

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

In the matter of the application of Salt River Project Agricultural Improvement and Power District, in conformance with the requirements of Arizona Revised Statutes § 40-360, et seq., for a Certificate of Environmental Compatibility authorizing the South Mountain Transmission Project, which includes the construction of two new 230 kV double-circuit transmission lines that will interconnect the existing double-circuit Anderson-Orme transmission line to a new substation, each located within the city of Phoenix, Maricopa County, Arizona.

Arizona Corporation Commission

Docket No.  
L-00000B-24-0223-00239

Case No. 239

**PROCEDURAL ORDER**

An Application for Certificates of Environmental Compatibility (“Application”) was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission (“Commission”) on September 26, 2024. A copy of the Application was transmitted to Adam Stafford, designee of the Attorney General of Arizona, Kristin Mayes, as Chairman (“Chairman”) and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee (“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 A.R.S. § 40-360.05(A)) (hereinafter “potential parties”), shall advise the Chairman in writing on or before the time of the pre-hearing conference, scheduled below, if they disagree that the time limit for decision on the Application by the Committee set by A.R.S. § 40.360.04(D) is March 25, 2025.

2. All parties or potential parties listed on pleadings or procedural orders filed

1 by the Applicant or the Chairman shall notify Docket Control of their desire to receive  
2 pleadings and procedural orders in this matter and shall regularly review the Docket  
3 Control file in this matter to make sure they have received all pleadings and procedural  
4 orders relating to this case. Neither the Committee nor the Chairman has the authority to  
5 direct Docket Control to send one of the 25 copies of pleadings and procedural orders filed  
6 with Docket Control to prospective parties.

7         3. The Applicant shall arrange for the timely publication and posting of notice  
8 of the hearing, in a form approved by the Chairman, at locations discussed and agreed to by  
9 the Applicant at the pre-filing conference held on September 17, 2024. Posting of the  
10 Notice of Hearing should occur at least twenty days before the hearing scheduled below.  
11 The Applicant shall provide notice by certified mail to any and all affected jurisdiction  
12 within the meaning of A.R.S. § 40-360.04(A), at least twenty days before the hearing  
13 scheduled below. Applicant shall also use social media to provide notice of the hearing as  
14 discussed at the pre-filing conference held on September 17, 2024. In addition, at the  
15 hearing the Applicant shall submit a copy of the notice and present testimony describing  
16 the publication, providing of notice and posting of the notice.

17         4. The Applicant shall make arrangements for the hearing to commence in  
18 Laveen Village, Arizona. The hearing in Laveen, Arizona will be held at the Vee Quiva  
19 Resort & Casino, commencing on Tuesday, November 12, 2024, at 10:00 a.m. and will  
20 continue each weekday on Wednesday, November 13, 2024, through Wednesday,  
21 November 20, 2024, as necessary, at the same location beginning at 9:00 a.m. on each day  
22 unless a tour is taken. If a tour is taken, it will begin on Wednesday, November 13, 2024,  
23 at 9:00 a.m. or an alternative date and time set by the Chairman of the Committee. Public  
24 comment may be taken during the hearing at times designated by the Chairman.

25         Public comment also will be taken in a special evening session on November 12,  
26 2024, beginning 5:30 p.m. via Zoom, or in person at the same location. Public comment  
27 may also be taken at the beginning of each hearing day, or at other times during the  
28 hearing, at the discretion of the Chairman of the Committee. **THE PUBLIC HAS THE**

**OPTION OF WATCHING THE MEETING ONLINE, LISTENING TO THE MEETING VIA TELEPHONE, OR ATTENDING IN PERSON.** At least 24 hours in advance of the hearing, information regarding online and telephone hearing access as well as any additional details regarding safety protocols or other revisions to the hearing schedule, will be posted on the Project website at <https://www.srp.net/smt> and on the Commission's website at <https://www.azcc.gov/arizona-power-plant/meeting-schedule>. **PLEASE BE ADVISED THAT ALL LOCAL AND STATE PUBLIC HEALTH AND SAFETY GUIDELINES WILL BE FOLLOWED DURING THE PUBLIC COMMENT PERIOD. RESTRICTIONS ON PUBLIC ACCESS, SAFETY PROTOCOLS, AND REVISIONS TO THE HEARING SCHEDULE MAY OCCUR DUE TO PUBLIC HEALTH CONSIDERATIONS.**

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

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

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

1           8.     The Applicant and all other parties and potential parties shall meet and confer  
2 as needed before, during, and after the hearing to attempt to resolve any disputes amongst  
3 the parties. The parties and potential parties shall also keep all other parties and potential  
4 parties advised of their positions and intentions with regard to the presentation of evidence,  
5 witnesses, and the application process in general to avoid delay, the presentation of  
6 repetitive evidence, and any unfair advantage from surprise.

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

23          10.    Parties and potential parties shall not communicate with any Commissioner  
24 of the Commission concerning the substantive merits of the Application while the  
25 Application is pending before the Committee, in accordance with the requirements of  
26 A.A.C. R14-3-113.

27          11.    Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties and  
28 potential parties shall serve upon the Chairman as soon as practicable, and at least forty-

eight (48) hours before the hearing or meeting described in the agenda, any objections, additions, or corrections to the agenda they believe are necessary in order to bring the agenda into compliance with A.R.S. § 38-431.02. The objections, additions or corrections shall be in writing and shall be served upon all other parties and potential parties. A copy shall be filed with Docket Control. Objections that are not timely raised will be deemed waived.

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

13. All parties and potential parties shall file with Docket Control and exchange with all other parties and potential parties brief summaries of the expected direct testimony of each witness they will call. In lieu of a testimonial summary, a party or potential party may file with Docket Control and exchange with all other parties and potential parties all or substantially all of the direct testimony of any witness. In either case, whether testimonial summaries or direct testimony, the parties are expected to present live testimony regarding the matters set forth therein. Testimonial summaries and direct testimony shall be filed with Docket Control and exchanged with parties and potential parties by 5:00 p.m. of the day before the pre-hearing conference set below. Except for good cause, no witness will be allowed to testify on direct examination concerning issues not reasonably identified in the testimonial summary and direct testimony.

14. All parties and potential parties shall meet, confer, and exchange all exhibits the party or potential party plans to offer in evidence by 5:00 p.m. of the day before the pre-hearing conference set below. The Applicant shall, and other parties and potential parties may, provide one or more three-ring binders for the Chairman and each Member of the Committee to hold exhibits at the beginning of the hearing and as needed during the

1 hearing. Each party and potential party shall prepare for the Chairman and each Committee  
2 Member a numbered list of the exhibits and a copy of all exhibits suitable for placement in  
3 the binders that each party and potential party expects to offer in evidence at the hearing.  
4 The exhibits shall be provided to the Chairman and each Committee Member at the  
5 beginning of the hearing and during the hearing before reference to the exhibit is made in  
6 the hearing. In lieu of copies of exhibits in paper format, Applicant may provide the  
7 Chairman and each Member of the Committee a laptop, tablet or iPad loaded with  
8 electronic copies of the exhibits. Except for good cause, no exhibit that was not exchanged  
9 with the other parties shall be considered at the hearing. Any exhibit to which reference is  
10 made during any hearing that is not offered or admitted into evidence shall be provided to  
11 the court reporter at the hearing for inclusion in the record, unless it is withdrawn and the  
12 Chairman determines its filing is not necessary to an understanding of the actions of the  
13 Committee.

14 15. All exhibits shall be consecutively numbered, with the Applicant's exhibits  
15 denominated: SRP-1, SRP-2, etc. Each intervening party will be assigned by the Chairman  
16 a letter or letters of the alphabet as a preface with which to consecutively number its  
17 exhibits.

18 16. The Applicant shall create an exhibit summarizing all public outreach efforts  
19 concerning the Application, with representatives of federal, state and municipal bodies and  
20 the general public, and all comments received as a result of such public outreach, including  
21 comments received at meetings, through comment cards, emails, phone calls, faxes,  
22 correspondence, social media and through the Applicant's website. Applicant shall  
23 exchange the exhibit with all parties and potential parties and the Chairman by 5:00 p.m. of  
24 the day before the pre-hearing conference set below.

25 17. The Applicant may make an opening statement at the beginning of the  
26 hearing of no more than thirty (30) minutes. Each other party may make an opening  
27 statement of no more than five (5) minutes.

28 18. Public comment will be heard after the opening statements and at other times

1 set by the Chairman during the hearing. See ¶ 4 above.

2       19. No tour of the Project Area is planned by the Committee at this time. If the  
3 Chairman later decides to conduct a tour, the Applicant shall provide notice that includes a  
4 map and itinerary of such tour, and will make the notice available at the hearing and shall  
5 post the same on the Project and Commission websites. In the event the Chairman  
6 determines that a tour or tours of the proposed locations of facilities proposed in the  
7 Application is appropriate, the Applicant shall arrange for transportation for Committee  
8 Members who wish to attend. The Applicant shall submit to the Chairman, before the pre-  
9 hearing conference set below, a schedule and protocol agreed to by all parties and potential  
10 parties for each tour. If all parties and potential parties do not agree upon the schedule and  
11 protocol for each tour, the disagreements shall be submitted to the Chairman for resolution.  
12 The protocol shall identify the tour route, identify the location of any stops, and identify  
13 any witnesses who will accompany each tour. Counsel may ask brief explanatory  
14 questions of the identified witness or witnesses during the stops about the location, what  
15 can be seen from the location of the stop and the relevance of the location or view to the  
16 Application, at the discretion of the Chairman. All witnesses who testify on each tour shall  
17 be sworn before their testimony. All questions and answers shall be before a court  
18 reporter. No testimony or discussion with or between Committee Members about the  
19 merits of the Application will take place, except on the record before a court reporter at the  
20 designated stops. The protocol shall provide for access to members of the public to any  
21 testimony presented at stops on each tour. Members of the public who wish to observe the  
22 tour are encouraged to notify the Applicant or the Chairman in advance of their intention to  
23 follow and observe the tour.

24       20. Parties may present their witnesses in panels where appropriate. A party or  
25 potential party who intends to present witnesses in panels shall identify the members of any  
26 panel at the time it files its testimonial summaries or direct testimony.

27       21. The Applicant shall make arrangements for the preparation of expedited  
28 court reporter transcripts of all pre-filing conferences, all pre-hearing conferences, and the

1 hearing, so that the transcripts are available for public inspection within three working days  
2 after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-360.04(C). In  
3 addition, the Applicant shall file a certification with Docket Control that it has provided a  
4 copy of the transcripts to two public libraries identified in the certification that are in the  
5 vicinity of the proposed route and alternates in the Application. The Applicant shall also  
6 post the transcripts on the Applicant's project website at: <https://www.srp.net/smt>.  
7 Transcripts shall remain on the Applicant's project website until 30 days after the final  
8 decision has been issued by the Commission.

9 22. At or before the pre-hearing conference set below, the Applicant shall, and  
10 the other parties and potential parties may, file proposed findings of fact, proposed  
11 conclusions of law, the wording of any proposed certificate of environmental compatibility,  
12 and the wording of any proposed conditions to the certificate.

13 23. If the beginning of closing arguments and the Committee's deliberations are  
14 more than one week after the beginning of the hearing, the parties shall meet and confer  
15 before closing arguments, concerning proposed findings of fact, proposed conclusions of  
16 law, a proposed certificate of environmental compatibility and the wording of any proposed  
17 conditions to the certificate. If the parties are able to agree upon part or all of the proposed  
18 findings of fact, proposed conclusions of law, proposed forms of a certificate of  
19 environmental compatibility and proposed wording of conditions to the certificate, all that  
20 is agreed upon should be reduced to writing and filed. If the parties are not able to agree  
21 completely, the Applicant shall, and all other parties may, file proposed findings of fact,  
22 proposed conclusions of law, proposed wording of a certificate of environmental  
23 compatibility and proposed wording of conditions to the certificate on the day before the  
24 beginning of closing arguments and the Committee's deliberations.

25 24. If the Applicant or any other party proposes conditions based upon conditions  
26 used in prior cases, each proposed condition from a prior case shall contain the case  
27 number of the most recent prior certificate of environmental compatibility using the  
28 language approved by the Commission. Any proposed additions, deletions or

1 modifications to the language approved by the Commission for each prior condition shall  
2 be designated using the "Track Changes" function.

3        25. All pleadings, testimonial summaries, direct testimony, proposed findings of  
4 fact, proposed conclusions of law, proposed certificates of environmental compatibility and  
5 proposed conditions of certificates that must be filed pursuant to this Procedural Order or  
6 otherwise by law, shall be filed with Docket Control. Copies of all documents described in  
7 this paragraph that are filed with Docket Control shall be served upon the Chairman, the  
8 Committee, all parties, and all potential parties. Before the hearing, documents may be  
9 served upon parties and potential parties electronically to the e-mail address or FAX  
10 number provided by the party or potential party. Before the hearing, documents may be  
11 served electronically upon the Chairman and the Committee, to the e-mail address of the  
12 Chairman. Documents that are served during the hearing shall be hand delivered to parties.  
13 During the hearing, eleven (11) copies of any filed document shall be delivered to the  
14 Chairman for distribution to the Committee, and a copy shall be sent electronically to the e-  
15 mail address of the Chairman.

16        26. If the final wording of the certificate of environmental compatibility that is  
17 adopted by the Committee at the end of the hearing is in dispute, the Chairman may order  
18 the parties to meet and confer in person or electronically to determine if they can agree  
19 upon the final wording of a proposed certificate of environmental compatibility. If the  
20 parties can agree upon the final wording of a proposed certificate of environmental  
21 compatibility, Applicant shall forthwith hand-deliver the agreed-upon proposed certificate  
22 of environmental compatibility to the Chairman for signature. If the parties are not able to  
23 agree upon a proposed form of certificate of environmental compatibility, the Applicant  
24 shall file, and the other parties may file, within ten (10) days after the date of the decision  
25 of the Committee, those portions of the proposed certificate of environmental compatibility  
26 upon which the parties agree. The Applicant also shall file, and any other party also may  
27 file, within ten (10) days after the date of the decision of the Committee, its understanding  
28 of any disputed portions of the proposed certificate of environmental compatibility. All

1 proposed forms of the certificate of environmental compatibility and any objections or  
2 proposed revisions shall be filed with Docket Control, and a copy shall be hand delivered  
3 to the Chairman at 15 South 15<sup>th</sup> Avenue, Phoenix, Arizona. All other parties shall be  
4 served. Objections or suggestions that are not timely filed shall be considered waived.

5       27. The copy of the proposed certificate of environmental compatibility filed by  
6 the Applicant and any objections or proposed revisions filed by the parties that are served  
7 upon the Chairman, shall include an electronic file containing the wording of the proposed  
8 language in a format compatible with Microsoft© Word word-processing program. The  
9 Applicant and all potential parties shall meet with the Chairman for a **pre-hearing**  
10 **conference on October 30, 2024, beginning at 2:00 p.m. via Zoom at**  
11 **<https://us02web.zoom.us/j/87383100557?pwd=QMPgBsmUC4P8eauIyTdcPPRSSb0wZV>**  
12 **.1; Meeting ID:873 8310 0557, Passcode: 422272.**

13       28. Parties and potential parties other than the Applicant may appear by  
14 telephone with the prior permission of the Chairman. At the final pre-hearing conference,  
15 the Chairman shall review with the Applicant and potential parties:

- 16           a. The publication and posting of notices of the hearing;
- 17           b. The proposed agenda for the hearing;
- 18           c. Any notices to intervene, requests to intervene, and applications to  
19 make a limited appearance;
- 20           d. The status of attempts to narrow the issues at the hearing or to agree to  
21 language in the proposed findings of fact, proposed conclusions of law, proposed  
22 certificates of environmental compatibility and proposed conditions to the certificate;
- 23           e. The status of the filing and exchange of witness summaries or written  
24 testimony, proposed findings of fact, proposed conclusions of law, proposed certificates of  
25 environmental compatibility and proposed conditions to the certificate;
- 26           f. The status of the exchange of exhibits amongst the parties;
- 27           g. Any objections, motions, responses, and legal memoranda that have  
28 been filed; and

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

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

6 **DATED** this 30th day of September, 2024.

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11 Adam Stafford  
12 Chairman, Arizona Power Plant and  
13 Transmission Line Siting Committee  
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**CERTIFICATION OF MAILING**

**ORIGINAL** of the foregoing e-filed this 30th day of September, 2024 with:

**Utilities Division - Docket Control**

Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

**COPIES** of the above e-mailed this 30th day of September, 2024 to:

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