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Arizona Corporation Commission
(COST)
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IN THE MATTER OF THE APPLICATION OF SALT RIVER PROJECT, OR THEIR ASSIGNEE(S), IN CONFORMANCE WITH THE REQUIREMENTS OF THE ARIZONA REVISED STATUTES 40-360.03 AND 40-360.06 FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF NATURAL GAS-FIRED, COMBINED CYCLE GENERATING FACILITIES AND ASSOCIATED INTRAPLANT TRANSMISSION LINES, SWITCHYARD IN GILBERT, ARIZONA LOCATED NEAR AND WEST OF THE INTERSECTION OF VAL VISTA AND WARNER ROAD

RESPONSE TO SRP's
REQUEST FOR
PROCEDURAL CONF.
BY INTERVENOR
JENNIFER DUFFANY
& SECOND REQUEST
FOR CONTINUANCE

CASE #: 105
DOCKET #:
L00000B-00-0105

Intervenor, Jennifer Duffany, responds to Applicant Salt River Project's Request for Procedural Conference as follows:

1. I request that the renewed request to consolidate the interests of the intervenors be denied.

A. This request was considered at the first Siting Committee hearing dated September 14, 2000 where the Committee decided to allow each intervenor present with the understanding that the intervenors were responsible to limit redundant testimony, witnesses and cross-examination. At the hearing, each intervenor spoke in a concise and direct fashion wasting no time and each was able to completely eliminate redundant testimony, witnesses and cross-examination. Therefore, by virtue of each intervenor's role in the first hearing there is no basis for concern of redundant presentations, testimony or cross-examination and no basis for consolidation.

B. It is my opinion that SRP's request to consolidate intervenor's testimonies is an attempt to limit public involvement in a hope to conceal certain facts

surrounding SRP's Certificate of Environmental Compatibility (CEC) application.

2. I request that the request to withdraw testimony on the polling and survey efforts of The Summit Group be denied.

A. I hope that this Committee will see through SRP's deception in withdrawing this testimony. Intervenor Cathy Lopez and I made SRP fully aware of the inadequate polling results. On August 29, 2000 Intervenor, Cathy Lopez and I personally spoke to Terry Lonon (SRP) and Randy Dietrich (SRP) regarding inaccurate and less than respectable polling methods and results. Notwithstanding our efforts, SRP choose to use the polling information as factual and a respectable poll of the community.

B. The work of The Summit Group **does** relate to the environmental issues in this Siting Committee case. It relates to the total environment of the area.

C. SRP's basis for withdrawing testimony under the guise that it will "**divert time and attention**" is an example of SRP's misuse of facts and process. At the hearing of September 14, 2000 Intervenor's argued for a motion to continue because of SRP's lack of document production. Most documentation which was not produced, related directly to the testimony presented at that hearing. SRP argued that in the **interest of time** SRP should be allowed to present this evidence and it was decided that SRP could present and follow up with documents to intervenors prior to the next hearing. Currently SRP uses the same basis of **interest of time** to withdraw the same testimony. It is my opinion that SRP wishes not to present all evidence but only evidence that will support their CEC application and to

hide or not disclose all information, evidence and testimony that does not support their CEC application.

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2 D. By withdrawing this testimony, we loose all time devoted at the first hearing
3 as well as cross-examination of the Committee and Intervenors. SRP should
4 not be allowed to dictate, after the fact, what evidence is allowed and not
5 allowed. If the motion to withdraw testimony is allowed we may as well let
6 SRP replace the Committee during the rest of this process.
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8 E. Furthermore, it is my opinion that SRP is wasting more of this Committee's
9 time by requesting a procedural conference regarding a redundant request of
10 consolidating Intervenor's testimony when this issue has already been
11 decided ; a deceptive request to withdraw testimony; and an attempt to limit
12 vital evidence.
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14 3. The request that all discovery material not be made available to the Siting
15 Committee should be denied.

16 A. All requested evidence should be made available to the Siting Committee.
17 This will allow the Siting Committee to review and decide for itself which
18 evidence is vital and which is not. Allowing SRP to decide which evidence is
19 vital and to be reviewed by the Committee is to allow SRP to run this hearing
20 and write their own permit for Environmental Compatibility.
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22 B. Furthermore, Intervenors have not requested any evidence that does not
23 have value to this hearing. The constraints of Intervenor's time and
24 resources have already excluded unnecessary evidence and probably some
25 necessary evidence.
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1 C. Granting this request would keep vital evidence from the Committee and or
2 not allow enough time for the Committee review. This evidence includes
3 documents establishing the following: that power from the San Tan
4 Expansion would be sold to other states; that this power is not being created
5 for the surrounding area; that another company(s) is involved with SRP and
6 using SRP's quasi-governmental status to gain this expansion; and, that
7 many of SRP's statements are misrepresentations of facts.

8 4. The resolution of discovery disputes with Intervenor Cathy Lopez and myself need
9 to be addressed.

10 A. SRP's desire to limit the amount and scope of discovery further indicates
11 SRP's desire to hide vital information.

12 B. SRP has repeatedly supported their CEC application to this Committee as
13 well as the general public with the fact that the people of Gilbert are
14 supportive of this Power Plant Expansion. Intervenor, Cathy Lopez's
15 document requests are partially based on uncovering the truth about
16 community support and SRP's general course of business throughout their
17 CEC application process. My documents and information requests are based
18 on air quality for the immediate area as well as the entire basin/county.
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20 C. The scope and duration of discovery is ongoing. SRP's request to discuss
21 the scope and duration of discovery should be met with the general principle
22 that all evidence relating to the CEC application, no matter when during the
23 process it is found, should be produced, presented and heard. To limit the
24 scope and duration of discovery, which is what I believe SRP desires, is to
25 continue the cat and mouse game which Intervenors have played with SRP
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for several months. If there is a limit to discovery this will enable SRP to conceal vital information.

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2 5. Scheduling Matters.

3 A. Notwithstanding my own selfish wish to complete these proceedings during
4 the hearing of October 25, 2000, I request that the Committee, Intervenors
5 and SRP be patient throughout this process and accept additional hearings
6 as necessary to ensure a complete presentation and cross-examination of all
7 evidence relating to SRP's CEC application.
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9 6. Renewed request for continuance.

10 A. I am still waiting for requested information and documentation from SRP
11 regarding air quality will be presented by their witness Shari Libicki. This
12 information is vital to my testimony as well as cross examination. I have not
13 received requested documents and information as of the date of this Response.
14 I therefore request that the hearing set for October 25, 2000 be rescheduled for
15 30 days after SRP's production of requested documents. This will allow SRP
16 time to produce requested information and to allow enough time for the
17 Committee and myself to review and digest this extremely important information.
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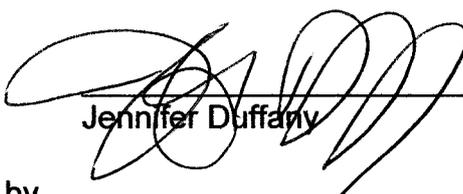
20 7. Intervenor, Jennifer Duffany's requests.

- 21 A. To continue the hearing set for October 25, 2000;
22 B. That the hearing set for October 25, 2000 be rescheduled to a date at least
23 30 days after SRP's production of requested documents;
24 C. A discussion regarding extending SRP's application and permit time frame to
25 accommodate a full presentation of evidence. I request that even if I am
26 unable to attend the Procedural Conference of October 11, 2000 that this
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discussion take place in my absence.

1 D. That this Committee enter it's order requiring SRP to make available Mr.
2 Crusa from the Summit Group to testify regarding the polling efforts and
3 results as SRP agreed on record during the September 14, 2000 hearing.
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6 RESPECTFULLY SUBMITTED this 11th day of October, 2000.

7
8 
9 Jennifer Duffany

10 Original and 25 copies will be filed by
11 13th day of October, 2000 with:

12 Docket Control
13 Arizona Corp. Comm.
14 1200 W. Washington Street
15 Phoenix, AZ 85007

16 Copies of the foregoing sent the
17 11th day of October, 2000 via
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