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BEFORE THE ARIZONA CORPORATION COMMISSION

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- SUSAN BITTER SMITH - Chairman
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AZ CORP 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

FEB 23 2015

DOCKETED BY

**PROCEDURAL ORDER**  
**(Modifies Procedural Schedule)**

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 ("SFI Grand Vista"),<sup>1</sup> the City of Peoria ("Peoria"), Diamond Ventures, Inc. ("DVI"), and the  
13 Commission's Utilities Division ("Staff") appearing through counsel. The remaining parties did not  
14 attend.

15 On October 10, 2014, a Procedural Order was issued scheduling, among other things, a  
16 hearing to commence on December 16, 2014, and continue, if necessary, on December 18 and 19,  
17 2014.

18 On December 9, 2014, a Procedural Order was issued scheduling a procedural conference to  
19 discuss potential scheduling conflicts with the Commission Open Meetings scheduled on December  
20 18 and 19, 2014.

21 On December 11, 2014, a procedural conference was held, as scheduled, with APS, ASLD,  
22 SFI Grand Vista, Peoria, DVI, and Staff appearing through counsel.

23 On December 15, 2014, a Procedural Order was issued rescheduling the hearing to commence  
24 on January 20, 2015, and continue, if necessary, on January 21, 2015. Since APS provided public  
25 notice of the hearing, the December 16, 2014 hearing date was preserved solely for the purpose of  
26 taking public comment.

27  
28 <sup>1</sup> SFI Grand Vista, LLC is the successor to Surprise Grand Vista JVI, LLC.

1 On December 16, 2014, a public comment session was convened, as scheduled, with APS,  
2 ASLD, SFI Grand Vista, Peoria, and Staff appearing through counsel.

3 On January 14, 2015, ASLD filed a Notice of Substitution of Witness.

4 On January 20 and 21, 2015, a full public hearing was convened, as scheduled, with APS,  
5 ASLD, SFI Grand Vista, Peoria, DVI, and Staff appearing through counsel. At the conclusion of the  
6 hearing, the parties were directed to file closing briefs no later than February 20, 2015, and reply  
7 briefs no later than February 27, 2015.<sup>2</sup>

8 On February 10, 2015, the West Cloud Road Private Property Owners' Association filed a  
9 Motion to Intervene.

10 On February 12, 2015, the West Cloud Road Private Property Owners' Association filed a  
11 Motion to Expedite Determination on Motion to Intervene.

12 On February 18, 2015, APS filed a Notice of On-Going Settlement Discussions and Request  
13 to Extend Schedule for Closing Briefs. In its filing, APS requests an extension of time to file closing  
14 and reply briefs due to ongoing settlement discussions with ASLD, SFI Grand Vista, Peoria, DVI,  
15 Staff, and the West Cloud Road Private Property Owners' Association. APS represents that the  
16 parties engaged in settlement discussions do not oppose this request.

17 The request of APS to extend the deadlines for filing closing and reply briefs is reasonable  
18 under the circumstances and should be granted.

19 IT IS THEREFORE ORDERED that closing briefs shall be filed no later than **March 6, 2015**.

20 IT IS FURTHER ORDERED that reply briefs shall be filed no later than **March 13, 2015**.

21 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
22 Communications) continues to apply to this proceeding and shall remain in effect until the  
23 Commission's Decision in this matter is final and non-appealable.

24 IT IS FURTHER ORDERED that each party to this matter may opt to receive service of all  
25 Procedural and Recommended Orders issued by the Commission's Hearing Division in this matter  
26 via e-mail rather than U.S. Mail, as permitted under A.A.C. R14-3-107(B). To exercise this option, a

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28 <sup>2</sup> At the hearing, counsel for DVI indicated that DVI and Peoria would be filing a statement of position in lieu of a closing brief.

1 party shall send to hearingsdivision@azcc.gov, from the e-mail address at which the party desires to  
2 receive service, an e-mail request including the name of the party on whom service is to be made and  
3 the docket number for this matter. After a party receives an e-mail confirmation of its request from  
4 hearingsdivision@azcc.gov, the party will receive all future Procedural and Recommended Orders  
5 issued by the Hearing Division in this matter via e-mails to the address provided by the party, unless  
6 and until the party withdraws its request. Service of a document via e-mail shall be considered  
7 complete upon the sending of an e-mail containing the document to the e-mail address provided by a  
8 party, regardless of whether the party receives or reads the e-mail containing the document.

9 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
10 31, 38, and 42 with respect to practice of law and admission *pro hac vice*.

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

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

20 DATED this 23<sup>rd</sup> day of February, 2015.

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24 SCOTT M. HESLA  
25 ADMINISTRATIVE LAW JUDGE  
26  
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1 Copies of the foregoing mailed  
this 23<sup>rd</sup> day of February, 2015, to:

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