communication, 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 § 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 6th day of August, 2008.


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

ATTACHMENT B

ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

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IN THE MATTER OF THE APPLICATION)
OF ARIZONA SOLAR ONE, LLC.,) Arizona Corporation Commission
IN CONFORMANCE WITH THE REQUIREMENTS)
OF ARIZONA REVISED STATUTES §§ 40-360,) Docket No. L-00000GG-08-0407-00139
et seq., FOR A CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE CONSTRUCTION) Case No. 139
OF THE SOLANA GENERATING STATION, LOCATED)
IN Section 9, Township 6 South, Range 7 West,)
MARICOPA COUNTY, ARIZONA.)

IN THE MATTER OF THE APPLICATION)
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OF SOLANA GEN-TIE, WHICH ORIGINATES AT THE) Arizona Corporation Commission
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Township 5 South, Range 4 West, GILA BEND, ARIZONA)
GILA BEND, ARIZONA.)

DOCKETED
OCT 9 2008
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AMENDED AGENDA

A public meeting and hearing before the Arizona Power Plant and Transmission Line Siting Committee on the above consolidated Applications of Arizona Solar One, LLC scheduled for 9:30 am on October 14 and 15, 2008, at the Glendale Civic Center, located at 5750 W. Glenn Drive, Glendale, Arizona 85301. Telephone: 623-930-4300. The agenda for the hearing follows:

1. Call to order;
2. Roll call;
3. Public comment on the Applications may occur at times designated by the Chairman;
4. Hearing on the merits of the Applications described above;
 - a. Discussion and decision on incorporation of record of hearing on September 22 and 23, 2008;
 - b. Discussion and decision on exclusion of consideration of tour of September 24, 2008;
5. Discussion of a potential decision by the Committee and form of potential Certificate of Environmental Compatibility;
6. Voting and decision by the Committee on the Applications;

Attachment C

Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 03, 2008 10:29 AM
To: Albert Acken
Cc: TubacLawyer@aol.com; Lawrence.Krueger@aps.com; meghan.grabel@aps.com; michael.dewitt@aps.com; Charles Hains; William Mundell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; jguy@buckeyeaz.gov; Mike Whalen; crk@davidsonlaw.net; mark.nadeau@dlapiper.com; shane.gosdis@dlapiper.com; susan.watson@dlapiper.com; amorre@ecllaw.com; smccoy@ecllaw.com; cwelker@holmwright.com; hharpest@holmwright.com; Patricia Noland; ghays@lawgdh.com; jimoyes@lawms.com; swene@lawms.com; Tom Campbell; gary.birnbaum@mwmf.com; jim.braselton@mwmf.com; Mike Palmer; steve.burg@peoriaaz.gov; jdrazek@quarles.com; mdeblasi@quarles.com; rferland@quarles.com; sswakefield@rhhklaw.com; chrich@roselawgroup.com; rhurley@roselawgroup.com; michael.bailey@surpriseaz.com; dcj@tblaw.com; jmp@tblaw.com
Subject: RE: CEC CONDITIONS

Follow Up Flag: Follow up
Flag Status: Yellow

Bert,

Thank you for your response to the proposed conditions. Your comments were constructive and very helpful. I have been asked to include the draft conditions in the docket so all members of the Commission will be able to view them. I think that is a good idea. I will also file your response and my reply. All future comments should be filed with docket control in this file.

Let me reply to some of the concerns you raise by paragraph:

1. The conflict between allowing the companies a longer time frame on the one hand and the changing proof regarding the factors in the statute remains. A longer time frame will allow longer range planning that I believe should be encouraged. However, granting a CEC for a longer time frame means that when the project is actually built, the statutory factors may have changed from the time the CEC was granted. I do not know how to solve this problem without using the renewal process. The renewal process will allow the Commission to decide if a change in circumstance has occurred that requires new findings or balancing. The renewal process has been used in the past on multiple occasions, but no rules exist for its use. Certainly an application to renew should be "timely". The Commission will have to decide what is "timely" until the process is better defined by rule or statutory change. Five years is rough approximation of the event horizon for the most credible expert predictions about the factors now listed in the statute.

2. Your response raises an interesting general point. What is the power of the Commission to regulate on going operation of a project? I think they do have the power and I think using the conditions as a way to sculpt that regulation is reasonable. If they have other ways of regulating and would rather use those other ways, I do not have a problem deleting some of the conditions. If they do not or if they want to use the conditions, I see no reason to change that practice in this case. Long term review and reform is not something we can accomplish in this application.

In addition, some of the Committee's findings and conclusions may be based upon the assumption the project will be constructed or operated according to a condition. It is not unreasonable to incorporate some of those understandings into the CEC.

3. Draft Condition #2 is more inclusive than A.R.S. § 40-360.06D and it was intended to be. The applicant should follow all laws and regulations. If local ordinances etc. are too restrictive, the notice and potential override provisions of § 40-360.06D should be implemented before not after the CEC is granted.

4. I understood some of the provisions were crafted by individual commissioners and that tells me they view the imposition of "conditions" as something they support. The reason to review the conditions is to determine whether each individual makes sense for that CEC (see your comments #5 and #8, below) and to see if we can draft the language in a way that is clear and covers exactly what we want covered.

5. If Draft Condition #8 is no longer necessary, let us have some testimony on that subject--I missed it if we did. It should not be used if it is unnecessary.

6. You raise a couple of good points here. The Applicant obviously cannot post a sign unless they have a legal right to enter. I agree the language should reflect that

limitation.

7. I think your points here are also well taken. The burden of "revegetation" for damage to the land and plants not caused by the Applicant should not be automatically placed upon the Applicant. It may be the construction mitigation plan process will give the Commission the authority to deal with this problem.

8. If the route ultimately selected will not cross or approach within 100' of a gas pipe line, Draft Condition 15 should not be used. I would like to hear from the Commission Staff about whether they believe the language changes are a problem.

I look forward to hearing from other parties. I would like all future responses to be filed with docket control in this file.

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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 9/29/2008 5:19 PM >>>
Chairman Foreman

Thank you for the opportunity to comment on your draft CEC conditions. The concept you have presented, to have clear and appropriate CEC conditions, is a good one. Over the years, as various conditions have been modified and new conditions added, many conditions have become somewhat duplicative, unclear in meaning, or simply outdated. While the Applicant makes a good faith effort before filing a draft CEC to tailor standard conditions to the specific project at issue, identify and eliminate outdated conditions, and add new conditions as warranted, it is an ongoing effort.

Following are our specific comments to some of the draft conditions you have proposed:

1. In recent cases, term limits imposed in CECs have varied from five years (see, e.g., Case 129) to nearly 20 years (see, e.g., Cases 126, 132, and 137), depending on the specifics of each case. The Applicant agrees with this ongoing practice of evaluating term length on a case by case basis. As a result of numerous case-specific factors, limiting the term to five years in this case will likely impose additional burdens on the Applicant, Commission Staff, the Commission and perhaps others.

Additionally, the Applicant and other utilities have heard repeatedly from the Commission, local jurisdictions, and other stakeholders that they want utilities to engage in long-term transmission planning. As we have heard in this case, the affected jurisdictions do not include future electric facilities (and their proposed locations) as part of their general plans. Limiting the CEC to a five-year term would likely discourage utilities from planning utility corridors well in the advance of future development and would result in identifying facilities on a "just in time" basis which could result in limited routing options with greater impacts.

Finally, the term "timely" is unclear because neither statutes nor rules impose a specific deadline for submittal of an application requesting a CEC extension.

2. A number of the proposed conditions impose obligations during the operation of the Project. This approach departs from the statutory regime, which applies to the construction of facilities, not ongoing operations. See, e.g., 40-360.03 and 40-360.07.A. A CEC is issued with conditions that assure the Commission and public that the

construction of the project is done in a manner that limits impacts to the environment. If the CEC imposes operational requirements in addition to construction requirements, then it could be argued that the Applicant must seek an extension at the end of the term of the CEC to authorize continued operations, even if construction is complete.

The imposition of operating requirements, in conjunction with a short CEC term, could result in an obligation to file extension requests every five years during the Project's lifetime. This would impose significant burdens on the Applicant, the Commission, the Commission Staff, and any other interested party.

3. Draft Condition 2 differs somewhat from the statutory language found in 40-360.06.D.

4. Some standard conditions, such as Applicant's Draft Conditions 4,
6
and 11, reflect conditions crafted by current Commissioners.

5. Draft Condition 8 is no longer necessary. As a result of this condition in earlier CECs, APS' high voltage transmission structure and line designs have incorporated the necessary measures to minimize impacts to raptors.

6. Draft Condition 10 eliminates the "to the extent practicable" for the placement of signs. This is an important limitation given access difficulties and potentially applicable approval processes on state and federal land. Additionally, the original sign condition dealt only with the actual acquisition of the ROW. In Case 120 Commissioner Mundell requested a condition be added to inform potential homeowners of a future transmission line. In this case, even on much of the private property, the land is undeveloped, not accessible and lacks public rights of way.

7. Draft Condition 11 could be interpreted to mandate the revegetation of disturbed areas and the use of existing access roads. However, in many portions of the route, there are no existing access roads. Even in corridors with existing roads, those roads may not provide access, depending on the final placement of the line. Additionally, APS must work with existing landowners and it may not make practical or economic sense to revegetate disturbed areas, depending on the landowners' plans for those areas in the future. In addition, the Applicant's proposal to file a construction mitigation and restoration plan with the ACC before construction begins will provide the ACC the opportunity to review and approve that plan.

8. Draft Condition 15 revises a carefully crafted agreement between Commission Staff and several utilities. While perhaps intended only to clarify, it does change the meaning and scope of the condition. For example, the concerns that this condition was originally drafted to address are limited to situations where pipelines parallel transmission lines and the lines are within 100 feet of each other. Please note, the Applicant does not believe that the current project will be constructed within 100 feet of an existing gas or petroleum line but is agreeing to include it at the request of Staff.

Thank you again for providing your draft conditions for review and comment.

Bert Acken

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

From: John Foreman [mailto:John.Foreman@azag.gov]

Sent: Thursday, September 11, 2008 12:03 PM

To: Lawrence Robertson; Charles Hains; Janet Stone; Robert Pizorno; Frederick Davidson; Laurie Ehlers; Mark Nadeau; Charles & Sharie Civer; Andrew Moore; Scott McCoy; Edward Dietrich; Garry Hays; Jay Moyes; Steve Wene; Griffin, Betty Jean; Campbell, Tom; Gary Birnbaum; Jim Braselton; Steve Burg; Joseph Drazek; Michelle De Blasi; Roger Ferland; Scott Wakefield, Esq.; Court Rich; Michael Bailey; Dustin Jones

Cc: Marta Hetzer

Subject: CEC CONDITIONS

I have attached a draft of Conditions for CECs generally that I would propose be applied in Application #138. I am soliciting suggestions about how the language could be adapted for use in #138 and suggestions about how it could be improved in general.

Please give me your thoughts.

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

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Attachment D

Charles Hains

From: Griffin, Betty Jean [BJGriffi@lrlaw.com]
Sent: Friday, October 24, 2008 11:14 AM
To: john.foreman@azag.gov; Charles Hains; thogan@aclpi.org; jczimmerman@lawms.com; jimoyes@lawms.com
Cc: Campbell, Tom; Acken, Albert; Bingham, Matthew; Haberman, Marjorie; kate.maracas@solar.abengoa.com; lkillman@tierra-ec.com; kpollio@kpenvironmental.com
Subject: Docket Nos. L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: [Untitled].pdf



[Untitled].pdf (198 KB)

I inadvertently omitted the attachment from the prior e-mail. It is attached. I apologize for any inconvenience.

Betty Jean

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Charles Hains

From: Griffin, Betty Jean [BJGriffi@lrlaw.com]
Sent: Friday, October 24, 2008 11:02 AM
To: john.foreman@azag.gov; Charles Hains; thogan@aclpi.org; jczimmerman@lawms.com; jimoyes@lawms.com
Cc: Campbell, Tom; Acken, Albert; Bingham, Matthew; Haberman, Marjorie; kate.maracas@solar.abengoa.com; lkillman@tierra-ec.com; kpollio@kpenvironmental.com
Subject: Docket Nos. L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140

Follow Up Flag: Follow up
Flag Status: Completed

Attached is a copy of a letter to the Arizona Corporation Commission, Docket Control, submitting the Proof of Delivery forms showing that Transcript Volume III was delivered to the referenced libraries in conformance with the August 6th procedural order.

Betty Jean Griffin, Secretary to
Thomas H. Campbell
Matthew G. Bingham and
Marjorie J. Haberman
Lewis and Roca LLP
40 N. Central Avenue
Phoenix, Arizona 85004
(602) 239-7424
BJGriffi@LRLaw.com

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 1:44 PM
To: Albert Acken
Cc: Tim Hogan; Charles Hains; Robin Mitchell; Jeff Zimmerman; Marjorie Haberman; Tom Campbell
Subject: Re: Case 139 and 140 CEC documents

Follow Up Flag: Follow up
Flag Status: Completed

I have reviewed the final versions attached to the e-mail. I assume all parties have approved the language as to form and content. I have reviewed my notes and can find no changes that need to be made. Let me know when you will bring me an original of each for signature. I anticipate I will be here all 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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 10/17/2008 10:57 AM >>>

Chairman Foreman

Attached are the final CECs, as revised to reflect the Committee's decisions. All parties have reviewed.

Bert

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 17, 2008 11:20 AM
To: Albert Acken
Cc: Tim Hogan; Charles Hains; Robin Mitchell; Jeff Zimmerman; Marjorie Haberman; Tom Campbell
Subject: Re: Case 139 and 140 CEC documents

Follow Up Flag: Follow up
Flag Status: Completed

I will review the CECs over lunch. We do not have a printer that will adequately print the map. So I will let you know whether I have any changes and then I would appreciate it if you would bring originals to me for signature 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
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john.foreman@azag.gov

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>>> "Acken, Albert" <AAcken@lrlaw.com> 10/17/2008 10:57 AM >>>

Chairman Foreman

Attached are the final CECs, as revised to reflect the Committee's decisions. All parties have reviewed.

Bert

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Charles Hains

From: Acken, Albert [AAcken@lrlaw.com]
Sent: Friday, October 17, 2008 10:57 AM
To: John Foreman
Cc: Charles Hains; Robin Mitchell; Jeff Zimmerman; Tim Hogan; Campbell, Tom; Haberman, Marjorie
Subject: Case 139 and 140 CEC documents

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Abengoa FINAL Case 139 Plant CEC.DOC; Abengoa FINAL Case 140 Line CEC.DOC; Committee_Approved_Corridors.pdf; SolanaLocationMap.pdf



Abengoa FINAL Case 139 Plant C...
Abengoa FINAL Case 140 Line CE...
Committee_Approv ed_Corridors.p...
SolanaLocationMap.pdf (158 KB)...

Chairman Foreman

Attached are the final CECs, as revised to reflect the Committee's decisions. All parties have reviewed.
Bert

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Charles Hains

From: Acken, Albert [AAcken@lrlaw.com]
Sent: Monday, October 13, 2008 4:45 PM
To: John Foreman
Cc: Jeff Zimmerman; Campbell, Tom; Charles Hains; Tim Hogan
Subject: FW: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman

Mr. Zimmerman asked us to inform you and the parties that the Applicant will not challenge the authenticity of the Declaration. We do have concerns about the Declaration's relevance in this hearing, but those arguments are legal, not factual, in nature.

Thanks, Bert

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

From: Jeff Zimmerman [mailto:jczimmerman@cox.net]
Sent: Monday, October 13, 2008 2:01 PM
To: Acken, Albert; Campbell, Tom
Subject: Re: Case 139, Arizona Solar One: Water data

OK. Will you be letting Chairman Foreman know? We need him to tell us that the Manager doesn't need to be there for us to admit the Declaration into the record. Thanks!

Jeff

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

From: "Acken, Albert" <AAcken@lrlaw.com>
To: "Jeff Zimmerman" <jczimmerman@cox.net>; "Campbell, Tom" <TCampbel@lrlaw.com>
Sent: Monday, October 13, 2008 1:53 PM
Subject: RE: Case 139, Arizona Solar One: Water data

Hi Jeff

We will not challenge the authenticity of the Declaration. We do have concerns about the Declaration's relevance in this hearing, but those arguments are legal, not factual in nature.

Bert

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on the taxpayer.

Charles Hains

From: Tim Hogan [thogan@aclpi.org]
Sent: Monday, October 13, 2008 12:22 PM
To: 'Jeff Zimmerman'; 'Tom Campbell'; 'Albert Acken'; Charles Hains
Cc: 'Jay Moyes'; 'John Foreman'; sandy.bahr@sierraclub.org
Subject: Solana Hearing

Follow Up Flag: Follow up
Flag Status: Completed

John – I wanted to let you know that I will not be able to attend the hearing tomorrow. Sandy Bahr may be there in the afternoon.

Tim Hogan

Executive Director

Arizona Center for Law in the Public Interest

202 E. McDowell Rd., Suite 153

Phoenix, AZ 85004

Tel: (602)258-8850

Charles Hains

From: Jeff Zimmerman [jczimmerman@cox.net]
Sent: Friday, October 10, 2008 3:50 PM
To: John Foreman
Cc: Tim Hogan; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; David Eberhart; Patricia Noland; Jay Moyes; Albert Acken; Tom Campbell; Mike Palmer; Jeff McGuire; Billie Doorenbos
Subject: Re: Case 139, Arizona Solar One

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Case No. 139 10-10-08 filing of PIDD Manager testimony.doc



Case No. 139
10-10-08 filing o...

Mr. Chairman,

I am attaching a copy of a summary of brief testimony of the Manager of the Paloma Irrigation and Drainage District, which we will present in the event it is determined to be needed to admit the Declaration. We ask that this be accepted even though it is one day late as no prejudice to any of the parties will occur and for the reasons set forth in our request that accompanies the summary. We have docketed this document this afternoon.

Mr. Hogan has told me that he has no objection to admission of the Declaration into evidence and he authorized me to pass this information along to you.

Sincerely,

Jeff Zimmerman
Jay Moyes
Moyes Sellers & Sims
480-609-0402

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

From: "John Foreman" <John.Foreman@azag.gov>
To: "Jeff Zimmerman" <jczimmerman@cox.net>
Cc: "Tim Hogan" <thogan@aclpi.org>; <chains@azcc.gov>; "Linda Hogan" <lhogan@azcc.gov>; <rmitchell@azcc.gov>; "Jack Haenichen" <JackH@AZcommerce.com>; "Paul Rasmussen" <PWR@azdeq.gov>; "Mike Biesemeyer" <mike@azroyal.com>; "Gregg Houtz" <GAHoutz@azwater.gov>; "Barry Wong" <Barry@barrywong.com>; "Mike Whalen" <Centurian@cox.net>; "David Eberhart" <TBirdGroup@cox.net>; "Patricia Noland" <panoland@hotmail.com>; "Jay Moyes" <JMoyes@lawms.com>; "Albert Acken" <AAcken@lrlaw.com>; "Tom Campbell" <TCampbel@lrlaw.com>; "Mike Palmer" <MightyMikeBisbee@peoplepc.com>; "Jeff McGuire" <JMcGuire@q.com>; "Billie Doorenbos" <BillieDoorenbos@qwest.net>
Sent: Friday, October 10, 2008 10:44 AM
Subject: Re: Case 139, Arizona Solar One: Water data

Counsel,

I do not have a copy of the latest version of the draft CEC that I understand you have been working on or the document to which you refer.

I can foresee two reasons for having someone available to testify about the document: 1) to establish it is what it purports to be (basic foundation); and 2) to establish relevance or materiality, if that is not evident from the document itself. If

the document has been disclosed and circulated to the other parties, I assume they could advise you whether they object. I would want to hear from them before I ruled on its admissibility. The bar for admissibility is low, but it does exist. I assume there is no problem with timely disclosure. If it is admitted and in the record, you can argue its impact. Please talk to the other parties and proceed accordingly. Please remember to also have copies of the exhibit for members of the Committee. I would like to have a copy of the draft CEC and conditions before the end of the day so I can prepare for the hearing on Tuesday. Do counsel still expect we will finish on October 14?

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

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>>> "Jeff Zimmerman" <jczimmerman@cox.net> 10/10/2008 10:15 AM >>>
Dear Chairman,

At the hearing on October 14th, Paloma Irrigation and Drainage District wants to introduce PIDD Exhibit 1, a copy of the Declaration containing real property covenants that has been recorded against all the land in the District and other lands. It is relevant to one of the generating plant conditions that the Committee will be asked to determine in Case No. 139 and to the proposed rebuttal testimony of Applicant's October 14th panel. If we need to lay a foundation for it, we can have the District Manager or other District representative present to briefly testify about it. But we just want to have it in the record so we can point out two provisions to the Committee members. So if it is possible to avoid the need for testimony since the Declaration is a public record, we believe the plain language of the document speaks for itself. We would appreciate your guidance on whether to have a District representative available to testify and we ask the other parties to agree to its admission in advance.

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Respectfully submitted,

Jeff Zimmerman

Jay Moyes

Moyes Sellers & Sims
480-609-0402

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480-609-0402. No privilege or confidentiality is waived by any error.

Charles Hains

From: Haberman, Marjorie [MHaberman@lrlaw.com]
Sent: Friday, October 10, 2008 3:45 PM
To: John Foreman; Tim Hogan; Charles Hains; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Mike Palmer; Jeff McGuire
Cc: Campbell, Tom; Acken, Albert; Linda Hogan; Michele Finical
Subject: Arizona Solar One Cases L-139 and L-140

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Notice of Filing.pdf



Notice of Filing.pdf
(160 KB)

Chairman Foreman, Committee Members, and Intervenors:

The attached document, Notice of Filing for Arizona Solar One's Exhibit A-9, a letter from James R. Mitchell of Luke Air Force Base, was filed today with the Arizona Corporation Commission Docket Office in consolidated dockets L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140. The Applicant will have copies of Exhibit A-9 available at the hearing.

Thank you.

Marjorie J. Haberman
Paralegal
Lewis and Roca LLP
40 N. Central Avenue, #1500
Phoenix, AZ 85004
Direct Phone: (602) 262-5351
Direct Fax: (602) 734-3873
Email: mhaberman@lrlaw.com
Website: www.lewisandroca.com

For more information about Lewis and Roca LLP, please go to
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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Friday, October 10, 2008 3:31 PM
To: John Foreman; Jeff Zimmerman
Cc: Tim Hogan; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; David Eberhart; Patricia Noland; Jay Moyes; Acken, Albert; Mike Palmer; Jeff McGuire; Billie Doorenbos
Subject: RE: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman,

The applicant still expects to be able to finish on Tuesday. To expedite the process, the applicant has pre-filed its rebuttal testimony and the CEC issues have been reduced to two or perhaps three narrow issues through the meet and confer process. Applicant will respond to Mr.

Zimmerman's request on Monday morning after we have had an opportunity to review the document with our client.

Tom Campbell

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, October 10, 2008 10:44 AM
To: Jeff Zimmerman
Cc: Tim Hogan; chains@azcc.gov; Linda Hogan; rmitchell@azcc.gov; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; David Eberhart; Patricia Noland; Jay Moyes; Acken, Albert; Campbell, Tom; Mike Palmer; Jeff McGuire; Billie Doorenbos
Subject: Re: Case 139, Arizona Solar One: Water data

Counsel,

I do not have a copy of the latest version of the draft CEC that I understand you have been working on or the document to which you refer.

I can foresee two reasons for having someone available to testify about the document: 1) to establish it is what it purports to be (basic foundation); and 2) to establish relevance or materiality, if that is not evident from the document itself. If the document has been disclosed and circulated to the other parties, I assume they could advise you whether they object. I would want to hear from them before I ruled on its admissibility. The bar for admissibility is low, but it does exist. I assume there is no problem with timely disclosure. If it is admitted and in the record, you can argue its impact. Please talk to the other parties and proceed accordingly. Please remember to also have copies of the exhibit for members of the Committee.

I would like to have a copy of the draft CEC and conditions before the end of the day so I can prepare for the hearing on Tuesday.

Do counsel still expect we will finish on October 14?

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
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Respectfully submitted,

Jeff Zimmerman

Jay Moyes
Moyes Sellers & Sims
480-609-0402

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Cc: Campbell, Tom; Acken, Albert; Linda Hogan; Michele Finical
Subject: Arizona Solar One Cases L-139 and L-140

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Revised Proposed CEC.pdf



Revised Proposed
CEC.pdf (842 ...

Chairman Foreman, Committee Members, and Intervenors:

Attached is the Notice of Filing Revised Proposed CEC and Summary of Meet and Confer Results, which was filed today with the Arizona Corporation Commission Docket Office in consolidated dockets L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140.

Thank you.

Marjorie J. Haberman
Paralegal
Lewis and Roca LLP
40 N. Central Avenue, #1500
Phoenix, AZ 85004
Direct Phone: (602) 262-5351
Direct Fax: (602) 734-3873
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Subject: Re: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

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Assistant Arizona Attorney General
Chair, Arizona Power Plant and Transmission Line Siting Committee
1275 W. Washington
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Respectfully submitted,

Jeff Zimmerman

Jay Moyes
Moyes Sellers & Sims
480-609-0402

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Charles Hains

From: Jeff Zimmerman [jczimmerman@cox.net]
Sent: Friday, October 10, 2008 10:15 AM
To: John Foreman
Cc: Tim Hogan; John Foreman; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; David Eberhart; Patricia Noland; Tom Campbell; Mike Palmer; Jeff McGuire; Billie Doorenbos; Albert Acken; Jay Moyes
Subject: Re: Case 139, Arizona Solar One: Water data
Follow Up Flag: Follow up
Flag Status: Completed

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480-609-0402

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Charles Hains

From: Haberman, Marjorie [MHaberman@lrlaw.com]
Sent: Thursday, October 09, 2008 2:01 PM
To: John Foreman; Tim Hogan; Charles Hains; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Mike Palmer; Jeff McGuire
Cc: Campbell, Tom; Acken, Albert; Linda Hogan; Michele Finical
Subject: Arizona Solar One Cases L-139 and L-140

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Rebuttal Testimony.pdf



Rebuttal
stimony.pdf (371 KE)
Chairman Foreman, Committee Members, and Intervenors:

Attached is the Notice of Filing Rebuttal Testimony on Behalf of Arizona Solar One, LLC, which the Applicant filed today with the Arizona Corporation Commission Docket Office in consolidated dockets L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140. The Applicant will have copies available at the hearing and will mark this document for identification as Ex. A-8.

Thank you.

Marjorie J. Haberman
Paralegal
Lewis and Roca LLP
40 N. Central Avenue, #1500
Phoenix, AZ 85004
Direct Phone: (602) 262-5351
Direct Fax: (602) 734-3873
Email: mhaberman@lrlaw.com
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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Tuesday, October 07, 2008 3:05 PM
To: Tim Hogan; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Albert 'Acken; Mike Palmer; Jeff McGuire; Billie Doorenbos
Cc: Tom Campbell
Subject: RE: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

Perhaps the best way would be for the letter to be addressed to me as Chairman with copies to the parties and filed in Docket Control. I will expect the letter to be numbered as the exhibit next in order and submitted at the hearing. That way we can be sure it is in the record and part of the evidence.

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

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>>> "Gregg Houtz" <gahoutz@azwater.gov> 10/7/2008 2:56 PM >>>
I forwarded the issues raised at the last hearing to ADWR Hydrology staff. I am informed they hope to have a letter or report ready by the end of this week. Should I assume that the ADWR information should be forwarded as with the applicant's, or would you rather it be filed with the Docket?

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

From: Acken, Albert [mailto:AAcken@lrlaw.com]
Sent: Tuesday, October 07, 2008 1:45 PM
To: John Foreman; Tim Hogan; chains@azcc.gov; Linda Hogan; rmitchell@azcc.gov; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Mike Palmer; Jeff McGuire; Billie Doorenbos
Cc: Campbell, Tom
Subject: Case 139, Arizona Solar One: Water data

Thank you Chairman.

Committee members and intervenors:

Attached is a summary of water data the Applicant is providing in response to requests made at the last hearing day. The Applicant will have copies available at the hearing and will mark it for identification as Ex. A-7.

Thank you, Bert Acken.

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

From: John Foreman [mailto:John.Foreman@azag.gov]

Sent: Tuesday, October 07, 2008 9:56 AM

To: Acken, Albert

Cc: Tim Hogan; John Foreman; chains@azcc.gov; Linda Hogan; rmittchell@azcc.gov; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Campbell, Tom; Mike Palmer; Jeff McGuire; Billie Doorenbos

Subject: Re: Case 139, Arizona Solar One: Water data

Bert,

My preference would be to have counsel for the Applicant communicate either by e-mail or regular mail with a copy to all parties and Committee members. All communication should be written and entered in the record when our hearing resumes.

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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 10/7/2008 9:41 AM >>>

Chairman Foreman

At the last hearing day, Staff counsel asked whether it would be possible for Staff to receive a copy of hydrological studies conducted for the Project. Tr 264:17-19.

Additionally, Committee Member Houtz offered to have DWR write a letter concerning water availability onsite.

Tr 309 and 310. The Applicant has compiled a brief summary to provide to Staff, in response to its request, and DWR, to assist its preparation of its letter.

Do you have a preference as to how the Applicant should circulate that information to Staff, DWR, the other parties, and the Committee?

Thanks, Bert

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Follow Up Flag: Follow up
Flag Status: Completed

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Charles Hains

From: Shaylin Bernal
Sent: Tuesday, October 07, 2008 2:16 PM
To: 'john.foreman@azag.gov'; 'tcampbell@lrlaw.com'; 'aacken@lrlaw.com'; 'thogan@aclpi.org'; 'jimoyes@lawms.com'
Cc: Charles Hains
Subject: Notice of Filing - AZ Solar One, LLC

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Notice of Filing - Ray T. Williamson.pdf



Notice of Filing -
Ray T. Will...

*Shaylin A. Bernal
Executive Legal Assistant
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
Phone (602) 542-6374
Fax (602) 542-4870
sbernal@azcc.gov*

Charles Hains

From: Acken, Albert [AAcken@lrlaw.com]
Sent: Tuesday, October 07, 2008 1:45 PM
To: John Foreman; Tim Hogan; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Mike Palmer; Jeff McGuire; Billie Doorenbos
Cc: Campbell, Tom
Subject: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Case 139 - Ex A-7 - water summary.pdf



Case 139 - Ex A-7 -
water summ...

Thank you Chairman.

Committee members and intervenors:

Attached is a summary of water data the Applicant is providing in response to requests made at the last hearing day. The Applicant will have copies available at the hearing and will mark it for identification as Ex. A-7.

Thank you, Bert Acken.

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Tuesday, October 07, 2008 9:56 AM
To: Acken, Albert
Cc: Tim Hogan; John Foreman; chains@azcc.gov; Linda Hogan; rmittchell@azcc.gov; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Campbell, Tom; Mike Palmer; Jeff McGuire; Billie Doorenbos
Subject: Re: Case 139, Arizona Solar One: Water data

Bert,

My preference would be to have counsel for the Applicant communicate either by e-mail or regular mail with a copy to all parties and Committee members. All communication should be written and entered in the record when our hearing resumes.

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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 10/7/2008 9:41 AM >>>

Chairman Foreman

At the last hearing day, Staff counsel asked whether it would be possible for Staff to receive a copy of hydrological studies conducted for the Project. Tr 264:17-19. Additionally, Committee Member Houtz offered to have DWR write a letter concerning water availability onsite.

Tr 309 and 310. The Applicant has compiled a brief summary to provide to Staff, in response to its request, and DWR, to assist its preparation of its letter.

Do you have a preference as to how the Applicant should circulate that information to Staff, DWR, the other parties, and the Committee?

Thanks, Bert

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Las Vegas (702) 949-8200

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Tuesday, October 07, 2008 9:56 AM
To: Albert Acken
Cc: Tim Hogan; John Foreman; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; Jeff Zimmerman; David Eberhart; Patricia Noland; Tom Campbell; Mike Palmer; Jeff McGuire; Billie Doorenbos
Subject: Re: Case 139, Arizona Solar One: Water data
Follow Up Flag: Follow up
Flag Status: Completed

Bert,

My preference would be to have counsel for the Applicant communicate either by e-mail or regular mail with a copy to all parties and Committee members. All communication should be written and entered in the record when our hearing resumes.

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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 10/7/2008 9:41 AM >>>

Chairman Foreman

At the last hearing day, Staff counsel asked whether it would be possible for Staff to receive a copy of hydrological studies conducted for the Project. Tr 264:17-19. Additionally, Committee Member Houtz offered to have DWR write a letter concerning water availability onsite.

Tr 309 and 310. The Applicant has compiled a brief summary to provide to Staff, in response to its request, and DWR, to assist its preparation of its letter.

Do you have a preference as to how the Applicant should circulate that information to Staff, DWR, the other parties, and the Committee?

Thanks, Bert

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Charles Hains

From: Acken, Albert [AAcken@lrlaw.com]
Sent: Tuesday, October 07, 2008 9:42 AM
To: John Foreman
Cc: Charles Hains; Jeff Zimmerman; Campbell, Tom; Tim Hogan; Robin Mitchell
Subject: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman

At the last hearing day, Staff counsel asked whether it would be possible for Staff to receive a copy of hydrological studies conducted for the Project. Tr 264:17-19. Additionally, Committee Member Houtz offered to have DWR write a letter concerning water availability onsite. Tr 309 and 310. The Applicant has compiled a brief summary to provide to Staff, in response to its request, and DWR, to assist its preparation of its letter.

Do you have a preference as to how the Applicant should circulate that information to Staff, DWR, the other parties, and the Committee?

Thanks, Bert

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Charles Hains

From: Jeff Zimmerman [jczimmerman@cox.net]
Sent: Friday, October 03, 2008 4:58 PM
To: TCampbel@lrlaw.com
Cc: John.Foreman@azag.gov; Jay Moyes; Charles Hains; THogan@aclpi.org; AAcken@lrlaw.com
Subject: Arizona Solar One / Case No. 140, Draft Gen-Tie CEC

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Campbell,

Jay Moyes and I hereby convey the comments of Paloma Irrigation and Drainage District ("District") on the draft Arizona Solar One Gen-Tie CEC, including a proposed condition.

The draft CEC has excessively wide corridors (1,000 feet along Powerline Road and 2,000 feet along Watermelon Road) and no limit on the width of the ultimate right of way (ROW). The terrain is generally flat farmland with straight section line roads and no significant obstacles. There are existing power poles immediately along the roads in some areas. The land in the District is owned in large blocks, so there will be a small number of landowners from which Arizona Solar One has to acquire ROWs. The ROWs should be located immediately adjacent to the existing roadways so they do not interfere with farming or interior uses of the properties.

The proposed condition is as follows:

___ The transmission line corridors shall be 250 feet in width on each side of the centerline of the existing roads, except that in the vicinity of the existing dairies they shall be no more than 125 feet in width. The transmission line rights of way (ROWs) shall be no more than 100 feet in width. Where an ROW follows the same route as existing transmission lines, the lines shall be consolidated on a single set of poles; provided that where appropriate after negotiations with the landowners, the new lines may be placed on the other side of the road from existing lines. The ROWs shall be located immediately adjacent to existing roadways.

The District believes these general conditions will benefit all District landowners and are realistic under the circumstances. The District also believes these conditions conform with the specific representations that Arizona Solar One has made with respect to the transmission lines in its meetings with District landowners.

Because the District has landowners on both sides of all the roads the transmission lines may follow, the District does not take any position with respect to the route the lines should follow or which side of the road they should follow in particular locations.

I look forward to the opportunity to discuss these comments with you on our conference call next week.

Jeff

Jeff Zimmerman
Moyes Sellers & Sims
480-609-0402

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Charles Hains

From: Jeff Zimmerman [jczimmerman@cox.net]
Sent: Thursday, October 02, 2008 3:31 PM
To: John.Foreman@azag.gov; TCampbel@lrlaw.com
Cc: Charles Hains; Jay Moyes
Subject: Arizona Solar One / Case No. 139, Draft CEC

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman and Mr. Campbell,

Jay Moyes and I hereby convey the request of Paloma Irrigation and Drainage District ("District") that an additional condition be added to the draft Arizona Solar One CEC and that finding No. 8 be modified, as follows:

Condition to be added:

___ Applicant or its assignees will compensate Paloma Irrigation and Drainage District ("PIDD") for all water used at Solana in accordance with applicable PIDD rates, rules and regulations for such class of use, subject to and in accordance with the contract that Applicant has entered into with PIDD governing such water use.

If there is no agreement between PIDD and the project by October 14th, this condition should read as follows:

___ Applicant or its assignees will compensate Paloma Irrigation and Drainage District ("PIDD") for all water used at Solana in accordance with applicable PIDD rates, rules and regulations for such class of use.

In addition, finding and conclusion No. 8 should be modified to read as follows:

8. Solana will be a water cooled plant that will use approximately 3,000 acre feet per year **within PIDD**, which is substantially less than the approximately **36,000** acre feet per year that has been **historically delivered by PIDD and used on this site for agriculture, and Applicant or its assignees will compensate PIDD for all water used at Solana in accordance with applicable PIDD rates, rules and regulations for such class of use.** (Additions and changes are in bold font.)

I am available for a conference call if we need to discuss this, Tom. I will send separate comments on the draft Gen-Tie CEC. Thank you!

Jeff

Jeff Zimmerman
Moyes Sellers & Sims
480-609-0402

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Charles Hains

From: Griffin, Betty Jean [BJGriffi@lrlaw.com]
Sent: Thursday, October 02, 2008 2:38 PM
To: john.foreman@azag.gov; Charles Hains; thogan@aclpi.org; jimoyes@lawms.com
Cc: Campbell, Tom; Acken, Albert; Bingham, Matthew; Haberman, Marjorie;
kate.maracas@solar.abengoa.com; lkillman@tierra-ec.com; kpollio@kpenvironmental.com
Subject: Docket Nos. L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: [Untitled].pdf



[Untitled].pdf (204
KB)

Attached is a copy of a letter to the Arizona Corporation Commission, Docket Control, submitting the Proof of Delivery forms showing that Transcript Volumes I and II were delivered to the referenced libraries in conformance with the August 6th procedural order.

Betty Jean Griffin, Secretary to
Thomas H. Campbell
Matthew G. Bingham and
Marjorie J. Haberman
Lewis and Roca LLP
40 N. Central Avenue
Phoenix, Arizona 85004
(602) 239-7424
BJGriffi@LRLaw.com

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Charles Hains

From: Shaylin Bernal
Sent: Wednesday, September 17, 2008 4:07 PM
To: 'john.foreman@azag.gov'; 'jimoyes@lawms.com'; 'tcampbell@lrlaw.com';
'aacken@lrlaw.com'; 'thogan@aclpi.org'
Cc: Charles Hains; Robin Mitchell; Michele Finical
Subject: Notice of Filing - AZ Solar One - Docket No. 08-0407-139LS & 08-0408-140LS

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Notice of Filing.pdf



Notice of Filing.pdf
(910 KB)

Shaylin A. Bernal
Executive Legal Assistant
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
Phone (602) 542-6374
Fax (602) 542-4870
sbernal@azcc.gov

Charles Hains

From: Tim Hogan [thogan@aclpi.org]
Sent: Wednesday, September 17, 2008 3:18 PM
To: 'John Foreman'; 'Campbell, Tom'; Charles Hains; Robin Mitchell; jimoyes@lawms.com
Subject: Witness summary attached

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Notice of Filing Witness Summary.pdf



Notice of Filing
Witness Summa...

I'm attaching the witness summary for Sandy Bahr that is being filed today.

Tim Hogan

Executive Director

Arizona Center for Law in the Public Interest

202 E. McDowell Rd., Suite 153

Phoenix, AZ 85004

Tel: (602)258-8850

Charles Hains

From: Charles Hains
Sent: Wednesday, September 17, 2008 2:35 PM
To: 'John Foreman'; 'Campbell, Tom'; Robin Mitchell; jimoyes@lawms.com; 'thogan@aclpi.org'
Cc: Michele Finical; Bob Gray; Ray Williamson
Subject: Arizona Solar One - ACC Staff Testimony

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: ACC Staff Bob Gray - gas-solar summary.ppt; solarpanelsandbirdmortality.pdf; testingthermocline.pdf



ACC Staff Bob Gray solarpanelsandbird testingthermocline.
- gas-solar... mortality.pd... pdf (8 MB)

Chair Foreman,

As was discussed at the prehearing conference, I have confirmed that one of our two witnesses, Mr. Bob Gray will be able to testify in the September 22 / 23 block if the progress of the hearing makes that feasible. Attached please find an electronic copy of the powerpoint slideshow that Mr. Gray will be using for his presentation. As I noted before, the scope of his testimony will cover natural gas related issues.

Also included are two documents that we may potentially use for cross examination purposes during the proceeding.

Thank you,

Charles Hains
Arizona Corporation Commission
Legal Division
Ph: (602) 542-3402
Fx: (602) 542-4870
email: chains@azcc.gov

Charles Hains

From: Griffin, Betty Jean [BJGriffi@lrlaw.com]
Sent: Wednesday, September 17, 2008 1:47 PM
To: john.foreman@azag.gov; Charles Hains; jimoyes@lawms.com; thogan@aclpi.org
Cc: Campbell, Tom; Acken, Albert; Bingham, Matthew; Haberman, Marjorie
Subject: Docket Nos. L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: [Untitled].pdf; [Untitled].pdf



[Untitled].pdf (3 MB)



[Untitled].pdf (489 KB)

Attached are two documents that are being filed today with the ACC in the above docket.

Notice of Filing Tour itinerary and Protocol

and

Notice of Filing Affidavits of Publication.

Betty Jean Griffin, Secretary to
Thomas H. Campbell
Matthew G. Bingham and
Marjorie J. Haberman
Lewis and Roca LLP
40 N. Central Avenue
Phoenix, Arizona 85004
(602) 239-7424
BJGriffi@LRLaw.com

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Charles Hains

From: Tim Hogan [thogan@aclpi.org]
Sent: Wednesday, September 17, 2008 8:27 AM
To: 'John Foreman'; 'Campbell, Tom'; Charles Hains; Robin Mitchell; jimoyes@lawms.com
Subject: Arizona Solar One -- Sierra Club testimony

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: 39291.pdf; A Clean Electric Energy Strategy for Arizona.pdf



39291.pdf (1 MB) A Clean Electric
Energy Strate...

John – I've consulted with Sandy Bahr and we've decided that we'll just have her testify instead of providing public comment. Her testimony will be general and brief in support of the project. I'm available Monday afternoon and Tuesday afternoon but our preference is to have her testify Monday if that's feasible. We'll file a witness summary today or tomorrow. I'm also attaching the documents I discussed on Monday and that Ms. Bahr may reference in her testimony.

Tim Hogan

Executive Director

Arizona Center for Law in the Public Interest

202 E. McDowell Rd., Suite 153

Phoenix, AZ 85004

Tel: (602)258-8850

Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Monday, September 15, 2008 3:35 PM
To: Tom Campbell
Cc: Tim Hogan; Charles Hains; jmoyes@lawms.com
Subject: Solana pre-hearing conference

Follow Up Flag: Follow up
Flag Status: Completed

At the pre-hearing conference today it appears we will need the October 14 and perhaps 15 dates to accommodate the testimony of the ACC Staff witnesses. The parties were assigned the following designations for any exhibits: A- 1... =Applicant, Abengoa; CC-1... =Arizona Corporation Commission; S-1... =Sierra Club; and P-1... =Paloma Irrigation and Drainage District.

The Chairman will recommend the Committee authorize the intervention as parties of the Sierra Club and the Paloma Irrigation and Drainage District without taking a position upon whether the Paloma Irrigation and Drainage District is or is not allowed to intervene as a matter of right. No legal authority was cited supporting the position it is a municipality and authorized to intervene as a matter of right. But, no objection was made to the intervention.

The Applicant is authorized to comply with ¶ 15 of the Pre-hearing Procedural Order by filing one copy of the transcript in the library in Gila Bend and one copy in the Phoenix Public Library, main branch.

The one witness that may be called by the Sierra Club may simply provide her remarks as a part of public comment.

An amended public notice will be filed and posted at the Corporation Commission that refers to October 14 and 15 days.

Everyone should be ready to start promptly at 9:30 am on Monday at the Glendale Civic Center.

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

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Charles Hains

From: Griffin, Betty Jean [BJGriffi@lrlaw.com]
Sent: Monday, September 15, 2008 11:36 AM
To: john.foreman@azag.gov; Charles Hains; jimoyes@lawms.com; thogan@aclpi.org
Cc: Campbell, Tom; Bingham, Matthew; Acken, Albert
Subject: Docket Nos. L-00000GG-08-0407-00139 and L-00000GG-08-0408-00140

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: [Untitled].pdf



[Untitled].pdf (713
KB)

Attached is a copy of the Notice of Filing Witness Summaries and Proposed Forms of Certificates of Environmental Compatibility that will be filed today on behalf of the Applicant.

Betty Jean Griffin, Secretary to
Thomas H. Campbell
Matthew G. Bingham and
Marjorie J. Haberman
Lewis and Roca LLP
40 N. Central Avenue
Phoenix, Arizona 85004
(602) 239-7424
BJGriffi@LRLaw.com

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Thursday, September 11, 2008 6:18 PM
To: John Foreman
Cc: Charles Hains; Tim Hogan; jmoyes@lawms.com
Subject: Solana route tour

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: ACC_Route_Tours_11Sept.pdf; ACC_Route_Tour_Revised.pdf



ACC_Route_Tours_11Sept.pdf (76...
ACC_Route_Tour_Revised.pdf (6 ...

Chairman Foreman,

As requested in the August 11 procedural order, attached is a proposed route tour and protocol for the committee's consideration. The applicant will also be providing a video tour during its direct case.

Tom Campbell

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Thursday, August 14, 2008 4:30 PM
To: John Foreman; Charles Hains
Subject: RE: Solana Generating Station

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman,

Thank you for forwarding the letter. We will include it in our hearing presentation materials.

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Thursday, August 14, 2008 3:12 PM
To: CHains@azcc.gov; Campbell, Tom
Subject: Fwd: Solana Generating Station

Gentlemen:

I am forwarding correspondence I received. I assume it will be included in the materials submitted by the Applicant.

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

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Charles Hains

From: Shaylin Bernal
Sent: Thursday, August 14, 2008 3:52 PM
To: 'john.foreman@azag.gov'; 'susan.ellis@azag.gov'; 'tcampbell@irlaw.com'; 'aacken@irlaw.com'
Cc: Charles Hains; Michele Finical
Subject: Notice of Intervention by Staff ACC - Arizona Solar One, LLC

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Notice of Intervention by Staff ACC.pdf



Notice of
ntervention by Staf.

*Shaylin A. Bernal
Executive Legal Assistant
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
Phone (602) 542-6374
Fax (602) 542-4870
sbernal@azcc.gov*

Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Thursday, August 14, 2008 3:12 PM
To: Charles Hains; tcampbell@lrlaw.com
Subject: Fwd: Solana Generating Station

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Solana Generating Station



Solana Generating
Station

Gentlemen:

I am forwarding correspondence I received. I assume it will be included in the materials submitted by the Applicant.

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

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Monday, August 11, 2008 9:35 AM
To: Charles Hains; Albert Acken; Tom Campbell
Cc: Susan Ellis; Amanda Ho; Janice Alward; Janet Wagner; Michele Finical
Subject: RE: #139/#140 AMENDED NOTICE

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Hains,

I am sorry I was not available Friday afternoon when you called. My assistant was not here also. That meant I was on my own in dealing with the draft order. I was not able to get the Lewis and Roca heading off. But, we will of course take it off for the final order. I understand you still object to proceeding with the applications in #139/#140. I do not understand your position that no application has yet been filed. But, the Commission will hopefully resolve this matter on Wednesday.

Do you still want to have some sort of telephonic hearing before they act?

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

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>>> "Charles Hains" <CHains@azcc.gov> 8/8/2008 3:48 PM >>>
Chairman Foreman,

I called and left a message earlier in an attempt to set up a teleconference that might have been more expeditious. Rather than belabour the discussion I would offer two remarks on the amended notice.

The first is that it appears that there is applicant's counsel's letterhead on the form for the amended procedural order. I think it would be appropriate to remove the letterhead from the procedural order.

The second matter is that you asked if there were any objections to the procedural order. Because there is a continuing issue on this point, I would reiterate that Commission Staff believes that there is not an "application" as yet. That said, assuming for the sake of argument that the filing made on August 4 qualifies as an application, I believe that Mr. Campbell is correct and that between ARS 40-360.04, Commission Rules and the Rules of Civil Procedure, that the notice must be published ten days after the filing of the application. There is to my knowledge no relevant Commission Rule and so the ARCP would likely apply per AAC R14-3-101.

Charles Hains
Arizona Corporation Commission
Legal Division
Ph: (602) 542-3402
Fx: (602) 542-4870
email: chains@azcc.gov

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

From: Campbell, Tom [mailto:TCampbel@lrlaw.com]
Sent: Friday, August 08, 2008 12:13 PM
To: John Foreman; Charles Hains; Acken, Albert
Cc: Susan Ellis
Subject: RE: #139/#140 AMENDED NOTICE

Chairman foreman,

My only question is the statement that publication must be 10 days after filing of the notice of hearing. When I look at 40-360.04 and A.A.C R14-3-208, the 10 days appears to run from receipt of the application. If you or the ACC staff disagree please let me know because it gives us a little more flexibility on publication. I understand that the original notice was August 6, but the application received August 4. It has also been recent practice to count the 10 days including weekends unlike the Rules of Civil Procedure, but I do not believe any ACC rule addresses that point so the ARCP could apply. Staff's perspective on this issue would be helpful.

Tom Campbell

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, August 08, 2008 11:54 AM
To: Charles Hains; Acken, Albert; Campbell, Tom
Cc: Susan Ellis
Subject: #139/#140 AMENDED NOTICE

Gentlemen,

I have generated a procedural order to deal with the Amended Notice of Hearing. A draft is attached. I will execute it Monday unless there is objection.

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

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Friday, August 08, 2008 12:13 PM
To: John Foreman; Charles Hains; Acken, Albert
Cc: Susan Ellis
Subject: RE: #139/#140 AMENDED NOTICE

Follow Up Flag: Follow up
Flag Status: Completed

Chairman foreman,

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If you or the ACC staff disagree please let me know because it gives us a little more flexibility on publication . I understand that the original notice was August 6, but the application received August 4. It has also been recent practice to count the 10 days including weekends unlike the Rules of Civil Procedure, but I do not believe any ACC rule addresses that point so the ARCP could apply. Staff's perspective on this issue would be helpful.

Tom Campbell

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, August 08, 2008 11:54 AM
To: Charles Hains; Acken, Albert; Campbell, Tom
Cc: Susan Ellis
Subject: #139/#140 AMENDED NOTICE

Gentlemen,

I have generated a procedural order to deal with the Amended Notice of Hearing. A draft is attached. I will execute it Monday unless there is objection.

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

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, August 08, 2008 11:54 AM
To: Charles Hains; Albert Acken; Tom Campbell
Cc: Susan Ellis
Subject: #139/#140 AMENDED NOTICE

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: PHX-#265940-v2-#139_#140_AMENDED_NOTICE.DOC



PHX-#265940-v2-#
139_#140_AMEND..

Gentlemen,

I have generated a procedural order to deal with the Amended Notice of Hearing. A draft is attached. I will execute it Monday unless there is objection.

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

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, August 08, 2008 10:10 AM
To: Charles Hains
Cc: Amanda Ho; Janice Alward; Janet Wagner; Michele Finical; Albert Acken; Tom Campbell
Subject: Re: Solar One LLC Solana Line Siting apps 139 & 140 - Hearing Location Question

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Hains,
Thank you for catching the error. I used the "near-final form of notice of publication" in Mr. Acken's e-mail of August 4 and not the final form when I crafted the procedural order. It now appears the Glendale Civic Center is the correct location. I have suggested to staff for Mr. Campbell that I sign an "Amended Notice" today showing the correct location as the Glendale site. It can be filed today and hopefully used instead of the original notice in the newspaper publications next week.
Do you have any objection to that solution or do you have another idea about how we can solve the problem?

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

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>>> "Charles Hains" <CHains@azcc.gov> 8/8/2008 9:23 AM >>>
Good Morning Chair Foreman,

We received copies of the procedural order and the notice of hearing, both dated August 6, and have run into a question. Per the procedural order, Solar One is to arrange for the Glendale Civic Center, 5750 W. Glenn Dr. to be available for the September 22 and 23 hearings and subsequent proceedings for the 139 and 140 matters. However, per the notice of hearing, the hearings for those same dates will be held at the Wigwam Golf Resort at 300 Wigwam Boulevard. Has it been decided which location will be the one used for the consolidated hearings for both 139 and 140?

Thank you,

Charles Hains
Arizona Corporation Commission
Legal Division
Ph: (602) 542-3402
Fx: (602) 542-4870
email: chains@azcc.gov

=====

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=====

Charles Hains

From: Acken, Albert [AAcken@lrlaw.com]
Sent: Monday, August 04, 2008 4:32 PM
To: Susan.Ellis@azag.gov; John.Foreman@azag.gov; Charles Hains
Cc: Campbell, Tom; Haberman, Marjorie; kate.maracas@solar.abengoa.com
Subject: Case Nos. 139 and 140 Notice of Hearing

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Hearing_map_25Jul.pdf; 1957323_1.DOC



Hearing_map_25Jul.pdf (37 KB) 1957323_1.DOC (57 KB)

Chairman Foreman and Mr. Hains:

As you may already be aware, Arizona Solar One, LLC. filed its CEC applications this afternoon.

Attached is the near-final version of the notice of publication, dated for signature tomorrow. It is near-final because we are awaiting the docket numbers for the two applications. We understand that information will be available from docket control tomorrow morning. We will forward the docket numbers to you tomorrow upon receipt, along with our motion to consolidate the hearings for the two applications.

Please let me know if you have any questions.

Thank you, Bert Acken

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Wednesday, July 30, 2008 1:12 PM
To: John Foreman
Cc: Charles Hains; Acken, Albert
Subject: Arizona Solar One CEC

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman,

Arizona Solar One will file its CEC on August 4. (Making the numerous copies is taking longer than expected.) We will date the Notice of Hearing for August 5 to give you a day to receive the filing and then sign and file the notice. For publication purposes, we will show the date of the notice as August 5. The notice will be published twice on or before August 14. The notice will include the September 22-23 hearing dates and the September 24 tour. Do you want us to include October 14 and 15 hearing dates as well?

On August 4, we also will file a motion to consolidate the generation and transmission CEC applications for purposes of the hearing to formalize the discussion during the pre-filing conference.

Finally, the hearings will be at the Glendale Civic Center complex. The siting committee has used this facility in the past and the folks there have done a good job.

Tom Campbell

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Wednesday, July 30, 2008 1:27 PM
To: Tom Campbell
Cc: Susan Ellis; Charles Hains; Albert Acken
Subject: Re: Arizona Solar One CEC

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Campbell,
I think you should mention the October 14 and 15 as possible continuation dates. If the committee decides not to cancel the tour, I do not see how we will be able to deliberate and vote without a further session.
Thank you for informing us of your plans.

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

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>>> "Campbell, Tom" <TCampbel@lrlaw.com> 7/30/2008 1:11 PM >>>
Chairman Foreman,

Arizona Solar One will file its CEC on August 4. (Making the numerous copies is taking longer than expected.) We will date the Notice of Hearing for August 5 to give you a day to receive the filing and then sign and file the notice. For publication purposes, we will show the date of the notice as August 5. The notice will be published twice on or before August 14. The notice will include the September 22-23 hearing dates and the September 24 tour. Do you want us to include October 14 and 15 hearing dates as well?

On August 4, we also will file a motion to consolidate the generation and transmission CEC applications for purposes of the hearing to formalize the discussion during the pre-filing conference.

Finally, the hearings will be at the Glendale Civic Center complex. The siting committee has used this facility in the past and the folks there have done a good job.

Tom Campbell

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Tuesday, July 29, 2008 6:47 PM
To: Charles Hains; John Foreman; Acken, Albert
Cc: kate.maracas@solar.abengoa.com; Janice Alward; Janet Wagner; Amanda Ho; Ernest Johnson; Steven Olea; Brian McNeil
Subject: RE: Solana Case Nos 139 and 140: Draft Notice of Hearing

Follow Up Flag: Follow up
Flag Status: Completed

Charles,

In response to your email, let me describe the applicant's position.

A.R.S. Section 40-360.02.E gives the commissioners the discretion not to consider an application in which the 90 day plan is filed less than 90 days before the CEC application. Under the statute the ACC does not have to take any action if the 90 day report is filed less than 90 days before the application. The commissioners may chose not to exercise their discretion rather than instructing the siting committee not to process the application. Nevertheless, the applicant filed a pleading with the ACC regarding its 90 day plan so that the issue was procedurally and formally before the commissioners should they chose to take formal action.

With respect to noticing the hearing prior to a formal ACC ruling on the applicant's motion, the applicant noted that in the recent line siting case 133 , the CEC application and waiver request were filed simultaneously and hearings set and noticed before the ACC ruled on the waiver request. The applicant understands that should the commissioners ask the applicant to refile and notice the application on October 17(90 days after its plan filing), the applicant will do so and incur the cost of the additional notice.

The applicant has chosen to pursue the CEC even though its 90 day plan was filed on July 17. The applicant did not take this approach lightly and appreciates the staff's concern with the 90 day time frame, but in this case the applicant believes the policy and purpose of the 90 day time frame can be served. The 90 day time frame gives advance notice of projects to the commission and public and provides staff with time to study certain technical studies. In this case, the Solana plant has been very well known for months. It has been the subject of extensive media attention. In addition, the applicant has been meeting and providing information to stakeholders, including staff, since early this year.

In addition, since the second set of hearings are likely to be scheduled on October 14-15, and the 90 day plan was filed on July 17, staff will have almost 90 days between the filing and their testimony. The applicant will commit to working with staff during this time to help with the evaluation. In fact, I understand that the applicant's technical consultant has contacted staff and offered to meet on the technical studies.

Charles, the applicant certainly understands and respects the staff's concerns, but is willing to file and pursue its application under these circumstances. Please give me a call if you would like to discuss further.

Tom

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

From: Charles Hains [mailto:CHains@azcc.gov]
Sent: Tuesday, July 29, 2008 1:33 PM
To: John Foreman; Acken, Albert
Cc: Campbell, Tom; kate.maracas@solar.abengoa.com; Janice Alward; Janet Wagner; Amanda Ho; Ernest Johnson; Steven Olea; Brian McNeil

Subject: RE: Solana Case Nos 139 and 140: Draft Notice of Hearing

Chairman Foreman,

As you may recall from the prefiling meeting, Staff discussed concerns about the issue of the applicant meeting the 90 day prefiling requirement or first obtaining an official waiver of the requirement in this application. Staff believes that for the purposes of ARS

40-360.02(B) and (E) that the application does not meet the minimum requirements for processing until a resolution has been reached with respect to the 90 day prefiling requirement. Continuing forward to noticing hearing dates and potentially to the evidentiary hearing component of the process would be inappropriate. The Commission might not approve the waiver request which would at minimum require renoticing hearing dates or, if the waiver is denied amid the hearing phase, it would squander the efforts applied by the Applicant and Staff, as well as the Committee. Further, there is a serious risk of confusing the public as to when proceedings will commence, or that they might need to make public comment more than once if proceedings are halted and if the application needs to be redone.

For these reasons, Staff respectfully believes that it would be inappropriate to notice hearing dates until the Commission approves a waiver of the 90 day prefiling requirement or 90 days lapse between the filing of the complete System Impact Study and the filing of the application.

Charles Hains
Arizona Corporation Commission
Legal Division
Ph: (602) 542-3402
Fx: (602) 542-4870
email: chains@azcc.gov

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Tuesday, July 29, 2008 9:32 AM
To: Charles Hains; Albert Acken
Cc: Tom Campbell; kate.maracas@solar.abengoa.com
Subject: Re: Solana Case Nos 139 and 140: Draft Notice of Hearing

Does ACC have any problem with the form of the notice?

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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 7/28/2008 11:54 AM >>>

Chairman Foreman and Mr. Hains:

Attached for your review is the draft notice of hearing for the consolidated hearings concerning the pending CEC applications for Solana. We are circulating now to provide ample opportunity for your review, though please note there are a few items still outstanding.

1. The notice currently contains a signature date of August 1 based on a target filing

date of 7/31.

2. The hearing location in the notice identifies the Wigwam; that might change based on availability.

3. Library address for location of application is TBD.

We will confirm the precise filing date, newspaper publication schedule, and other remaining open items in a follow up email in the next day or two.

Thank you for your time and consideration.

Bert Acken

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.

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Las Vegas (702) 949-8200

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Tuesday, July 29, 2008 2:49 PM
To: Charles Hains; Albert Acken
Cc: Susan Ellis; Amanda Ho; Brian McNeil; Ernest Johnson; Janice Alward; Janet Wagner; Steven Olea; Tom Campbell; kate.maracas@solar.abengoa.com
Subject: RE: Solana Case Nos 139 and 140: Draft Notice of Hearing

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Hains,

Your e-mail raises interesting legal questions. The first issue is whether the applicant may proceed with the two proposed applications given the requirements of ARS 40-360.02(B) and (E). The second is how to resolve quickly the first issue. It is my understanding the Commission has before it a motion to allow these applications to proceed. It is my understanding the you on behalf of the Commission's staff have opposed the motion. The Commission has not taken a position nor acted upon the motion so far as I know.

It does not appear that the Committee has the option of refusing to consider an application based upon an e-mail or pleading from staff taking the position the applicant did not comply with ARS 40-360.02(B). Certainly the Committee or the Committee's Chairman could make a preliminary ruling upon whether the applicant could proceed as a part of the application process. The Committee or its Chairman could also act if granted the power by the Commission. However, the Commission has not delegated that power.

During the prefiling conference in this matter, I understood you to take the position these issues could be resolved by motion practice during the application process if the Commission did not act.

If the applicant in this case wants to assume the risk of an adverse result, that is their business.

I am not suggesting how I would rule upon the legal issues should they be presented to me as Chairman of the Committee or what legal conclusions the Committee would enter if the applications proceed. The legal and factual matters upon which a decision should be made have not been fully briefed or argued.

The essence of due process of law is that applicants be given an opportunity to present legal issues relating to their application, receive a fair hearing and a prompt ruling. I am open to your suggestions about how that can take place.

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

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>>> "Charles Hains" <CHains@azcc.gov> 7/29/2008 1:32 PM >>>
Chairman Foreman,

As you may recall from the prefiling meeting, Staff discussed concerns about the issue of the applicant meeting the 90 day prefiling requirement or first obtaining an official waiver of the requirement in this application. Staff believes that for the purposes of ARS 40-360.02(B) and (E) that the application does not meet the minimum requirements for

processing until a resolution has been reached with respect to the 90 day pre-filing requirement. Continuing forward to noticing hearing dates and potentially to the evidentiary hearing component of the process would be inappropriate. The Commission might not approve the waiver request which would at minimum require re-noticing hearing dates or, if the waiver is denied amid the hearing phase, it would squander the efforts applied by the Applicant and Staff, as well as the Committee. Further, there is a serious risk of confusing the public as to when proceedings will commence, or that they might need to make public comment more than once if proceedings are halted and if the application needs to be redone.

For these reasons, Staff respectfully believes that it would be inappropriate to notice hearing dates until the Commission approves a waiver of the 90 day pre-filing requirement or 90 days lapse between the filing of the complete System Impact Study and the filing of the application.

Charles Hains
Arizona Corporation Commission
Legal Division
Ph: (602) 542-3402
Fx: (602) 542-4870
email: chains@azcc.gov

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Tuesday, July 29, 2008 9:32 AM
To: Charles Hains; Albert Acken
Cc: Tom Campbell; kate.maracas@solar.abengoa.com
Subject: Re: Solana Case Nos 139 and 140: Draft Notice of Hearing

Does ACC have any problem with the form of the notice?

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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 7/28/2008 11:54 AM >>>
Chairman Foreman and Mr. Hains:

Attached for your review is the draft notice of hearing for the consolidated hearings concerning the pending CEC applications for Solana. We are circulating now to provide ample opportunity for your review, though please note there are a few items still outstanding.

1. The notice currently contains a signature date of August 1 based on a target filing date of 7/31.
2. The hearing location in the notice identifies the Wigwam; that might change based on availability.
3. Library address for location of application is TBD.

We will confirm the precise filing date, newspaper publication schedule, and other remaining open items in a follow up email in the next day or two.

Thank you for your time and consideration.

Bert Acken

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Las Vegas (702) 949-8200
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In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

=====

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

=====

Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Tuesday, July 29, 2008 9:32 AM
To: Charles Hains; Albert Acken
Cc: Tom Campbell; kate.maracas@solar.abengoa.com
Subject: Re: Solana Case Nos 139 and 140: Draft Notice of Hearing

Follow Up Flag: Follow up
Flag Status: Completed

Does ACC have any problem with the form of the notice?

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
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2. The hearing location in the notice identifies the Wigwam; that might change based on availability.
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We will confirm the precise filing date, newspaper publication schedule, and other remaining open items in a follow up email in the next day or two.

Thank you for your time and consideration.
Bert Acken

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Tuesday, July 29, 2008 9:31 AM
To: Charles Hains; Albert Acken
Cc: Tom Campbell; kate.maracas@solar.abengoa.com
Subject: Re: Solana Case Nos 139 and 140: Draft Notice of Hearing Map

Follow Up Flag: Follow up
Flag Status: Completed

Gentlemen,
I have returned from my trip. Does the ACC have any problem with the map?

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

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>>> "Acken, Albert" <AAcken@lrlaw.com> 7/28/2008 12:13 PM >>>
Chairman Foreman and Mr. Hains:
Attached is the map that we propose to include with the notice of hearing that I just forwarded to you for review.
Bert Acken

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.
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Charles Hains

From: Acken, Albert [AAcken@lrlaw.com]
Sent: Monday, July 28, 2008 12:13 PM
To: John.Foreman@azag.gov; Charles Hains
Cc: Campbell, Tom; kate.maracas@solar.abengoa.com
Subject: Solana Case Nos 139 and 140: Draft Notice of Hearing Map

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: Hearing_map_25Jul.pdf



Hearing_map_25Jul
.pdf (37 KB)

Chairman Foreman and Mr. Hains:

Attached is the map that we propose to include with the notice of hearing that I just forwarded to you for review.
Bert Acken

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Charles Hains

From: Acken, Albert [AAcken@lrlaw.com]
Sent: Monday, July 28, 2008 11:55 AM
To: John.Foreman@azag.gov; Charles Hains
Cc: Campbell, Tom; kate.maracas@solar.abengoa.com
Subject: Solana Case Nos 139 and 140: Draft Notice of Hearing

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: 1957323_1.DOC



1957323_1.DOC
(54 KB)

Chairman Foreman and Mr. Hains:

Attached for your review is the draft notice of hearing for the consolidated hearings concerning the pending CEC applications for Solana. We are circulating now to provide ample opportunity for your review, though please note there are a few items still outstanding.

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3. Library address for location of application is TBD.

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Thank you for your time and consideration.
Bert Acken

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, July 18, 2008 3:31 PM
To: Charles Hains; TCampbell@LRLaw.com
Cc: Susan Ellis; Amanda Ho; Dawn Wilson; Michele Finical; Ray Williamson
Subject: RE: Solana Applications

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for calling that to our attention. We will focus on October 14 and 15.

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

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>>> "Charles Hains" <CHains@azcc.gov> 7/18/2008 3:28 PM >>>
Chairman, it did not occur to me to check before the pre-filing conference but Monday, October 13 is a state holiday (Columbus Day). I don't know if there is a preference for using October 14 and 15 as the corresponding two day block for rollover hearing dates instead of the 13th and 14th or some other appropriate Monday-Tuesday in the alternative.

Charles Hains
Arizona Corporation Commission
Legal Division
Ph: (602) 542-3402
Fx: (602) 542-4870
email: chains@azcc.gov

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Friday, July 18, 2008 3:04 PM
To: Charles Hains; TCampbell@LRLaw.com
Cc: Susan Ellis
Subject: Solana Applications

Gentlemen:

Terri and Susie have checked with the Committee members. It looks like September 22 and 23 would work best for the start of the hearing. That would leave Sept. 15 for a pre-hearing conference. We are checking on Oct. 12 and 13 for back-up dates to conclude the hearing. Susie will let you know the results of her polling of the members next week while I am gone. I will look for the notice when I return to the office on July 29.

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

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, July 18, 2008 3:04 PM
To: Charles Hains; TCampbell@LRLaw.com
Cc: Susan Ellis
Subject: Solana Applications

Follow Up Flag: Follow up
Flag Status: Completed

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Assistant Arizona Attorney General
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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Wednesday, July 16, 2008 6:25 PM
To: John Foreman; Charles Hains
Cc: kate.maracas@solar.abengoa.com; Acken, Albert
Subject: Solana Power Plant pre-filing conference call

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman and Mr. Hains,

Arizona Solar One still anticipates filing its CEC by the end of July. We anticipate that the hearings will last no more than 4 days. Other than staff, I know of no other interveners although I understand that the Sierra Club has shown interest in supporting the application, but I do not know if it will intervene or just make public comment. As a result, the hearing should not last more than 4 days. With that in mind, the following Mondays and Tuesdays are within the 30-60 day window for hearings and are acceptable to the applicant: September 15-16, 22-23 or 29-30 and October 6-7 and 13-14. We would propose to set two days in mid-September and then two days in late September or early October depending on staff's availability and opportunity to review the filing including the 40-360.02.B report that will be filed tomorrow.

Tom Campbell

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Tuesday, July 08, 2008 4:32 PM
To: John Foreman; Charles Hains
Cc: Teresa Martin-Potts; Acken, Albert; kate.maracas@solar.abengoa.com
Subject: RE: Solana CEC filing

Follow Up Flag: Follow up
Flag Status: Completed

Chariman Foreman,

The call-in information for July 17 at 1:30 is:

480-337-2742 (local)
866-921-7367 (toll free)
Pass Code: 7060200#

Tom Campbell

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

From: John Foreman [mailto:John.Foreman@azag.gov]
Sent: Tuesday, July 08, 2008 10:08 AM
To: Charles Hains; Campbell, Tom
Cc: Teresa Martin-Potts; Acken, Albert; kate.maracas@solar.abengoa.com
Subject: Re: Solana CEC filing

Mr. Campbell,
Thursday July 17 at 1:30 pm would be a good time for a pre-application telephone conference. I would appreciate it if your office would set it up and notify me of the number to call. Please also notify ACC staff and any other potential intervenor or interested party that you identify before then.

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

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>>> "Campbell, Tom" <TCampbel@lrlaw.com> 7/8/2008 9:28 AM >>>
Chairman Foreman,

Arizona Solar One LLC (an affiliate of Abengoa Solar) anticipates filing two CEC applications by the end of July: one for the Solana solar generating facility and a separate CEC for the transmission line connecting the Solana plant to the transmission system. Two applications are required because ultimately there will be separate owners of the plant and the transmission line. Arizona Solar One will ask that the two applications be consolidated for hearings. In light of this filing, Arizona Solar One requests a pre-filing conference to discuss hearing dates, locations and related logistics. I have copied

ACC staff counsel--the only known intervener. Would a conference call on the afternoon of July 17 be convenient for such a conference call? Thanks you for your consideration of this request.

Tom

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Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Tuesday, July 08, 2008 10:08 AM
To: Charles Hains; Tom Campbell
Cc: Teresa Martin-Potts; Albert Acken; kate.maracas@solar.abengoa.com
Subject: Re: Solana CEC filing

Follow Up Flag: Follow up
Flag Status: Completed

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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
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>>> "Campbell, Tom" <TCampbel@lrlaw.com> 7/8/2008 9:28 AM >>>
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Tom

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Tuesday, July 08, 2008 9:29 AM
To: John Foreman; Charles Hains
Cc: Teresa Martin-Potts; Acken, Albert; kate.maracas@solar.abengoa.com
Subject: Solana CEC filing

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman,

Arizona Solar One LLC (an affiliate of Abengoa Solar) anticipates filing two CEC applications by the end of July: one for the Solana solar generating facility and a separate CEC for the transmission line connecting the Solana plant to the transmission system. Two applications are required because ultimately there will be separate owners of the plant and the transmission line. Arizona Solar One will ask that the two applications be consolidated for hearings. In light of this filing, Arizona Solar One requests a pre-filing conference to discuss hearing dates, locations and related logistics. I have copied ACC staff counsel--the only known intervener. Would a conference call on the afternoon of July 17 be convenient for such a conference call? Thanks you for your consideration of this request.

Tom

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Charles Hains

From: Campbell, Tom [TCampbel@lrlaw.com]
Sent: Friday, June 27, 2008 12:12 PM
To: Charles Hains
Subject: Solana solar power plant

Follow Up Flag: Review
Flag Status: Completed

Attachments: 1946473_1.doc



1946473_1.DOC
(60 KB)

Charles, attached is a draft of the waiver request that we plan to file later today.

We hope the commissioners can perhaps discuss at a commissioner-staff meeting.
Let me know if you have any questions or comments.

Tom

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www.lewisandroca.com.

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Attachment E

Charles Hains

From: John Foreman [John.Foreman@azag.gov]
Sent: Friday, October 10, 2008 10:44 AM
To: Jeff Zimmerman
Cc: Tim Hogan; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; David Eberhart; Patricia Noland; Jay Moyes; Albert Acken; Tom Campbell; Mike Palmer; Jeff McGuire; Billie Doorenbos
Subject: Re: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

Counsel,

I do not have a copy of the latest version of the draft CEC that I understand you have been working on or the document to which you refer.

I can foresee two reasons for having someone available to testify about the document: 1) to establish it is what it purports to be (basic foundation); and 2) to establish relevance or materiality, if that is not evident from the document itself. If the document has been disclosed and circulated to the other parties, I assume they could advise you whether they object. I would want to hear from them before I ruled on its admissibility. The bar for admissibility is low, but it does exist. I assume there is no problem with timely disclosure. If it is admitted and in the record, you can argue its impact. Please talk to the other parties and proceed accordingly. Please remember to also have copies of the exhibit for members of the Committee.

I would like to have a copy of the draft CEC and conditions before the end of the day so I can prepare for the hearing on Tuesday.

Do counsel still expect we will finish on October 14?

John Foreman
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Chair, Arizona Power Plant and Transmission Line Siting Committee
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>>> "Jeff Zimmerman" <jczimmerman@cox.net> 10/10/2008 10:15 AM >>>
Dear Chairman,

At the hearing on October 14th, Paloma Irrigation and Drainage District wants to introduce PIDD Exhibit 1, a copy of the Declaration containing real property covenants that has been recorded against all the land in the District and other lands. It is relevant to one of the generating plant conditions that the Committee will be asked to determine in Case No. 139 and to the proposed rebuttal testimony of Applicant's October 14th panel. If we need to lay a foundation for it, we can have the District Manager or other District representative present to briefly testify about it. But we just want to have it in the record so we can point out two provisions to the Committee members. So if it is possible to avoid the need for testimony since the Declaration is a public record, we believe the plain language of the document speaks for itself. We would appreciate your guidance on whether to have a District representative available to testify and we ask the other

parties to agree to its admission in advance.

The District and the Applicant differ about whether proposed Condition No. 9 in the generating plant CEC, Case No. 139, should require that the Applicant file evidence, before commercial operations, that it has reached agreement with the District about the use of groundwater at the project. The Applicant wants Condition No. 9 to merely require the Applicant to show it has secured a right to use groundwater for the project. The Declaration contains provisions giving the District the right to regulate all water use on lands in the District. The Applicant has to reach agreement with the District, and the District will request that Condition No. 9 reflect this basic fact.

Respectfully submitted,

Jeff Zimmerman

Jay Moyes
Moyes Sellers & Sims
480-609-0402

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Charles Hains

From: Jeff Zimmerman [jczimmerman@cox.net]
Sent: Friday, October 10, 2008 10:15 AM
To: John Foreman
Cc: Tim Hogan; John Foreman; Charles Hains; Linda Hogan; Robin Mitchell; Jack Haenichen; Paul Rasmussen; Mike Biesemeyer; Gregg Houtz; Barry Wong; Mike Whalen; David Eberhart; Patricia Noland; Tom Campbell; Mike Palmer; Jeff McGuire; Billie Doorenbos; Albert Acken; Jay Moyes
Subject: Re: Case 139, Arizona Solar One: Water data

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chairman,

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Respectfully submitted,

Jeff Zimmerman

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Charles Hains

From: Jeff Zimmerman [jczimmerman@cox.net]
Sent: Friday, October 03, 2008 4:58 PM
To: TCampbel@lrlaw.com
Cc: John.Foreman@azag.gov; Jay Moyes; Charles Hains; THogan@aclpi.org; AAcken@lrlaw.com
Subject: Arizona Solar One / Case No. 140, Draft Gen-Tie CEC

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Campbell,

Jay Moyes and I hereby convey the comments of Paloma Irrigation and Drainage District ("District") on the draft Arizona Solar One Gen-Tie CEC, including a proposed condition.

The draft CEC has excessively wide corridors (1,000 feet along Powerline Road and 2,000 feet along Watermelon Road) and no limit on the width of the ultimate right of way (ROW). The terrain is generally flat farmland with straight section line roads and no significant obstacles. There are existing power poles immediately along the roads in some areas. The land in the District is owned in large blocks, so there will be a small number of landowners from which Arizona Solar One has to acquire ROWs. The ROWs should be located immediately adjacent to the existing roadways so they do not interfere with farming or interior uses of the properties.

The proposed condition is as follows:

___ The transmission line corridors shall be 250 feet in width on each side of the centerline of the existing roads, except that in the vicinity of the existing dairies they shall be no more than 125 feet in width. The transmission line rights of way (ROWs) shall be no more than 100 feet in width. Where an ROW follows the same route as existing transmission lines, the lines shall be consolidated on a single set of poles; provided that where appropriate after negotiations with the landowners, the new lines may be placed on the other side of the road from existing lines. The ROWs shall be located immediately adjacent to existing roadways.

The District believes these general conditions will benefit all District landowners and are realistic under the circumstances. The District also believes these conditions conform with the specific representations that Arizona Solar One has made with respect to the transmission lines in its meetings with District landowners.

Because the District has landowners on both sides of all the roads the transmission lines may follow, the District does not take any position with respect to the route the lines should follow or which side of the road they should follow in particular locations.

I look forward to the opportunity to discuss these comments with you on our conference call next week.

Jeff

Jeff Zimmerman
Moyes Sellers & Sims
480-609-0402

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Charles Hains

From: Jeff Zimmerman [jczimmerman@cox.net]
Sent: Thursday, October 02, 2008 3:31 PM
To: John.Foreman@azag.gov; TCampbel@lrlaw.com
Cc: Charles Hains; Jay Moyes
Subject: Arizona Solar One / Case No. 139, Draft CEC

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Foreman and Mr. Campbell,

Jay Moyes and I hereby convey the request of Paloma Irrigation and Drainage District ("District") that an additional condition be added to the draft Arizona Solar One CEC and that finding No. 8 be modified, as follows:

Condition to be added:

___ Applicant or its assignees will compensate Paloma Irrigation and Drainage District ("PIDD") for all water used at Solana in accordance with applicable PIDD rates, rules and regulations for such class of use, subject to and in accordance with the contract that Applicant has entered into with PIDD governing such water use.

If there is no agreement between PIDD and the project by October 14th, this condition should read as follows:

___ Applicant or its assignees will compensate Paloma Irrigation and Drainage District ("PIDD") for all water used at Solana in accordance with applicable PIDD rates, rules and regulations for such class of use.

In addition, finding and conclusion No. 8 should be modified to read as follows:

8. Solana will be a water cooled plant that will use approximately 3,000 acre feet per year **within PIDD**, which is substantially less than the approximately 36,000 acre feet per year that has been **historically delivered by PIDD and used on this site for agriculture, and Applicant or its assignees will compensate PIDD for all water used at Solana in accordance with applicable PIDD rates, rules and regulations for such class of use.** (Additions and changes are in bold font.)

I am available for a conference call if we need to discuss this, Tom. I will send separate comments on the draft Gen-Tie CEC. Thank you!

Jeff

Jeff Zimmerman
Moyes Sellers & Sims
480-609-0402

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