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

In the matter of the Application of Sun Streams, 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 Sun Streams Gen-tie Project, a 34.5/500kV substation and 0.3-mile 500 kV gen-tie line interconnecting a photovoltaic (PV) solar generating facility to the adjacent Hassayampa Switchyard in Maricopa County approximately 5 miles southeast of Wintersburg, approximately 11 miles southeast of Tonopah, approximately 5 miles west-northwest of Arlington, and approximately 14 miles west of Buckeye, Arizona.

Docket No. L-00000XX-14-0120-00168

Case No. 168

PROCEDURAL ORDER

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ARIZONA CORPORATION COMMISSION
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ORIGINAL

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 April 4, 2012. A copy of the Application was transmitted to John Foreman, designee of the Attorney General of Arizona, Thomas C. Horne, 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:

1. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A) shall advise the Chairman in writing on or before the time of the pre-hearing conference scheduled below if they disagree that the time limit for decision on the Application by the Line Siting Committee set by A.R.S. § 40.360.04(D) is October 1, 2014.
2. The Applicant shall arrange for the timely publication and posting of Notice of the Evidentiary Hearing, as agreed to at the pre-application hearing involving the Applicant in a form approved by the Chairman. In addition, the Applicant shall submit a copy of the Notice and present testimony describing the publication and posting of the Notice at the evidentiary hearing. After the Pre-Filing Conference in this matter on April 3, 2014, the Applicant has requested that the Chairman reconsider the order on April to publish notice of the Evidentiary Hearing in the Arizona Republic as well as the West Valley

Arizona Corporation Commission

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1 View. As counsel for the Applicant correctly notes publication in the West Valley View
2 complies with the requirement of the Chairman to "provide public notice" set forth
3 generally in A.R.S. § 40-360.04A, and the more specific requirement in R14-3-208(A)(1)
4 and (C) of "two publications in a daily or weekly newspaper of general circulation within
5 the general area in which the proposed ... transmission line is proposed to be located."
6 Publication twice in the West Valley View satisfies that standard. When taken with the
7 posting of signs and the other public outreach described by the Applicant, evidence of
8 which the Applicant has avowed it will present at the Evidentiary Hearing, the Chairman
9 finds the publication twice in the West Valley View to be adequate.

10 3. Applicant shall provide a copy of the Notice of Hearing by certified mail to any county,
11 city, town or other affected area of jurisdiction within the meaning of A.R.S. § 40-
12 360.04(A) within twenty days before the Evidentiary Hearing. Applicant also shall
13 provide to Docket Control at the Arizona Corporation Commission a mailing list of
14 affected jurisdictions to which the Notice of Hearing should be sent. The list should be
15 filed with Docket Control at the time of filing the Notice of Hearing or as soon thereafter
16 as is practicable.

17 4. The Applicant shall make arrangements for the evidentiary hearing to be held at the
18 Hampton Inn located at 2000 N. Litchfield Rd., Goodyear, Arizona 85395; telephone:
19 928-692-0200. The hearing shall begin on Monday, May 12, 2014, at 9:30 a.m. If
20 necessary, the hearing will continue on Tuesday, May 13, 2014, beginning at 9:30 a.m.
21 Public comment may be taken during the hearing at times designated by the Chairman.
22 Unless later ordered by the Chairman, the hearing will adjourn at approximately 5:00
23 p.m. each day. The Applicant shall make arrangements for further regular sessions, if
24 needed, and additional public comment sessions, if needed, on dates, at times and at
25 places to be determined later.

26 5. The Applicant shall contact the appropriate member of the staff of the Commission, and
advise them of the Applicant's position concerning reimbursement of the Line Siting
Fund should the expenses of the hearings exceed the application fee, and to discuss
financial arrangements regarding hotel reservations and other expenses of the Line
Siting Committee Members. A.R.S. § 40-360.10. The Applicant shall advise the
Chairman of the results of these discussions so the necessary information may be
communicated to the Line Siting Committee Members.

6. 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)) who have not
already received a copy.

7. 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

1 evidence. The Applicant shall, and any other potential party may, report to the Chairman
2 the results of the attempts of the parties to resolve the issues and to determine if
3 common interests exist that will allow parties to jointly present evidence and argument
or to avoid repetition of testimony and argument at the hearing.

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

16 9. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall submit, at
17 least forty-eight hours before the hearing or meeting described in the agenda, any
18 objections, additions or corrections to the agenda, in order to bring the agenda into
19 compliance with A.R.S. § 38-431.02, in writing to the Chairman, serve a copy upon all
other parties and file a copy with docket control of the Commission.

20 10. In addition, all parties shall meet and confer as needed before, during and after the
21 hearing to attempt to resolve any disputes amongst the parties. The parties also shall
22 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.

23 11. All parties shall prepare brief summaries of the expected direct testimony of each
24 witness they will call. In lieu of a testimonial summary, a party may pre-file and
25 exchange all or substantially all of the direct testimony of any witness. Testimonial
26 summaries and pre-filed testimony shall be filed no later than the pre-hearing
conference set below. Except for good cause, no witness will be allowed to testify on
direct examination concerning issues not reasonably identified in the pre-filed testimony

1 or testimonial summary.

- 2 12. All parties shall meet, confer and exchange all exhibits the party plans to offer in
3 evidence before the hearing or before they are referred to in testimony or offered in
4 evidence. The Applicant shall, and other parties may, provide one or more three ring
5 binders for the Chairman and each member of the Line Siting Committee to hold
6 exhibits at the beginning of the hearing and as needed during the hearing. Each party
7 shall prepare a numbered list of the exhibits and a copy of all exhibits suitable for
8 placement in the binders that have been exchanged with the other parties that each
9 party expects to offer in evidence at the hearing for the Chairman and for each Line
10 Siting Committee member. The exhibits shall be provided at the beginning of the
11 hearing and during the hearing before reference to the exhibit is made in the hearing.
12 Except for good cause, no exhibit that was not exchanged with the other parties shall be
13 considered at the hearing. Any exhibit to which reference is made during any hearing
14 that is not offered or admitted into evidence shall be provided to the court reporter at the
15 evidentiary hearing for inclusion in the record unless it is withdrawn, and the Chairman
16 determines its filing is not necessary to an understanding of the actions of the
17 Committee.
- 18 13. All exhibits shall be consecutively numbered with the Applicant's exhibits denominated:
19 S-1, S-2, etc. Each intervening party will be assigned by the Chairman a letter or letters
20 of the alphabet as a preface with which to consecutively number its exhibits.
- 21 14. The Applicant may make an opening statement at the beginning of the hearing of no
22 more than thirty minutes. Each other party may make an opening statement of no more
23 than five minutes.
- 24 15. Public comment may be heard after the opening statements and at other times set by
25 the Chairman during the hearing. See ¶13, above.
- 26 16. 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.
17. 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 transcripts to the two public libraries identified
in the Notice of Hearing.
18. On or before the final pre-hearing procedural hearing set below, the Applicant shall, and
the other parties may, file proposed findings of fact, proposed conclusions of law, the
wording of any proposed Certificate of Environmental Compatibility and the wording of
any proposed conditions to the Certificate.

1 19. If the beginning of closing arguments and the Line Siting Committee's deliberations are
2 more than one week after the beginning of the hearing, the parties shall meet and
3 confer after the hearing begins and before closing arguments concerning proposed
4 findings of fact, proposed conclusions of law, a proposed Certificate of Environmental
5 Compatibility and the wording of any proposed conditions to the Certificate. If the parties
6 are able to agree upon part or all of the proposed findings of fact, proposed conclusions
7 of law, proposed forms of a Certificate of Environmental Compatibility and proposed
8 wording of conditions to the Certificate, all that is agreed upon should be reduced to
writing and filed with Commission Docket Control. If the parties are not able to agree
completely, the Applicant shall, and all other parties may, file proposed findings of fact,
proposed conclusions of law, proposed wording of a Certificate of Environmental
Compatibility and proposed wording of conditions to the Certificate on the day before
the beginning of closing arguments and the Line Siting Committee's deliberations.

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

12 21. All pleadings, witness summaries, proposed findings of fact, proposed conclusions of
13 law, proposed Certificates of Environmental Compatibility and proposed conditions of
14 Certificates that must be filed pursuant to this Order or otherwise by law, shall be filed
15 with Commission Docket Control. Copies of all documents described in this paragraph
16 that are filed shall be served upon the Committee, all other parties or known potential
17 parties ("persons" within the meaning of A.R.S. § 40-360(8) who have expressed an
18 intention to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)).
19 Documents may be served upon parties or known potential parties ("persons" within the
20 meaning of A.R.S. § 40-360(8) who have expressed an intention to intervene or request
21 to intervene pursuant to A.R.S. § 40-360.05(A)) before the hearing electronically to the
22 e-mail address or FAX number provided by the party or potential party. Documents
before the hearing may be served electronically upon the Chairman and other
Committee members by e-mail to the Chairman or his assistant. Documents that are
served during the hearing shall be hand delivered to parties or known potential parties
("persons" within the meaning of A.R.S. § 40-360(8) who have expressed an intention to
intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)). During the hearing
eleven copies of any filed document shall be delivered to the Chairman for distribution
to the Committee and a copy shall be sent electronically by e-mail to the Chairman or
his assistant.

23 22. If requested by the Chairman at the end of the hearing, within five business days after
24 the hearing concludes and the Committee renders its decision, the parties shall meet
25 and confer in person or electronically to determine if they can agree upon the final
26 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

1 Compatibility to the Chairman for signature. If the parties are not able to agree upon a
2 proposed form of Certificate of Environmental Compatibility, the Applicant shall file, and
3 the other parties may file, within ten days after the date of the decision of the
4 Committee, those portions of the proposed Certificate of Environmental Compatibility
5 upon which the parties agree. The Applicant also shall file, and any other party also may
6 file, its understanding of any disputed portions of the proposed Certificate of
7 Environmental Compatibility. All proposed forms of the Certificate of Environmental
8 Compatibility and any objections or proposed revisions shall be filed with Docket Control
9 of the Commission, and a copy shall be hand delivered to the office of the Chairman at
10 1275 W. Washington, Phoenix, Arizona. Objections or suggestions that are not timely
11 filed shall be considered waived.

12 The copy of the proposed Certificate of Environmental Compatibility filed by the
13 Applicant and any proposed revisions filed by the parties that are served upon the
14 Chairman shall include an electronic file containing the wording of the proposed
15 language in a format compatible with Microsoft® Word word processing program.

16 23. All disclosure required above shall be completed by 5:00 p.m. on May 6, 2014. Notices
17 of Intervention or Requests to Intervene should be filed by May 2, 2014.

18 See, R14-3-204(A), Arizona Administrative Code. All disclosure, Notices of
19 Intervention, Requests to Intervene and any other pleadings addressed to the
20 Committee or to the Chairman of the Committee, shall be filed with Docket Control of
21 the Arizona Corporation Commission and a copy served upon the Chairman of the
22 Committee. All other "persons" within the meaning of A.R.S. § 40-360(8) who have
23 expressed an intention to intervene or request to intervene pursuant to A.R.S. § 40-
24 360.05(A) who are on the distribution list kept by the Chairman may be served at the
25 time of the filing electronically at the address on the distribution list.

26 24. The Applicant and all other potential parties ("persons" within the meaning of A.R.S.
§ 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-
360.05(A)) shall meet with the Chairman for a final pre-hearing conference on May 7,
2014, beginning at 2:00 p.m. at the offices of the Attorney General of Arizona at 1275
W. Washington, Phoenix, Arizona. Parties other than the Applicant may appear by
telephone with the prior permission of the Chairman. At the final pre-hearing
conference, the Chairman shall review with the parties:

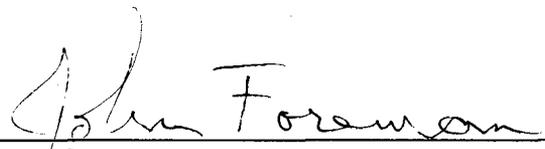
- a. The publication and posting of notices of the hearing;
- b. The proposed agenda for the evidentiary hearing;
- c. Any notices to intervene, applications to intervene, and applications to make a limited appearance;
- d. The status of attempts to narrow the issues at the evidentiary hearing or to agree to language in the proposed findings of fact, proposed conclusions of law,

1 proposed Certificates of Environmental Compatibility and proposed conditions to
2 the Certificate.

- 3 e. The status of the filing and exchange of witness summaries or written testimony,
4 proposed findings of fact, proposed conclusions of law, proposed Certificates of
5 Environmental Compatibility and proposed conditions to the Certificate;
6 f. The status of the exchange of exhibits amongst the parties;
7 g. Any objections, motions, responses and legal memoranda that have been filed;
8 h. Plans and preparations for the hearing and public comment session.

8 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of this
9 Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing conference or at
10 a hearing.

11 DATED this 8th day of April, 2014.

12 
13 _____
14 John Foreman
15 Assistant Attorney General
16 Chairman
17 Arizona Power Plant and Transmission Line
18 Siting Committee
19 john.foreman@azag.gov

20 Pursuant to A.A.C. R14-3-204,
21 The Original and 26 copies were
22 filed this 8th day of April, 2014, with:

23 Utilities Division-Docket Control
24 Arizona Corporation Commission
25 1200 W. Washington Street
26 Phoenix, AZ 85007

1 **Copies of the above mailed**
2 **This 8th day of April, 2014 to:**

3 ***Counsel for Legal Division Staff***

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

8 ***Counsel for Applicant***

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14 **Court Reporter**

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17 1802 North 7th Street
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