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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

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 15 2010

DOCKETED BY

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 On July 12, 2010, a Procedural Order was issued establishing July 22, 2010, as the deadline
26 for each party to file any response to HVS's Application to Lift Stay; establishing July 29, 2010, as
27 the deadline for HVS to file any reply to other parties' responses; and requiring each party to include
28 in its filing the wording of any particular condition/s that the party desires for the Commission to

1 include in any CEC granted to HVS for the HVS project.

2 On July 14, 2010, Ms. Bensusan filed an Unopposed Motion to Extend Deadlines, requesting
3 that each filing deadline be extended by one week and asserting that the other parties had been
4 contacted regarding the request and have no objection thereto.

5 Because no other party has any objection to Ms. Bensusan's Motion to Extend Deadlines, it is
6 reasonable and appropriate to extend the deadlines as requested.

7 IT IS THEREFORE ORDERED that **each party shall file** with the Commission's Docket
8 Control, **by July 29, 2010, any response** that the party may have to HVS's Application to Lift Stay.

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

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

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

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

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

22 DATED this 15th day of July, 2010.

23
24 
25 SARAH N. HARPRING
26 ADMINISTRATIVE LAW JUDGE
27
28

1 Copies of the foregoing mailed/delivered
2 This 15th day of July, 2010, to:

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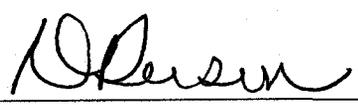
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26
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Secretary to Sarah N. Harpring