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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- KRISTIN K. MAYES - Chairman
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

2010 JUN 11 A 10:51

ARIZONA CORPORATION COMMISSION
SECRET CONTROL

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

Arizona Corporation Commission

DOCKETED

JUN 11 2010

DOCKETED BY	
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PROCEDURAL ORDER

BY THE COMMISSION:

On April 14, 2010, the Arizona Corporation Commission ("Commission") issued Decision No. 71648, conditionally granting a Certificate of Environmental Compatibility ("CEC") to Hualapai Valley Solar LLC ("HVS") for the construction of the HVS project, which is to consist of either an up to 340 MW concentrated solar power ("CSP") or a 500 MW photovoltaic ("PV") generating facility, with biofuel, light fuel oil, or natural gas co-firing, and a 345kV or 500kV transmission line ("Gen-Tie") that will use either of two possible alignments described in the CEC. The project is to be located in Mohave County, approximately 27 miles north of Kingman, Arizona. In the Decision, the Commission granted the CEC, subject to an immediate stay, and required an expeditious proceeding pursuant to A.R.S. § 40-252 to reopen the matter and entertain requests for intervention. The Commission directed the Hearing Division to expeditiously schedule a procedural conference to, among other things, establish a procedural schedule for the subsequent A.R.S. § 40-252 proceeding and establish procedures for noticing this matter to the public. The Commission also indicated its

1 desire to grant the requests to intervene in this matter filed by Susan A. Moore-Bayer and Denise
2 Herring-Bensusan.

3 On April 16, 2010, a Procedural Order was issued scheduling a procedural conference for
4 May 6, 2010, and granting the intervention requests of Ms. Moore-Bayer and Ms. Herring-Bensusan.

5 On April 27, 2010, a Procedural Order was issued granting a request for intervention filed by
6 Mohave County.

7 On May 6, 2010, the procedural conference was held, as scheduled, to discuss hearing dates
8 and other procedural matters. HVS, Mohave County, Ms. Bensusan, and Staff appeared through
9 counsel, and Ms. Moore-Bayer appeared on her own behalf. Among other things, the location of the
10 hearing was discussed, with no party objecting to having the hearing in either Kingman or Phoenix.

11 On May 10, 2010, HVS filed a Notice of Filing Proposed Notice of Hearing. In its Notice,
12 HVS indicated that, upon further reflection, it had determined that it would be preferable to hold the
13 hearing in Kingman. HVS attached a proposed form of notice and stated that the proposed notice had
14 been circulated to all parties and that all parties except Ms. Moore-Bayer had responded regarding the
15 notice. HVS requested expedited issuance of a Procedural Order approving the proposed notice, in
16 order to comply with publication deadlines and to allow an opportunity for additional intervention
17 requests.

18 On May 11, 2010, a Procedural Order was issued scheduling the evidentiary hearing in this
19 matter to begin in Kingman on June 15, 2010, and to continue on June 16 through June 18 if needed.
20 The Procedural Order also established additional procedural requirements and deadlines.

21 On June 3, 2010, HVS filed a Notice of Filing Affidavit of Publication, showing that the
22 required notice had been published in *The Kingman Daily Miner* on May 14, 2010.

23 On June 4, 2010, a Summary of Mohave County's Testimony and the Written Testimony of
24 Susan A. Moore-Bayer were filed by Mohave County and Ms. Moore-Bayer, respectively.

25 On June 7, 2010, a Notice of Filing Summary Testimony of Denise Bensusan, a Notice of
26 Filing Prefiled Supplemental Direct Testimony of Greg Bartlett, and a Notice of Filing Staff's Direct
27 Testimony were filed by Ms. Bensusan, HVS, and Staff, respectively. On June 8, 2010, Staff filed a
28 Notice of Errata concerning an omission to its service list.

1 On June 10, 2010, Staff filed Staff's Request to Provide the Oral Testimony of Laura Furrey
2 Telephonically, requesting that its sole witness, Laura Furrey, be permitted to provide her oral
3 testimony telephonically due to resource considerations. Staff asserted that HVS had informed Staff
4 that the facilities at the hearing location would support telephonic testimony and, further, that Staff
5 had discussed the request with each party and that no party had indicated any objection to
6 accommodating Staff's request.

7 Based upon Staff's assertion that Staff has discussed its request with each party and that no
8 party objects to its request, and further based upon Staff's assertion that resources will not permit for
9 Ms. Furrey's physical presence in Kingman, it is appropriate to grant Staff's request, with the caveat
10 that an additional day of hearing will be scheduled in Phoenix should it be determined that Ms.
11 Furrey's testifying telephonically is ineffective for any reason. It is also appropriate to require Staff
12 to coordinate with HVS and Kingman Powerhouse personnel, as necessary, to ensure that telephonic
13 equipment is available in the hearing room and operational at the time that Ms. Furrey needs to testify
14 and that such equipment will allow Ms. Furrey to be heard by the other participants in the hearing and
15 for Ms. Furrey to hear the other participants in the hearing. Further, it is appropriate to require Staff
16 to take whatever steps are necessary to ensure that Ms. Furrey is available and on the telephone line
17 when it is her time to testify.

18 IT IS THEREFORE ORDERED that Staff's request to have its witness, Laura Furrey, testify
19 telephonically during the hearing set in Kingman for this matter is hereby approved.

20 IT IS FURTHER ORDERED that an additional day of hearing in Phoenix will be scheduled
21 should it be determined that Ms. Furrey's testifying telephonically is ineffective for any reason.

22 IT IS FURTHER ORDERED that Staff shall coordinate with HVS and Kingman Powerhouse
23 personnel, as necessary, to ensure that telephonic equipment is available in the hearing room and
24 operational at the time that Ms. Furrey needs to testify and that such equipment will allow Ms. Furrey
25 to be heard by the other participants in the hearing and for Ms. Furrey to hear the other participants in
26 the hearing.

27 IT IS FURTHER ORDERED that Staff shall take whatever steps are necessary to ensure that
28 Ms. Furrey is available and on the telephone line when it is her time to testify.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) applies to this proceeding.

3 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
4 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
5 *pro hac vice*.

6 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
7 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
8 hearing.

9 DATED this 11th day of June, 2010.

11 
12 SARAH N. HARPRING
13 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 This 11th day of June, 2010, to:

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16 Albert Acken
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By: 
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