

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

3 In the Matter of the Application of Salt River
4 Project Agricultural Improvement and Power
5 District, in Conformance with the Requirements
6 of Arizona Revised Statutes § 40-360, *et seq.*, for
7 a Certificate of Environmental Compatibility
8 Authorizing the Southeast Power Link Project, a
9 Double-Circuit 230kV Transmission Line
10 Originating from the Existing SanTan-Browning
11 230kV Line to a New Substation Located East of
12 the Loop 202/State Route (SR)-24 Interchange
13 and Terminating at the Permitted Future Abel-
14 Pfister-Ball 230kV Line Within the City of Mesa,
15 Arizona and Town of Queen Creek, Arizona in
16 Maricopa County.

Arizona Corporation Commission

Docket No. **L-00000B-18-0265-00180**

Case No. 180

PROCEDURAL ORDER

13 An Application for a Certificate of Environmental Compatibility
14 (“Application”) was filed in the above captioned matter with Docket Control of the
15 Arizona Corporation Commission (“Commission”) on August 1, 2018. A copy of the
16 Application was transmitted to Thomas K. Chenal, designee of the Attorney General of
17 Arizona, Mark Brnovich, as Chairman (“Chairman”) and Presiding Officer of the Arizona
18 Power Plant and Transmission Line Siting Committee (“Committee”). A.R.S. §§ 40-
19 360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04
20 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order.

21 **IT IS ORDERED:**

22 1. The Applicant and all potential parties (“person” within the meaning of
23 A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to A.R.S.
24 § 40-360.05(A)) (hereinafter “potential parties”), shall advise the Chairman in writing on
25 or before the time of the pre-hearing conference, scheduled below, if they disagree that the
26 time limit for decision on the Application by the Committee set by A.R.S. § 40.360.04(D)

1 is January 28, 2019.

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

9 **3.** The Applicant shall arrange for the timely publication and posting of notice
10 of the hearing, in a form approved by the Chairman, at locations discussed and agreed to by
11 the Applicant at the pre-filing conference held on July 16, 2018. Posting of the Notice of
12 Hearing should occur at least twenty days before the hearing scheduled below. The
13 Applicant shall provide notice by certified mail to the City of Mesa, the Town of Queen
14 Creek, Maricopa County and any other affected jurisdiction within the meaning of A.R.S.
15 § 40-360.04(A), at least twenty days before the hearing scheduled below. In addition, at the
16 hearing the Applicant shall submit a copy of the notice and present testimony describing
17 the publication, providing of notice and posting of the notice.

18 **4.** The Applicant shall make arrangements for the hearing to commence in
19 Mesa, Arizona. The hearing in Mesa, Arizona will be held at the Mesa Convention Center,
20 263 North Center Street, Mesa, Arizona 85201, on Thursday, September 6, 2018, at 1:00
21 p.m. and will continue on Friday, September 7, 2018, beginning at 9:30 a.m. The hearing
22 will recess until Monday, September 10, 2018 beginning at 10:00 a.m. and will continue on
23 September 11, 2018 through September 14, 2018, as necessary, beginning at 9:30 a.m. each
24 day, unless a tour is taken. If a tour is taken, it will begin on Tuesday, September 11, 2018,
25 at 9:00 a.m. or an alternative date and time set by the Chairman of the Committee. Public
26 comment may be taken during the hearing at times designated by the Chairman. Public

comment also will be taken in a special evening session on Thursday, September 6, 2018, at 6:00 p.m. at the same location. Unless later ordered by the Chairman, the hearing will adjourn at approximately 5:00 p.m. each day, except on Thursday, September 6, 2018, when it will continue after 6:00 p.m. for the public comment session.

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 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.

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

1 repetitive evidence, and any unfair advantage from surprise.

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

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

22 **11.** Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties and
23 potential parties shall serve upon the Chairman as soon as practicable, and at least forty-
24 eight (48) hours before the hearing or meeting described in the agenda, any objections,
25 additions, or corrections to the agenda they believe are necessary in order to bring the
26 agenda into compliance with A.R.S. § 38-431.02. The objections, additions or corrections

1 shall be in writing and shall be served upon all other parties and potential parties. A copy
2 shall be filed with Docket Control. Objections that are not timely raised will be deemed
3 waived.

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

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

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

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

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

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

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

19 **18.** In the event the Chairman determines that a tour or tours of the proposed
20 locations of facilities proposed in the Application is appropriate, the Applicant shall
21 arrange for transportation for Committee Members who wish to attend. The Applicant shall
22 submit to the Chairman, before the pre-hearing conference set below, a schedule and
23 protocol agreed to by all parties and potential parties for each tour. If all parties and
24 potential parties do not agree upon the schedule and protocol for each tour, the
25 disagreements shall be submitted to the Chairman for resolution. The protocol shall
26 identify the tour route, identify the location of any stops, and identify any witnesses who

1 will accompany each tour. Counsel may ask brief explanatory questions of the identified
2 witness or witnesses during the stops about the location, what can be seen from the location
3 of the stop and the relevance of the location or view to the Application, at the discretion of
4 the Chairman. All witnesses who testify on each tour shall be sworn before their testimony.
5 All questions and answers shall be before a court reporter. No testimony or discussion with
6 or between Committee Members about the merits of the Application will take place, except
7 on the record before a court reporter at the designated stops. The protocol shall provide for
8 access to members of the public to any testimony presented at stops on each tour. Members
9 of the public who wish to observe the tour are encouraged to notify the Applicant or the
10 Chairman in advance of their intention to follow and observe the tour.

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

14 **20.** The Applicant shall make arrangements for the preparation of expedited
15 court reporter transcripts of all pre-filing conferences, all pre-hearing conferences, and the
16 hearing, so that the transcripts are available for public inspection within three working days
17 after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-360.04(C). In
18 addition, the Applicant shall file a certification with Docket Control that it has provided a
19 copy of the transcripts to two public libraries identified in the certification that are in the
20 vicinity of the proposed route and alternates in the Application. The Applicant shall also
21 post the transcripts on the Applicant's project website at: <http://www.srpnet.com/SPL>.

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

26 **22.** If the beginning of closing arguments and the Committee's deliberations are

1 more than one week after the beginning of the hearing, the parties shall meet and confer
2 before closing arguments, concerning proposed findings of fact, proposed conclusions of
3 law, a proposed certificate of environmental compatibility and the wording of any proposed
4 conditions to the certificate. If the parties are able to agree upon part or all of the proposed
5 findings of fact, proposed conclusions of law, proposed forms of a certificate of
6 environmental compatibility and proposed wording of conditions to the certificate, all that
7 is agreed upon should be reduced to writing and filed. If the parties are not able to agree
8 completely, the Applicant shall, and all other parties may, file proposed findings of fact,
9 proposed conclusions of law, proposed wording of a certificate of environmental
10 compatibility and proposed wording of conditions to the certificate on the day before the
11 beginning of closing arguments and the Committee's deliberations.

12 **23.** If the Applicant or any other party proposes conditions based upon conditions
13 used in prior cases, each proposed condition from a prior case shall contain the case
14 number of the most recent prior certificate of environmental compatibility using the
15 language approved by the Commission. Any proposed additions, deletions or modifications
16 to the language approved by the Commission for each prior condition shall be designated
17 using the "Track Changes" function.

18 **24.** All pleadings, testimonial summaries, direct testimony, proposed findings of
19 fact, proposed conclusions of law, proposed certificates of environmental compatibility and
20 proposed conditions of certificates that must be filed pursuant to this Procedural Order or
21 otherwise by law, shall be filed with Docket Control. Copies of all documents described in
22 this paragraph that are filed with Docket Control shall be served upon the Chairman, the
23 Committee, all parties, and all potential parties. Before the hearing, documents may be
24 served upon parties and potential parties electronically to the e-mail address or FAX
25 number provided by the party or potential party. Before the hearing, documents may be
26 served electronically upon the Chairman and the Committee, to the e-mail address of the

1 Chairman. Documents that are served during the hearing shall be hand delivered to parties.
2 During the hearing, eleven (11) copies of any filed document shall be delivered to the
3 Chairman for distribution to the Committee, and a copy shall be sent electronically to the e-
4 mail address of the Chairman.

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

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

26 **27.** The Applicant and all potential parties shall meet with the Chairman for a

1 pre-hearing conference on Tuesday, August 21, 2018 beginning at 10:00 a.m. at the
2 Offices of the Attorney General of Arizona, 15 South 15th Avenue, Phoenix, Arizona

3 85007. Parties and potential parties other than the Applicant may appear by telephone with
4 the prior permission of the Chairman. At the final pre-hearing conference, the Chairman
5 shall review with the Applicant and potential parties:

- 6 a. The publication and posting of notices of the hearing;
- 7 b. The proposed agenda for the hearing;
- 8 c. Any notices to intervene, requests to intervene, and applications to
9 make a limited appearance;
- 10 d. The status of attempts to narrow the issues at the hearing or to agree to
11 language in the proposed findings of fact, proposed conclusions of law, proposed
12 certificates of environmental compatibility and proposed conditions to the certificate;
- 13 f. The status of the filing and exchange of witness summaries or written
14 testimony, proposed findings of fact, proposed conclusions of law, proposed certificates of
15 environmental compatibility and proposed conditions to the certificate;
- 16 g. The status of the exchange of exhibits amongst the parties;
- 17 h. Any objections, motions, responses, and legal memoranda that have
18 been filed; and
- 19 i. Plans and preparations for the hearing, public comment session, and
20 tour of the proposed site.

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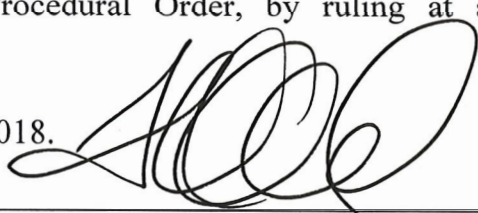
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1 **IT IS FURTHER ORDERED**, the Chairman may amend or waive any portion of
2 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing
3 conference, or at a hearing.

4 **DATED** this 3rd day of August, 2018.



5 Thomas K. Chenal
6 Chairman, Arizona Power Plant and
7 Transmission Line Siting Committee
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CERTIFICATION OF MAILING

Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 26 copies were filed this 3rd day of August, 2018 with:

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

Copy of the above mailed this 6th day of August, 2018 to:

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22 City of Mesa
23 PO Box 1466
24 Mesa, Arizona 85211-1466
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26 Phoenix-Mesa Gateway Airport Authority
Attn: Town Manager
Town of Gilbert
50 East Civic Center Drive
Gilbert, Arizona 85296

Phoenix-Mesa Gateway Airport Authority
Attn: City Manager
City of Mesa
20 East Main Street
Mesa, Arizona 85201

Phoenix-Mesa Gateway Airport Authority
Attn: Town Manager
Town of Queen Creek
22358 South Ellsworth Road
Queen Creek, Arizona 85142

1 Phoenix-Mesa Gateway Airport Authority

Attn: Lieutenant Governor

2 Gila River Indian Community

3 Administrative Offices

PO Box 97

4 Sacaton, Arizona 85147

5 Phoenix-Mesa Gateway Airport Authority

Attn: Aviation Director

6 City of Phoenix

7 3400 East Sky Harbor Boulevard, Suite 3300

Phoenix, Arizona 85034

8 Phoenix-Mesa Gateway Airport Authority

9 Attn: City Manager

10 City of Apache Junction

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11 Apache Junction, Arizona 85119

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