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

IN THE MATTER OF THE APPLICATION OF
PINAL CENTRAL ENERGY CENTER LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES 40-360, ET SEQ., FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
PINAL CENTRAL ENERGY CENTER 230KV
GENERATION INTERTIE LINE PROJECT,
WHICH INCLUDES THE CONSTRUCTION
OF A GENERATION TIE-LINE ORIGINATING
LESS THAN HALF A MILE TO THE
SOUTHEAST OF THE PINAL CENTRAL
SUBSTATION ON PRIVATE LAND UNDER
THE JURISDICTION OF PINAL COUNTY
AND THE CITY OF COOLIDGE, ARIZONA,
AND TERMINATING IN THE PINAL
CENTRAL SUBSTATION IN PINAL
COUNTY, ARIZONA.

Docket No. L-00000BBB-17-0073-
00174

Case No. 174

PROCEDURAL ORDER

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 23 2017

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An Application for a Certificate of Environmental Compatibility ("Application") was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission ("Commission") on March 15, 2017. A copy of the Application was transmitted to Thomas K. Chenal, designee of the Attorney General of Arizona, Mark Brnovich, 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 potential parties ("person" within the meaning of A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to

1 A.R.S. § 40-360.05(A)) (hereinafter "potential parties"), shall advise the Chairman in
2 writing on or before the time of the pre-hearing conference, scheduled below, if they
3 disagree that the time limit for decision on the Application by the Line Siting
4 Committee set by A.R.S. § 40.360.04(D) is September 11, 2017.

5 **2.** All parties or potential parties listed on pleadings or procedural orders
6 filed by the Applicant or the Chairman shall notify Docket Control of their desire to
7 receive pleadings and procedural orders in this matter and shall regularly review the
8 Docket Control file in this matter to make sure they have received all pleadings and
9 procedural orders relating to this case. Neither the Line Siting Committee nor the
10 Chairman has the authority to direct Docket Control to send one of the 25 copies of
11 pleadings and procedural orders filed with Docket Control to prospective parties.

12 **3.** The Applicant shall arrange for the timely publication and posting of
13 notice of the hearing, in a form approved by the Chairman, at locations discussed and
14 agreed to by the Applicant at the pre-filing conference held on March 6, 2017. Posting
15 of the Notice of Hearing should occur at least twenty days before the hearing
16 scheduled below. The Applicant shall provide notice by certified mail to Pinal County
17 and the cities of Coolidge and Casa Grande, Arizona and any other affected
18 jurisdiction within the meaning of A.R.S. § 40-360.04(A), at least twenty days before
19 the hearing scheduled below. In addition, at the hearing the Applicant shall submit a
20 copy of the notice and present testimony describing the publication, providing of
21 notice, and posting of the notice.

22 **4.** The Applicant shall make arrangements for the hearing to commence in
23 Casa Grande, Arizona. The hearing in Casa Grande, Arizona will be held at the
24 Holiday Inn Casa Grande, 777 N. Pinal Avenue, Casa Grande, Arizona 85122, on
25 Tuesday, April 18, 2017 at 2:00 p.m., and will continue weekdays on Wednesday,
26 April 19, 2017 through April 25, 2017, as necessary, beginning at 9:00 a.m. on each
27 day, unless a tour is taken. If a tour is taken, it will begin on Wednesday, April 19,
28 2017, at 9:00 a.m. or an alternative date and time set by the Chairman. Public

1 comment may be taken during the hearing at times designated by the Chairman.
2 Public comment also will be taken in a special evening session on Tuesday, April, 18,
3 2017, at 6:00 p.m. at the same location. Unless later ordered by the Chairman, the
4 hearing will adjourn at approximately 5:00 p.m. each day, except on Tuesday, April
5 18, 2017, when it will continue after 6:00 p.m. for the public comment session.

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

13 **6.** The Applicant shall provide a copy of this Order to all other parties and
14 potential parties who have not already received a copy.

15 **7.** The Applicant and all other parties and potential parties shall meet and
16 confer prior to the beginning of the hearing, to determine whether any of the parties or
17 potential parties have similar interests in the application process that will allow them
18 to jointly present testimony on direct or cross-examination of witnesses, or to jointly
19 offer exhibits into evidence. The Applicant shall, and any other party or potential party
20 may, report to the Chairman the results of their attempts to resolve the issues and to
21 determine if common interests exist that will allow parties to jointly present evidence
22 and argument or to avoid repetition of testimony and argument at the hearing.

23 **8.** The Applicant and all other parties and potential parties shall meet and
24 confer as needed before, during, and after the hearing to attempt to resolve any
25 disputes amongst the parties. The parties and potential parties shall also keep all
26 other parties and potential parties advised of their positions and intentions with regard
27 to the presentation of evidence, witnesses, and the application process in general to
28 avoid delay, the presentation of repetitive evidence, and any unfair advantage from

1 surprise.

2 **9.** Parties and potential parties shall not communicate with any Member of
3 the Line Siting Committee about any procedural matters, or any factual issues or legal
4 issues relating to the Application, while the Application is pending before the Line
5 Siting Committee. The only exception is that parties may communicate with the
6 Chairman during the time the Application is pending about procedural matters relating
7 to the Application, preparation of the notice of hearing and its publication, the agenda
8 for the hearing, any pre-hearing conferences, the hearing on the Application, and the
9 decision on the Application by the Line Siting Committee. Communication by the
10 parties with the Chairman about any procedural matter during the time an Application
11 is pending shall be in writing or, if oral, shall be memorialized by an e-mail or other
12 written summary with a copy of the written communication or summary to all parties
13 and potential parties, or shall be on the record at pre-filing conferences, at pre-
14 hearing conferences, or at the hearing on the Application. Any party who initiates any
15 written communication sent to the Chairman, or who summarizes an oral
16 communication with the Chairman on a procedural matter, shall file with Docket
17 Control a copy of the communication or summary, including its distribution list, within
18 10 days of sending the written communication or making the oral communication.

19 **10.** Parties and potential parties shall not communicate with any
20 Commissioner of the Commission concerning the substantive merits of the
21 Application while the Application is pending before the Line Siting Committee, in
22 accordance with the requirements of A.A.C. R14-3-113.

23 **11.** Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties
24 and potential parties shall serve upon the Chairman as soon as practicable, and at
25 least forty-eight hours before the hearing or meeting described in the agenda, any
26 objections, additions, or corrections to the agenda they believe are necessary in order
27 to bring the agenda into compliance with A.R.S. § 38-431.02. The objections,
28 additions or corrections shall be in writing and shall be served upon all other parties

1 and potential parties. A copy shall be filed with Docket Control. Objections that are not
2 timely raised will be deemed waived.

3 **12.** Service of any pleading, document, or writing upon the Chairman may
4 be made electronically to the e-mail address of the Chairman below. Service of any
5 pleading, document or writing upon parties and potential parties may be made
6 electronically to the e-mail address of the parties and potential parties. Any pleading,
7 document or writing filed with Docket Control shall include the appropriate number of
8 copies as determined by Docket Control.

9 **13.** All parties and potential parties shall file with Docket Control and
10 exchange with all other parties and potential parties brief summaries of the expected
11 direct testimony of each witness they will call. In lieu of a testimonial summary, a party
12 or potential party may file with Docket Control and exchange with all other parties and
13 potential parties all or substantially all of the direct testimony of any witness.
14 Testimonial summaries and direct testimony shall be filed with Docket Control and
15 exchanged with parties and potential parties by 5:00 p.m. of the day before the pre-
16 hearing conference set below. Except for good cause, no witness will be allowed to
17 testify on direct examination concerning issues not reasonably identified in the
18 testimonial summary and direct testimony.

19 **14.** All parties and potential parties shall meet, confer, and exchange all
20 exhibits the party or potential party plans to offer in evidence by 5:00 p.m. of the day
21 before the pre-hearing conference set below. The Applicant shall, and other parties
22 and potential parties may, provide one or more three ring binders for the Chairman
23 and each Member of the Line Siting Committee to hold exhibits at the beginning of the
24 hearing and as needed during the hearing. Each party and potential party shall
25 prepare for the Chairman and each Line Siting Committee Member a numbered list of
26 the exhibits and a copy of all exhibits suitable for placement in the binders that each
27 party and potential party expects to offer in evidence at the hearing. The exhibits shall
28 be provided to the Chairman and each Line Siting Committee Member at the

1 beginning of the hearing and during the hearing before reference to the exhibit is
2 made in the hearing. Except for good cause, no exhibit that was not exchanged with
3 the other parties shall be considered at the hearing. Any exhibit to which reference is
4 made during any hearing that is not offered or admitted into evidence shall be
5 provided to the court reporter at the hearing for inclusion in the record, unless it is
6 withdrawn and the Chairman determines its filing is not necessary to an
7 understanding of the actions of the Line Siting Committee.

8 **15.** All exhibits shall be consecutively numbered, with the Applicant's
9 exhibits denominated: PCE-1, PCE-2, etc. Each intervening party will be assigned by
10 the Chairman a letter or letters of the alphabet as a preface with which to
11 consecutively number its exhibits.

12 **16.** The Applicant may make an opening statement at the beginning of the
13 hearing of no more than thirty (30) minutes. Each other party may make an opening
14 statement of no more than five (5) minutes.

15 **17.** Public comment will be heard after the opening statements and at other
16 times set by the Chairman during the hearing. See ¶ 4 above.

17 **18.** In the event the Chairman determines that a tour or tours of the
18 proposed locations of facilities proposed in the Application is appropriate, the
19 Applicant shall arrange for transportation for Line Siting Committee Members who
20 wish to attend. The Applicant shall submit to the Chairman, before the pre-hearing
21 conference set below, a schedule and protocol agreed to by all parties and potential
22 parties for each tour. If all parties and potential parties do not agree upon the
23 schedule and protocol for each tour, the disagreements shall be submitted to the
24 Chairman for resolution. The protocol shall identify the tour route, identify the location
25 of any stops, and identify any witnesses who will accompany each tour. Counsel may
26 ask brief explanatory questions of the identified witness or witnesses during the stops
27 about the location, what can be seen from the location of the stop and the relevance
28 of the location or view to the Application, at the discretion of the Chairman. All

1 witnesses who testify on each tour shall be sworn before their testimony. All questions
2 and answers shall be before a court reporter. No testimony or discussion with or
3 between Line Siting Committee Members about the merits of the Application will take
4 place, except on the record before a court reporter at the designated stops. The
5 protocol shall provide for access to members of the public to any testimony presented
6 at stops on each tour. Members of the public who wish to observe the tour are
7 encouraged to notify the Applicant or the Chairman in advance of their intention to
8 follow and observe the tour.

9 **19.** Parties may present their witnesses in panels where appropriate. A
10 party or potential party who intends to present witnesses in panels shall identify the
11 members of any panel at the time it files its witness summaries or written testimony.

12 **20.** The Applicant shall make arrangements for the preparation of expedited
13 court reporter transcripts of all pre-filing conferences, all pre-hearing conferences, and
14 the hearing, so that the transcripts are available for public inspection within three
15 working days after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-
16 360.04(C). In addition, the Applicant shall file a certification with Docket Control that it
17 has provided a copy of the transcripts to at least one public library identified in the
18 certification that is in the vicinity of the proposed route and alternates in the
19 Application.

20 **21.** At or before the pre-hearing conference set below, the Applicant shall,
21 and the other parties and potential parties may, file proposed findings of fact,
22 proposed conclusions of law, the wording of any proposed Certificate of
23 Environmental Compatibility, and the wording of any proposed conditions to the
24 Certificate.

25 **22.** If the beginning of closing arguments and the Line Siting Committee's
26 deliberations are more than one week after the beginning of the hearing, the parties
27 shall meet and confer before closing arguments, concerning proposed findings of fact,
28 proposed conclusions of law, a proposed Certificate of Environmental Compatibility

1 and the wording of any proposed conditions to the Certificate. If the parties are able to
2 agree upon part or all of the proposed findings of fact, proposed conclusions of law,
3 proposed forms of a Certificate of Environmental Compatibility and proposed wording
4 of conditions to the Certificate, all that is agreed upon should be reduced to writing
5 and filed. If the parties are not able to agree completely, the Applicant shall, and all
6 other parties may, file proposed findings of fact, proposed conclusions of law,
7 proposed wording of a Certificate of Environmental Compatibility and proposed
8 wording of conditions to the Certificate on the day before the beginning of closing
9 arguments and the Line Siting Committee's deliberations.

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

14 **24.** All pleadings, witness summaries, written testimony, proposed findings
15 of fact, proposed conclusions of law, proposed Certificates of Environmental
16 Compatibility and proposed conditions of Certificates that must be filed pursuant to
17 this Procedural Order or otherwise by law, shall be filed with Docket Control. Copies
18 of all documents described in this paragraph that are filed with Docket Control shall
19 be served upon the Chairman, the Line Siting Committee, all parties, and all potential
20 parties. Before the hearing, documents may be served upon parties and potential
21 parties electronically to the e-mail address or FAX number provided by the party or
22 potential party. Before the hearing, documents may be served electronically upon the
23 Chairman and the Line Siting Committee, to the e-mail address of the Chairman.
24 Documents that are served during the hearing shall be hand delivered to parties.
25 During the hearing, eleven (11) copies of any filed document shall be delivered to the
26 Chairman for distribution to the Line Siting Committee, and a copy shall be sent
27 electronically to the e-mail address of the Chairman.

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1 **25.** If the final wording of the Certificate of Environmental Compatibility that
2 is adopted by the Line Siting Committee at the end of the hearing is in dispute, the
3 Chairman may order the parties to meet and confer in person or electronically to
4 determine if they can agree upon the final wording of a proposed Certificate of
5 Environmental Compatibility. If the parties can agree upon the final wording of a
6 proposed Certificate of Environmental Compatibility, Applicant shall forthwith hand-
7 deliver the agreed-upon proposed Certificate of Environmental Compatibility to the
8 Chairman for signature. If the parties are not able to agree upon a proposed form of
9 Certificate of Environmental Compatibility, the Applicant shall file, and the other
10 parties may file, within ten (10) days after the date of the decision of the Committee,
11 those portions of the proposed Certificate of Environmental Compatibility upon which
12 the parties agree. The Applicant also shall file, and any other party also may file,
13 within 10 days after the date of the decision of the Committee, its understanding of
14 any disputed portions of the proposed Certificate of Environmental Compatibility. All
15 proposed forms of the Certificate of Environmental Compatibility and any objections
16 or proposed revisions shall be filed with Docket Control, and a copy shall be hand
17 delivered to the Chairman at 1275 W. Washington St., Phoenix, Arizona. All other
18 parties shall be served. Objections or suggestions that are not timely filed shall be
19 considered waived.

20 **26.** The copy of the proposed Certificate of Environmental Compatibility filed
21 by the Applicant and any objections or proposed revisions filed by the parties that are
22 served upon the Chairman, shall include an electronic file containing the wording of
23 the proposed language in a format compatible with Microsoft© Word word processing
24 program.

25 **27.** Any party or potential party may file a legal memorandum by 5:00 p.m.
26 on April 3, 2017, on any and all of the legal issues discussed at the pre-filing
27 conference held on March 6, 2017.

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1 28. The Applicant and all potential parties shall meet with the Chairman for
2 a pre-hearing conference on Monday, April 10, 2017, beginning at 10:00 a.m. at
3 the offices of the Attorney General of Arizona at 15 S. 15th Ave., Phoenix,
4 Arizona 85007. Parties and potential parties other than the Applicant may appear by
5 telephone with the prior permission of the Chairman. At the final pre-hearing
6 conference, the Chairman shall review with the Applicant and potential parties:

7 a. The publication and posting of notices of the hearing;
8 b. The proposed agenda for the hearing;
9 c. Any notices to intervene, requests to intervene, and applications
10 to make a limited appearance;

11 d. The status of attempts to narrow the issues at the hearing or to
12 agree to language in the proposed findings of fact, proposed conclusions of law,
13 proposed Certificates of Environmental Compatibility and proposed conditions to the
14 Certificate;

15 e. The status of the filing and exchange of witness summaries or
16 written testimony, proposed findings of fact, proposed conclusions of law, proposed
17 Certificates of Environmental Compatibility and proposed conditions to the Certificate;

18 f. The status of the exchange of exhibits amongst the parties;

19 g. Any objections, motions, responses, and legal memoranda that
20 have been filed; and

21 h. Plans and preparations for the hearing, public comment session,
22 and tour of the proposed site.

23 **IT IS FURTHER ORDERED**, the Chairman may amend or waive any portion of
24 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
25 conference, or at a hearing.

26 **DATED** this 23rd day of March, 2017.

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Thomas K. Chenal
Assistant Attorney General
Chairman
Arizona Power Plant and
Transmission Line Siting Committee
1275 W. Washington St
Phoenix, Arizona 85007
thomas.chenal@azag.gov

CERTIFICATION OF MAILING

Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 25 copies were filed this 23rd day of March, 2017 with:

Utilities Division – Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing mailed this 23rd day of March, 2017 to:

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Court Reporter

By: *Lisa Romeo*
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