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**BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE MAZATZAL SUBSTATION AND 345KV INTERCONNECTION PROJECT, WHICH INCLUDES THE CONSTRUCTION OF TWO 345KV TRANSMISSION LINES AND A NEW 345/69/21KV SUBSTATION, SECTION 4, TOWNSHIP 8 NORTH, RANGE 10 EAST, G&SRB&M, ADJACENT TO THE INTERSECTION OF THE EXISTING FOUR CORNERS-CHOLLA-PINNACLE PEAK 345KV TRANSMISSION LINES AND FOREST ROAD 379, WITHIN THE TONTO NATIONAL FOREST IN GILA COUNTY, ARIZONA.

Docket No. L-00000D-11-0068-00160

Case No. 160

Arizona Corporation Commission

**DOCKETED**

**FEB 4 2011**

DOCKETED BY

**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 February 3, 2011. A copy of the application was transmitted to John Foreman, designee of the Attorney General of Arizona, 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:

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2011 FEB -4 P 4:34  
ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

- 1 1. The Applicant and all 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 advise the Chairman in writing on or before the time  
4 of the pre-hearing conference scheduled below if they disagree that the time limit  
5 for decision on the application by the Line Siting Committee set by A.R.S. §  
6 40.360.04(D) is [180 days after Application filed].
- 7 2. The Applicant shall arrange for the timely publication and posting of notice of the  
8 evidentiary hearing, as agreed to at the pre-application hearing involving the  
9 Applicant in a form approved by the Chairman. In addition, the Applicant shall  
10 submit a copy of the notice and present testimony describing the publication and  
11 posting of the notice at the evidentiary hearing.
- 12 3. The Applicant shall make arrangements for the evidentiary hearing to be held at  
13 the Chaparral Suites Scottsdale, 5001 N. Scottsdale Road, Scottsdale, Arizona  
14 85250; telephone: 480-949-1414, beginning on March 22, 2011, and continuing,  
15 if needed, on March 23, 2011. All hearings will begin at 9:30 a.m. A public  
16 comment session may be held during the time set for the hearing. The Applicant  
17 shall make arrangements for further regular sessions, if needed, and additional  
18 public comment sessions, if needed, on dates, at times and at places to be  
19 determined later.
- 20 4. The Applicant shall contact the appropriate member of the staff of the  
21 Commission, and advise them of the Applicant's position concerning  
22 reimbursement of the Line Siting Fund should the expenses of the hearings  
23 exceed the application fee, and to discuss financial arrangements regarding hotel  
24 reservations and other expenses of the Line Siting Committee Members. A.R.S.  
25 § 40-360.10. The Applicant shall advise the Chairman of the results of these  
26 discussions so the necessary information may be communicated to the Line  
Siting Committee Members.
5. The Applicant shall provide a copy of this order to any other potential parties  
("persons" within the meaning of A.R.S. § 40-360(8) who express an intention to  
intervene to the Applicant or who request to intervene pursuant to A.R.S. § 40-  
360.05(A)),
6. The Applicant and all other potential parties shall meet and confer, on or before  
the beginning of the evidentiary hearing to determine whether any of the potential  
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

1 present evidence and argument or to avoid repetition of testimony and argument  
2 at the hearing.

3 7. The parties and any other potential parties ("persons" within the meaning of  
4 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
5 A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line  
6 Siting Committee about any procedural matters or any factual issues or legal  
7 issues relating to the Application while the Application is pending before the Line  
8 Siting Committee. The only exception is the parties may communicate with the  
9 Chairman, during the time the Application is pending, about procedural matters  
10 relating to the preparation of the Application for hearing, the hearing on the  
11 Application and the decision on the Application by the Line Siting Committee.  
12 Communication of the parties with the Chairman about any procedural matters,  
13 during the time an Application is pending, shall be in writing with a copy of the  
14 written communication to all parties or known potential parties ("persons" within  
15 the meaning of A.R.S. § 40-360(8) who have expressed an intention to intervene  
16 or request to intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the  
17 record at a pre-application hearing, at a procedural hearing or at the hearing on  
18 the application. Any party who initiates any written communication sent to the  
19 Chairman shall file, with docket control of the Commission, a copy of the  
20 communication, including its distribution list, within 10 days of sending the  
21 communication.

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

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

3 11. All parties shall meet, confer and exchange all exhibits the party plans to offer in  
4 evidence before the hearing or before they are referred to in testimony or offered  
5 in evidence. The Applicant shall, and other parties may, provide one or more  
6 three ring binders for the Chairman and each member of the Line Siting  
7 Committee to hold exhibits at the beginning of the hearing and as needed during  
8 the hearing. Each party shall prepare a numbered list of the exhibits and a copy  
9 of all exhibits suitable for placement in the binders that have been exchanged  
10 with the other parties that each party expects to offer in evidence at the hearing  
11 for the Chairman and each Line Siting Committee member. The exhibits shall be  
12 provided at the beginning of the hearing and during the hearing before reference  
13 to the exhibit is made in the hearing. Except for good cause, no exhibit that was  
14 not exchanged with the other parties shall be considered at the hearing. Any  
15 exhibit to which reference is made during any hearing that is not offered or  
16 admitted into evidence shall be provided to the court reporter at the evidentiary  
17 hearing for inclusion in the record unless it is withdrawn, and the Chairman  
18 determines its filing is not necessary to an understanding of the actions of the  
19 Committee.

20 12. All exhibits shall be consecutively numbered with the Applicant's exhibits  
21 denominated: A-1, A-2, etc. Each intervening party will be assigned by the  
22 Chairman a letter or letters of the alphabet as a preface with which to  
23 consecutively number its exhibits.

24 13. The Applicant may make an opening statement at the beginning of the hearing of  
25 no more than thirty minutes. Each other party may make an opening statement  
26 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. 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.

16. 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

1 transcripts to at least two public libraries identified in the certification that are in  
2 the vicinity of the application.

3 17. On or before the final pre-hearing procedural hearing set below, the Applicant  
4 shall, and the other parties may, file proposed findings of fact, proposed  
5 conclusions of law, the wording of any proposed Certificate of Environmental  
6 Compatibility and the wording of any proposed conditions to the Certificate.

7 18. If the beginning of closing arguments and the Line Siting Committee's  
8 deliberations are more than one week after the beginning of the hearing, the  
9 parties shall meet and confer after the hearing begins and before closing  
10 arguments concerning proposed findings of fact, proposed conclusions of law, a  
11 proposed Certificate of Environmental Compatibility and the wording of any  
12 proposed conditions to the Certificate. If the parties are able to agree upon part  
13 or all of the proposed findings of fact, proposed conclusions of law, proposed  
14 forms of a Certificate of Environmental Compatibility and proposed wording of  
15 conditions to the Certificate, all that is agreed upon should be reduced to writing  
16 and filed with Commission docket control. If the parties are not able to agree  
17 completely, the Applicant shall, and all other parties may, file proposed findings  
18 of fact, proposed conclusions of law, proposed wording of a Certificate of  
19 Environmental Compatibility and proposed wording of conditions to the  
20 Certificate on the day before the beginning of closing arguments and the Line  
21 Siting Committee's deliberations.

22 19. If the Applicant or any other party proposes conditions based upon conditions  
23 used in prior cases, each proposed condition from a prior case shall contain the  
24 case number of the most recent prior Certificate of Environmental Compatibility  
25 using the language approved by the Commission.

26 20. 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.

21. 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, 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

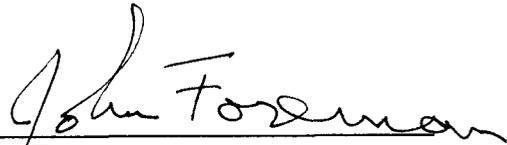
1 form of Certificate of Environmental Compatibility, the Applicant shall file, and  
2 the other parties may file, within ten days after the date of the decision of the  
3 Committee, those portions of the proposed Certificate of Environmental  
4 Compatibility upon which the parties agree. The Applicant also shall file, and any  
5 other party also may file, its understanding of any disputed portions of the  
6 proposed Certificate of Environmental Compatibility. All proposed forms of the  
7 Certificate of Environmental Compatibility and any objections or proposed  
8 revisions shall be filed with docket control of the Commission, and a copy shall  
9 be hand delivered to the office of the Chairman at 1275 W. Washington,  
10 Phoenix, Arizona. Objections or suggestions that are not timely filed shall be  
11 considered waived. The copy of the proposed Certificate of Environmental  
12 Compatibility filed by the Applicant and any proposed revisions filed by the  
13 parties that are served upon the Chairman shall include an electronic file  
14 containing the wording of the proposed language in a format compatible with  
15 Microsoft© Word word processing program.

16 22. The Applicant and all other potential parties ("persons" within the meaning of  
17 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
18 A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing  
19 conference on March 17, 2011, at 10:00 a.m. at the offices of the Attorney  
20 General of Arizona at 1275 W. Washington, Phoenix, Arizona. Parties other than  
21 the Applicant may appear by telephone with the prior permission of the  
22 Chairman. At the final pre-hearing conference, the Chairman will review with the  
23 parties:

- 24 a. The publication and posting of notices of the hearing;
- 25 b. The proposed agenda for the evidentiary hearing;
- 26 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 and public comment session.

1           IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of  
2 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing  
3 conference or at a hearing.  
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6           DATED this 4<sup>th</sup> day of February, 2011.  
7



8  
9           John Foreman  
10           Assistant Attorney General  
11           Chairman  
12           Arizona Power Plant and Transmission  
13           Line Siting Committee  
14           [john.foreman@azag.gov](mailto:john.foreman@azag.gov)

15 Pursuant to A.A.C. R14-3-204,  
16 The Original and 25 copies were  
17 filed this 4<sup>th</sup> day of February, 2011, with:

18           Utilities Division-Docket Control  
19           Arizona Corporation Commission  
20           1200 W. Washington St.  
21           Phoenix, AZ 85007  
22  
23  
24  
25  
26

1 Copy of the above mailed  
2 this 4<sup>th</sup> day of February 2011 to:

3 Janice Alward  
4 Chief Counsel, Legal Division  
5 Arizona Corporation Commission  
6 1200 W. Washington Street  
7 Phoenix, AZ 85007

8 Albert Acken, Esq.  
9 Thomas H. Campbell, Esq.  
10 Lewis and Roca, LLP  
11 Two Renaissance Square  
12 40 N. Central Avenue  
13 Phoenix, AZ 85004

14 ***Attorneys for Applicant Arizona Public Service Company***

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