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**BEFORE THE ARIZONA CORPORATION
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COMMISSIONERS

BOB STUMP - Chairman
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2014 OCT 10 P 2:03
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

ORIGINAL

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 TS-5 TO TS-9 500/230 kV TRANSMISSION LINE PROJECT, WHICH ORIGINATES AT THE FUTURE TS-5 SUBSTATION, LOCATED IN THE WEST HALF OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 4 WEST AND TERMINATES AT THE FUTURE TS-9 SUBSTATION, LOCATED IN SECTION 33, TOWNSHIP 6 NORTH, RANGE 1 EAST, IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. L-00000D-08-0330-00138

CASE NO. 138

Arizona Corporation Commission

DOCKETED

OCT 10 2014

DOCKETED BY

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On March 17, 2009, the Arizona Corporation Commission (“Commission”) issued Decision No. 70850 in Line Siting Case No. 138, granting Arizona Public Service Company (“APS”) a Certificate of Environmental Compatibility (“CEC”) authorizing it to construct approximately 40 miles of 500/230 kV transmission line and ancillary facilities beginning at the TS-5/Sun Valley Substation, located in the west half of Section 29, Township 4 North, Range 4 West, and ending at the TS-9/Morgan Substation, located in Section 33, Township 6 North, Range 1 East. The CEC was granted subject to a number of conditions, among them requirements for APS to file its Application for any necessary rights-of-way across Arizona State Land Department (“ASLD”) property within 12 months of the effective date of the CEC, to construct the 500 kV circuit within seven years, and to construct the 230 kV circuit within 10 years.

On April 14, 2010, the Commission issued Decision No. 71645, amending Decision No. 70850 to extend by 12 months the deadline for APS to file its Application for rights-of-way across ASLD property.

1 On July 17, 2014, APS filed an Application to Amend Arizona Corporation Commission
2 Decision No. 70850 Re CEC 138 and Request for Extension of CEC Term ("Application to Amend
3 CEC"). In its Application to Amend CEC, APS requested four modifications to the CEC itself as
4 well as an extension of the deadlines to construct both the 500 kV circuit and the 230 kV circuit.

5 On August 12, 2014, the Commission voted to reopen Decision No. 70850 pursuant to A.R.S.
6 § 40-252 and directed the Commission's Hearing Division to hold a procedural conference to discuss
7 scheduling and other procedural issues.

8 On September 4, 2014, a Procedural Order was issued scheduling a procedural conference to
9 be held on September 18, 2014, at the Commission's offices in Phoenix. This was subsequently
10 rescheduled, pursuant to an APS request.

11 On October 6, 2014, a procedural conference was held, with APS; ASLD; SFI Grand Vista
12 LLC;¹ the City of Peoria; Diamond Ventures, Inc.; and the Commission's Utilities Division ("Staff")
13 appearing through counsel. The remaining parties did not attend.

14 At the procedural conference, discussion took place regarding the process and scheduling for
15 this matter and the legal standard to be applied by the Commission in making its decision. APS
16 provided a proposed schedule and explained its intentions for providing notice to interested persons.
17 It was determined that a hearing would be scheduled, that APS would be required to provide
18 prescribed notice through both publication and mail to affected property owners, and that each party
19 would file a brief by November 3, 2014, addressing the legal standard applicable to the
20 Commission's determinations in this matter. The parties were further directed that filings regarding
21 specific unavailability for a hearing in December should be filed within the next two days. The
22 parties were informed that a Procedural Order would be issued to schedule a hearing and establish
23 other procedural requirements and deadlines.

24 On October 6, 7, and 8, 2014, SFI Grand Vista LLC, ASLD, and APS filed notices regarding
25 unavailability for a hearing in December. These notices have been considered and, to the extent
26 feasible, are accommodated herein.

27
28 ¹ SFI Grand Vista LLC is the successor to Surprise Grand Vista JVI, LLC.

1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
 2 commence on **December 16, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the
 3 Commission's office, 1200 West Washington St., Hearing Room No. 2, Phoenix Arizona 85007 and
 4 shall continue, if necessary, at **9:00 a.m. on December 18 and 19, 2014**, and on such other dates as
 5 are determined if needed.

6 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
 7 105, except that all motions to intervene must be filed on or before **November 21, 2014**.

8 IT IS FURTHER ORDERED that **any objections to intervention** shall be filed on or before
 9 **November 28, 2014**.

10 IT IS FURTHER ORDERED that APS shall ensure that public notice of the hearing in this
 11 matter is provided in the following form and style, with the heading in no less than 16-point bold type
 12 and the body in no less than 10-point regular type:

13 **PUBLIC NOTICE OF HEARING ON**
 14 **ARIZONA PUBLIC SERVICE COMPANY'S ("APS'S") REQUEST TO AMEND THE**
 15 **APPROVED CORRIDOR FOR THE 500/230kV TRANSMISSION LINE BETWEEN THE**
 16 **MORGAN AND SUN VALLEY SUBSTATIONS IN MARICOPA COUNTY.**
 17 **DOCKET NO. L-00000D-08-0330-00138.**

18 **Summary**

19 On March 17, 2009, the Arizona Corporation Commission ("Commission") issued
 20 Decision No. 70850 in Line Siting Case No. 138, granting APS a Certificate of
 21 Environmental Compatibility ("CEC 138") authorizing construction of approximately
 22 40 miles of 500/230 kV transmission line and ancillary facilities beginning at the TS-
 23 5/Sun Valley Substation, located in the west half of § 29, T4N, R4W, and ending at
 24 the TS-9/Morgan Substation, located in § 33, T6N, R1E. CEC 138 was granted
 25 subject to a number of conditions. The deadline for compliance with one of those
 26 conditions was extended in Decision No. 71645 (April 14, 2010).

27 On July 17, 2014, APS filed an Application to Amend Decision No. 70850 Re CEC
 28 138. In its Application, APS requests four modifications to the approved corridor for
 the transmission line authorized in CEC 138 and extensions of the deadlines to
 complete construction of both the 500 kV circuit and the 230 kV circuit. APS's
 Application requests to modify the approved corridor for the transmission line are as
 follows:

- A 4-mile segment of the corridor, approved to be aligned with Joy Ranch Road between 211th Ave. and 235th Ave. would be moved one mile south so that the corridor would instead be aligned with Cloud Road. As a result, a 1-mile segment approved to be aligned with 235th Ave. would move to be aligned with 211th Ave.
- The portion of the corridor immediately to the east of the Sun Valley Substation would be extended slightly to the east and south.

- 1 • The segment of the corridor between 179th Ave. and 171st Ave., approved to run diagonally in the proximity of Joy Ranch Road would be expanded slightly to straighten its southern border in alignment with Joy Ranch Road.
- 2 • The portion of the corridor abutting the Morgan Substation would be expanded to the north and east, surrounding the Morgan Substation to the north and east and making the southern boundary of the corridor in the area more consistent with the approved corridor to the west of the Morgan Substation.

4 APS's Application includes maps showing the requested modifications.

5 On August 12, 2014, the Commission voted to reopen Decision No. 70850 pursuant to A.R.S. § 40-252.

7 The Commission's Hearing Division will hold an evidentiary hearing regarding APS's Application. **The Commission is not bound by proposals made by APS, the Commission's Utilities Division ("Staff"), or any intervenor. The Commission will issue a decision regarding this case after consideration of testimony and evidence presented at the evidentiary hearing.**

10 How to View the Parties' Filings

11 A copy of APS's Application is available on APS's website at [INSERT URL] and is available for inspection during regular business hours at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, AZ 85007, and at APS's offices at [INSERT ADDRESS]. The Application and all of the parties' filings in this matter are also available via the Commission's website (www.azcc.gov) using the e-Docket function found on the main page.

14 Public Hearing

15 The Commission **hearing** on this matter will commence on **December 16, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, in Hearing Room No. 2 at the Commission's offices, 1200 West Washington St., Phoenix, AZ 85007. Public comments will be taken on the first day of the hearing.

17 How Interested Persons May Participate

18 An interested person may participate in this matter by (1) providing written or oral public comment, or (2) filing for intervention and becoming a formal party to the proceeding. Written public comments must refer to **Docket No. L-00000D-08-0330-00138** and may be submitted at any time as follows:

20 By Mail: Arizona Corporation Commission
Consumer Services Section
1200 West Washington Street
Phoenix, AZ 85007

22 On the Website: www.azcc.gov using the link to "Submit a Public Comment for a Utility," located on the main page

23 Anyone requiring assistance may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

24 About Intervention

25 Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. The granting of intervention entitles a person to participate as a party by presenting sworn testimony and evidence and cross-examining witnesses. Anyone wishing to intervene must file an original and 13 copies of a written motion to intervene with the Commission's Docket Control Center no later than **November 21, 2014**, and must send a copy of the motion to each of the parties to this matter or their counsel. Contact information for the parties is available using the e-Docket function and Docket No. L-00000D-08-0330-00138.

1 Each motion to intervene must contain the following:

- 2 1. The name, address, and telephone number of the person requesting
3 intervention and of any person upon whom service of documents is to be
4 made, if not the same person;
- 5 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
6 an owner of property in the vicinity of the requested modifications to the
7 transmission line corridor, etc.);
- 8 3. A statement certifying that a copy of the motion to intervene has been mailed
9 to the parties of record in the case or their counsel; and
- 10 4. If the proposed intervenor is not represented by an attorney who is an active
11 member of the Arizona State Bar, and is not an individual representing
12 himself or herself, information and any appropriate documentation
13 demonstrating compliance with Arizona Supreme Court Rules 31, 38, and 42,
14 as applicable.

15 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
16 that all motions to intervene must be filed on or before November 21, 2014. Persons
17 who do not intervene will receive no further notice of the proceedings in this docket.
18 However, **all documents filed in the docket are available online** (usually within 24
19 hours after docketing) through the e-Docket function on the Commission's website.

20 ADA/Equal Access Information

21 The Commission does not discriminate on the basis of disability in admission to its
22 proceedings. Persons with a disability may request a reasonable accommodation such
23 as a sign language interpreter, and may request this document in an alternative
24 format, by contacting ADA Coordinator Shaylin Bernal, at SABernal@azcc.gov,
25 voice phone number 602-542-3931. Requests should be made as early as possible to
26 allow time to arrange the accommodation.

27 IT IS FURTHER ORDERED that, by **October 24, 2014**, APS shall **provide the above**
28 **notice** in the following manner:

- 29 1. By sending the notice to all of the current owners of the tax parcels located within one
30 mile of the outside boundaries of the certificated corridor and the proposed
31 modifications to the certificated corridor, by First Class U.S. Mail;
- 32 2. By having the notice posted prominently on APS's website;
- 33 3. By having the notice posted prominently in APS's service offices located within
34 Maricopa County; and
- 35 4. By having the notice published at least once in a daily newspaper of general
36 circulation in the areas immediately surrounding the certificated corridor and the
37 proposed modifications to the certificated corridor (all properties within at least one
38 mile of the outside boundaries of these corridors).

1 IT IS FURTHER ORDERED that APS shall file **certification of mailing and publication** as
2 soon as practicable after the mailing and publication have been completed, but no later than
3 **November 7, 2014**.

4 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
5 publication, notwithstanding the failure of an individual customer to read or receive the notice.

6 IT IS FURTHER ORDERED that **Staff and each intervenor** shall, on or before **November**
7 **7, 2014**, file **Direct Testimony** and associated exhibits to be presented at hearing.

8 IT IS FURTHER ORDERED that APS shall, on or before **December 1, 2014**, file **Rebuttal**
9 **Testimony** and associated exhibits to be presented at hearing.

10 IT IS FURTHER ORDERED that **Staff and each intervenor** shall, on or before **December**
11 **8, 2014**, file any **Surrebuttal Testimony** and associated exhibits to be presented at hearing.²

12 IT IS FURTHER ORDERED that APS shall, on or before **December 12, 2014**, file any
13 **Rejoinder Testimony** and associated exhibits to be presented at hearing.

14 IT IS FURTHER ORDERED that any motion filed in this matter, other than a motion to
15 intervene, that is not ruled upon by the Commission within 20 calendar days of the filing date of the
16 motion shall be deemed denied.

17 IT IS FURTHER ORDERED that any response to a motion, other than a motion to intervene,
18 shall be filed within five calendar days of the filing date of the motion.

19 IT IS FURTHER ORDERED that any reply related to a motion shall be filed within five
20 calendar days of the filing date of the response to the motion.

21 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
22 Communications) applies to this proceeding as the matter is now set for public hearing.

23 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
24 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

25 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
26 31, 38, and 42 with respect to practice of law and admission *pro hac vice*.

27 _____
28 ² For any person granted intervention after November 7, 2014, this should encompass all of the testimony and
associated exhibits the person intends to present at hearing.

1 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
3 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
4 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
5 discussion unless counsel has previously been granted permission to withdraw by the Administrative
6 Law Judge or the Commission.

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

10 DATED this 10th day of October, 2014.


SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed
15 this 10th day of October, 2014, to:

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18 Line Siting Committee
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