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ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

2001 MAR 16 P 12:05

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
SALT RIVER PROJECT, OR THEIR ASSIGNEE
(S), IN CONFORMANCE WITH THE
REQUIREMENTS 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
DRIVE AND WARNER ROAD.

DOCKET NO. L-00000B-00-0105

Arizona Corporation Commission
DOCKETED

MAR 16 2001

DOCKETED BY
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PROCEDURAL ORDER

BY THE COMMISSION:

On February 26, 2001, Intervenor Mark Kwiat filed with the Arizona Corporation Commission ("Commission") a Request for Review of the Power Plant and Line Siting Committee's February 14, 2001 Decision ("Request for Review") in the above-captioned matter.

On February 27, 2001, Intervenor Mark Sequeira filed with the Commission a Petition for Review.

On February 28, 2001, Intervenors Cathy Lopez, Mark Sequeira, Mark Kwiat, Cathy LaTona, Saretta Parrault, Michael Apergis, Marshal Green, Christopher Labbon, and Dale Borger (collectively, "Joint Intervenors") filed their Request for Review.

Pursuant to A.R.S. § 40-360.07, the Commission hereby sets the matter for oral argument and for the taking of briefs.

A.R.S. § 40-360.07.B provides that the powerplant and transmission line siting committee ("Committee") "shall transmit to the Commission the complete record, including a certified transcript, and the review shall be conducted on the basis of the record" (emphasis added).

Accordingly, the Committee shall transmit the complete record to the Commission, if it has not already done so. This statutory provision clearly sets forth that the kind of review that the

1 Commission is allowed to make in reaching its decision on this matter is limited to a review of the
2 record created by the proceedings before the Committee. That record is closed, and additional
3 testimony and evidence cannot be considered by the Commission when making its decision on the
4 certificate. However, the Commission is authorized to hear oral argument and take briefs discussing
5 the testimony and evidence already contained in the record. The Commission is aware that the record
6 in this matter is sizable, and concise briefs that cite to the record (transcript page, exhibit number)
7 will assist the Commission in its review and decision making. The parties should bear in mind that
8 A.R.S. § 40-360.07 provides that: "In arriving at its decision, the commission shall comply with the
9 provisions of § 40-360.06 and shall balance in the broad public interest, the need for an adequate,
10 economical and reliable supply of electric power with the desire to minimize the effect thereof on the
11 environment and ecology of this state". Briefs that address the factors set forth in A.R.S. § 40-360-
12 .06 and this standard of review and decision making while citing to specific evidence in the record
13 will assist the Commission.

14 Further, the Commission is authorized to hear oral arguments to assist in its decision making.
15 Again, the statute is clear that the record is closed to evidence and testimony. Oral arguments that
16 address the evidence and testimony in the record, and an opportunity for questions by the
17 Commissioners, will assist the Commission in its decision making. Accordingly, we will set oral
18 arguments to commence on April 18, 2001 at 9:30 a.m. at the Commission's Hearing Room, 1200
19 West Washington, Phoenix, Arizona. These oral arguments will be made by parties to the proceeding
20 only, and no public comment will be taken. The Intervenors that filed Requests for Review and the
21 Applicant will be allowed 20 minutes each to present their oral argument.¹ All other parties will be
22 allowed 10 minutes. The presiding officer may allow additional time, if necessary. The Commission
23 will not vote on April 18, 2001. A subsequent special open meeting will be set and notice of such
24 provided by the Commission. At that special open meeting, the Commission will include time for
25 public comments, and a vote on the matter will be taken.

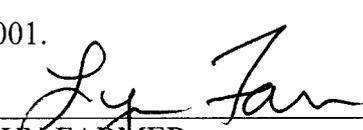
26 _____
27 ¹ Individual Intervenor/Petitioner Mark Kwiat will have 20 minutes, individual Intervenor/Petitioner Mark Sequeira will
28 have 20 minutes, and the Joint Intervenors/Petitioners shall designate one spokesman to speak for them, who shall have
20 minutes to make oral argument. The time may be extended if necessary due to extensive questioning. Applicant will
be allowed additional time for rebuttal if necessary.

1 IT IS THEREFORE ORDERED that the parties shall file concise written briefs, containing
 2 citations to the record, with the Commission to assist it in complying with the provisions of § 40-
 3 360.06 and balance in the broad public interest, the need for an adequate, economical and reliable
 4 supply of electric power with the desire to minimize the effect thereof on the environment and
 5 ecology of this state, no later than April 6, 2001.

6 IT IS FURTHER ORDERED that oral arguments by the parties to the proceeding shall be
 7 held before the Commission on April 18, 2001, at 9:30 a.m. in the Commission's hearing room, 1200
 8 West Washington, Phoenix, Arizona.

9 IT IS FURTHER ORDERED that the Committee shall, if it has not already, promptly
 10 transmit the complete record to the Commission.

11 DATED this 16th day of March, 2001.

12 
 13 LYN FARMER
 14 CHIEF ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
 16 This 16th day of March, 2001 to:

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