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BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION)
OF SALT RIVER PROJECT)
AGRICULTURAL IMPROVEMENT AND) DOCKET NO.
POWER DISTRICT, IN CONFORMANCE) L-00000B-09-0311-00148
WITH THE REQUIREMENTS OF ARIZONA)
REVISED STATUTES, SECTIONS) Case No. 148
40-360, et seq., FOR A)
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING)
CONSTRUCTION OF A 230kV DOUBLE-)
CIRCUIT TRANSMISSION LINE)
ORIGINATING AT THE PLANNED AND)
PERMITTED ABEL SUBSTATION, NEAR)
JUDD AND ATTAWAY ROADS IN PINAL)
COUNTY, TO THE PLANNED AND)
PERMITTED RS-17 SUBSTATION,)
ADJACENT TO THE EXISTING MOODY)
SUBSTATION, LOCATED NEAR PECOS)
AND RECKER ROADS, IN THE TOWN OF)
GILBERT, MARICOPA COUNTY,)
ARIZONA, AND INCLUDING A NEW)
230/69kV SUBSTATION NEAR THE)
INTERSECTION OF COMBS AND)
MERIDIAN ROADS, IN OR ADJACENT TO)
THE TOWN OF QUEEN CREEK, ARIZONA.)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on to be heard before the Arizona
3 Power Plant and Transmission Line Siting Committee, 1275
4 West Washington Street, Phoenix, Arizona, commencing at
5 2:06 p.m. on the 20th of May, 2009.

6
7 BEFORE: JOHN FOREMAN, Chairman

8 APPEARANCES:

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For Demetri Vlichos:

In Propria Persona

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APPEARANCES:

For Phoenix-Mesa Gateway Airport:

GUST ROSENFELD
By Mr. Christopher A. Schmaltz
201 East Washington street
Phoenix, Arizona 85004

ALSO PRESENT:

Mr. Jason Burney
Mr. Walter J. Fix, Director of Planning and Special
Projects, Phoenix-Mesa Gateway Airport
Mr. Thomas A. Novy, SRP, Project Manager,
Transmission Planning
Ms. Tara Williams, Assistant to Chairman Foreman

COLETTE E. ROSS
Certified Reporter
Certificate No. 50658

1 CHMN. FOREMAN: Let's go on the record.

2 This is a preapplication conference in the
3 matter of the application of Salt River Project for a
4 Certificate of Environmental Compatibility authorizing
5 the construction of a 230 kilovolt double circuit
6 transmission line from the Abel substation to the Moody
7 substation.

8 My name is John Foreman. I am the Chairman of
9 the Arizona Power Plant and Transmission Line Siting
10 Committee. I would like on the record to have each of
11 you identify yourselves as we go around the room. And I
12 have prepared some draft potential conditions for a
13 certificate of environmental compatibility and a draft
14 procedural order that I will work off of and make
15 reference to during this hearing. So for each party, as
16 we go around, Tara Williams, my assistant, will
17 distribute something to those who wish a copy.

18 So why don't we start over here with
19 Mr. Robertson.

20 MR. ROBERTSON: Thank you, Your Honor. My name
21 is Lawrence V. Robertson, Jr. For those with whom I
22 will be working in this proceeding I go by Larry. And I
23 am representing Pinal County.

24 MR. SCHMALTZ: Christopher Schmaltz with Gust
25 Rosenfeld, attorney for the Phoenix-Mesa Gateway Airport

1 Authority.

2 MR. FIX: Walt Fix, director of planning,
3 Phoenix-Mesa Gateway Airport.

4 MR. NOVY: Tom Novy, Salt River Project, project
5 manager, transmission planning.

6 MR. BURNEY: Jason Burney, property owner/
7 developer, Circle D Property Development, Landmark
8 Holdings.

9 MR. SLAVIN: I am Francis Slavin. I go by Buzz.
10 And I am here, I am a lawyer representing Mr. Burney.
11 And I have had the pleasure of appearing before
12 Mr. Foreman when he was Judge Foreman.

13 MR. VLICHOS: My name is Demetri Vlichos, V, as
14 in Victor, L-I-C-H-O-S.

15 MR. WAKEFIELD: Scott Wakefield, representing
16 the property owner Sandy Beeler.

17 MR. MIERAS: Kyle Mieras, Town of Gilbert.

18 MR. BRASELTON: Jim Braselton, Town of Queen
19 Creek.

20 MR. MARKS: Craig Marks, the law firm Craig A.
21 Marks, PLC, representing the City of Mesa.

22 MR. SUNDLOF: And Kenneth Sundlof with Jennings
23 Strouss & Salmon, representing Salt River Project.

24 MS. BARR: Kelly Barr, Salt River Project.

25 CHMN. FOREMAN: All right. Well, we have a full

1 house.

2 Now, Arizona Revised Statute 40-360.05, yes, A,
3 talks about parties to the certification proceeding in
4 addition to the applicant. We have some governmental
5 agencies here. Do we have nonprofit, domestic nonprofit
6 corporations or associations who intend to provide
7 notice that they intend to intervene, in other words,
8 people who would be parties pursuant to 40-360.05(A)(3)?

9 (No response.)

10 CHMN. FOREMAN: All right. Do we have such
11 other persons, somebody who doesn't fit within one of
12 the other categories who want to intervene?

13 (No response.)

14 CHMN. FOREMAN: We had a couple of
15 individuals -- counsel.

16 MR. WAKEFIELD: I represent Sandy Beeler, a
17 property owner. Ms. Beeler has not yet determined
18 whether she will actually be intervening in the
19 procedure but instructed me to be here today on her
20 behalf.

21 CHMN. FOREMAN: All right. So, and you of
22 course are aware of the 10-day time limit or "10 day
23 before hearing" time limit?

24 MR. WAKEFIELD: Yes.

25 CHMN. FOREMAN: And we will be talking about

1 some preparation rules that will be a part of the
2 procedural order that I will enter. And I am assuming
3 that you and your client will be prepared to comply with
4 those preparation requirements.

5 MR. WAKEFIELD: Yes.

6 CHMN. FOREMAN: The interpretation that I have
7 of the statute is that the decision about whether
8 someone who is a potential party or a discretionary
9 party pursuant to 40-360.05(A)(4) is to be made by the
10 Committee. I will make a recommendation to the
11 Committee but the Committee will make the final decision
12 at the time of the hearing since I don't anticipate the
13 Committee will meet on this case before that time.

14 Nevertheless, if you intend to be involved, it
15 is going to be important that you be prepared and, as I
16 said, do all the other things that are set out in the
17 rule. I just want to make sure that that's understood
18 in advance.

19 Okay. Now, Mr. Vlichos, am I correctly
20 pronouncing your name?

21 MR. VLICHOS: Vlichos, C is silent.

22 CHMN. FOREMAN: Okay. Do you intend to
23 intervene, or intend to request to intervene?

24 MR. VLICHOS: Well, I am here to listen to what
25 the project is going to do, whether they are going to

1 put it on my property or not. The way it looks right
2 now, it is going to engulf my entire property, it looks
3 like, if that goes through.

4 CHMN. FOREMAN: Okay.

5 MR. VLICHOS: And I just want to, I want to
6 intervene on my behalf.

7 CHMN. FOREMAN: All right. At the hearing, the
8 public is certainly welcome to attend. There will be an
9 opportunity for public comment. But that's a different
10 sort of participatory involvement than being a party.

11 Do you intend to make public comment or do you
12 intend to be a participant or have you not made up your
13 mind?

14 MR. VLICHOS: At this time I am going to be a
15 participant and listen to what is going on.

16 CHMN. FOREMAN: Well, you can listen and not be
17 a party.

18 MR. VLICHOS: Right.

19 CHMN. FOREMAN: Do you intend to do that or do
20 you intend to request to be a party?

21 MR. VLICHOS: I intend to just listen.

22 CHMN. FOREMAN: Okay, all right. There is a
23 form of procedural order that is in front of you that is
24 similar to the procedural order that I am going to enter
25 in this case. And if you decide that you want to be a

1 party, you are going to need to file a request to be a
2 party more than 10 days before the hearing starts. And
3 you are going to have to comply with everything that's
4 in that order that refers to parties or prospective
5 parties.

6 It is important that everybody be prepared,
7 because we have an 11-person Committee so it is hard to
8 get everybody together at one place at one time. We
9 have a time limit of 180 days within which we have to
10 complete what the law says we have to and balancing the
11 interests of everyone that is involved.

12 As you can see, there are multiple people,
13 multiple entities here, legal entities, individuals,
14 agencies, governments that want to be involved and
15 participate as parties. And everybody has to be
16 prepared and appear on the day of the hearing ready to
17 go. So this could get a little complicated depending
18 how much testimony is presented, how many documents are
19 involved, how many witnesses are presented.

20 And I want you to understand that I am going to
21 expect you, if you want to be a party in other words, to
22 do something more than listen and watch what occurs, and
23 tell us what you think we ought to do. If you are going
24 to be something more than that, be a party, you are
25 going to need to comply with everything that's in that

1 order. Do you understand?

2 MR. VLIICHOS: Yes.

3 CHMN. FOREMAN: Good. Now, let's talk a little
4 bit about the project. There is a large map here. And
5 counsel has previously provided me with a small map that
6 I have had marked --

7 MR. SUNDLOF: Here is a smaller map.

8 CHMN. FOREMAN: -- as Exhibit 3.

9 Counsel, if you would, tell us what Exhibit 3
10 is. And it is Exhibit 3 to this conference, this
11 proceeding only.

12 MR. SUNDLOF: Exhibit 3 is just a summary map of
13 the study area which is generally in the Queen Creek
14 vicinity. And it shows, and it is difficult to see in
15 the small format, but it shows the different routes that
16 have been approved by the Salt River Project board of
17 directors to become part of an application that will be
18 filed shortly.

19 The project is an approximate 20-mile
20 transmission line, and, as I think you have mentioned,
21 between the Abel substation, which is a permitted but
22 not built substation, to the area of the Moody
23 substation, which is a 69/12 station that already
24 exists.

25 There is also a new substation that will be part

1 of the application which is in the crosshatched area
2 somewhat in almost the exact center of the map,
3 somewhere in that general area. We show the preferred
4 alignment in a dotted line, and we show alternate
5 alignments in a plain red line. And this is basically
6 the map that we intend to present in our application.

7 CHMN. FOREMAN: All right. When do you
8 anticipate you are going to file your application?

9 MR. SUNDLOF: Our target date right now is
10 June the 2nd, and that of course can move a little bit
11 depending on what hearing dates we end up, but the
12 target date is June the 2nd.

13 CHMN. FOREMAN: And as far as hearing dates are
14 concerned, what are you targeting?

15 MR. SUNDLOF: Well, our preference, I will start
16 out with what we would like to do, and the preference
17 would be the week of July the 20th, which would be
18 within the statutory time period. And for that week, we
19 are able to secure the Cooley Ballroom in the Student
20 Union building at ASU Polytechnic campus. And that's a
21 good site because it is very easy to get to. It is
22 just, it is, on this map, just a little bit north of the
23 maps. And so it is in the general vicinity near the
24 airport. And it is a big room and available, and we can
25 have food there and we can do all the things we want.

1 So that would be our first choice.

2 CHMN. FOREMAN: Tara, remind me of when we have
3 scheduled the hearing in No. -- what is it? 144? No, I
4 am sorry, 145, 146.

5 MS. WILLIAMS: They asked for July 21st through
6 the 24th, three days.

7 CHMN. FOREMAN: Okay.

8 MR. SUNDLOF: I knew it wouldn't be easy.

9 CHMN. FOREMAN: So we do have that week open but
10 we have another case that seems to be eyeing that place.
11 So we will need to do some working on dates and times.
12 July and August is always a difficult time to get
13 schedules put together. So we will need to work on
14 that.

15 Now, for those who are going to intervene -- and
16 I am assuming you folks have all met before.

17 MR. SUNDLOF: Most of us.

18 CHMN. FOREMAN: Okay. How long do you
19 anticipate the applicant's case will last? How many
20 witnesses do you anticipate presenting.

21 MR. SUNDLOF: We are right now scheduled for
22 three, four witnesses. And four witnesses, one of them
23 will be a panel of two, so that's really five witnesses.
24 I would expect the direct testimony with
25 cross-examination would take two days.

1 MR. BRASELTON: Ken, could you speak up a
2 little. Did you say two days?

3 MR. SUNDLOF: It all depends on the amount of
4 cross-examination, but I would say to be safe two days
5 for the direct case.

6 MR. ROBERTSON: Ken, did you say a panel of
7 four?

8 MR. SUNDLOF: No. We would have three
9 individual witnesses and then the final would be a panel
10 of two witnesses.

11 MR. ROBERTSON: Two. Okay, thanks.

12 MR. SUNDLOF: And we request the ability to do a
13 panel.

14 CHMN. FOREMAN: Okay. I assume these witnesses
15 will be talking about something similar.

16 MR. SUNDLOF: It will be the applicant's case.
17 The first witness will talk about --

18 CHMN. FOREMAN: I am sorry, the two in the
19 panel.

20 MR. SUNDLOF: Yes, yes.

21 CHMN. FOREMAN: Okay. All right. Now, how many
22 of those of you who are present anticipated that you
23 would want to present witnesses of your own?

24 MR. BURNEY: Considering it.

25 CHMN. FOREMAN: Okay.

1 MR. ROBERTSON: At this point I don't know not
2 having seen the application.

3 CHMN. FOREMAN: Sure. And I understand that
4 will change but I am trying to get the best count I can.

5 MR. ROBERTSON: For initial count, one for Pinal
6 County and possibly two.

7 CHMN. FOREMAN: Okay.

8 MR. MARKS: For City of Mesa, just brought on
9 two days ago, I have not seen the application, but as a
10 placeholder one to two would work.

11 MR. BRASELTON: On behalf of Town of Queen Creek
12 I think we would estimate the same thing, Judge, at
13 least at this point.

14 CHMN. FOREMAN: All right. Are these witnesses,
15 are we talking about witnesses that are going to last 30
16 minutes or witnesses that are going to last three days
17 or somewhere in between?

18 MR. ROBERTSON: That's a broad range, so I can
19 easily say somewhere in between.

20 CHMN. FOREMAN: Somewhere in between.

21 MR. ROBERTSON: Again, not having seen the
22 application it is difficult to say. I anticipate the
23 assistant county manager who has Siting Committee
24 responsibility would be one witness. And I might have
25 another staff witness. But those, as Mr. Marks used the

1 word, are in the nature of placeholders.

2 CHMN. FOREMAN: Okay.

3 MR. ROBERTSON: Once we have actually seen the
4 application I will have a better idea.

5 CHMN. FOREMAN: Can you at this stage articulate
6 the concerns that you think Pinal County will have about
7 this so I can get an idea. Are we talking about
8 technical concerns? Are we talking about location
9 concerns?

10 MR. ROBERTSON: At this point, Your Honor, I
11 really can't. I think a good example is that recent
12 case we had before you in Tucson involving Southwestern
13 Transmission Cooperative. We developed a technical
14 concern with marker balls in the vicinity of the San
15 Manuel Airport. It might be something like that in this
16 case. It might be a land use concern. At this juncture
17 I don't know.

18 (Mr. Birnbaum enters the proceeding.)

19 CHMN. FOREMAN: City of Mesa.

20 MR. MARKS: The issues would be the preference
21 for the preferred line as we expect it to be filed and
22 it would be property owners along the alternative route
23 that the City of Queen Creek prefers and protection of
24 the Gateway airport.

25 CHMN. FOREMAN: So I can understand, do you

1 anticipate then that Mesa is going to be working more or
2 less consistently with Queen Creek or are you saying
3 Mesa is going to work at cross purposes with Queen
4 Creek?

5 MR. MARKS: My understanding, and again I am
6 very new on this, is that Mesa and Queen Creek are at
7 cross purposes in this case.

8 CHMN. FOREMAN: Okay. All right. And
9 Mr. Birnbaum is now here. I assume you are with --

10 MR. BIRNBAUM: I'm with Mr. Braselton.

11 MR. BRASELTON: He is with me.

12 Do you want to respond, Gary?

13 I think we are, I have already indicated we
14 probably would have one to two witnesses. I didn't know
15 we were at cross purposes with Mesa until I just heard
16 that a minute ago. But maybe you know more about that
17 than I do.

18 MR. BIRNBAUM: Well, I don't know if we are at
19 cross purposes with Mesa. There could be some
20 disagreements with respect to the Germann Road
21 alternative.

22 And I am not sure how many witnesses we have.
23 It will be at least one to two, but it is likely to be
24 more, as I understand this, at least one citizens group
25 that wants to be heard through the city. So between

1 citizens and aviation and downtown planning, I would
2 guess three witnesses, possibly even four.

3 CHMN. FOREMAN: Okay.

4 MR. BRASELTON: One potential expert, too.

5 MR. BIRNBAUM: That's enough.

6 CHMN. FOREMAN: Now, what about Williams Field,
7 where are you folks going to line up on this?

8 MR. SCHMALTZ: Certainly along the same lines,
9 one to two witnesses. And the concerns certainly would
10 be impacts on aviation activity at the airport and
11 comparing the preferred versus the alternative
12 alignments and its potential impacts on operations at
13 the airport.

14 CHMN. FOREMAN: Do you anticipate that you are
15 going to be acting either consistently or inconsistently
16 with either Mesa or Queen Creek?

17 MR. SCHMALTZ: I am not sure about that, because
18 I am not sure about the positions that have been taken.
19 I haven't been to all the other meetings.

20 MR. FIX: It would probably be inconsistent
21 based on the town's resolution that was passed in
22 December that is in conflict with what we have been
23 looking, what the airport has been looking at and
24 advised as far as FAA determinations on notice of
25 hazard.

1 CHMN. FOREMAN: Okay. Now, the rest of you
2 folks, what is, are your positions?

3 Mr. Slavin.

4 MR. SLAVIN: Mr. Foreman, or Judge Foreman, I
5 have just been brought in on this matter and maybe
6 Mr. Burney can give more help on it.

7 MR. BURNEY: As a property owner I will be
8 supportive of the preferred alignment. And I am here to
9 evaluate the process to see how much some of these other
10 alignments are being looked at. And I may want to
11 intervene to provide testimony to support that preferred
12 alignment.

13 CHMN. FOREMAN: Okay. But right now you are not
14 sure?

15 MR. BURNEY: I have not determined that in fact
16 I am going to intervene.

17 CHMN. FOREMAN: Okay. All right. Who have I
18 missed? Anybody?

19 Mr. Wakefield.

20 MR. WAKEFIELD: My client would be opposed to
21 the use of the alternative alignment along Power Road.
22 Looks like it is on the map between Nodes 61 and 51, is
23 my understanding of where my client's property is
24 located. But with respect to alternative routings,
25 preferred or any other alternative, I don't believe we

1 have any objection.

2 CHMN. FOREMAN: Okay.

3 MR. NOVY: Excuse me. Can I make a correction?
4 That's 81 to 51.

5 MR. WAKEFIELD: Thank you for the correction.

6 CHMN. FOREMAN: 81 to 51? There is an 81 to 51
7 and there is a 61 to 51. So is this a north-south line
8 or east-west?

9 MR. NOVY: It is a north-south line. That's an
10 8, it should be 81.

11 MR. BIRNBAUM: 81 at the north, 51 at the south.

12 CHMN. FOREMAN: So this intersection of Ocotillo
13 and Power Roads is 81, is that correct, my reading?

14 MR. NOVY: Yes.

15 CHMN. FOREMAN: Okay. Good. All right. That
16 gives me a little better...

17 Now, anybody that I haven't talked --

18 MR. MIERAS: Town of Gilbert. Probably one to
19 two witnesses much like the others. Our concern is the
20 alignment, just the location of which route is
21 ultimately chosen.

22 CHMN. FOREMAN: All right. And do you have any
23 idea how your interests will line up with regard to
24 Queen Creek and Mesa?

25 MR. MIERAS: We probably don't align either way.

1 We probably don't support or not support either one.
2 Once the line goes from Node 1 to Node 2, that leaves
3 the Town of Gilbert. Anything in the southern alignment
4 is where we have interests. Anything north of
5 Rittenhouse we would just prefer to have those parties
6 talk about them amongst themselves.

7 CHMN. FOREMAN: Okay. Well, that's one thing
8 that I am going to encourage you to do. In fact, in the
9 procedural order that I am going to execute shortly, you
10 are going to be directed to get together and talk. You
11 are going to be directed to get together and talk. And
12 you are going to be advised that if you want to have
13 these witnesses testify, you are going to have to notify
14 each other what they are going to say so that people can
15 get prepared. It is not fair to go to a hearing and not
16 know what the other parties' witnesses are going to say.
17 And we, it looks to me like we are going to be having
18 more than one session of hearings on this.

19 Now, I think the first order of business is
20 going to be trying to find some dates. And so maybe
21 getting together either by phone or in person is
22 something that you all should do and try to get some
23 dates, then coordinate with Tara. She will be the link
24 with the members of the Committee, get their schedules.
25 I anticipate it will be after that week of July 20

1 through 26. What the schedules of the members are for
2 the rest of the summer I don't know. But we will try
3 and get you some time so that we can at least get the
4 first two or three days out of the way so that we can
5 get the applicant's case on, or case in chief on, and
6 get as many of the other cases on as we can in that
7 time.

8 It is going to be important that you exchange
9 exhibits. I am not requiring disclosure notices of the
10 form that are required by the Rules of Civil Procedure.
11 But I am requiring you to do the things that the
12 disclosure notices were intended to address. And that
13 is alert everybody else as to who you are going to call
14 and what they are going to testify to.

15 If you have discovery that you need to conduct
16 back and forth amongst each other, the power of the
17 Chair to deal with that is either very great or very
18 low. I haven't tested the limits of that yet. But it
19 is my desire to have all the cards on the table and
20 everybody knowing about, in general, what is going to
21 happen when a hearing starts. I am not going to slow
22 down and stop hearings so that we can go back and do
23 something. So I will use the sanction of preclusion if
24 necessary. On the other hand, it looks to me like we
25 are going to have more than one set of days of hearings.

1 And so rather than preclusion, I may simply bump
2 testimony back.

3 We have a time limit. We tested that time limit
4 in Case No. 138 and I am happy to say that we were able
5 to get everything done in Case No. 138 with over two
6 hours of extra time. I do not intend to test the time
7 limit closer than that. So we will want you folks to
8 pay attention to that.

9 Please note the procedural order, which is
10 Exhibit 1. I am going to, after the application is
11 filed, I am going to try and calculate the deadline and
12 put it in the procedural order. If anybody disagrees
13 with my calculation, you are going to be expected to say
14 so at the beginning rather than at the end of the case.
15 And if you don't say so at the beginning, as far as I am
16 concerned, you have waived your right to complain later
17 on.

18 We are going to talk about the notice here in a
19 minute. We will get that taken care of and that will
20 need to be done. I have taken a look at the draft
21 notice that was provided. And it obviously needs to
22 have some blanks filled in but I have no problem with
23 the basic form of it. I was kind of curious, though,
24 about the background letters on the notice.

25 MR. SUNDLOF: I don't know how --

1 CHMN. FOREMAN: Spelling has never been my
2 strong suit, but I have never spelled draft
3 R-F-D-F-D-A-T, D-A-T. So I am assuming that's what you
4 meant.

5 MR. SUNDLOF: I think that's what it meant.

6 Chairman Foreman, if it is all right, I am
7 passing out copies of that draft notice.

8 CHMN. FOREMAN: Great.

9 MR. ROBERTSON: Would this be Exhibit 4?

10 CHMN. FOREMAN: No, but we can make it
11 Exhibit 4. I will make my copy Exhibit 4. So we will
12 go through that and hopefully we will get your feedback
13 on that. If there are problems we will sort them out
14 before the application is filed.

15 I will expect the applicant to contact either
16 Mr. Kearns or whoever is handling the job of finance
17 officer at the Corporation Commission and make financial
18 arrangements. Those of you who are thinking about
19 intervening, the sooner you make the decision the
20 better. We are not going to slow the process down to
21 wait for you if you make your decision at the last
22 moment. There is simply too many things that need to be
23 done.

24 I have put, and let me call to your attention,
25 paragraph 6. This paragraph deals with contact with

1 members of the Committee and the Chairman during the
2 pendency of the application about anything associated
3 with it.

4 E-mail is a communication means that is
5 effective and helpful. But if you are going to use
6 e-mail to communicate with the Chair and anybody else, I
7 am going to expect that you file copies of what you
8 e-mailed around, including a distribution list, I think
9 it is within 10 days or so after, after you submitted it
10 or at least within a reasonable time after you submit
11 it. And you are not to communicate with anybody else on
12 the Committee.

13 I will generate an agenda. The agenda will go
14 out later. It will go out before the final prehearing
15 conference, which will be about a week to 10 days before
16 the hearing. And if anybody has any problems with the
17 agenda, I expect them to, again, let me know in time so
18 that I can get the agenda changed before the hearing
19 takes place so that we don't have to delay the hearing.

20 I expect you to meet and confer. I expect you
21 to explore at least the possibility that you will have
22 consistent positions. If there are individuals who
23 might have positions that are consistent with towns or
24 agencies, I would like that to be explored. And what I
25 am looking at here is the joint presentation of evidence

1 so that we can limit duplication at the hearing itself.

2 As I have told you, you are to prepare summaries
3 of the direct testimony of witnesses that you will call.
4 You are expected to exchange those summaries and also
5 you are expected to file the testimonial summaries with
6 Docket Control.

7 You are expected to meet and confer and exchange
8 exhibits. I don't want a map falling out of the heavens
9 that nobody has seen at the last minute or some sort of
10 report that no one has seen coming in at the last
11 minute. I do not want to use the sanction of preclusion
12 if I can avoid it, but it is more important to me that
13 the hearing be fair to all parties than it is that a
14 particular memorandum or exhibit that was not previously
15 disclosed get into the record. So be it, be warned.

16 We have had one indication that witnesses might
17 be presented in panels. I have no problem with panels
18 so long as everyone is advised in advance that there
19 will be multiple witnesses or that a panel will be
20 called, who will be on the panel. That's so that the
21 other parties can prepare cross-examination. I also
22 want to make sure that the people on panels are people
23 who are talking about the same thing so that we don't
24 have a confusing presentation of evidence and testimony.

25 The transcripts are to be made and preparations

1 made for that, which I am assuming will be done.

2 I would like for you folks to get together and
3 talk about the presentation of a Certificate of
4 Environmental Compatibility with conditions before the
5 hearing occurs. It is less important -- and I want you
6 to do that in this case even if we have multiple hearing
7 dates, because I want the areas of conflict to be
8 identified as soon as possible. If we are simply
9 talking about location, if that's the only issue, where
10 is the line going to go, then I would like to have that
11 issue identified as the area of conflict early on. If
12 there is a question about need, if there is a question
13 about other findings of fact, then we need to know about
14 that.

15 Exhibit 2 is a draft of some potential
16 conditions that might be attached to a CEC. As I put at
17 the top, this is a place to start, not necessarily a
18 place to end. All of these conditions are not necessary
19 in every CEC. But I put them there so that you will
20 know that you need to address this issue if it is a
21 matter that is relevant to your position or to this
22 application.

23 These conditions are rewording and redrafting of
24 conditions that have appeared in previous CECs that have
25 been approved by the Committee and by the Commission.

1 There were some concerns expressed about where language
2 in some of the prior CECs came from. Unfortunately no
3 one thought to ask the author where they came from. But
4 in any event, if you have alternative language that you
5 would like to use and you all can't agree on a wording
6 of a particular condition, if you want to propose your
7 own wording and it is taken from another CEC, please
8 identify that CEC and identify whether it was approved
9 by the Commission or by the Committee or by both.

10 Any questions about the conditions?

11 (No response.)

12 CHMN. FOREMAN: All right. In opening
13 arguments, or opening statements hopefully, we are going
14 to give the applicant 30 minutes and each of the other
15 parties five minutes. Unfortunately I will be timing
16 you. If you feel that you absolutely must have more
17 than that time, you will need to talk to me about it.
18 And if there is good cause, I will grant it. And if
19 there isn't, I won't. Hopefully we will be able to
20 figure out your theory of the case within five minutes.
21 And hopefully we will be able to figure out the essence
22 of the application in at least 30.

23 Before the final hearing date where we actually
24 discuss the CEC, I will want the applicant to submit,
25 and anyone else who wants to may also submit, a form of

1 CEC. What I would like to get again is at the end of
2 the case a form of order for me to sign that we can put
3 up on the wall. And I am hoping that you will have
4 someone with word processing skills there to help us
5 through a draft. And we will go through line by line,
6 page by page wordsmithing the final product. If there
7 are disagreements, I would like them narrowed as much as
8 possible. And that's why I want you folks to get
9 together and talk before the final hearing, so that we
10 can know where you are at. And if you have alternative
11 language, again, be sure that you have it ready for us
12 so that we can move through it.

13 The wording of these documents is obviously
14 important. It is important to be precise. And it is
15 important that we have the precise wording that you
16 would like at least at the end of the case. I
17 personally think it would be a good idea if you know in
18 advance what you want on a particular condition. For
19 example, if you want to give us that wording at the very
20 beginning, that's great. We would appreciate it.

21 I will expect the applicant to have three-ring
22 binders for exhibits for each member of the Committee.
23 Hopefully after you talk, you will have some sense of
24 what sort of exhibits you might have that are amenable
25 to being placed in a three-ring binder. And it would be

1 nice if we had just one binder with multiple portions
2 rather than a binder from each party. So please
3 cooperate on that.

4 The parties are going to have different exhibit
5 numbers. In this case SRP-1, SRP-2, SRP-3 is going to
6 be the way the applicant will identify its exhibits.

7 My first draft of this, I had the applicant
8 being A-1, A-2, A-3. And then we had Exhibit A-1, A-2,
9 A-3 in the application. And so the application was
10 Exhibit A-1 and so then we were looking at Exhibit A-1
11 in Exhibit A-1. And that confused my brain cells.

12 So what we will do is go around and just I will
13 give each of you a couple of letters. For Mesa will
14 probably be ME or MES. Queen Creek will probably be QC;
15 Gilbert, GIL, something like that. Williams Gateway
16 might be WG. And Pinal County might be PC or PIN. And
17 for individuals it might be the initials of the
18 individual or the first couple letters of a corporate
19 entity. So that will be how I will want you to put your
20 exhibits together.

21 And I would like dividers in the binders behind
22 which those individually numbered exhibits can be so
23 that when we get to your testimony we can flip to those
24 exhibits and the members of the Committee will be able
25 to keep those available in front of them. In No. 138 we

1 had an overwhelming amount of paper and binders. And it
2 just, it cut down on the ability of the members of the
3 Committee to access what they wanted to access when they
4 were trying to think about what was presented.

5 All right. Let's see. After the hearing is
6 concluded and CEC is adopted, I will want a copy of what
7 was done presented to me and I would like the parties to
8 get together and make sure that they agree on the final
9 language. In 138 I thought we had agreed on everything.
10 We got down to the end and there wasn't agreement on
11 everything. And so I ended up having to do some
12 evaluating of what I thought we had already done,
13 resolved at the hearing. That was a very uncomfortable
14 feeling. So I want to try and get this language crafted
15 and to me as quickly as possible after our final
16 hearing.

17 And as I said, we will schedule a prehearing
18 conference that will be about a week to seven day, week
19 to 10 days before the hearing where we will be able to
20 sit down and work through these things and hopefully
21 answer any other questions you might have.

22 But have I -- is everybody still with me? Are
23 there questions about what it is I expect of you and
24 what it is we are going to be doing?

25 Mr. Robertson.

1 MR. ROBERTSON: It is really in a supplemental
2 nature, and it seems like a lifetime ago, but with
3 reference to Case No. 138, and maybe Jim or Gary or
4 Scott can remember, I have a hazy recollection at one
5 point there was an effort using a matrix to identify
6 issues and the parties' positions on those issues, at
7 least where there were central issues and maybe even
8 route preferences. And I forget whether you originated
9 it or in it came from the applicant.

10 CHMN. FOREMAN: I didn't.

11 MR. ROBERTSON: But my question is: Did you and
12 the Committee members find that sort of endeavor to be
13 of assistance to you and is that something that should
14 be considered for this case even though the number of
15 intervenors is about half of what it was there?

16 CHMN. FOREMAN: I found it to be helpful. There
17 were some members of the Committee who found it to be
18 very helpful. There were some members of the Committee
19 who I don't think were that excited about that. And
20 that may tell us something about the way that various
21 members of the Committee think. And I am not sure
22 exactly what it is.

23 But anyway, I like flow charts and I like maps
24 and I like matrices. So if, if you could put together
25 something like that, that would be great. I will

1 probably put together something like that just so that I
2 can have a sense of who is propose -- who supports this
3 and who supports that. It will help me as the testimony
4 proceeds deciding whether we should spend time on
5 something or whether we shouldn't spend time on
6 something. If, for example, there is an alternative
7 that nobody is in favor of, I am probably not going to
8 be enthusiastic about extended testimony on that
9 alternative. If, on the other hand, there is a
10 particular stretch of the route that people are very
11 exercised about, I might allow more extended testimony.

12 MR. ROBERTSON: Okay.

13 CHMN. FOREMAN: Anybody else, any other
14 questions?

15 (No response.)

16 CHMN. FOREMAN: All right. Very good. What we
17 need then are new dates. Is there any feedback with
18 regard to the notice, the draft notice that has been
19 prepared and circulated by counsel?

20 (No response.)

21 CHMN. FOREMAN: It seemed to me that it covered
22 all the bases.

23 Oh, and we have then the issue of the tour and
24 the issue of the evening public comment session. I
25 think we will have both. An evening public comment

1 session, the evening public comment session will be
2 probably the evening of the first day of the hearing.

3 MR. SUNDLOF: Okay.

4 CHMN. FOREMAN: I would like to start at
5 approximately 6:00 so that we don't go too late. If
6 there are representatives of people, of groups of people
7 who might appear, I will probably encourage groups to
8 select spokespersons who will come in and talk, try to
9 put together petitions that have signatures of people.
10 We did that, it seems to me, and it was somewhat
11 effective in the 138 case. We were able to put in the
12 record the number of people who were supporting a
13 particular position without needing to hear from each
14 one of them.

15 As far as the tour is concerned, engineering the
16 tours in view of what happened last fall in the other
17 cases is a challenge. I made the determination to try
18 and re-engineer it to avoid any of the concerns that
19 were raised last fall. And that means that we are going
20 to be taking a court reporter along, hopefully, if we
21 can find a court reporter who will accompany us, and/or
22 we will take along a tape recorder. There are some
23 other options I think that have been discussed but we
24 are going to have some way to memorialize what was said
25 so that a transcript can be generated.

1 The tour will include specific stops at the
2 specific stops. We will get out, the Committee members
3 will get together. A witness who perhaps has been
4 previously sworn, or if not will be sworn at that time,
5 will tell us what direction is north, where the
6 Committee members are in relationship to the location of
7 the proposed route or proposed alternative, how wide the
8 corridor is, and that's about as far as -- and what the
9 views are, if there are particular landmarks around that
10 will be relevant to future testimony or past testimony.
11 And that's about as far as we are going to go.

12 If there is someone, and I am assuming the
13 applicant or someone, a witness from the applicant will
14 be the one that will present that testimony. Now, if
15 there is another party that wants to call the attention
16 of the Committee to a view or a landmark that has not
17 been testified to by the applicant's representative,
18 then that's something I will probably allow.

19 But I am not going to allow cross-examination.
20 We are not going to go into extended discussions about
21 the route out on the route. We are simply going to take
22 as much testimony as we need in order to orient the
23 Committee members as to where they are and why this
24 location is important to the application.

25 Let me ask this question: Will the applicant be

1 presenting any sort of Google flyover or aerial?

2 MR. SUNDLOF: Yes, Your Honor, we will be doing
3 that as part of our presentation.

4 CHMN. FOREMAN: All right. I think that would
5 be helpful. And it might be helpful to do that before
6 the tour is actually conducted.

7 MR. SUNDLOF: So would it be your preference to
8 do it after the applicant's case?

9 CHMN. FOREMAN: I would prefer that it be done
10 during the middle of the applicant's case, for example,
11 at the beginning of the second day so that there is an
12 opportunity of the other parties to cross-examine the
13 witness from the applicant, let's say, who went around
14 and pointed things out after the tour has taken place.

15 MR. SUNDLOF: That makes sense.

16 CHMN. FOREMAN: Okay? All right. Any other
17 questions?

18 MR. BRASELTON: Just to clarify schedule.

19 CHMN. FOREMAN: Yes.

20 MR. BRASELTON: We should not hold that week,
21 then, July 20th? You have a conflict and that will not
22 be the week then?

23 CHMN. FOREMAN: Tara, have we decided for sure
24 on that or are we --

25 MS. WILLIAMS: We have not received confirmation

1 but I spoke with Mr. Moyes' office this morning and she
2 said she would get to me when they selected the three
3 dates in that time frame.

4 CHMN. FOREMAN: Okay. I think there is a high
5 degree of probability that that week will be taken by
6 the other case. We are not for sure. We should know
7 within the next couple of days. If it is not taken,
8 then I have no problem with us using it for this case.
9 If, as I anticipate, it is taken, then we will have to
10 go from there.

11 MR. SUNDLOF: Your Honor, can I ask about the
12 following week, if anybody has any objection to that
13 week?

14 CHMN. FOREMAN: Let me ask you to do this in
15 another forum. I think it is going to go --

16 MR. SUNDLOF: Okay.

17 CHMN. FOREMAN: What I would like is more than
18 just one week. I would like for you to sit down and go
19 through everything in the rest of July, August and
20 September and find out what your windows of opportunity
21 are during that time period. We will do the same with
22 our Committee members and then try to meld those
23 together. I am sure everybody is going to need to check
24 their calendars.

25 This is another reason why we all need to be

1 prepared in advance to proceed on these things and why
2 it is so troublesome and unfair if somebody isn't
3 prepared to then have to stop and continue at a later
4 time, because it is very hard to get the schedules of
5 eleven Committee members plus all of the attorneys and
6 parties together for a limited period of time. And it
7 sounds to me like we are talking about a hearing that
8 might go five or six days.

9 I will be encouraging you to shorten the process
10 along. And I pride myself on my ability to encourage
11 people to shorten their presentations. So keep thinking
12 about that as you are putting things together.
13 Succinctness is a virtue, I believe. And we all aspire
14 to be ethically good, I am sure.

15 Anything else?

16 (No response.)

17 CHMN. FOREMAN: All right. Very good. It was a
18 pleasure to see you all. Please be in contact with
19 Tara. And we will look forward to getting your case
20 going as quickly as we can.

21 (The proceeding concluded at 2:58 p.m.)

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1 STATE OF ARIZONA)
) ss.
 2 COUNTY OF MARICOPA)

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I, COLETTE E. ROSS, Certified Reporter No. 50658 for the State of Arizona, do hereby certify that the foregoing printed pages constitute a full, true and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 1st day of June, 2009.

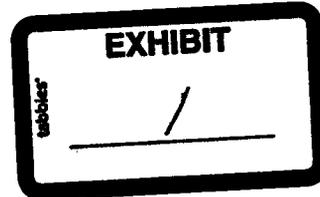


 COLETTE E. ROSS
 Certified Reporter
 Certificate No. 50658

EXHIBITS

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

3 IN THE MATTER OF THE APPLICATION OF [name) Arizona Corporation Commission
of applicant], IN CONFORMANCE WITH THE)
4 REQUIREMENTS OF ARIZONA REVISED) Docket No. L-00000[docket
STATUTES §§ 40-360, *et seq.*, FOR A) number]
5 CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE) Case No. [case number]
6 CONSTRUCTION OF [name of project], LOCATED)
[location of project] IN [name of county] COUNTY,)
7 ARIZONA.)
8)



9
10 [Draft]
PROCEDURAL ORDER

11 An application for a Certificate of Environmental Compatibility was filed in the
12 above captioned matter with docket control of the Arizona Corporation Commission
13 ("Commission") on [date of filing]. A copy of the application was transmitted to John
14 Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman
15 ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line
Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03.
As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E),
the Chairman issues the following procedural order,

16 **IT IS ORDERED:**

- 17
- 18 1. The Applicant and all other potential parties ("persons" within the meaning of
19 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
20 A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time
21 of the pre-hearing conference scheduled below if they disagree that the time limit
22 for decision on the application by the Line Siting Committee set by A.R.S. §
23 40.360.04(D) is [date approximately 180 days after filing].
 - 24 2. The Applicant shall arrange for the publication and posting of notice of the
25 evidentiary hearing as agreed to at a pre-application hearing involving the
Applicant and all known potential intervenors, in a form approved by the
Chairman and circulated for approval as to form to all known potential interested
parties. In addition, the Applicant shall submit a copy of the notice and present
testimony describing the publication and posting of the notice at the evidentiary
hearing.
 - 26 3. The Applicant shall make arrangements for the evidentiary hearing to be held at
[location of the evidentiary hearing], Arizona, beginning at 9:30 a.m. on
[beginning date of hearing], and continuing on [continuing date(s) of the

1 evidentiary hearing] at 9:30 a.m. In addition, the Applicant shall make
2 arrangements for a public comment session to be held at the same venue
3 starting at 6:00 p.m. on [date of public comment session]. The Applicant shall
4 make arrangements for further regular sessions on [potential future dates of the
5 evidentiary hearing], and, if needed, additional public comment sessions on
6 dates and at times to be determined later.

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4. The Applicant shall contact Michael Kearns, Chief Finance Officer of the Commission (602-542-3931) and advise him of the Applicant's position concerning reimbursement of the Line Siting Fund should the expenses of the hearings exceed the application fee and to discuss financial arrangements regarding hotel reservations and other expenses of the Line Siting Committee Members. A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the results of these discussions so the necessary information may be communicated to the Line Siting Committee Members.
 5. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall meet and confer on or before the beginning of the evidentiary hearing to determine whether any of the intervening parties have similar interests in the application process that will allow them jointly to present testimony on direct or cross-examination of witnesses or jointly to offer exhibits into evidence. The Applicant shall, and any other potential party may, report to the Chairman the results of the attempts of the parties to resolve the issues and to determine if common interests exist that will allow parties to jointly present evidence and argument or to avoid repetition of testimony and argument at the hearing.
 6. The parties and any other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line Siting Committee about any procedural matters or any factual issues or legal issues relating to the Application while the Application is pending before the Line Siting Committee. The only exception is the parties may communicate with the Chairman during the time the Application is pending about procedural matters relating to the preparation of the Application for hearing, the hearing on the Application and the decision on the Application by the Line Siting Committee. Communication of the parties with the Chairman about any procedural matters during the time an Application is pending shall be in writing with a copy of the writing to all parties or known potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who have expressed an intention to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-application hearing, at a procedural hearing or at the hearing on the application. Any party who initiates any written communication sent to the Chairman shall file with docket control of the Commission a copy of the communication including its distribution list within 10 days of sending the communication.

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7. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall submit at least forty-eight hours before the hearing or meeting described in the agenda any objections, additions or corrections to the agenda in order to bring the agenda into compliance with A.R.S. § 38-431.02 in writing to the Chairman, serve a copy upon all other parties and file a copy with docket control of the Commission.
 8. In addition, all parties shall meet and confer as needed before, during and after the hearing to attempt to resolve any disputes amongst the parties. The parties also shall keep all other parties advised of their positions and intentions with regard to the presentation of evidence, witnesses and the application process in general to avoid delay, the presentation of repetitive evidence and any unfair advantage from surprise.
 9. All parties shall prepare brief summaries of the expected direct testimony of each witness they will call. In lieu of a testimonial summary, a party may pre-file and exchange all or substantially all of the direct testimony of any witness. Testimonial summaries and pre-filed testimony should be filed no later than the last pre-hearing conference or three business days before the witness is to testify, whichever is later. Except for good cause, no witness will be allowed to testify on direct examination concerning issues not reasonably identified in the pre-filed testimony or testimonial summary.
 10. All parties shall meet, confer and exchange all exhibits the party plans to offer in evidence before the hearing or before they are referred to in testimony or offered in evidence. The Applicant shall, and other parties may, provide one or more three ring binders for the Chairman and each member of the Line Siting Committee to hold exhibits at the beginning of the hearing and as needed during the hearing. Each party shall prepare a numbered list of the exhibits and a copy of all exhibits suitable for placement in the binders that have been exchanged with the other parties that each party expects to offer in evidence at the hearing for the Chairman and each Line Siting Committee member. The exhibits shall be provided at the beginning of the hearing and during the hearing before reference to the exhibit is made in the hearing. Except for good cause, no exhibit that was not exchanged with the other parties shall be considered at the hearing. Any exhibit to which reference is made during any hearing that is not offered or admitted into evidence shall be provided to the court reporter at the evidentiary hearing for inclusion in the record unless it is withdrawn and the Chairman determines its filing is not necessary to an understanding of the actions of the Committee.
 11. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated: APS-1, APS-2, etc. or SRP-1, SRP-2, etc. Each intervening party will be assigned by the Chairman letters of the alphabet as a preface with which

to consecutively number its exhibits. For example, the Commission Staff will number its exhibits: CC-1, CC-2, etc.

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12. The Applicant may make an opening statement at the beginning of the hearing of no more than thirty minutes. Each other party may make an opening statement of no more than five minutes.
13. Public comment will be heard after the opening statements and at other times set by the Chairman during the hearing. See ¶ 3, above.
14. In the event the Chairman determines that a tour is appropriate, the Applicant shall arrange for transportation of any Committee Members who wish to attend a tour of the locations where facilities proposed in the application or similar facilities are located. The Applicant shall submit to the Chairman, for approval in advance of the hearing, a schedule and protocol agreed to by all parties for the tour. If all parties do not agree upon the schedule and protocol for the tour, the disagreements shall be submitted to the Chairman for resolution. The protocol shall identify the tour route, identify the location of any stops, and identify any witnesses who will accompany the tour. Counsel may ask brief explanatory questions of the identified witness or witnesses during the stops about the location, what can be seen from the location of the stop and the relevance of the location or view to the Application in the discretion of the Chairman. All witnesses who testify on the tour shall be sworn before their testimony. All questions and answers shall be before a court reporter. No testimony or discussion with or between Committee Members about the Application or matters relating to the Application will take place, except on the record before a court reporter at the designated stops. The protocol shall provide for access to any testimony presented at stops on a tour to members of the public. Members of the public who wish to attend the tour shall be encouraged to notify the parties or the appropriate staff of Arizona Corporation Commission in advance of their intention to attend.
15. Parties may present their witnesses in panels where appropriate. A party that intends to present witnesses in panels shall identify the members of any panel at the time it files its witness summaries.
16. The Applicant shall make arrangements for the preparation of expedited court reporter transcripts of all pre-application hearings, pre-hearing procedural hearings and the evidentiary hearing, so that the transcripts are available for public inspection within three working days after each hearing date, as required by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a certification with Commission docket control that it has provided a copy of the transcripts to at least two public libraries identified in the certification that are in the vicinity of the application.

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17. On or before the final pre-hearing procedural hearing set below, the Applicant shall, and the other parties may, file proposed findings of fact, proposed conclusions of law, the wording of any proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate.

18. If the beginning of closing arguments and the Line Siting Committee's deliberations are more than one week after the beginning of the hearing, the parties shall meet and confer after the hearing begins and before closing arguments concerning proposed findings of fact, proposed conclusions of law, a proposed Certificate of Environmental Compatibility and the wording of any proposed conditions to the Certificate. If the parties are able to agree upon part or all of the proposed findings of fact, proposed conclusions of law, proposed forms of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate, all that is agreed upon should be reduced to writing and filed with Commission docket control. If the parties are not able to agree completely, the Applicant shall, and all other parties may, file proposed findings of fact, proposed conclusions of law, proposed wording of a Certificate of Environmental Compatibility and proposed wording of conditions to the Certificate on the day before the beginning of closing arguments and the Line Siting Committee's deliberations. If the Applicant or any other party proposes conditions based upon conditions used in prior cases, each proposed condition from a prior case shall contain the case number of the most recent prior Certificate of Environmental Compatibility using the language approved by the Commission.

19. All witness summaries, proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions of Certificates, shall be filed with Commission docket control pursuant to A.A.C. R14-3-204 and -205. If any documents that are filed are hand delivered during the hearing, eleven copies shall be submitted to the Chairman for distribution to the other Committee Members.

20. Within five business days after the hearing concludes and the Committee renders its decision, the parties shall meet and confer in person or electronically to determine if they can agree upon the final wording of a proposed Certificate of Environmental Compatibility. If the parties can agree upon the final wording of a proposed Certificate of Environmental Compatibility, Applicant shall file forthwith the agreed upon proposed Certificate of Environmental Compatibility. If the parties are not able to agree upon a proposed form of Certificate of Environmental Compatibility, the Applicant shall file, and the other parties may file, within ten days after the date of the decision of the Committee, those portions of the proposed Certificate of Environmental Compatibility upon which the parties agree. The Applicant also shall file, and any other party also may file, its understanding of any disputed portions of the proposed Certificate of Environmental Compatibility. All proposed forms of the Certificate of

1 Environmental Compatibility and any objections or proposed revisions shall be
2 filed with docket control of the Commission and a copy shall be hand delivered to
3 the office of the Chairman at 1275 W. Washington, Phoenix, Arizona. Objections
4 or suggestions that are not timely filed shall be considered waived. The copy of
5 the proposed Certificate of Environmental Compatibility filed by the Applicant and
6 any proposed revisions filed by the parties served upon the Chairman shall
7 include an electronic file containing the wording of the proposed language in a
8 format compatible with Microsoft® Word word processing program.

9 21. The Applicant and all other potential parties ("persons" within the meaning of
10 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
11 A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing
12 conference on [date of final pre-hearing conference], at [time of pre-hearing
13 conference] at the offices of the Attorney General of Arizona at 1275 W.
14 Washington, Phoenix, Arizona. Parties may appear by telephone with the prior
15 permission of the Chairman. At the final pre-hearing conference, the Chairman
16 will review with the parties:

- 17 a. The publication and posting of notices of the hearing;
- 18 b. The proposed agenda for the evidentiary hearing;
- 19 c. Any notices to intervene, applications to intervene, and applications to
20 make a limited appearance;
- 21 d. The status of attempts to narrow the issues at the evidentiary hearing or to
22 agree to language in the proposed findings of fact, proposed conclusions
23 of law, proposed Certificates of Environmental Compatibility and proposed
24 conditions to the Certificate;
- 25 e. The status of the filing and exchange of witness summaries or written
26 testimony, proposed findings of fact, proposed conclusions of law,
proposed Certificates of Environmental Compatibility and proposed
conditions to the Certificate;
- f. The status of the exchange of exhibits amongst the parties;
- g. Any objections, motions, responses and legal memoranda that have been
filed;
- h. Plans and preparations for the hearing, public comment session, and tour
of the proposed site.

21 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of
22 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
23 conference or at a hearing.
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DATED:

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

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8 Pursuant to A.A.C. R14-3-204,
9 The Original and 25 copies were
filed [date] with:

10 Docket Control
11 Arizona Corporation Commission
12 1200 W. Washington St.
13 Phoenix, AZ 85007

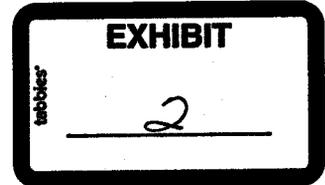
14 Copy of the above mailed this
[date] to:

15
16 [parties and counsel]
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25 #426841
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[These are draft conditions to be attached to a proposed Certificate of Environmental Compatibility for consideration by the parties to hearings. They should be considered as a starting point not necessarily an ending point for the discussions the parties are required to hold before and during a hearing concerning the final form of the CEC. Not all draft conditions are appropriate for each case. If the parties agree to use or a party individually wishes to propose different language based upon the language used in a prior CEC approved by the Committee or Commission, please indicate which case the language was taken from and by whom it was approved.]

CONDITIONS



This Certificate is granted upon the following conditions:

1. The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction necessary to construct the Project.
2. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction during the construction and operation of the transmission line [power plant].
3. If any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during the construction or operation of the transmission line [power plant], the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery. A.R.S. § 41-844.

4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the transmission line [power plant], the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum. A.R.S. § 41-865.
5. The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent feasible, minimize the destruction of native plants during the construction and operation of the transmission line [power plant].
6. The Applicant shall not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Commission. Any assignment of this Certificate shall require the assignee to assume all responsibilities of the Applicant listed in this Certificate.
7. This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Commission unless the transmission line [power plant] is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.
8. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project corridor [location], all persons who made public

comment at this proceeding, and all parties to this proceeding of the request and the time and place of the hearing in which the Commission will consider the request for extension.

9. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.
10. Within 120 days of the Commission decision granting this Certificate, Applicant will post signs in public rights-of-way giving notice of the Project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:
 - (a) That the site has been approved for the construction of Project facilities;
 - (b) The expected date of completion of the Project facilities;
 - (c) A phone number for public information regarding the Project;

- (d) The name of the Project;
- (e) The name of the Applicant; and
- (f) The website of the Project.

11. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
12. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for transmission line structures.
13. Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way particularly in drainage channels and along stream banks, and shall re-vegetate, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicant's plans for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. The Applicant shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicant makes use of existing roads.
14. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.
15. The Applicant shall provide copies of this Certificate to [all affected governmental entities, e.g., affected cities and counties, the Arizona

State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department].

16. Prior to the date construction commences on this Project, the Applicant shall provide known homebuilders and developers within one mile of the center line of the Certificated route [power plant] the identity, location, and a pictorial depiction of the type of power line [plant] being constructed, accompanied by a written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.
17. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:
 - (a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff reports of studies performed; and
 - (b) Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages.

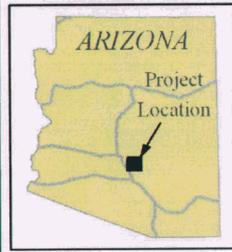
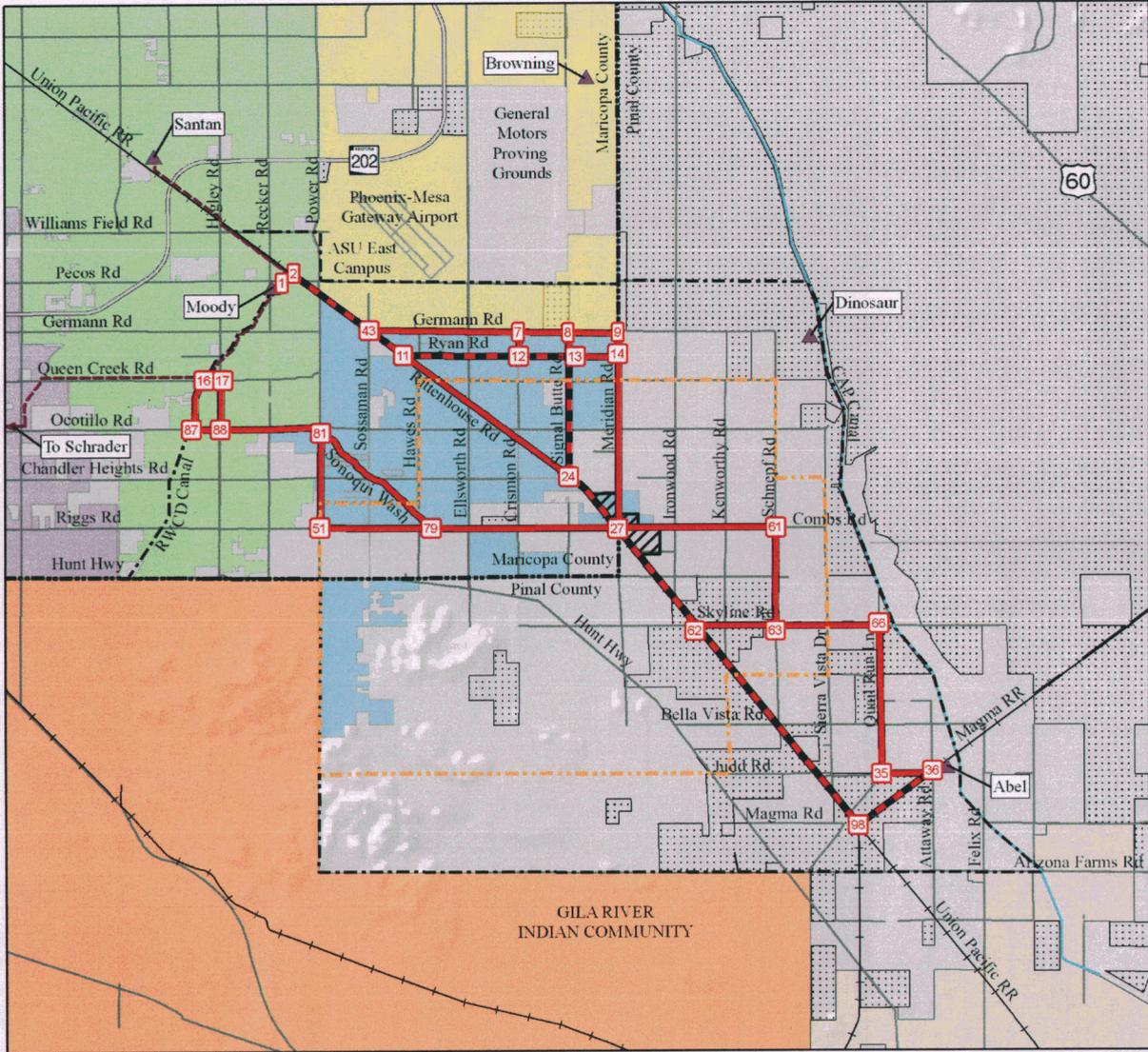
Applicant shall provide a copy of this study to Commission Staff.

18. Applicant will follow the latest Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.
19. The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to the Docket Control of the Arizona Corporation Commission on December 1 beginning in 2009. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.
20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.
21. The Applicant shall expeditiously pursue reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Certificate incorporates the following findings of fact and conclusions of law:

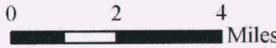
1. The Project is in the public interest because it aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC by the Committee resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

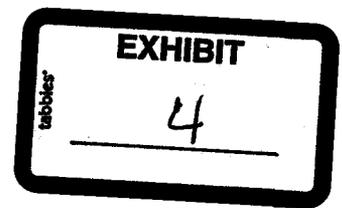


Legend

- Project Study Area
- RS-24 Service Area
- Alternative Alignments
- Preferred Alignment
- Substations
- Nodes
- RS-24 Potential Substation Sites
- Santan-Schrader 230kV Transmission Line
- Town of Gilbert
- City of Mesa
- Town of Queen Creek
- Town of Florence
- City of Chandler
- Unincorporated County
- Gila River Indian Community
- State Trust Land

Project Area
 Abel-Moody 230kV
 Transmission Project





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

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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, et seq., FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF A 230 kV DOUBLE-
CIRCUIT TRANSMISSION LINE
ORIGINATING AT THE PLANNED AND
PERMITTED ABEL SUBSTATION, NEAR
JUDD AND ATTAWAY ROADS IN PINAL
COUNTY, TO THE PLANNED AND
PERMITTED RS-17 SUBSTATION,
ADJACENT TO THE EXISTING MOODY
SUBSTATION, LOCATED NEAR PECOS
AND RECKER ROADS, IN THE TOWN OF
GILBERT, MARICOPA COUNTY,
ARIZONA, AND INCLUDING A NEW
230/69 kV SUBSTATION NEAR THE
INTERSECTION OF COMBS AND
MERIDIAN ROADS, IN OR ADJACENT TO
THE TOWN OF QUEEN CREEK,
ARIZONA .

Docket No. L-00000B-09-0XXX-0014X

Case No. 14X

NOTICE OF HEARING

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee ("Committee") regarding the application of Salt River Project Agricultural Improvement and Power District ("SRP" or "Applicant") for a Certificate of Environmental Compatibility authorizing the Abel-Moody 230 kV Transmission Project (the "Project").

The Project consists of approximately 20 miles of new 230 kV double-circuit transmission line and a 230/69 kV substation (referred to as RS-24) which will be located on approximately 25 acres near the intersection of Combs Road and Meridian Road. The Project will be located in the Queen Creek area. A general location map of the Applicant's preferred and alternative routes, described herein, is attached.

The hearing will be held at the ASU Polytechnic Campus, Cooley Ballroom in the Student Union Building, 7001 E. Williams Field Road, Mesa, Arizona 85212, (480) 727-1098. A map and directions to the Campus may be printed at

1 <http://www.poly.asu.edu/union/documents/uniond.pdf>. The hearing is scheduled to
2 begin [day], [date] at 9:30 a.m., and to continue as necessary on [day], [date] and
3 [day], [date] at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on
4 all days. Additional hearing days, if necessary, will be noticed on the Applicant
5 and Arizona Corporation Commission ("ACC") websites.

6 The Applicant's website with Project information is:
7 <http://www.azpower.org/abelmoody/>

8 The ACC Website is: [http://www.cc.state.az.us/az_power_plant/linesiting-
9 calendar.asp](http://www.cc.state.az.us/az_power_plant/linesiting-calendar.asp)

10 **PUBLIC COMMENT WILL BE TAKEN AFTER OPENING STATEMENTS
11 AND AS PERMITTED BY THE COMMITTEE CHAIRMAN. IN
12 ADDITION, A SEPARATE EVENING PUBLIC COMMENT SESSION
13 WILL BE HELD [date], AT 6:00 P.M. ALSO AT THE SAME LOCATION
14 THE ASU POLYTECHNIC CAMPUS, COOLEY BALLROOM IN THE
15 STUDENT UNION BUILDING, 7001 E. WILLIAMS FIELD ROAD, MESA,
16 ARIZONA 85212.**

17 The proposed transmission line alignments in the northwestern section of the
18 Project area begin at the Moody and RS-17 substations at or near the intersection of
19 Recker Road and the Union Pacific Railroad on the north and ends near the
20 intersection of Meridian Road and the Union Pacific Railroad on the south, near the
21 southeast corner of the Town of Queen Creek. The southern section continues
22 from the Meridian Road intersection south to the Abel Substation site. There are
23 four proposed alignments in the northern section, some of which contain minor
24 variations. There are three proposed alignments in the southern section.

25 Northern Section:

26 (1) Ryan Alignment (Preferred) – The Applicant's preferred alignment
27 begins near the Moody 69kV Substation site along the RWCD canal with an
interconnection into the existing Santan-Schrader 230kV line along the canal
(Nodes 1-2). The alignment then follows the Union Pacific Railroad ("UPRR")
right-of-way parallel to an existing 69kV line southeast to Ryan Road (Nodes 2-43-
11). The alignment then parallels Ryan Road to the east until it intersects Signal
Butte Road (Nodes 11-12-13), turns south to the UPRR (Nodes 13-24) and
parallels the UPRR to the southeast (Nodes 24-27). The Ryan alignment contains
one sub-alternative that utilizes Meridian Road, rather than Signal Butte Road.
This sub-alternative continues one-mile east on the Ryan alignment, then turns
south along Meridian Road to the UPRR (Nodes 13-14-27). The Meridian sub-
alternative is not part of the Applicant's preferred alignment.

(2) Germann Alignment (Alternative) – This alternative alignment begins near the
Moody 69kV Substation site along the RWCD canal with an interconnection into
the existing Santan-Schrader 230kV Transmission Line along the canal (Nodes 1-
2). The alignment then follows the UPRR right-of-way southeast to Germann Road
(Nodes 2-43). The alignment then parallels Germann Road to the east until it
intersects Signal Butte Road (Nodes 43-7-8), turns south to the UPRR and parallels
the UPRR to Node 27 (Nodes 8-13-24-27). The Germann alignment contains a
sub-alternative that parallels Meridian Road rather than Signal Butte Road. This

1 sub-alternative continues one-mile east on the Germann alignment, then turns south
2 along Meridian Road to the UPRR (Nodes 8-9-14-27).

3 (3) North-Railroad Alignment (Alternative) – This alternative alignment begins
4 near the Moody 69kV Substation site along the RWCD canal with an
5 interconnection into the existing Santan-Schrader 230kV Transmission Line along
6 the canal (Nodes 1-2) and builds new structures parallel to , then follows the UPRR
7 right-of-way from the RWCD canal to Combs Road (Nodes 2-43-11-24-27).

8 (4) Ocotillo Alignment (Alternative) – This alternative alignment begins with an
9 interconnection into the existing Santan-Schrader 230kV line along the RWCD
10 canal at Queen Creek Road (Node 16). This alternative alignment uses existing
11 conductor and structures parallel to the RWCD canal south to Queen Creek Road
12 (Node 16) The alignment continues south, adjacent to the RWCD canal to Ocotillo
13 Road (Nodes 16-87). At Ocotillo Road, the alignment turns east to Sonoqui Wash
14 and follows the wash southeast to the intersection with Riggs Road (Nodes 87-88-
15 81-79). The alignment then continues east to the UPRR and Combs Road
16 intersection (Nodes 79-27). Two sub-alternatives exist within this alternative. One
17 extends east from the existing SRP Santan-Schrader 230kV Transmission Line
18 along the RWCD canal using existing structures and conductor to at Queen Creek
19 Road (Node 16) and and builds new structures east along Queen Creek Road, south
20 along Higley Road to Ocotillo Road (Nodes 16-17-88). Another sub-alternative
21 extends from Ocotillo south along Power Road to Riggs Road and then east (Nodes
22 81-51-79). This sub-alternative bypasses the Sonoqui Wash.

23 Southern Section:

24 (1) South-Railroad Alignment (Preferred) – The Applicant's preferred alignment
25 parallels the UPRR right-of-way from Meridian Road southeast to the intersection
26 of the Magma Railroad right-of-way (Nodes 27-62-98). It then continues northeast
27 along the Magma Railroad right-of-way to the Abel Substation site (Nodes 98-36).

(2) Combs Alignment (Alternative) – This alternative alignment begins at the
UPRR at Meridian Road and continues east along Combs Road to Schnepf Road
(Nodes 27-61). The alignment then follows Schnepf Road south to Skyline Road
(Nodes 61-63). From Skyline Road, it continues east to Quail Run Lane before
extending south to Judd Road (Nodes 63-66-35). At Judd Road, the route turns
east to the Abel Substation site (Nodes 35-36).

(3) Skyline Alignment (Alternative) – This alternative alignment parallels the
UPRR from Meridian Road southeast to Skyline Road and then departs from the
UPRR at the intersection of Skyline Road (Nodes 27-62). The alignment continues
east to Quail Run Lane before continuing south to Judd Road (Nodes 62-63-66-35).
At Judd Road the route turns east to the Abel Substation site (Nodes 35-36).

More complete maps, along with more detailed textual descriptions of the proposed
routes are available in the Application and on the Applicant's website.

The Application that includes detailed maps of the proposed Project is on file with
the Docket Control Center of the ACC, 1200 West Washington Street, Suite 108,
Phoenix Arizona, 85007. Copies of the Application and Transcripts will also be
available for inspection at the following locations:

1 Southeast Regional Library (Maricopa County): 775 N. Greenfield Rd., Gilbert,
AZ 85234

2
3 Queen Creek Branch Library: 21802 S. Ellsworth Rd., Queen Creek, AZ 85242

4 Florence Library: 1000 S. Main St., Florence, AZ 85232

5 The Committee may conduct a tour of the Project area and the proposed routes –
6 most likely to occur on [date] starting at 8:30 a.m. If a tour is conducted, a map
7 and itinerary for the tour will be available at the hearings. Members of the public
8 may follow the Committee in their own private vehicles. During the tour, the
9 Committee may hear brief testimony at stops on the tour from one or more
10 witnesses concerning where the stops are located, what is visible at the stops and
the relevance of the location and view to the proposed routes of the transmission
line in the Application. No other discussion or deliberation concerning the
Application will occur. A court reporter will transcribe any testimony taken on the
tour.

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
13 to a time and place to be announced during the hearing, or to be determined after
14 the recess, at 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 hearings may be held at a date, time and place
designated 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
18 Project and desiring to become a party in the proceeding must file with the Arizona
19 Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007,
a notice of its intent to be a party. That notice must be filed not less than ten (10)
days before the date set for hearing.

20 Any domestic, non-profit corporation or association, formed in whole or in part to
21 promote conservation or natural beauty, to protect the environment, personal health
22 or other biological values, to preserve historical sites, to promote customer
23 interests, to represent 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 certification proceedings must file with the ACC, 1200 West
Washington Street, Phoenix, Arizona 85007, notice of its intent to be a party. That
notice must be filed not less than ten (10) days before the date set for hearing.

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

26 Any person may make a limited appearance at a hearing by filing a statement in
27 writing with the ACC, 1200 West Washington Street, Phoenix, Arizona 85007, not
less than five (5) days before a date set for hearing. A person making a limited

1 appearance shall not be a party or have the right to present testimony or cross-examine witnesses.

2 This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 to 40-
3 360.13 and Arizona Administrative Code R14-3-201 to R14-3-219. No substantive
4 communication, not in the public record, may be made to any member of the
5 Committee. The written decision of the Committee will be submitted to the ACC
6 pursuant to A.R.S. § 40-360.07. Any person intending to be a party before the
7 ACC must be a party to the certification proceedings before the Committee.

8 ORDERED this _____ day of June, 2009.

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