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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF HUALAPAI VALLEY SOLAR LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF THE HVS PROJECT, A 340 MW PARABOLIC TROUGH CONCENTRATING SOLAR THERMAL GENERATING FACILITY AND AN ASSOCIATED GEN-TIE LINE INTERCONNECTING THE GENERATING FACILITY TO THE EXISTING MEAD-PHOENIX 500kV TRANSMISSION LINE, THE MEAD-LIBERTY 345kV TRANSMISSION LINE OR THE MOENKOPI-EL DORADO 500kV TRANSMISSION LINE.

Docket No.: L-00000NN-09-0541-00151

Case No. 151

NOTICE OF FILING E-MAIL COMMUNICATION

RECEIVED
2009 NOV 24 P 3: 07
AZ CORP COMMISSION
DOCKET CONTROL

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date.

DATED: November 24, 2009

Arizona Corporation Commission
DOCKETED

NOV 24 2009

DOCKETED BY

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

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1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
filed November 24, 2009 with:

3 Docket Control
4 Arizona Corporation Commission
1200 W. Washington St.
5 Phoenix, AZ 85007

6
7
8 Copy of the above was mailed
this 24th day of November, 2009 to:

9 Janice Alward, Chief Counsel
10 Arizona Corporation Commission
1200 West Washington Street
11 Phoenix, AZ 85007
Counsel for Legal Division Staff

12
13 Thomas H. Campbell, Esq.
Lewis and Roca, LLP
14 Two Renaissance Square
40 North Central Avenue
15 Phoenix, AZ 85004
Counsel For Applicant, Hualapai Valley Solar

16
17 Marta T. Hetzer
Arizona Reporting Service, Inc.
18 2200 North Central Avenue
Phoenix, Arizona 85004-1481

19
20
21 

From: Tara Williams
To: denisebensusan@hughes.net
Date: 9/15/2009 9:22 AM
Subject: Hualapai Valley Solar Project
Attachments: EMAIL - 449580 - PRE-HEARING PROCEDURAL ORDER #144 - 2 - PHX.DOC

CC: sstoeller@azcc.gov
Ms. Bensusan,

My name is Tara Williams, and I am the Assistant to Chairman Foreman of the Power Plant and Transmission Line Siting Committee. I understand that you are interested in intervening in the Hualapai Valley Solar case. The application is estimated to be filed late this year, November or December. Once the application is filed, you have until 10 calendar days prior to the hearing to file your request.

In your request, you should indicate why you are interested in intervening, whether you have any legal training or have any experience in prior Committee hearings (if you are not going to be represented by counsel), and whether you have read the line siting statute and the Arizona Corporation Commission Rules that will govern the hearing. The Committee will make the decision about whether to allow you to intervene at the evidentiary hearing.

We will be scheduling a pre-filing conference with the Applicant about one to two weeks prior to their filing the application to go over procedural matters and schedule possible hearing dates. I will notify you once a date and time for this conference have been set.

If you want to participate in the hearing, you should plan to attend the pre-filing conference to learn what you will be expected to do as an intervener. I have attached a draft pre-hearing procedural order. It is similar to the pre-hearing procedural order you will be expected to comply with if the Committee allows you to intervene. You may also wish to consider participating in a way other than intervening. As an alternative, you may be allowed to present material to the Committee by way of a limited appearance or as a part of the public comment session that the Committee will hold. You can learn more about both of these options at the pre-filing conference.

Please let me know if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26</p>	<p>IN THE MATTER OF THE APPLICATION OF ?????) , IN CONFORMANCE WITH THE REQUIREMENTS) OF ARIZONA REVISED STATUTES §§ 40-360, <i>et</i>) <i>seq.</i>, FOR A CERTIFICATE OF ENVIRONMENTAL) COMPATIBILITY AUTHORIZING THE) CONSTRUCTION OF ????? TRANSMISSION LINE) UPGRADE PROJECT, ORIGINATING AT THE) EXISTING ?????COUNTY, TO THE EXISTING) ??????COUNTY, ARIZONA.) -)))))))))))))</p>	<p>Arizona Corporation Commission Docket No. L-00000? Case No.</p>
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PROCEDURAL ORDER

An application for a Certificate of Environmental Compatibility was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission ("Commission") on [date]. A copy of the application was transmitted to John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman ("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,

IT IS ORDERED:

1. 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 advise the Chairman in writing on or before the time of the pre-hearing conference scheduled below if they disagree that the time limit for decision on the application by the Line Siting Committee set by A.R.S. § 40.360.04(D) is [date].
2. All "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) that are listed as parties or potential parties on pleadings or procedural orders filed by the Applicant or the Chairman shall notify Docket Control of their desire to receive pleadings and orders in this matter and shall regularly review the Docket Control file in this matter to make sure they have received all pleadings and procedural orders relating to this case. Neither the Line Siting Committee nor the Chairman has the

1 authority to direct Docket Control to send one of the 25 copies of pleadings and
2 procedural orders filed with Docket Control to prospective parties.

3 3. The Applicant shall arrange for the publication and posting of notice of the
4 evidentiary hearing, as agreed to at the pre-application hearing involving the
5 Applicant and all known potential interveners, in a form approved by the
6 Chairman and circulated for approval as to form to all known potential interested
7 parties. In addition, the Applicant shall submit a copy of the notice and present
8 testimony describing the publication and posting of the notice at the evidentiary
9 hearing.

10 4. The Applicant shall make arrangements for the evidentiary hearing to be held at
11 the [location] beginning on [date], at 9:30 a.m. and continuing, if necessary, on
12 [date], at 9:30 a.m. In addition, the Applicant shall make arrangements for a
13 public comment session to be held at the same venue starting at 6:00 p.m. on
14 [date]. The Applicant shall make arrangements for further regular sessions, if
15 needed, and additional public comment sessions, if needed, on dates and at
16 times to be determined later.

17 5. The Applicant shall contact the Chief Finance Officer of the Commission and
18 make financial arrangements regarding hotel reservations and other expenses of
19 the Line Siting Committee Members. The Applicant shall also make
20 arrangements with the Commission concerning reimbursement of the Line Siting
21 Fund should the expenses of the hearings exceed the application fee. A.R.S. §
22 40-360.10. The Applicant shall advise the Chairman of the results of these
23 discussions so the necessary information may be communicated to the Line
24 Siting Committee Members.

25 6. The Applicant and all other potential parties ("persons" within the meaning of
26 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.

- 1 7. The parties and any other potential parties ("persons" within the meaning of
2 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to
3 A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line
4 Siting Committee about any procedural matters or any factual issues or legal
5 issues relating to the Application while the Application is pending before the Line
6 Siting Committee. The only exception is the parties may communicate with the
7 Chairman, during the time the Application is pending, about procedural matters
8 relating to the preparation of the Application for hearing, the hearing on the
9 Application and the decision on the Application by the Line Siting Committee.
10 Communication of the parties with the Chairman about any procedural matters,
11 during the time an Application is pending, shall be in writing with a copy of the
12 writing to all parties or known potential parties ("persons" within the meaning of
13 A.R.S. § 40-360(8) who have expressed an intention to intervene or request to
14 intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-
15 application hearing, at a procedural hearing or at the hearing on the application.
16 Any party who initiates any written communication sent to the Chairman shall
17 file, with Docket Control of the Commission, a copy of the communication,
18 including its distribution list, within 10 days of sending the communication.
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22 8. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall
23 submit, at least forty-eight hours before the hearing or meeting described in the
24 agenda, any objections, additions or corrections to the agenda, in order to bring
25 the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,
26 serve a copy upon all other parties and file a copy with Docket Control of the
Commission.
9. 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.
10. 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

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testify on direct examination concerning issues not reasonably identified in the pre-filed testimony or testimonial summary.

11. 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.

12. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated: ?-1, ?-2, etc. Each intervening party will be assigned by the Chairman a letter or 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.

13. 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.

14. Public comment will be heard after the opening statements and at other times set by the Chairman during the hearing. See ¶ 3, above.

15. 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. If a tour is held, it will begin at [time] on [date]. The Applicant shall submit to the Chairman, for approval in advance of the hearing, a

schedule and

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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.

16. 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.

17. 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.

18. 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.

19. 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

1 proposed conditions to the Certificate. If the parties are able to agree upon part
2 or all of the proposed findings of fact, proposed conclusions of law, proposed
3 forms of a Certificate of Environmental Compatibility and proposed wording of
4 conditions to the Certificate, all that is agreed upon should be reduced to writing
5 and filed with Commission Docket Control. If the parties are not able to agree
6 completely, the Applicant shall, and all other parties may, file proposed findings
7 of fact, proposed conclusions of law, proposed wording of a Certificate of
8 Environmental Compatibility and proposed wording of conditions to the
9 Certificate on the day before the beginning of closing arguments and the Line
10 Siting Committee's deliberations.

11 20. If the Applicant or any other party proposes conditions based upon conditions
12 used in prior cases, each proposed condition from a prior case shall contain the
13 case number of the most recent prior Certificate of Environmental Compatibility
14 using the language approved by the Commission.

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

21 22. Within five business days after the hearing concludes and the Committee
22 renders its decision, the parties shall meet and confer in person or electronically
23 to determine if they can agree upon the final wording of a proposed Certificate of
24 Environmental Compatibility. If the parties can agree upon the final wording of a
25 proposed Certificate of Environmental Compatibility, Applicant shall file forthwith
26 the agreed upon proposed Certificate of Environmental Compatibility to the
Chairman for signature. 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 Environmental Compatibility and any objections or proposed
revisions shall be filed with Docket Control of the Commission, and a copy shall
be hand delivered to the office of the Chairman at 1275 W. Washington,
Phoenix, Arizona. Objections or suggestions that are not timely filed shall be

considered waived. The copy of the proposed Certificate of Environmental

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Compatibility filed by the Applicant and any proposed revisions filed by the parties that are served upon the Chairman shall include an electronic file containing the wording of the proposed language in a format compatible with Microsoft® Word word processing program.

23. 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 with the Chairman for a final pre-hearing conference on [date] beginning at [time] at the offices of the Attorney General of Arizona at 1275 W. Washington, Phoenix, Arizona. Parties may appear by telephone with the prior permission of the Chairman. At the final pre-hearing conference, the Chairman will review with the parties:

- a. The publication and posting of notices of the hearing;
- b. The proposed agenda for the evidentiary hearing;
- c. Any notices to intervene, applications to intervene, and applications to make a limited appearance;
- d. The status of attempts to narrow the issues at the evidentiary hearing or to agree to language in the proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions to the Certificate;
- e. The status of the filing and exchange of witness summaries or written 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.

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

DATED this ??th day of ?????, 2009__ .

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

Pursuant to A.A.C. R14-3-204,
The Original and 25 copies were
filed this ??th day of ????, 2009 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Copy of the above mailed
this ??th day of ????, 2009 to:

Janice Alward, Chief Counsel
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
Counsel for Legal Division Staff

?????
?????

Marta T. Hetzer
Arizona Reporting Service, Inc.
2200 North Central Avenue
Phoenix, AZ 85004-1481

From: "AZRS" <azrs@az-reporting.com>
To: "Tara Williams" <Tara.Williams@azag.gov>, "Janice Alward" <JAlward@azcc....>
Date: 10/9/2009 4:03 PM
Subject: RE: Hualapai Valley Solar Conference

CC: "Marjorie Haberman" <MHaberman@LRLaw.com>
Hello, Tara

Thank you. We will calendar this pre-filing conference and will provide a court reporter. We will provide a 3-day expedited delivery, unless advised otherwise.

Thanks,

Marta Hetzer @ AZRS
602-274-9944

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, October 09, 2009 4:00 PM
To: Janice Alward; Denise Bensusan; Albert Acken; Thomas Campbell
Cc: AZRS; Marjorie Haberman
Subject: Hualapai Valley Solar Conference

This is a notification that a pre-filing conference for Hualapai Valley Solar has been scheduled. The conference will be held here at the Attorney General's Office, 1275 W Washington in Phoenix on Thursday, October 15th at 2:00 PM.

Please contact me if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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From: "Denise Bensusan@hughes.net" <denisebensusan@hughes.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 10/10/2009 10:29 AM
Subject: Re: Hualapai Valley Solar Conference

I'm in Kansas staking care of my Mom until the 17th. Is it time to file as an intervener??????

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Janice Alward" <JAlward@azcc.gov>; "Denise Bensusan" <denisebensusan@hughes.net>; "Albert Acken" <AAcken@LRLaw.com>; "Thomas Campbell" <TCampbell@LRLaw.com>
Cc: "Marta Hetzer" <azrs@az-reporting.com>; "Marjorie Haberman" <MHaberman@LRLaw.com>
Sent: Friday, October 09, 2009 6:00 PM
Subject: Hualapai Valley Solar Conference

This is a notification that a pre-filing conference for Hualapai Valley Solar has been scheduled. The conference will be held here at the Attorney General's Office, 1275 W Washington in Phoenix on Thursday, October 15th at 2:00 PM.

Please contact me if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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Denise
Denise Bensusan

CONTACT INFO:
denisebensusan@hughes.net
<http://speakoutarizona.net/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

From: "Denise Bensusan@hughes.net" <denisebensusan@hughes.net>
To: <Undisclosed-Recipient@pubsrv01.azag.gov>
Date: 10/10/2009 10:51 AM
Subject: Fw: County memo that the public was not to see!
Attachments: scan0001.pdf

Especially read page 10 "Conclusion"

Subject: Fw: County memo that the public was not to see!

Hello again:

Here is the memo from County Attorney Bob Taylor on the County and its position on the solar plants. I think you would like to see this. This should be passed to everyone we know, after all it tells us the County's position on all of its policies.

Susan Bayer

P.S. I owe Mike Flynn a great deal of thanks, he told me how to scan this in and send it to everyone, now if he was only this lucky when I pick out my lottery numbers

Denise
Denise Bensusan

CONTACT INFO:
denisebensusan@hughes.net
<http://speakoutarizona.net/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

MOHAVE COUNTY ATTORNEY



Main Office:
P.O. Box 7000
315 N. 4th Street
Kingman, AZ 86402-7000
Telephone (928) 753-0719
Fax (928) 753-2669

MATTHEW J. SMITH
County Attorney

JAMES J. ZACK
Chief Deputy

Sarah's House Victim Center
P. O. Box 7000
2800 "A" East Andy Devine
Kingman, AZ 86402-7000
(928) 718-5522

Branch Offices:

Bullhead City - (928) 758-0727
Lake Havasu City - (928) 453-4144

Civil Division:

P. O. Box 7000
700 W. Beale Street
Kingman, AZ 86402-7000
Telephone (928) 753-0770
Fax (928) 753-4290

Bob Taylor: (928) 753-0770, x-4404
Email: robert.taylor@co.mohave.az.us

CIVIL DIVISION

MEMORANDUM

Confidential Attorney/Client Communication

TO: Mohave County Board of Supervisors, Mohave County Planning and Zoning Commission

CC: Ron Walker, County Manager
Michael Hendrix, Deputy County Manager, Development Services
Nick Hont, Director of Development Services
Christine Ballard, Director of Planning and Zoning

FROM: Bob Taylor, Chief Civil Deputy County Attorney

DATE: September 4, 2009

SUBJECT: Water and Planning and Zoning –Solar Power Plants

A question has been presented as to whether the Planning and Zoning Commission and Board of Supervisors are authorized to consider the impact of proposed development on water supply when deciding request for changes of zoning and plan amendments. This issue has arisen particularly in response requests for zoning and plan amendments to accommodate proposed solar power plants.

Under ARS Title 11 a county has authority to develop land use regulation in order to promote the health safety and welfare of the public. Under ARS 11-821 a county is specifically required to have a "water resources element" in its General Plan which is directed at linking land

...e planning with water availability. However, Title 11 authorizes and mandates other elements of land use planning which may often conflict with water conservation. For example, the General Plan requires the County to develop a diverse industrial base and promote jobs, encourage the development of renewable and alternate energy resources and promote affordable housing. Balancing conflicting goals is part of the legislative process. But the balancing process is particularly difficult with respect to groundwater use and availability outside of an Active Management Area where the county lacks sufficient information and expertise regarding the quantity of groundwater and the impact of proposed development on that quantity.

Statutory Framework

ARS 11-802 requires a county to adopt land use regulations in order to conserve and promote the public health, safety, convenience and general welfare of the county. ARS 11-806 requires that a comprehensive plan be developed so as to conserve the natural resources of the county and to promote the health, safety, convenience and general welfare of the public. ARS 11-821 specifically requires a "water resources element" in the General Plan for all counties with a population of more than 125,000. Smaller counties are permitted but not required to have a water resources element. This water resources element requires a county's General Plan to include "Planning for water resources that addresses: (a) The Known and physically available surface water, groundwater and effluent supplies. (b) The demand for water that will result from future growth projected in the county plan. (c) An analysis of how the demand for water that will result from future growth projected in the plan will be served by supplies identified in subdivision (a) of this paragraph or a plan to obtain additional necessary water supplies." ARS 11-806 and 11-821 provide that the General Plan shall serve as a guide and aid to the Planning and Zoning Commission in the performance of its duties. ARS 11-829 requires all zoning to be consistent with the general plan and for all proposed rezoning to be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan.

The authority to adopt zoning regulations and General Plan elements that promote the health, safety and general welfare of the public is a fairly broad grant of authority. Courts will not invalidate a zoning regulation which bears a rational relation to the health, safety or general welfare of the public provided that it allows for an economically viable use of the land. At the 17th Annual Arizona Water Law Conference held in Phoenix on August 13-14, 2009, Speaker Robert Glennon, Professor of Constitutional Law and Water Law at the University of Arizona

piece of Law, agreed that a county has authority under ARS Title 11 to consider the impact of a proposed use or density on water supply when confronted with a request for a change in zoning or plan amendment. According to Professor Glennon, the impact on water supply is one of the many factors affecting health, safety and welfare to be considered by the legislative body when considering a zoning or plan change.

General Plan – Goals, Policies, and Implementation Measures

Mohave County's General Plan contains several provisions directed at conserving and promoting the efficient use of water resources and assuring appropriate facilities for the delivery of water to development at given levels of density and intensity. Section II, which defines Mohave County's vision for the future, identifies the concept of "Water in Perpetuity" and states that "Mohave County's economic growth and well being of its residents is directly linked to a long term stable water supply. The County must encourage growth that is respectful of its water resources."

Several provisions of the General Plan specifically address water use in connection with proposed industrial development. Policy 3.5 provides that "Mohave County will only approve power plants using "dry cooling" technology when the aquifer is threatened by depletion or subsidence." Policy 3.4 provides that "New water intensive uses such a golf courses and man-made lakes shall require the use of treated effluent where and when available." Policy 27.9 (e) proscribes the depletion of water resources by future uses resulting from major plan amendments. Land Use Implementation Measure LU12 calls for the compilation of water use reports to assess the impact of various land uses and to project the future facility demands. Policy 36.12 states that "Mohave County should pursue and support industries that have smaller environmental footprints as measured by their use of less water and energy resources as well as their creation of fewer emissions when compared to traditional industry." Policy 43.9 provides that "The County should encourage developers to recycle grey water and rainwater onsite and/or use treated effluent for landscape irrigation and other non-potable uses including fountains, water features, commercial car and truck washes, and fire suppression systems to name a few." Policy 62.4 permits area plans to include more detailed goals and policies for issues addressed in the General Plan including water.

But as noted above, the General Plan also contains other goals and policies which may conflict or appear to conflict with the water conservation goals and policies. Policy 36.5 states that "Mohave County should support economic growth that keeps pace with population growth

and provides opportunities for the County's resident workers to work in the County. Policy 36.6 provides that "Mohave County should encourage non-residential development projects that may lead to significant long-term increases in County employment." Policy 8.4 states that "the County should support and encourage solar and wind energy." Implementation Measure E1 directs the County to "encourage developers and utilities to take advantage of solar energy opportunities in designing projects." Some policies contain conflicts within themselves. For example, in comparing the environmental footprint of a proposed solar energy plant against a facility that would use fossil fuel, the Commission and Board may determine that the emissions from a fossil fuel plant would be more harmful to the environment regardless of the solar plants water use.

There is no question that water, energy and industry are all vital to the health, safety and welfare of the residents of Mohave County. The weight to be given each factor in connection with a land use change is a legislative decision which should be carefully considered.

Growing Smarter

The water resources element required in the General Plan was enacted as part of the "Growing Smarter Plus Act during 2000. Its meaning and purpose has not yet been construed by a court. However, the Arizona Department of Commerce and the Governor's Growing Smarter Oversight Counsel have issued publications which give insight into the legislative intent. According to a publication by the Arizona Department of Commerce, "this element provides the opportunity for local governments to consider water demand in tandem with land use, anticipated growth areas, and infrastructure. Issue, concerns, or ideas may be raised throughout the public participation program, and the substance of this element may be closely connected to the policies included in the environmental planning, cost of development, or other elements." That publication identifies key questions that address reliability of water supply, sufficient infrastructure for delivery of water, impact of projected development on water supply, use of effluent, and water conservation measures.

During 2006, the Growing Smarter Oversight Counsel held public meeting around the state in order to develop strategies for implementing the elements of Growing Smarter Plus. Two of the recommendations generated were (1) increase state efforts to develop reliable, independent, objective, information regarding the available supply of water for each hydrologic region of Arizona; and (2) Assure that the availability of clean, safe water is one criterion for evaluating all future Land use and development plans in all areas of Arizona.

The Growing Smarter Oversight Counsel as well as the participants at the 85th Arizona Town Hall, *Arizona's Water Future: Challenges and Opportunities*, Oct. 31- Nov. 3, 2004, recognized a key shortfall of the water resource element of the Growing Smarter Plus Act. Although the act appears to give counties authority in water resource planning, there are no resources to areas outside of Active Management Areas to develop sufficient data for planning. Counties within Active Management Areas have a great advantage due to the data and resources provided by ADWR. As a result the focus by counties outside of AMA's has been on looking for water resources to facilitate projected growth rather than considering the impact of growth on available supplies or developing a "carrying capacity" concept. Without reliable data land use decisions based on water availability may be reduced to speculation susceptible to political whim or alarmist demands. As a result some of the other goals of Smart Growth may be unnecessarily sacrificed.

ADWR Authority

Under the Groundwater Management Code, ARS 45-101 et seq., the Arizona Department of Water Resources (ADWR) is given the authority to regulate the withdrawal, transportation, use, conservation and conveyance of rights to use the groundwater of the State. In an Active management Area the withdrawal and use of groundwater is closely monitored and regulated in accordance with Title 45. Outside of an Active Management Area there is not much regulation. Subject to certain well permit requirements and restrictions on transporting the groundwater outside of the basin from which it is extracted, a person may extract and use groundwater for any "reasonable and beneficial use". "Reasonable use" has been defined by the courts in Arizona to mean that a property owner has a right to capture and use underground water beneath their land for beneficial purpose on that land, but no landowner can transport water off the land from which it came if transfer injures the water supply of neighboring landowners. *Town of Chino Valley v. State Land Dept.* 119 Ariz. 243, 580 P.2d 704 (1978).

The ADWR does not have the authority to require a county to rezone property. The reasonable use doctrine does not require that a county re-zone a property in order to accommodate a use that may require more water than that which is normally expected in the property's present zoning classification. Re-zoning is a land use decision not a water use regulation. A refusal to rezone property does not prevent the owner's reasonable use of water for any purpose permitted within its present zoning classification. And refusal to grant a request for a change in zoning would not deprive a property owner of a compensable property interest in

er. The Arizona Supreme Court has recently held that, outside of an Active Management Area, there is no right of ownership of groundwater prior to its capture and withdrawal from the common supply and a landowner does not have a real property interest in the potential future use of groundwater. *Davis v. Agua Sierris Resources L.L.C.*, 220 Ariz. 108, 203 P.3d 506 (2008).

A county's consideration of the impact of proposed development on water supply does not usurp ADWR's authority any more than a county's consideration of the impact of proposed development on air and water quality would usurp ADEQ's authority, or the county's consideration of the adequacy of traffic infrastructure for proposed development would usurp ADOT's authority. A county is specifically directed, under ARS Title 11, to address these factors in its general plan. Title 45 does not trump Title 11, nor vice versa. Both Titles should be interpreted and applied so that each has effect and meaning. It is not unusual that the regulatory impact of one agency or level of government would also impact an area regulated by another. In these instances the legislature often expects that the different agencies and levels of governments share resources and cooperate in order to achieve objectives that are common to their respective spheres of regulation. ADWR recognizes this concept on its webpage where it acknowledges that local governments can adopt water conservation ordinances and drought response measures.

ADWR also has a publication on its webpage entitled "*Water Management Requirements for Solar Power Plants in Arizona*". That publication indicates that ADWR requirements for groundwater use for solar power generation follows the regulations established under Title 45, which differ depending on whether the proposed facility is located within or outside of an active management area. There is not much regulation outside of an active management area other than a requirement that non-exempt wells be permitted and restriction on transfer from the basin. That publication also advises that the ACC and ADEQ may have additional water management requirements for proposed solar plants. Any requirements by the ADWR, ACC or ADEQ would apply regardless of the zoning issue. And none of the requirements or regulations of these agencies could be used to force a county to approve a requested change in zoning

ACC Authority

Under ARS Title 40, the Arizona Corporation Commission (ACC) is charged with the responsibility to balance the public's need for an adequate, economical and reliable supply of electric power with the need to minimize the effect thereof on the environment and ecology of

the State. The ACC, through the Arizona Power Plant and Line Siting Committee, has a process that should adequately address the concerns that the County may have regarding the impact of proposed solar power plants on the County's groundwater supply. The committee is comprised of (1) the State Attorney General or designee, (2) the Director of AWDR or designee, (3) the Director of ADEQ or designee, (4) Director of the energy office of the Arizona Department of Commerce or designee, and (5) Chairman of the Arizona Corporation Commission or designee. The Committee conducts an extensive vetting process which studies the need, viability, and environmental impact of the facility. The process involves public meetings with input from the applicant, committee, interested parties and members of the public. One of the requirements for approval by the ACC is a certificate of environmental compatibility. The availability of sufficient water and the impact of a proposed facility on the quantity and quality of water supply would be criteria to be considered in connection with both the viability and environmental compatibility of a proposed facility. The Line Siting Committee would have better resources and data available to it as well as stronger authority to require additional data, such as hydrological studies, from the applicant.

Liability Considerations

A refusal to grant a request change of zoning does not usually present a basis for liability in a subsequent lawsuit. In order to sustain an attack on a decision not to grant a requested rezone, the plaintiff must show that the existing zoning is invalid. An existing zoning classification will be presumed valid, and the plaintiff must show that is clearly arbitrary and unreasonable and that it does not have any substantial relation to public health, safety and welfare.

In some cases zoning ordinances that do bear a reasonable relation to the health safety and welfare of the public may subject the government to liability for compensation, if the ordinance leaves the property owner with no viable use of the property. There are a long line of U.S. Supreme Court cases which hold that arbitrary and unreasonable restrictions which substantially deprive the owner of the economically viable use of his land may constitute a taking. These cases arose where there was an enactment of a regulation after the property owner acquired the property. It would be much more difficult for someone to buy property with a certain zoning classification and then sue for diminished value resulting from a refusal to re-zone. But someone may try, particularly if it appears that the county has exceeded its authority in denying or conditioning a requested re-zone.

County Authority

As discussed above, it is my opinion that a county has general authority under the zoning enabling statutes and specific authority under the "water resources element" required pursuant to "Growing Smarter Plus" (ARS 11-821) to base zoning decisions on water availability. But there are obviously others who believe otherwise. These differing opinions may form the basis for litigation. And even assuming that the County does have authority, a refusal to rezone based on inadequate data may be challenged as arbitrary and capricious.

Proposition 207 Liability

The applicable provision of Proposition 207 (ARS 12-1131-1138), ARS 12-1134 (A) provides that "if the existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation from the state or political subdivision of this state that enacted the land use law."

A refusal to grant a requested re-zone would not give rise to a Prop 207 claim. The existing zoning was in place at the time the property was transferred to the owner. But, Prop 207 liability could be an issue if the county would attempt, without the owners consent, to change the zoning classification after a property owner acquired the property. A county could also face Prop 207 liability if it attempts to force a property owner into an area plan that did not exist when the property owner acquired the property.

Prop 207 would not impose liability for deprivation of groundwater rights outside of an Active Management Area. A refusal to grant a re-zone would not deprive the property owner of whatever rights to use water that he when he acquired the property. Moreover, as discussed above, the Arizona Supreme Court in *Davis v. Agua Sierra Resources LLC*, ruled that landowners outside of an Active Management Area have no right of ownership in groundwater prior to its capture and withdrawal from the common source and the landowner has no real property interest in the potential future use of groundwater. Prop. 207 only protects landowners against devaluation of real property interests.

Many times neighboring property owners who oppose a proposed re-zone threaten the County with a Prop 207 claim for the perceived devaluation of their property. ARS 12-1134 B. 6 provides that Prop 207 does not apply to land use laws that do not directly regulate the owners land. Although some plaintiff lawyers may disagree, I believe that this provision clearly precludes a property owner from bringing a Prop 207 claim based on a change of zoning for

neighboring property. And with respect to the proposed solar plants, 12-1134 B. 5. provides that Prop 207 does not apply to land use laws that establish locations for utility facilities.

Unlawful Moratorium

One of the opponents to one of the proposed solar energy facilities has circulated a petition requesting that the P&Z Commission table all rezoning request for the area at issue until a hydrology study has been completed. Such action may be challenged as an invalid moratorium. The authority for a county to enact a moratorium on construction or land development is strictly regulated by ARS 11-833. Before a moratorium can be declared there has to be an imminent threat to public health or safety caused by a shortage of essential public facilities. 30 days notice of intent to declare a moratorium must be provided and public hearings must be held. The length and conditions of the moratorium is closely regulated depending on the circumstances. And a moratorium may only be declared for shortage of facilities provided by the county. "Moratorium on construction or land development" is broadly defined under the statute as "engaging in a pattern or practice of delaying or stopping issuance of permits, authorization or approvals necessary for the subdivision and partitioning of, or construction on any land. It does not include denial or delay of permits or authorization because they are inconsistent with applicable statutes, rules, zoning or other ordinances." My interpretation is that the last part of that definition specifically precludes delay in processing an application to rezone from challenge as an invalid moratorium. But the definition is arguably broad enough to support a *prima facie* challenge.

Due Process

A property owner requesting a change of zoning does not have an automatic entitlement to the requested change. But the property owner has a due process right to have the request considered and decided in a timely manner in accordance with state statutes and the County's Zoning Ordinance. Section 40 of the Mohave County Zoning Ordinance governs the procedure for changing a zoning ordinance. Section 40 B. 2. provides that the Commission may have as many additional hearings or continued hearings on any initiated amendment as may be deemed necessary for public necessity, convenience, and general welfare. If it is fairly debatable that adequacy of water is rationally related to the public's health, safety and welfare, due process would not require that the Commission vote on a matter before it has a reasonable opportunity to receive and review sufficient information to address that concern. I do not believe that the continuances and requests for additional information to date have violated the developer's due process rights. But further delays without sufficient data to support a concern that the aquifer is threatened by a proposed development may form the basis for such a claim.

Unlawful Exaction

One possible consideration, which I believe has been proposed by an opponent of one of the solar projects, would be to require the developer to conduct a hydrological study. That requirement could be subject to challenge as an unlawful exaction. ARS 11-811 requires the County to comply with certain Federal and Arizona court decisions. Those decisions require, among other things, that any exaction or condition for approval of land development have a nexus, or rational connection, to the impact caused by the development and that the extent of the exaction or condition be proportionate to the impact of the proposed development. The question here is whether the impact of the proposed development, the amount of projected water use, is intense enough to warrant a hydrological study of the entire aquifer.

ARS 11-821 E.1. provides that the water resource element of the comprehensive plan does not require new independent hydrological studies. I believe this provision was intended to prevent the water resource element from being interpreted to force counties to conduct new hydrological studies. A county may, but is not required to, conduct new hydrological studies in order to implement the water resources element. But it could be argued that it also does not force developers to conduct hydrological studies for development proposals. Regardless of the outcome of that argument, a county's requirement of a hydrological study from a developer would still be subject to the nexus/proportion test described above. ARS 11-821 H. provides that 11-821 does not authorize the imposition of dedications, exactions, fees or other requirements that are not otherwise authorized by law.

Conclusion

The Planning and Zoning Commission and Board of Supervisors are authorized to consider the impact of proposed development on water supply when deciding a requested zoning change or plan amendment. The inquiry is justified by the Board's obligation to develop land use regulations that promote the public health, safety, convenience and general welfare and may be necessary in order to implement the water resources element incorporated into ARS 11-821 through the Growing Smarter Plus Act. But the concern for water must be balanced against other goals and policies in the General Plan that are also vital to the health, safety and welfare of the community. Perhaps the most efficient and reliable way to address water use issues with respect to the proposed solar power facilities is to rely on the resources and expertise of the Line Siting Committee of the Arizona Corporation Commission.

From: Tara Williams
To: Denise Bensusan@hughes.net
Date: 10/14/2009 2:08 PM
Subject: Re: Hualapai Valley Solar Conference

Ms. Bensusan,

To clarify, you do plan on attending the meeting tomorrow, correct?

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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>>> "Denise Bensusan@hughes.net" <denisebensusan@hughes.net> 10/14/2009 6:57 AM >>>

thanks Tara... I'm in Kansas right now dealing with family matters, my fathers estate etc.. The Monday the 19th I have knee replacement surgery in Kingman. Ill be down for a few days but will keep up with my email and such. Hopefully I will recover quickly because I insist to myself that I WILL! :) So, I will be capable to handle all of this as it comes along. I truly appreciate your assistance and the time you have taken to keep me informed!

Thanks
Denise
Cell# 928-727-6933

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Denise Bensusan@hughes.net" <denisebensusan@hughes.net>
Sent: Tuesday, October 13, 2009 10:04 AM
Subject: Re: Hualapai Valley Solar Conference

Ms. Bensusan,

You may file a request to intervene once the application has been filed with Docket Control of the Corporation Commission, and it has not been filed yet. The Applicant will probably give an estimate of the filing date at the conference on Thursday.

The deadline to file a request is 10 days prior to the beginning of the hearing, which has not been scheduled yet.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section

Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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>>> "Denise Bensusan@hughes.net" <denisebensusan@hughes.net> 10/10/2009
>>> 10:29 AM >>>
I'm in Kansas staking care of my Mom until the 17th. Is it time to file as an intervener??????

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Janice Alward" <JAlward@azcc.gov>; "Denise Bensusan" <denisebensusan@hughes.net>; "Albert Acken" <AAcken@LRLaw.com>; "Thomas Campbell" <TCampbell@LRLaw.com>
Cc: "Marta Hetzer" <azrs@az-reporting.com>; "Marjorie Haberman" <MHaberman@LRLaw.com>
Sent: Friday, October 09, 2009 6:00 PM
Subject: Hualapai Valley Solar Conference

This is a notification that a pre-filing conference for Hualapai Valley Solar has been scheduled. The conference will be held here at the Attorney General's Office, 1275 W Washington in Phoenix on Thursday, October 15th at 2:00 PM.

Please contact me if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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Denise
Denise Bensusan

CONTACT INFO:

denisebensusan@hughes.net
<http://speakoutarizona.net/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

Denise
Denise Bensusan

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denisebensusan@hughes.net
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Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

From: Tara Williams
To: Marjorie Haberman
Date: 10/20/2009 2:12 PM
Subject: Hualapai Valley Solar

Hi Marge,

I just wanted to give you an update. I have heard back from 4 Committee Members, and 3 are available December 15-17. The Committee is in a hearing through tomorrow, but I will try to reach the rest of the members on Thursday. I will let you know Thursday or Friday about which days are best to schedule, if that is soon enough.

Tara

From: Tara Williams
To: rbbdci@frontiernet.net
Date: 10/22/2009 10:06 AM
Subject: Hualapai Valley Solar Project
Attachments: EMAIL - 449580 - PRE-HEARING PROCEDURAL ORDER #144 - 2 - PHX.DOC; EMAIL - 4
68593 - DRAFT CEC CONDITIONS - 2 - PHX.DOC

Ms. Bayer,

I have attached a draft Procedural Order for you. This is a generic template used for all siting cases. We will be filing an official order once the application is filed. It provides all of the expectations and guidelines for the applicant and any possible interveners.

I have also attached a copy of draft CEC conditions, which were provided to the Applicant at the conference we held.

Chairman Foreman would like to provide you with some additional information as well:

Since you will not be represented by counsel, the Committee must approve your intervention, which they will vote and decide on the first day of the hearing.

Also, some parties who have been interested in intervening in the past have chosen to allow the Chairman to call them as witnesses instead of intervening. This would allow you to provide testimony and be subject to cross-examination without the additional requirements expected of interveners. The Chairman can give you further information about this at the pre-hearing meeting if you are interested.

There is also the option of making public comment.

As I said on the phone, the application is expected to be filed around November 12th. You have until 10 calendar days prior to the hearing to file a Request to Intervene, should you choose to do so.

I don't know if you are familiar with the Commission's website, but you can search for the case once the application is filed by going to <https://edocket.azcc.gov/> and typing "L-" in the search bar. This will show you all of the cases before the Committee, past and present. Once the application is filed, the case will be given a docket number and posted on this site.

Per your request, the mailing address is:

Chairman John Foreman
Consumer Protection & Advocacy
Office of the Attorney General
1275 W Washington Street
Phoenix, AZ 85007

I will add you to our e-mail list for the case and send you an e-mail once we set a date for the pre-hearing conference, which the Chairman encourages you to attend.

Please contact me if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF ??????,
IN CONFORMANCE WITH THE REQUIREMENTS OF
ARIZONA REVISED STATUTES §§ 40-360, *et seq.*,
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF ????? TRANSMISSION LINE
UPGRADE PROJECT, ORIGINATING AT THE
EXISTING ????? COUNTY, TO THE EXISTING
?????? COUNTY, ARIZONA.

Arizona Corporation Commission
Docket No. L-00000?
Case No.

PROCEDURAL ORDER

An Application for a Certificate of Environmental Compatibility was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission ("Commission") on [date]. A copy of the Application was transmitted to John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman ("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,

IT IS ORDERED:

1. 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 advise the Chairman in writing on or before the time of the pre-hearing conference scheduled below if they disagree that the time limit for decision on the Application by the Line Siting Committee set by A.R.S. § 40-360.04(D) is [date].

2. All "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) that are listed as parties or potential parties on pleadings or procedural orders filed by the Applicant or the Chairman shall notify Docket Control of their desire to receive pleadings and orders in this matter and shall regularly review the Docket Control file in this matter to make sure they have received all pleadings and procedural orders relating to this case. Neither the Line Siting Committee nor the Chairman has the authority to direct Docket Control to send one of the 25 copies of pleadings and procedural orders filed with Docket Control to prospective parties.

- 1 3. The Applicant shall arrange for the publication and posting of notice of the
2 evidentiary hearing, as agreed to at the pre-application hearing involving the
3 Applicant and all known potential interveners, in a form approved by the
4 Chairman and circulated for approval as to form to all known potential interested
5 parties. In addition, the Applicant shall submit a copy of the notice and present
6 testimony describing the publication and posting of the notice at the evidentiary
7 hearing.
8
- 9 4. The Applicant shall make arrangements for the evidentiary hearing to be held at
10 the [location] beginning on [date], at 9:30 a.m. and continuing, if necessary, on
11 [date], at 9:30 a.m. In addition, the Applicant shall make arrangements for a
12 public comment session to be held at the same venue starting at 6:00 p.m. on
13 [date]. The Applicant shall make arrangements for further regular sessions, if
14 needed, and additional public comment sessions, if needed, on dates and at
15 times to be determined later.
16
- 17 5. The Applicant shall contact the Chief Finance Officer of the Commission and
18 make financial arrangements regarding hotel reservations and other expenses of
19 the Line Siting Committee Members. The Applicant shall also make
20 arrangements with the Commission concerning reimbursement of the Line Siting
21 Fund should the expenses of the hearings exceed the application fee. A.R.S. §
22 40-360.10. The Applicant shall advise the Chairman of the results of these
23 discussions so the necessary information may be communicated to the Line
24 Siting Committee Members.
25
- 26 6. 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.
- 7. 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

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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.

- 8. 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.

- 9. 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.

- 10. 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.

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11. 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.

12. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated: ?-1, ?-2, etc. Each intervening party will be assigned by the Chairman a letter or 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.

13. 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.

14. Public comment will be heard after the opening statements and at other times set by the Chairman during the hearing. See ¶ 3, above.

15. 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. If a tour is held, it will begin at [time] on [date]. 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.

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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 the Arizona Corporation Commission in advance of their intention to attend.

16. 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.

17. 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. § 38-431.01(D) and § 40-360.04(C). 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.

18. 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.

19. 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

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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.

20. 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.

21. 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.

22. 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, the Applicant shall file forthwith the agreed upon proposed Certificate of Environmental Compatibility to the Chairman for signature. 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 Environmental Compatibility and any objections or proposed revisions shall be filed with Docket Control of the Commission, and a copy shall be hand delivered to the office of the Chairman at 1275 W. Washington, Phoenix, Arizona. Objections or suggestions that are not timely filed shall be considered waived. The copy of the proposed Certificate of Environmental Compatibility filed by the Applicant and any proposed revisions filed by the parties that are served upon the Chairman shall include an electronic file containing the wording of the proposed language in a format compatible with

Microsoft© Word word processing program.

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23. 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 with the Chairman for a final pre-hearing conference on [date] beginning at [time] at the offices of the Attorney General of Arizona, 1275 W. Washington, Phoenix, Arizona. Parties may appear by telephone with the prior permission of the Chairman. At the final pre-hearing conference, the Chairman will review with the parties:

- a. The publication and posting of notices of the hearing;
- b. The proposed agenda for the evidentiary hearing;
- c. Any notices to intervene, applications to intervene, and applications to make a limited appearance;
- d. The status of attempts to narrow the issues at the evidentiary hearing or to agree to language in the proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions to the Certificate;
- e. The status of the filing and exchange of witness summaries or written 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.

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

DATED this ??th day of ?????, 2009 ___

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

john.foreman@azag.gov

1 Pursuant to A.A.C. R14-3-204,
2 The Original and 25 copies were
3 filed this ??th day of ????, 2009 with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington St.
7 Phoenix, AZ 85007

8
9 Copy of the above mailed
10 this ??th day of ????, 2009 to:

11 Janice Alward, Chief Counsel
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix, AZ 85007
15 Counsel for Legal Division Staff

16 ??????
17 ??????

18 Marta T. Hetzer
19 Arizona Reporting Service, Inc.
20 2200 North Central Avenue
21 Phoenix, AZ 85004-1481

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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 as required by 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 as required by 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 unless the transmission line [power plant] is capable of operation within five years from the date the Certificate is approved by the Commission. 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 date, 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. Upon request, the written records shall be provided to the Staff of the Commission.
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 conductors and non-reflective 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. Applicant shall follow any published guidelines adopted by the Arizona Game and Fish Department or the United States Fish and Wildlife Service for handling contacts during the construction and

operation of the Project with any species designated as endangered. Applicant also shall follow any published and adopted guidelines for handling contacts with any species of greatest conservation need as designated by the Arizona Game and Fish Department. If no published and adopted guidelines exist, the Applicant shall use reasonable care to avoid any harm to individuals of the designated species. If the avoidance of harm to individuals is not possible, the Applicant shall contact the Arizona Game and Fish Department and the United States Fish and Wildlife Service to obtain any appropriate permits and guidance for removing the individual members of the species contacted from the area of the Project.

15. 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.
16. 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].
17. 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.

18. 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 and file with Docket Control 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 and file it with Docket Control.
19. Applicant will follow the most current 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.
20. 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 [date not less than 180 nor more than 365 days after approval of the CEC by the Committee]. 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.

21. 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.
22. 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 aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee

effectively minimize the impact of the Project on the environment and ecology of the state.

3. The Project is in the public interest because the Project's contribution to meeting the need for an adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

From: Tara Williams
To: Marjorie Haberman
Date: 10/23/2009 10:03 AM
Subject: Hualapai Valley Solar

Good Morning Marge,

I have heard back from the Committee, and the best dates for them are January 12th through the 14th.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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From: "Susan" <rbbdci@frontiernet.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 10/30/2009 8:58 PM
Subject: Re: Revised Proposed CEC Conditions

Thank you Ms. Williams, it was most kind of you to send this to me. I will review and study the Conditions. Again thank you, I hope you have a nice weekend.

Sincerely,

Susan Bayer

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Janice Alward" <JAlward@azcc.gov>; "Susan Bayer" <rbbdci@frontiernet.net>; "Denise Bensusan" <denisebensusan@hughes.net>; "Albert Acken" <AAcken@LRLaw.com>; "Thomas Campbell" <TCampbell@LRLaw.com>
Cc: "Marta Hetzer" <azrs@az-reporting.com>; "Marjorie Haberman" <MHaberman@LRLaw.com>
Sent: Friday, October 30, 2009 4:14 PM
Subject: Revised Proposed CEC Conditions

The Chairman has revised the proposed conditions. Please see the attached document, specifically Condition #8.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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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 not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Commission. This Certificate and its conditions shall apply to all successor(s) and assignee(s) of the Applicant. Any transfer or assignment of this Certificate shall require the assignee or successor to assume all responsibilities of the Applicant listed in this Certificate and its conditions in writing as required by A.R.S. § 40-360.08(A) and R14-3-213(F) of the Arizona Administrative Code.
2. The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of [name of county], and any other governmental entities having jurisdiction necessary to construct the Project.
3. The Applicant shall comply with all applicable statutes, ordinances, master plans and regulations of the United States, the State of Arizona, the County of [name of county], and any other government entities having jurisdiction during the construction and operation of the

transmission line [power plant].

4. 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 as required by A.R.S. § 41-844.
5. 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 as required by A.R.S. § 41-865.
6. 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].
7. This authorization to construct this Project shall expire unless the transmission line [power plant] is capable of operation within five years from the date the Certificate is approved by the Commission. However, prior to expiration, the Applicant may request that the Commission

extend this time limitation.

8. Applicant shall enter into a land subsidence monitoring agreement with the Arizona Department of Water Resources before withdrawing groundwater for operation of the power plant. [To be used for power plants that use groundwater]
9. 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 date, time and place of the hearing in which the Commission will consider the request for extension.
10. 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. Upon request, the written records shall be provided to the Staff of the Commission.
11. 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.
12. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
 13. Applicant, or its assignee(s), shall use non-specular conductors and non-reflective surfaces for transmission line structures.
 14. 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.

15. Applicant shall follow any published guidelines adopted by the Arizona Game and Fish Department or the United States Fish and Wildlife Service for handling contacts during the construction and operation of the Project with any species designated as endangered. Applicant also shall follow any published and adopted guidelines for handling contacts with any species of greatest conservation need as designated by the Arizona Game and Fish Department. If no published and adopted guidelines exist, the Applicant shall use reasonable care to avoid any harm to individuals of the designated species. If the avoidance of harm to individuals is not possible, the Applicant shall contact the Arizona Game and Fish Department and the United States Fish and Wildlife Service to obtain any appropriate permits and guidance for removing the individual members of the species contacted from the area of the Project.
16. 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.
17. 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].

18. 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.
19. 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 and file with Docket Control 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 and file it with Docket Control. [To be used if the transmission line is located at any point within 100 feet of a natural gas or hazardous liquid pipeline.]

20. Applicant will follow the most current 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.
21. 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 [date not less than 180 nor more than 365 days after approval of the CEC by the Committee]. 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.
22. 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.
23. 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 aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for an adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

Rev'd 10-8-09

From: "Denise Bensusan@hughes.net" <denisebensusan@hughes.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 11/2/2009 9:44 AM
Subject: Re: Revised Proposed CEC Conditions

Thank you Tara. I'm finally up and about after my knee replacement surgery and really appreciate the updates you have extended to me.

You cannot send me too much information. ANYTHING to do with this issue is truly appreciated!

Denise
Denise Bensusan

CONTACT INFO:
denisebensusan@hughes.net
<http://speakoutarizona.net/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Janice Alward" <JAlward@azcc.gov>; "Susan Bayer" <rbbdci@frontiernet.net>; "Denise Bensusan" <denisebensusan@hughes.net>; "Albert Acken" <AAcken@LRLaw.com>; "Thomas Campbell" <TCampbell@LRLaw.com>
Cc: "Marta Hetzer" <azrs@az-reporting.com>; "Marjorie Haberman" <MHaberman@LRLaw.com>
Sent: Friday, October 30, 2009 4:14 PM
Subject: Revised Proposed CEC Conditions

The Chairman has revised the proposed conditions. Please see the attached document, specifically Condition #8.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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Denise
Denise Bensusan

CONTACT INFO:
denisebensusan@hughes.net
<http://speakoutarizona.net/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

From: Tara Williams
To: denisebensusan@hughes.net
Date: 11/3/2009 2:55 PM
Subject: Hualapai Valley Solar Information

Ms. Bensusan,

Per our phone conversation this morning, I will be sending the Notice of Hearing to all potential interveners for this case after the Application has been filed, which is when you may file a Motion to Intervene. Please remember that if you intervene, you must comply with the Procedural Order that will also be filed, similar to the draft Order I e-mailed to you in September.

Chairman Foreman would like to provide you with some additional information:

Since you will not be represented by counsel, the Committee must approve your intervention, which they will vote and decide on the first day of the hearing.

Also, some parties who have been interested in intervening in the past have chosen to allow the Chairman to call them as witnesses instead of intervening. This would allow you to provide testimony and be subject to cross-examination without the additional requirements expected of interveners. The Chairman can give you further information about this at the pre-hearing meeting (yet to be scheduled) if you are interested.

There is also the option of making public comment.

Please contact me if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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From: "Denise Bensusan@hughes.net" <denisebensusan@hughes.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 11/9/2009 10:13 AM
Subject: Re: Hualapai Valley Solar Project

Thank you Tara.. I look forward to meeting you!

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Susan Bayer" <rbbdci@frontiernet.net>; "Denise Bensusan" <denisebensusan@hughes.net>
Sent: Monday, November 09, 2009 9:49 AM
Subject: Hualapai Valley Solar Project

To keep you informed, our office has been notified that the expected application date for the Hualapai Valley Project has been postponed from this Thursday, November 12th, to November 20th or 23rd.

I have no further details except that they are still hoping to get the application filed before Thanksgiving. The hearing dates are still the same, January 12th through the 14th.

I will notify you of the location of the hearing and the date for the pre-hearing conference once the application has been filed.

Please let me know if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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Denise
Denise Bensusan

CONTACT INFO:
denisebensusan@hughes.net

<http://speakoutarizona.net/>
Main: 928-692-6933
Cell: 928-727-6933
Fax: 928-692-6993

From: "Susan" <rbbdci@frontiernet.net>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 11/9/2009 5:12 PM
Subject: Re: Hualapai Valley Solar Project

Thank you for keeping me informed.

Susan Bayer

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

From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Susan Bayer" <rbbdci@frontiernet.net>; "Denise Bensusan" <denisebensusan@hughes.net>
Sent: Monday, November 09, 2009 9:49 AM
Subject: Hualapai Valley Solar Project

To keep you informed, our office has been notified that the expected application date for the Hualapai Valley Project has been postponed from this Thursday, November 12th, to November 20th or 23rd.

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Please let me know if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
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tara.williams@azag.gov

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From: Tara Williams
To: Susan
Date: 11/10/2009 8:48 AM
Subject: Re: Hualapai Valley Solar Project

Ms. Bayer,

Thank you for the information regarding the application. I will notify the Chairman.

I also wanted to clarify that the deadline to intervene is 10 days prior to the first day of the hearing according to Arizona Revised Statute 40-360.05 and R14-3-204 of the Arizona Administrative Code.

The hearing is currently set to begin on January 12th, which would make the deadline to file a request January 2nd. Since that is a Saturday, the deadline to file a request to intervene would be Monday, January 4th.

Please let me know if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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>>> "Susan" <rbbdci@frontiernet.net> 11/10/2009 8:04 AM >>>
Hi Tara:

I wish to inform you that Hualapai Solar had to postpone because they have not been officially approved by the Mohave County Board of Supervisors. They are on the BOS agenda on November 16, 2009 (item 92). I am concerned with the dates that they have selected. November 20 (Friday before Thanksgiving) and November 23 (Monday before Thanksgiving). As a possible intervener I am required by state statute to file with in 10 days. But Thanksgiving is a holiday, there fore any possible intervener's now not only have 9 days but also a weekend, in which to file with you the proper paper's. I just wanted to make you aware of the real reason why Hualapai Solar postponed, and why they have picked those two dates.

Thank you for reading this Email.

Susan Bayer
----- Original Message -----
From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Susan Bayer" <rbbdci@frontiernet.net>; "Denise Bensusan" <denisebensusan@hughes.net>
Sent: Monday, November 09, 2009 9:49 AM
Subject: Hualapai Valley Solar Project

To keep you informed, our office has been notified that the expected application date for the Hualapai Valley Project has been postponed from

this Thursday, November 12th, to November 20th or 23rd.

I have no further details except that they are still hoping to get the application filed before Thanksgiving. The hearing dates are still the same, January 12th through the 14th.

I will notify you of the location of the hearing and the date for the pre-hearing conference once the application has been filed.

Please let me know if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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From: Tara Williams
To: Susan
Date: 11/12/2009 8:22 AM
Subject: Re: Hualapai Solar

Good Morning Ms. Bayer,

The applicant that is proposing to build a power plant is required to file a plan with the Commission 90 days prior to filing an application for a CEC, according to Arizona Revised Statute 40-360.02(B). This is interpreted as they must file a plan at least 90 days prior to filing their application for a CEC.

Many of the applications that have gone before the Committee and the Commission that required a 90-day plan had their application for a CEC filed more than 90 days after their plan had been filed (example - the Agua Caliente Solar Project, Line Siting Case #145, filed their 90-day plan in November of 2008 and filed their application for a CEC in June of 2009).

I hope this information is helpful!

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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>>> "Susan" <rbbdci@frontiernet.net> 11/11/2009 9:24 AM >>>
Good Morning Tara:

I am sorry to keep asking questions. But I do have several. Does Hualapai Solar put in a request to be on the Acc Line Sitting Committee. If so we were told that they put in a request back in August 12, 2009. If that is correct don't they have 90 days in which to file a formal filing so that would make it November 12, 2009. Mr. Greg Bartlett of Hualapai Solar stated at the Mohave County Planning and Zoning Commissioners meeting that they had put in a request in August, because it takes a long time to get on the Calendar, and there are time frames.

I hope you had a nice Veterans Days and I thank you for reading this Email.

Susan Bayer

From: Tara Williams
To: Susan
Date: 11/13/2009 9:13 AM
Subject: Re: Hualapai Solar

No Problem!
Tara

>>> "Susan" <rbbdci@frontiernet.net> 11/13/2009 9:11 AM >>>
Thank you it is. Sorry to be a bother, this is all new to me.

Susan Bayer
----- Original Message -----
From: "Tara Williams" <Tara.Williams@azag.gov>
To: "Susan" <rbbdci@frontiernet.net>
Sent: Thursday, November 12, 2009 8:22 AM
Subject: Re: Hualapai Solar

Good Morning Ms. Bayer,

The applicant that is proposing to build a power plant is required to file a plan with the Commission 90 days prior to filing an application for a CEC, according to Arizona Revised Statute 40-360.02(B). This is interpreted as they must file a plan at least 90 days prior to filing their application for a CEC.

Many of the applications that have gone before the Committee and the Commission that required a 90-day plan had their application for a CEC filed more than 90 days after their plan had been filed (example - the Agua Caliente Solar Project, Line Siting Case #145, filed their 90-day plan in November of 2008 and filed their application for a CEC in June of 2009).

I hope this information is helpful!

Thank you,
Tara Williams
Assistant
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>>> "Susan" <rbbdci@frontiernet.net> 11/11/2009 9:24 AM >>>
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is correct don't they have 90 days in which to file a formal filing so that would make it November 12, 2009. Mr. Greg Bartlett of Hualapai Solar stated at the Mohave County Planning and Zoning Commissioners meeting that they had put in a request in August, because it takes a long time to get on the Calendar, and there are time frames.

I hope you had a nice Veterans Days and I thank you for reading this Email.

Susan Bayer

From: Tara Williams
To: Marjorie Haberman
Date: 11/20/2009 4:06 PM
Subject: Re: Hualapai Valley Solar Notice of Hearing

Thank you, Marge. I'll deliver this to the Chairman for his review.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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>>> "Haberman, Marjorie" <MHaberman@LRLaw.com> 11/20/2009 4:05 PM >>>
Tara,

Attached is Hualapai Valley Solar LLC's draft notice of filing their CEC application. You will note that the description of the plant components has been streamlined in comparison to recently issued notices. The CEC application will be filed with Docket Control on Monday, November 23, 2009. The docket number should be available by Tuesday, November 24, 2009, and I will send you confirmation of that number to update in the notice. The required publications of the notice will go to press as soon as you notify me that the Chairman has executed the notice.

Please let me know if I can be of further assistance.

Marge

Marjorie J. Haberman
Paralegal
Lewis and Roca LLP
40 N. Central Avenue, #1900
Phoenix, AZ 85004
phone: 602.262.5351
fax: 602.738.3473
email: MHaberman@LRLaw.com <<mailto:MHaberman@LRLaw.com>>
web: www.LewisandRoca.com

For more information about Lewis and Roca LLP, please go to www.lewisandroca.com.
Phoenix (602) 262-5311
Tucson (520) 622-2090
Las Vegas (702) 949-8200
Reno (775) 823-2900
Minden (775) 586-9500
Albuquerque (505) 764-5400
Silicon Valley (650) 391-1380

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

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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

In the matter of the Application of Hualapai Valley Solar LLC, in conformance with the requirements of Arizona Revised Statutes §§ 40-360.03 and 40-360.06, for a Certificate of Environmental Compatibility authorizing construction of the HVS Project, a 340 MW parabolic trough concentrating solar thermal generating facility and an associated Gen-Tie line interconnecting the generating facility to the existing Mead-Phoenix 500kV transmission line, the Mead-Liberty 345kV transmission line or the Moenkopi-El Dorado 500kV transmission line.

Docket No.: L-00000@@-09-####-00151

Case No. 151

NOTICE OF HEARING

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee (Committee) regarding the Application of Hualapai Valley Solar, LLC (Applicant) for a Certificate of Environmental Compatibility to authorize construction of a 340 MW parabolic trough concentrating solar power generating facility (CSP) and an associated Gen-Tie line interconnecting the generating facility to the existing Mead-Phoenix 500kV transmission line, the Mead-Liberty 345kV transmission line, or the Moenkopi-El Dorado 500kV transmission line (collectively, the Project).

The hearing will be held at the Hampton Inn and Suites Kingman, located at 1791 Sycamore Avenue, Kingman, Mohave County, Arizona, 86409, telephone: (928) 692-0258. The hearing shall begin on Tuesday, January 12, 2010, at 9:30 a.m. and continue on Wednesday, January 13, 2010, at 9:30 a.m., and, if necessary, Thursday, January 14, 2010, at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on each day. Additional hearings, if necessary, will be noticed on the Project and Arizona Corporation Commission (ACC) websites.

The website for the Hualapai Valley Solar Project is: www.hualapaivalleysolar.com.

The website for the ACC is: www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp.

1
2 **PUBLIC COMMENT WILL BE TAKEN AT THE BEGINNING OF EACH HEARING**
3 **DAY. PUBLIC COMMENT ALSO WILL BE TAKEN IN A SPECIAL EVENING**
4 **SESSION ON TUESDAY, JANUARY 12, 2010, BEGINNING AT 6:00 P.M., AT THE**
5 **Hampton Inn and Suites Kingman, located at 1791 Sycamore Avenue, Kingman, Arizona,**
6 **86409.**

7 The Committee, at its discretion, may conduct a tour of the Project site. If so, the tour will depart
8 from the Hampton Inn parking lot at 8:00 a.m. on Wednesday, January 13, 2010. A map and
9 itinerary for the proposed tour will be available at the hearing and at the Hampton Inn parking lot
10 at the time of commencement of the tour, if conducted. Members of the public may follow the
11 Committee on the tour in their own private vehicles. During the tour the Committee may hear
12 brief testimony at stops on the tour from one or more witnesses concerning where the stops are
13 located, what is visible at the stops, and the relevance of the location and view to the facilities in
14 the Application. No other discussion or deliberation concerning the Application will occur during
15 the tour. A court reporter or recording device will record any testimony taken on the tour for
16 transcription.

17 The Committee may, at its discretion, recess the hearing to a time and place to be announced
18 during the hearing, or to be determined after the recess. The date, time and place at which the
19 hearing will be resumed will be posted on the Project and ACC websites. **NOTE: NOTICE OF**
20 **SUCH RESUMED HEARING WILL BE GIVEN; HOWEVER, PUBLISHED NOTICE OF**
21 **SUCH RESUMED HEARING IS NOT REQUIRED.**

22 The Project is located in Mohave County, approximately 27 miles north of Kingman, Arizona, and
23 80 miles southeast of Las Vegas, Nevada. The 340 megawatt CSP generating facility is located
24 entirely on private land in Sections 19, 20, 21, 28, 29, 30, and the north half of Section 31 all
25 within Township 26 North, Range 16 West, Gila and Salt River Baseline and Meridian.

26 The application seeks approval of two transmission line interconnections:

Interconnection #1 Gen-Tie alignment, located entirely in Township 26 North, Range 16 West,
runs from the generating facility's power block to the property boundary; then north for 1.25 miles
within a 1320-foot wide corridor from the property boundary along the east boundary of Section
17 (private property) and Section 08 (BLM land); then north for 1.25 miles within a 1320-foot
wide corridor along the west boundary of Section 16 (BLM land) and Section 09 (private property)
until it reaches the north boundary of Section 09; then east for about 0.75 miles within a 1320-foot
wide corridor along the north boundary of Section 09 (private property) until it reaches the
termination in the northeast corner of Section 09 (private property). Interconnection #1 is
approximately 2.75 miles in length from the generating facility property boundary and has a total
ROW acreage of approximately 70 acres.

Interconnection #2 Gen-Tie alignment runs from the generating facility's power block to the

1 property boundary; then north for 1.25 miles within a 1320-foot wide corridor from the property
2 boundary along the east boundary of Section 17 (private property) and Section 08 (BLM land);
3 then north for 1.25 miles within a 1320-foot wide corridor along the west boundary of Section 16
4 (BLM land) and Section 09 (private property) until it reaches the north boundary of Section 09;
5 then north for one mile within a 1320-foot wide corridor through Section 04 until it reaches the
6 west boundary of the existing Mead-Liberty 345kV transmission line corridor, which it will
7 parallel on a generally northwest heading; from there it will run within a 2640-foot wide corridor
8 measured from the centerline of the Mead-Liberty 345kV transmission line west of and parallel to
9 the existing transmission line for approximately 3.5 miles, going through the northeast corner of
10 Section 05 in Township 26 North, Range 16 West (BLM land); through Sections 32, 31, and 30 in
11 Township 27 North, Range 16 West (BLM land); through Sections 25 (private property) and 24
12 (BLM land) in Township 27 North, Range 17 West; and terminate in Section 23 (private property)
13 in Township 27 North, Range 17 West. Interconnection #2 is approximately 6.5 miles in length
14 from the property boundary and has a total ROW acreage of approximately 160 acres.

15 As an alternative, the Applicant may build a 500 MW photo-voltaic (PV) generating facility. The
16 Interconnection Gen-Tie alternatives will be the same for the PV project as for the CSP project.

17 Maps of the Project site and detailed information about project facilities and technology are
18 contained in the Application, which is available for inspection at the following locations:

- 19 • Docket Control Center of the ACC Phoenix Office at 1200 West Washington Street, Suite
20 108, Phoenix, Arizona 85007;
- 21 • Mohave County Library - Kingman, 3269 N. Burbank Street, Kingman, Arizona 86402;
22 928-692-2665; and
- 23 • Lewis and Roca LLP, 40 N. Central Avenue, Suite 1900, Phoenix, Arizona 85004.

24 Each county and municipal government and state agency interested in the proposed Project and
25 desiring to be a party to the proceedings shall, not less than ten days before the date set for
26 hearing, file with the Director of Utilities, Arizona Corporation Commission, 1200 West
Washington Street, Phoenix, Arizona 85007, a notice of intent to be a party.

Any domestic non-profit corporation or association formed in whole or in part to promote
conservation of natural beauty, to protect the environment, personal health or other biological
values, to preserve historical sites, to promote consumer 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 proceedings shall, not less than ten days before the
date set for hearing, file with the Director of Utilities, Arizona Corporation Commission, 1200
West Washington Street, Phoenix, Arizona 85007 a notice of intent to be a party.

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

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

4 This proceeding is governed by Arizona Revised Statutes Sections 40-360 to 40-360.13 and
5 Arizona Administrative Code R14-3-201 to R14-3-220. No substantive communication not in the
6 public record may be made to any member of the Committee. The written decision of the
7 Committee will be submitted to the Arizona Corporation Commission pursuant to Arizona
8 Revised Statutes Section 40-360.07. Any person intending to be a party to the proceedings on
9 these matters before the Arizona Corporation Commission must be a party to the proceedings
10 before the Committee.

11 ORDERED this 24th day of November, 2009.

12 _____
13 John Foreman, CHAIRMAN
14 ARIZONA POWER PLANT AND TRANSMISSION
15 LINE SITING COMMITTEE
16 ASSISTANT ATTORNEY GENERAL
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From: Tara Williams
To: Marjorie Haberman
Date: 11/23/2009 9:30 AM
Subject: Notice
Attachments: NOH.doc

Good Morning Marge,

The Chairman has made a few minor changes to the Notice of Hearing. I have attached the document. Please let me know if you have any questions.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
Fax: (602) 542-4377
tara.williams@azag.gov

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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

In the matter of the Application of Hualapai Valley Solar LLC, in conformance with the requirements of Arizona Revised Statutes §§ 40-360.03 and 40-360.06, for a Certificate of Environmental Compatibility authorizing construction of the HVS Project, a 340 MW parabolic trough concentrating solar thermal generating facility and an associated Gen-Tie line interconnecting the generating facility to the existing Mead-Phoenix 500kV transmission line, the Mead-Liberty 345kV transmission line or the Moenkopi-El Dorado 500kV transmission line.

Docket No.: L-00000@@-09-####-00151

Case No. 151

NOTICE OF HEARING

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee (Committee) regarding the Application of Hualapai Valley Solar, LLC (Applicant) for a Certificate of Environmental Compatibility to authorize construction of a 340 MW parabolic trough concentrating solar power generating facility (CSP) and an associated Gen-Tie line interconnecting the generating facility to the existing Mead-Phoenix 500kV transmission line, the Mead-Liberty 345kV transmission line, or the Moenkopi-El Dorado 500kV transmission line (collectively, the Project).

The hearing will be held at the Hampton Inn and Suites Kingman, located at 1791 Sycamore Avenue, Kingman, Mohave County, Arizona, 86409, telephone: (928) 692-0258. The hearing shall begin on Tuesday, January 12, 2010, at 9:30 a.m. and continue on Wednesday, January 13, 2010, at 9:30 a.m., and, if necessary, Thursday, January 14, 2010, at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on each day. Additional hearings, if necessary, will be noticed on the Project and Arizona Corporation Commission (ACC) websites.

The website for the Hualapai Valley Solar Project is: www.hualapavalleysolar.com.

The website for the ACC is: www.azcc.gov/AZ_Power_Plant/LineSiting-Calendar.asp.

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2 **PUBLIC COMMENT MAY BE TAKEN AT THE BEGINNING OF EACH HEARING**
3 **DAY OR AT OTHER TIMES DURING THE HEARING AT THE DISCRETION OF THE**
4 **CHAIRMAN OF THE COMMITTEE. PUBLIC COMMENT ALSO WILL BE TAKEN IN**
5 **A SPECIAL EVENING SESSION ON TUESDAY, JANUARY 12, 2010, BEGINNING AT**
6 **6:00 P.M., AT THE Hampton Inn and Suites Kingman, located at 1791 Sycamore Avenue,**
7 **Kingman, Arizona, 86409.**

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9 The Committee, at its discretion, may conduct a tour of the Project site. If so, the tour will depart
10 from the Hampton Inn parking lot at 8:00 a.m. on Wednesday, January 13, 2010. A map and
11 itinerary for the proposed tour will be available at the hearing and at the Hampton Inn parking lot
12 at the time of commencement of the tour, if conducted. Members of the public may follow the
13 Committee on the tour in their own private vehicles. During the tour the Committee may hear
14 brief testimony at stops on the tour from one or more witnesses concerning where the stops are
15 located, what is visible at the stops, and the relevance of the location and view to the facilities in
16 the Application. No other discussion or deliberation concerning the Application will occur during
17 the tour. A court reporter or recording device will record any testimony taken on the tour for
18 transcription.

19 The Committee may, at its discretion, recess the hearing to a time and place to be announced
20 during the hearing, or to be determined after the recess. The date, time and place at which the
21 hearing will be resumed will be posted on the Project and ACC websites. **NOTE: NOTICE OF**
22 **SUCH RESUMED HEARING WILL BE GIVEN; HOWEVER, PUBLISHED NOTICE OF**
23 **SUCH RESUMED HEARING IS NOT REQUIRED.**

24 The Project is located in Mohave County, approximately 27 miles north of Kingman, Arizona, and
25 80 miles southeast of Las Vegas, Nevada. The 340 megawatt CSP generating facility is located
26 entirely on private land in Sections 19, 20, 21, 28, 29, 30, and the north half of Section 31 all
within Township 26 North, Range 16 West, Gila and Salt River Baseline and Meridian.

The application seeks approval of two transmission line interconnections:

Interconnection #1 Gen-Tie alignment, located entirely in Township 26 North, Range 16 West,
runs from the generating facility's power block to the property boundary; then north for 1.25 miles
within a 1320-foot wide corridor from the property boundary along the east boundary of Section
17 (private property) and Section 08 (BLM land); then north for 1.25 miles within a 1320-foot
wide corridor along the west boundary of Section 16 (BLM land) and Section 09 (private property)
until it reaches the north boundary of Section 09; then east for about 0.75 miles within a 1320-foot
wide corridor along the north boundary of Section 09 (private property) until it reaches the
termination in the northeast corner of Section 09 (private property). Interconnection #1 is
approximately 2.75 miles in length from the generating facility property boundary and has a total
ROW acreage of approximately 70 acres.

1 Interconnection #2 Gen-Tie alignment runs from the generating facility’s power block to the
 2 property boundary; then north for 1.25 miles within a 1320-foot wide corridor from the property
 3 boundary along the east boundary of Section 17 (private property) and Section 08 (BLM land);
 4 then north for 1.25 miles within a 1320-foot wide corridor along the west boundary of Section 16
 5 (BLM land) and Section 09 (private property) until it reaches the north boundary of Section 09;
 6 then north for one mile within a 1320-foot wide corridor through Section 04 until it reaches the
 7 west boundary of the existing Mead-Liberty 345kV transmission line corridor, which it will
 8 parallel on a generally northwest heading; from there it will run within a 2640-foot wide corridor
 9 measured from the centerline of the Mead-Liberty 345kV transmission line west of and parallel to
 10 the existing transmission line for approximately 3.5 miles, going through the northeast corner of
 11 Section 05 in Township 26 North, Range 16 West (BLM land); through Sections 32, 31, and 30 in
 12 Township 27 North, Range 16 West (BLM land); through Sections 25 (private property) and 24
 13 (BLM land) in Township 27 North, Range 17 West; and terminate in Section 23 (private property)
 14 in Township 27 North, Range 17 West. Interconnection #2 is approximately 6.5 miles in length
 15 from the property boundary and has a total ROW acreage of approximately 160 acres.

16 As an alternative, the Applicant may build a 500 MW photo-voltaic (PV) generating facility. The
 17 Interconnection Gen-Tie alternatives will be the same for the PV project as for the CSP project.

18 Maps of the Project site and detailed information about project facilities and technology are
 19 contained in the Application, which is available for inspection at the following locations:

- 20 • Docket Control Center of the ACC Phoenix Office at 1200 West Washington Street, Suite
- 21 108, Phoenix, Arizona 85007;
- 22 • Mohave County Library - Kingman, 3269 N. Burbank Street, Kingman, Arizona 86402;
- 23 928-692-2665; and
- 24 • Lewis and Roca LLP, 40 N. Central Avenue, Suite 1900, Phoenix, Arizona 85004.

25 Each county and municipal government and state agency interested in the proposed Project and
 26 desiring to be a party to the proceedings shall, not less than ten days before the date set for
 hearing, file with the Director of Utilities, Arizona Corporation Commission, 1200 West
 Washington Street, Phoenix, Arizona 85007, a notice of intent to be a party.

Any domestic non-profit corporation or association formed in whole or in part to promote
 conservation of natural beauty, to protect the environment, personal health or other biological
 values, to preserve historical sites, to promote consumer 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 proceedings shall, not less than ten days before the
 date set for hearing, file with the Director of Utilities, Arizona Corporation Commission, 1200
 West Washington Street, Phoenix, Arizona 85007 a notice of intent to be a party.

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

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2 Any person may make a limited appearance at a hearing by filing a statement in writing with
3 Docket Control of the Arizona Corporation Commission, 1200 West Washington Street, Phoenix,
4 Arizona 85007, and the Chairman of the Committee at 1275 West Washington Street, Phoenix,
5 Arizona 85007, not less than five days before the date set for hearing. A person making a limited
6 appearance shall not be a party or have the right to present testimony or cross-examine witnesses.

7 This proceeding is governed by Arizona Revised Statutes Sections 40-360 to 40-360.13 and
8 Arizona Administrative Code R14-3-201 to R14-3-220. No substantive communication not in the
9 public record may be made to any member of the Committee. The written decision of the
10 Committee will be submitted to the Arizona Corporation Commission pursuant to Arizona
11 Revised Statutes Section 40-360.07. Any person intending to be a party to the proceedings on
12 these matters before the Arizona Corporation Commission must be a party to the proceedings
13 before the Committee.

14 ORDERED this 24th day of November, 2009.

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John Foreman, CHAIRMAN
ARIZONA POWER PLANT AND TRANSMISSION
LINE SITING COMMITTEE
ASSISTANT ATTORNEY GENERAL

From: Tara Williams
To: Marjorie Haberman
Date: 11/23/2009 3:22 PM
Subject: RE: Notice

Thank you, Marge. Yes, we received the application you sent over, and I have delivered that to the Chairman.

Thank you,
Tara Williams
Assistant
Consumer Protection & Advocacy Section
Office of the Attorney General
Tel: (602) 542-7759
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tara.williams@azag.gov

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>>> "Haberman, Marjorie" <MHaberman@LRLaw.com> 11/23/2009 3:20 PM >>>
Tara,

We filed the Hualapai Valley Solar CEC application about an hour ago and I delivered a copy to the front desk at 1275 W. Washington for the Chairman.

I still owe you the map that will be attached to the Notice of Filing. I have incorporated the Chairman's changes to the notice into the document that we will have published. I will let you know as soon as we have the docket number.

Marge

Marjorie J. Haberman
Paralegal
Lewis and Roca LLP
40 N. Central Avenue, #1900
Phoenix, AZ 85004
phone: 602-262-5351
fax: 602-738-3473
email: MHaberman@LRLaw.com
web: www.LewisandRoca.com

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]
Sent: Monday, November 23, 2009 9:31 AM
To: Haberman, Marjorie
Subject: Notice

Good Morning Marge,

The Chairman has made a few minor changes to the Notice of Hearing. I have attached the document. Please let me know if you have any questions.

Thank you,

Tara Williams
Assistant
Consumer Protection & Advocacy Section
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