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BEFORE THE ARIZONA POWER AND TRANSMISSION LINE SITING COMMITTEE  
AZ CORP COMMISSION  
DOCKET CONTROL

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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 )  
COMPATABILITY 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**

**SUNZIA TRANSMISSION, LLC'S  
LEGAL MEMORANDUM ON  
RIGHT TO PRESENT EVIDENCE**

Arizona Corporation Commission

**DOCKETED**

APR 6 2017

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INTRODUCTION.

Pursuant to the April 4, 2017 Order Amending Procedural Order of March 23, 2017 ("Amended Order") issued by the Chairman of the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee ") in the above-captioned and above-docketed proceeding ("Instant Proceeding"), SunZia Transmission, LLC ("SunZia") hereby submits this Memorandum of Law On Right To Present Evidence ("Memorandum On Evidence") in connection with the forthcoming evidentiary hearing in the Instant Proceeding.

1 BACKGROUND.

2 At page 2, lines 4-7, the Amended Order provides, inter alia, that "...potential parties  
3 desiring to file a response to any [previously filed] legal memorandum...should do so by  
4 5:00 p.m. on Friday, April 7, 2017." SunZia has filed an Application For Leave To  
5 Intervene in the Instant Proceeding, which to date has not been ruled upon. Thus, as of this  
6 juncture, SunZia is a "potential party" within the meaning of the Amended Order.

7  
8 On April 3, 2017, Pinal Central Energy Center, LLC ("Applicant") filed a Memorandum of  
9 Law/Motion In Limine ("Memorandum/Motion") seeking a ruling from the Siting  
10 Committee which would preclude evidence of the nature discussed in Applicant's  
11 Memorandum/Motion from being offered or admitted into evidence and considered by the  
12 Siting Committee during the forthcoming evidentiary hearing in the Instant Proceeding.  
13 Such Memorandum/Motion is in the nature of "any legal memorandum" referred to in the  
14 above-quoted portion of the Amended Order.

15  
16 As SunZia interprets the discussion, legal arguments and conclusions set forth in  
17 Applicant's Memorandum/Motion, they are not intended by Applicant to address or apply  
18 to the right of SunZia to present evidence during the forthcoming evidentiary hearing in the  
19 Instant Proceeding as to potential adverse impacts of the currently proposed 230 kV gen-tie  
20 line upon SunZia's rights and options under the Certificate of Environmental Compatibility  
21 ("CEC") granted to SunZia by Decision No. 75464 in Siting Case No. 171. However, out  
22 of an abundance of caution, SunZia is submitting this Memorandum On Evidence at this  
23 time, with the objective of avoiding any controversy on that subject as it relates to SunZia  
24 once the aforementioned evidentiary hearing has begun.

25  
26 DISCUSSION.

27 A.R.S. 40-360.06(A)(1) provides in pertinent part that "The committee...shall consider the  
28

1 following factors as a basis for its action with respect to the suitability of...transmission line  
2 siting plans: [1] Existing plans of...private entities for other developments at or in the  
3 vicinity of the proposed site." As discussed at length in SunZia's Application For Leave To  
4 Intervene in the Instant Proceeding, SunZia's rights and options under the CEC granted to it  
5 by Decision No. 75464 constitute "existing plans...of private entities" within the  
6 contemplation and meaning of A.R.S. 40-360.06(A)(1). Moreover, SunZia's planned  
7 facilities in the vicinity of the Pinal Central Substation are physically "in the vicinity of the  
8 proposed site" for the 230 kV gen-tie line here in question. Further, given that SunZia's  
9 plans for its two 500 kV transmission lines and the DC/AC converter station option have  
10 been approved by both the Siting Committee and the Arizona Corporation Commission  
11 ("Commission") in Decision No. 75464, it conceivably also might be said that they are  
12 "existing plans of the state...government" as well under A.R.S. 40-360.06(A)(1).

13  
14 Thus, in order for the Siting Committee to fully discharge its responsibilities under A.R.S.  
15 40-360.06(A)(1), it MUST consider any potential impact of Applicant's currently proposed  
16 230 kV gen-tie line upon SunZia's "existing plans" for the SunZia Transmission Project. In  
17 turn, in order for the Siting Committee to be fully apprised as to the nature and scope of  
18 any potential impacts upon SunZia's "existing plans" from Applicant's proposed 230 kV  
19 gen-tie line, SunZia itself MUST be allowed to present its own evidence upon the subject,  
20 if necessary. Otherwise, the underlying spirit and purpose of the statute simply cannot be  
21 achieved.

22  
23 As previously noted in the Background section of this Memorandum On Evidence, SunZia  
24 does not interpret Applicant's Memorandum/Motion as setting forth a line of argument or  
25 contention to the effect that SunZia does not possess this evidentiary right. However, "for  
26 the record," SunZia concluded that it would be appropriate to set forth its position on the  
27 subject at this time.

28

1 CONCLUSION.

2 As discussed elsewhere in its Application For Leave To Intervene, representatives of  
3 SunZia and Applicant have been engaged in ongoing discussions to determine if a mutually  
4 acceptable solution can be reached which would allow Applicant to obtain a CEC for its  
5 230 kV gen-tie line, without (i) obstructing or impairing SunZia's rights and options under  
6 Decision No. 75464 for its SunZia Transmission Project, or (ii) causing an increase in  
7 SunZia's costs to exercise such rights and options. In the event that the aforementioned  
8 discussions result in a mutually acceptable solution, SunZia conceivably might exercise its  
9 right to present evidence at the hearing solely for the purpose of supporting such solution  
10 and explaining why approval of the same by the Siting Committee (and ultimately the  
11 Commission) would be important from SunZia's perspective and consistent with SunZia's  
12 "existing plans." Conversely, if such discussions are unsuccessful, then SunZia would  
13 exercise its right to present evidence (i) explaining how approval of Applicant's 230 kV  
14 gen-tie line request could adversely impact SunZia's "existing plans", and (ii) proposing an  
15 acceptable alternative for the 230 kV gen-tie line, if there is one.

16  
17 In connection with the foregoing, SunZia takes no position with respect to the legal  
18 arguments set forth and conclusions reached in Applicant's Memorandum/Motion as to  
19 other "potential parties."

20 DATED this 6th day of April, 2017.

21  
22 Respectfully Submitted,

23  
24 LAWRENCE V. ROBERTSON, JR.  
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27 And

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**CERTIFICATE OF FILING AND SERVICE**

ORIGINAL and 25 copies filed this 6<sup>th</sup> day of April, 2017, with:

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COPY of the foregoing hand-delivered this 6th day of April, 2017, to:

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