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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

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- 3 KRISTIN K. MAYES - Chairman
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AZ CORP COMMISSION  
DOCKET CONTROL

7 IN THE MATTER OF THE APPLICATION OF  
 8 HUALAPAI VALLEY SOLAR LLC, IN  
 9 CONFORMANCE WITH THE REQUIREMENTS  
 10 OF ARIZONA REVISED STATUTES §§ 40-360.03  
 11 AND 40-360.06, FOR A CERTIFICATE OF  
 12 ENVIRONMENTAL COMPATIBILITY  
 13 AUTHORIZING CONSTRUCTION OF THE HVS  
 14 PROJECT, A 340 MW PARABOLIC TROUGH  
 15 CONCENTRATING SOLAR THERMAL  
 16 GENERATING FACILITY AND AN  
 17 ASSOCIATED GEN-TIE LINE  
 18 INTERCONNECTING THE GENERATING  
 19 FACILITY TO THE EXISTING MEAD-PHOENIX  
 20 500kV TRANSMISSION LINE, THE MEAD-  
 21 LIBERTY 345kV TRANSMISSION LINE OR THE  
 22 MOENKOPI-EL DORADO 500kV  
 23 TRANSMISSION LINE.

DOCKET NO. L-00000NN-09-0541-00151

CASE NO. 151

Arizona Corporation Commission  
**DOCKETED**

JUL 12 2010

DOCKETED BY	<i>MM</i>
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**PROCEDURAL ORDER**

16 **BY THE COMMISSION:**

17 On April 14, 2010, the Arizona Corporation Commission (“Commission”) issued Decision  
 18 No. 71648, conditionally granting a Certificate of Environmental Compatibility (“CEC”) to Hualapai  
 19 Valley Solar LLC (“HVS”) for the construction of the HVS project, which is to consist of either an  
 20 up to 340 MW concentrated solar power (“CSP”) or a 500 MW photovoltaic (“PV”) generating  
 21 facility, with biofuel, light fuel oil, or natural gas co-firing, and a 345kV or 500kV transmission line  
 22 (“Gen-Tie”) that will use either of two possible alignments described in the CEC. The project is to be  
 23 located in Mohave County, approximately 27 miles north of Kingman, Arizona. In the Decision, the  
 24 Commission granted the CEC, subject to an immediate stay, and required an expeditious proceeding  
 25 pursuant to A.R.S. § 40-252 to reopen the matter and entertain requests for intervention. The  
 26 Commission directed the Hearing Division to expeditiously schedule a procedural conference to,  
 27 among other things, establish a procedural schedule for the subsequent A.R.S. § 40-252 proceeding  
 28 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 On June 11, 2010, a Procedural Order was issued granting Staff's Request and establishing  
8 other procedural requirements related thereto.

9 On June 15 and 16, 2010, a full evidentiary hearing was held before a duly authorized  
10 Administrative Law Judge of the Commission at the Kingman Powerhouse in Kingman, Arizona.  
11 HVS, Mohave County, Ms. Bensusan, and Staff appeared through counsel, and Ms. Moore-Bayer  
12 appeared on her own behalf. HVS presented the testimony of Greg Bartlett, Michael LaRow, Kenda  
13 Pollio, William Victor, and Michael Warner, all of whom are involved with the HVS project, as well  
14 as the testimony of Kingman Mayor John Salem. Mohave County presented the testimony of  
15 Christine Ballard. Ms. Bensusan testified on her own behalf. Ms. Moore-Bayer testified on her own  
16 behalf. Staff presented the telephonic testimony of Laura Furrey. In addition, public comment was  
17 received, documentary evidence was admitted, and Ms. Bensusan was required to file several late-  
18 filed exhibits. At the conclusion of the hearing, it was agreed that HVS would file with the  
19 Commission an Application to Lift Stay, to which the parties would have an opportunity to respond.

20 On June 18, 2010, the written public comments received during the hearing were docketed.

21 On June 22, 2010, Ms. Bensusan filed her late-filed exhibits.

22 On July 8, 2010, HVS filed an Application to Lift Stay, in which HVS requested to have this  
23 matter set for Open Meeting as soon as possible so that the Commission may lift the stay and allow  
24 HVS to proceed with development of the project.

25 Thus, it is now appropriate to establish filing deadlines for responses to HVS's Application to  
26 Lift Stay and for any reply that HVS may have to those filings. In addition, it is appropriate to  
27 require each party desiring for the Commission to include a particular condition in any CEC granted  
28 to HVS for the HVS project to set forth, in its filing, the specific wording of any such proposed

1 condition.

2 IT IS THEREFORE ORDERED that **each party shall file** with the Commission's Docket  
3 Control, by **July 22, 2010, any response** that the party may have to HVS's Application to Lift Stay.

4 IT IS FURTHER ORDERED that **HVS shall file** with the Commission's Docket Control, by  
5 **July 29, 2010, any reply** that HVS may have to other parties' responses.

6 IT IS FURTHER ORDERED that **each party shall include** in its filing the **wording of any**  
7 **particular condition/s** that the party desires for the Commission to include in any CEC granted to  
8 HVS for the HVS project.

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

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

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

17 DATED this 12<sup>th</sup> day of July, 2010.

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SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

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22 Copies of the foregoing mailed/delivered  
This 12<sup>th</sup> day of July, 2010, to:

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