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

2000 SEP 28 P 3:30

In the matter of the Application of Salt River Project Agricultural Improvement and Power District in conformance with the requirements of Arizona Revised Statutes Sections 40-360-03 and 40-360.06, for a Certificate of Environmental Compatibility authorizing the Expansion of its Santan Generating Station, located at the intersection of Warner Road and Val Vista Drive, in Gilbert, Arizona, by adding 825 megawatts of new capacity in the form of three combined cycle natural gas units, and associated intraplant transmission lines.

Case No. 105

Docket No. L-00000B-00-0105

AZ CORP COMMISSION DOCUMENT CONTROL

Arizona Corporation Commission  
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**REQUEST FOR PROCEDURAL CONFERENCE**

Applicant Salt River Project requests that the Chairman of the Siting Committee schedule a procedural conference to discuss these points:

- 1. Follow up on the request of Ray Heyman to consolidate the interests of the fourteen intervenors.**

At the hearing AUIA counsel Ray Heyman suggested that the Committee consider consolidating the interests of the fourteen individual intervenors, so as to reduce repetitive statements, cross examination and testimony. Some of the intervenors indicated that they had assigned among themselves certain subject areas. But, because of time constraints, it appears that the intervenors did not have an opportunity to fully discuss how they might proceed, and did not indicate to the Committee which intervenors would address which subjects.

Now that we have some time, SRP suggests that it would be appropriate for the intervenors to indicate which intervenors will handle which topics, so that the Committee

1 will have a framework to limit repetitive efforts. We request that this subject be  
2 discussed at a procedural conference.

3 **2. SRP's Request to withdraw its testimony on the polling and survey efforts**  
4 **of The Summit Group.**

5 In response to reported petition gathering efforts by Santan opponents, SRP  
6 retained The Summit Group for the purpose of demonstrating and developing  
7 community support. The work of The Summit Group is important to SRP because it  
8 helps SRP internally gauge the extent of community support and opposition, and it is an  
9 important tool when discussing the issues with members of local government groups.

10 But, the work of The Summit Group does not relate to any of the environmental  
11 issues in a Siting Committee case. It appears now that the efforts of The Summit Group  
12 will become a major issue in this case, and that this issue will divert time and attention  
13 away from the true environmental issues facing the committee.

14 In order to avoid a major expenditure of time and effort on what could at best be  
15 characterized as collateral issue, SRP requests that it be permitted to withdraw the  
16 portion of the testimony of Dave Areghini which dealt with the efforts, and the results of  
17 the efforts, of The Summit Group. (Exhibits were shown but not introduced. But to the  
18 extent that these exhibits are considered part of the record, SRP's request would also  
19 include all exhibits referencing the results of the work of The Summit Group.).

20 By withdrawing this testimony, and providing that no party shall then rebut any  
21 element of the withdrawn testimony, SRP anticipates that the Committee would realize  
22 a significant saving of time and effort.

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24 ...

25 ...

1 **3. The request that extensive discovery material be made available to the**  
2 **members of the Siting Committee.**

3 The Siting Committee is a quasi-judicial body that is bound by statute to make its  
4 decision based on the evidence presented to it at a hearing. It is not an investigative body.

5 The Committee has requested that SRP make extensive material available to the  
6 Siting Committee members, most of which has little relevance to the proceedings and  
7 none of which SRP intends to introduce as an exhibit at the hearing. SRP objects to  
8 this request on the ground that it is contrary to the statutory process of receiving  
9 evidence at hearing.

10 The Siting Committee statutes make clear that the Committee is to make a  
11 decision on evidence submitted at hearing:

12 40-360.04. Hearings; procedures

- 13 A. The chairman of the committee shall, within ten days after receiving an  
14 application, provide public notice as to the time and place of a hearing on the  
15 application and provide notice by certified mail to the affected areas of  
16 jurisdiction at least twenty days prior to a scheduled hearing. . . .
- 17 C. The committee or hearing officer shall receive under oath and before a  
18 court reporter the material, nonrepetitive evidence and comments of the  
19 parties to the proceedings and any rebuttal evidence of the applicant, and  
20 the committee or hearing officer may require the consolidation of the  
21 representation of nongovernmental parties having similar interests.
- 22 D. The committee shall review and consider the transcript of the public  
23 hearing or hearings and shall by a decision of a majority of the members  
24 issue or deny a certificate of environmental compatibility within one  
25 hundred eighty days after the application has been filed with or referred to  
the committee. . . .

23 The statute does contemplate that the application itself be provided to the members in  
24 advance of the hearing. Also, a practice has arisen whereby documents which are  
25 intended to be introduced as exhibits at the hearing be provided in advance of the

1 hearing. But, this request goes well beyond prior practice and the appropriate scope of  
2 the Committee.

3 SRP requests a procedural order that the discovery material not be made  
4 indiscriminately available to the committee members. Clearly, any party may introduce  
5 relevant evidence to the Committee during the hearing process.

6 **4. Resolution of discovery disputes**

7 Intervenor Cathy Lopez has requested extensive record of communications  
8 between SRP and its customers including e-mail communications. SRP object to this  
9 request on two grounds. First, the customers of SRP communicate with SRP under a  
10 reasonable expectation of privacy. Customers do not expect that their communications  
11 will be made public, even if their names are deleted. The Electric Power Competition  
12 Act affirms this expectation of privacy and makes it unlawful for SRP to release  
13 customer information without the customer's consent:

14 Notwithstanding any other law, customer information, account information and  
15 related proprietary information are confidential unless specifically waived by the  
16 customer in writing. Public power entities and electricity suppliers and providers of  
17 other services shall adopt reasonable rules and procedures to ensure  
18 confidentiality.

18 A.R.S. § 30-806(D).

19 Second, answers to individual customer questions have little or no relevance to  
20 the environmental issues facing the Siting Committee.

21 SRP would also like to discuss additional issues regarding the scope and  
22 duration of discovery.

23 **5. Scheduling matters**

24 Finally, SRP would like to discuss the probable time frames for the various  
25 presentations. SRP would prefer to finish the proceeding on October 25. However, if it

1 appears that there is some likelihood of an additional day, then SRP requests that an  
2 additional hearing date be discussed.

3 DATED this 28<sup>th</sup> day of September, 2000

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11 The original and twenty-five  
12 copies were filed this 28<sup>th</sup> day  
13 of September, 2000 with:

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