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BEFORE THE ARIZONA POWER I

AND TRANSMISSION LINE SITING COMMITTEE

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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
RESPONSE TO SECTIONS 13
AND 14 OF MARCH 17, 2017
PROCEDURAL ORDER**

Arizona Corporation Commission

DOCKETED

APR 7 2017

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INTRODUCTION.

In Sections 13 and 14 of the Procedural Order issued in the above-captioned and above-docketed proceeding ("Instant Proceeding") on March 17, 2017 in the Instant Proceeding, "All parties and potential parties" are instructed to accomplish certain activities "by 5:00 p.m. of the day before the pre-hearing conference set below." [page 5, line 9-page 6, line 7] Those certain activities include (i) filing with Docket Control by the aforesaid date and time "brief summaries of the expected direct testimony of each witness they will call," and (ii) the exchange of "all exhibits the party or potential party plans to offer into evidence." In that regard, in Section 28 of the Procedural Order, a pre-hearing conference has been scheduled for Monday, April 10, 2017 commencing at 10:00 a.m. In an endeavor to

1 comply as fully as possible under the present circumstances relating to its specific interest
2 and position in the Instant Proceeding, SunZia Transmission, LLC is filing its Response To
3 Sections 13 and 14 of the Procedural Order on Friday, April 7, 2017.

4
5 DISCUSSION.

6 As of this juncture, SunZia is in the procedural posture of a "potential party," inasmuch as
7 there has not as yet been a ruling on its March 30, 2017 Application For Leave To
8 Intervene. Accordingly, SunZia is subject to the above-referenced directives, unless it can
9 demonstrate "good cause" as to why it is unable to fully comply at this time. SunZia
10 believes that the requisite "good cause" does exist with respect to its particular interest and
11 position in the Instant Proceeding; and, as a consequence, SunZia should not be precluded
12 from presenting direct testimony and offering exhibits during the forthcoming Siting
13 Committee evidentiary hearing, in the event that it should ultimately become necessary for
14 it to do so.

15
16 More specifically, as indicated in both SunZia's March 30, 2017 Application For Leave To
17 Intervene, and in its April 6, 2017 Legal Memorandum On Right To Present Evidence,
18 managerial and engineering representatives of Applicant and SunZia have been meeting in
19 an effort to see if there is a way of designing and/or routing the 230 kV gen-tie line which
20 is the subject of Applicant's March 15, 2017 Application, so as to not adversely impact the
21 rights and options for the SunZia Transmission Project, which were established by the
22 Siting Committee and the Arizona Corporation Commission in Decision No. 75464 in
23 Siting Case No. 171. The most recent meeting among the aforesaid representatives
24 occurred on April 4, 2017; and, the endeavor of SunZia and Applicant to see if a mutually
25 acceptable solution can be identified continues as of this juncture. Thus, it is readily
26 apparent that SunZia and Applicant are in compliance with both the "letter" and "spirit" of
27 the "meet and confer" directive set forth in the March 17, 2017 Procedural Order.

28

1 However, because a determination has not as yet been reached by SunZia and Applicant as
2 to whether a mutually acceptable solution to SunZia's expressed concerns is achievable,
3 SunZia is simply not in a position at this time to submit a meaningful brief summary of
4 what might be the nature and content its direct testimony. Further, given that SunZia and
5 Applicant are continuing to explore options in good faith, SunZia believes that to submit a
6 brief summary at this time speculating as to possible alternative outcomes would be of little
7 probative value. However, it is to be noted in that regard, SunZia has indicated in its April
8 6, 2017 Legal Memorandum On Right To Present Evidence that, in the event its
9 discussions with Applicant prove to be mutually successful, SunZia conceivably could
10 present testimony "supporting such solution and explaining why approval of the same by
11 the Siting Committee...would be important from SunZia's perspective." Conversely, therein
12 SunZia has also indicated that, absent a successful outcome from its discussions with
13 Applicant, SunZia would present evidence "explaining how approval of Applicant's 230 kV
14 gen-tie line request could adversely impact SunZia's 'existing plans,' and ...proposing an
15 acceptable alternative for the 230 kV gen-tie line if there is one." [SunZia Memorandum at
16 page 4, lines 7-15] Thus, in a general sense, the requisite "brief summary" perhaps already
17 has been timely provided.

18
19 CONCLUSION.

20 Based upon the preceding discussion, SunZia believes that it has complied with the above-
21 discussed directives in Sections 13 and 14 of the March 17, 2017 Procedural Order as
22 much as is practicable under the present circumstances. In addition, SunZia believes that it
23 has demonstrated "good cause" as to why further compliance should not be required of it at
24 this time. In that regard, once a final determination has been made as to the outcome of the
25 currently ongoing discussions between SunZia and Applicant, SunZia will promptly notify
26 the Siting Committee and all parties as to such outcome, and the nature of such direct
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1 testimony and exhibits as SunZia intends to offer during the forthcoming evidentiary
2 hearing.

3 DATED this 7th day of April, 2017.

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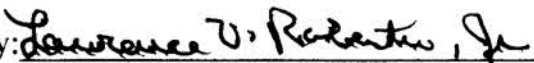
Respectfully Submitted

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And

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By: 
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CERTIFICATE OF FILING AND SERVICE

ORIGINAL and 25 copies filed this 7th day of April, 2017, with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing hand-delivered this 7th day of April, 2017, to:

Chairman Thomas Chenal
Arizona Power Plant and Transmission Line Siting Committee
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11 COPY of the foregoing sent via email this 7th day of April, 2017, to:

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