

25GE



0000114674

ORIGINAL

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

2002 OCT 29 A 10: 16

AZ CORP COMMISSION
DOCUMENT CONTROL

6 IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY ARLINGTON VALLEY, LLC IN
7 CONFORMANCE WITH THE REQUIREMENTS
OF A.R.S. §§ 40-360.03 AND 40-360.06 FOR A
8 CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
9 CONSTRUCTION OF A NATURAL GAS-FIRED,
COMBINED CYCLE GENERATING FACILITY
10 (ARLINGTON VALLEY ENERGY FACILITY II)
NEAR ARLINGTON IN MARICOPA COUNTY,
ARIZONA.

DOCKET NO. L-00000P-01-0117
Arizona Corporation Commission

DOCKETED

OCT 29 2002

DOCKETED BY	CAK
-------------	-----

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On January 15, 2002, the Arizona Corporation Commission ("Commission") issued Decision
13 No. 64357 which granted Duke Energy Arlington Valley, LLC ("Duke Energy") a Certificate of
14 Environmental Compatibility ("CEC").

15 On February 14, 2002, the Commission issued Decision No. 64495, which amended Decision
16 No. 64357. Decision No. 64717 (April 12, 2002) amended Decision No. 64495, and restated the
17 conditions under which the CEC was issued.

18 On June 20, 2002, Duke Energy filed a Request for Extension ("Request") to Decision No.
19 64717 until October 31, 2002 to convene an Arizona gas workshop. Condition #15 of the CEC
20 requires Duke Energy to convene a workshop in early 2002 to address gas transportation reliability
21 and capacity issues. In consultation with the Commission's Utilities Division Staff ("Staff"), Duke
22 Energy prepared a proposed agenda and participant list for the gas workshop, which was attached to
23 the Request. According to the Request, the Federal Energy Regulatory Commission ("FERC") is
24 conducting proceedings regarding gas transportation issues, and Staff and Duke Energy agree that
25 convening a workshop in the Fall of 2002 would be more valuable because FERC may issue
26 decisions and regulations concerning gas transportation issues that should be taken into account in the
27 Arizona gas workshop.
28

1 By Procedural Order dated July 30, 2002, Duke Energy was granted an extension until
2 October 31, 2002.

3 On September 30, 2002, Duke Energy filed another Request for Extension until December 15,
4 2002. Although a workshop had been scheduled for October 17, 2002, the Duke Energy
5 representative organizing the workshop and working with Staff on the workshop agenda left Duke
6 Energy at the end of September, and more time is needed for his successor to prepare and organize
7 the workshop.

8 On October 7, 2002, Staff filed its Response. Staff had no objection to Duke Energy's request
9 as long as no further extensions of time will be granted to comply with the condition. Staff indicated
10 that it would oppose any further extension requests and would consider bringing proceedings to find
11 Duke Energy out of compliance with its CEC if Duke Energy does not comply with the condition by
12 December 15, 2002.

13 We agree that under the circumstances, this short extension is reasonable. Accordingly, for
14 good cause shown, Duke Energy's Request should be granted, however, we will not grant any further
15 extensions.

16 IT IS THEREFORE ORDERED that Duke Energy is hereby granted an extension until
17 December 15, 2002 to convene the gas transportation workshop.

18 IT IS FURTHER ORDERED that no additional extensions will be granted.

19 DATED this 7th day of October, 2002.

20
21
22
23 
24 LYN FARMER
25 CHIEF ADMINISTRATIVE LAW JUDGE
26
27
28

1 Copies of the foregoing mailed/delivered
this 27th day of October, 2002 to:

2 Thomas H. Campbell
3 Michael Denby
4 LEWIS & ROCA, LLP
5 40 N. Central Avenue
6 Phoenix, Arizona 85004
7 Attorneys for Duke Energy
8 Arlington Valley, LLC

9 Neil A.M. Peters
10 P.O. Box 57
11 Arlington, Arizona 85322

12 Laurie Woodall
13 OFFICE OF THE ATTORNEY GENERALS
14 1275 W. Washington Street
15 Phoenix, Arizona 85007

16 Christopher K. Kempley
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 W. Washington Street
20 Phoenix, Arizona 85007

21 Ernest G. Johnson
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 W. Washington Street
25 Phoenix, Arizona 85007

26 By:



27 Debbi Person
28 Secretary to Lyn Farmer