

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

3 IN THE MATTER OF THE APPLICATION
4 OF SALT RIVER PROJECT
5 AGRICULTURAL IMPROVEMENT AND
6 POWER DISTRICT, IN CONFORMANCE
7 WITH THE REQUIREMENTS OF
8 ARIZONA REVISED STATUTES,
9 SECTIONS 40-360, et seq., FOR A
10 CERTIFICATE OF ENVIRONMENTAL
11 COMPATIBILITY AUTHORIZING
12 PROJECT RED HAWK, A SWITCHYARD
13 AND MULTIPLE TRANSFORMERS
14 INTERCONNECTING 230KV
15 STRUCTURES LOCATED AT
16 SOUSSAMAN AND ELLIOTT ROADS ALL
17 WITHIN THE CITY OF MESA, ARIZONA
18 IN MARICOPA COUNTY.

Arizona Corporation Commission
Docket No. L-00000B-19-0219-00184
Case No. 184

PROCEDURAL ORDER

14 An Application for Certificates of Environmental Compatibility (“Application”) was
15 filed in the above captioned matter with Docket Control of the Arizona Corporation
16 Commission (“Commission”) on September 23, 2019. A copy of the Application was
17 transmitted to Thomas K. Chenal, designee of the Attorney General of Arizona, Mark
18 Brnovich, as Chairman (“Chairman”) and Presiding Officer of the Arizona Power Plant and
19 Transmission Line Siting Committee (“Committee”). A.R.S. §§ 40-360.01(B)(1) and 40-
20 360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-
21 201(E), the Chairman issues the following procedural order.

22 **IT IS ORDERED:**

23 1. The Applicant and all potential parties (“person” within the meaning of
24 A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to A.R.S.
25 § 40-360.05(A)) (hereinafter “potential parties”), shall advise the Chairman in writing on
26 or before the time of the pre-hearing conference, scheduled below, if they disagree that the
27 time limit for decision on the Application by the Committee set by A.R.S. § 40.360.04(D)
28 is March 21, 2020.

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

8 3. The Applicant shall arrange for the timely publication and posting of notice
9 of the hearing, in a form approved by the Chairman, at locations discussed and agreed to by
10 the Applicant at the pre-filing conference held on September 13, 2019. Posting of the
11 Notice of Hearing should occur at least twenty days before the hearing scheduled below.
12 The Applicant shall provide notice by certified mail to City of Mesa, Maricopa County
13 Board of Supervisors and any other affected jurisdiction within the meaning of A.R.S.
14 § 40-360.04(A), at least twenty days before the hearing scheduled below. 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 Mesa, Arizona. The hearing in Mesa, Arizona will be held at the Superstition Springs Golf
19 Club, 6542 East Baseline Road, Mesa, Arizona 85206, on November 5, 2019, at 10:00 a.m.
20 and will continue on November 6, 2019 through November 8, 2019, as necessary,
21 beginning at 9:00 a.m. on each day, unless a tour is taken. If a tour is taken, it will begin on
22 November 6, 2019, at 9:00 a.m. or an alternative date and time set by the Chairman of the
23 Committee. Public comment may be taken during the hearing at times designated by the
24 Chairman. Public comment also will be taken in a special evening session on November 5,
25 2019, at 5:30 p.m. at the same location. Unless later ordered by the Chairman, the hearing
26 will adjourn at approximately 5:00 p.m. each day, except on November 5, 2019, when it
27 will continue after 5:30 p.m. for the public comment session.

28 5. The Applicant shall contact the appropriate member of the staff of the

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

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

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

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

23 9. Parties and potential parties shall not communicate with any Member of the
24 Committee about any procedural matters, or any factual issues or legal issues relating to the
25 Application, while the Application is pending before the Committee. The only exception is
26 that parties may communicate with the Chairman during the time the Application is
27 pending about procedural matters relating to the Application, preparation of the notice of
28 hearing and its publication, the agenda for the hearing, any pre-hearing conferences, the

1 hearing on the Application, and the decision on the Application by the Committee.
2 Communication by the parties with the Chairman about any procedural matter during the
3 time an Application is pending shall be in writing or, if oral, shall be memorialized by an e-
4 mail or other written summary with a copy of the written communication or summary to all
5 parties and potential parties, or shall be on the record at pre-filing conferences, at pre-
6 hearing conferences, or at the hearing on the Application. Any party who initiates any
7 written communication sent to the Chairman, or who summarizes an oral communication
8 with the Chairman on a procedural matter, shall file with Docket Control a copy of the
9 communication or summary, including its distribution list, within 10 days of sending the
10 written communication or making the oral communication.

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

15 11. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties and
16 potential parties shall serve upon the Chairman as soon as practicable, and at least forty-
17 eight (48) hours before the hearing or meeting described in the agenda, any objections,
18 additions, or corrections to the agenda they believe are necessary in order to bring the
19 agenda into compliance with A.R.S. § 38-431.02. The objections, additions or corrections
20 shall be in writing and shall be served upon all other parties and potential parties. A copy
21 shall be filed with Docket Control. Objections that are not timely raised will be deemed
22 waived.

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

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

12 14. All parties and potential parties shall meet, confer, and exchange all exhibits
13 the party or potential party plans to offer in evidence by 5:00 p.m. of the day before the
14 pre-hearing conference set below. The Applicant shall, and other parties and potential
15 parties may, provide one or more three-ring binders for the Chairman and each Member of
16 the Committee to hold exhibits at the beginning of the hearing and as needed during the
17 hearing. Each party and potential party shall prepare for the Chairman and each Committee
18 Member a numbered list of the exhibits and a copy of all exhibits suitable for placement in
19 the binders that each party and potential party expects to offer in evidence at the hearing.
20 The exhibits shall be provided to the Chairman and each Committee Member at the
21 beginning of the hearing and during the hearing before reference to the exhibit is made in
22 the hearing. Except for good cause, no exhibit that was not exchanged with the other
23 parties shall be considered at the hearing. Any exhibit to which reference is made during
24 any hearing that is not offered or admitted into evidence shall be provided to the court
25 reporter at the hearing for inclusion in the record, unless it is withdrawn and the Chairman
26 determines its filing is not necessary to an understanding of the actions of the Committee.

27 15. All exhibits shall be consecutively numbered, with the Applicant's exhibits
28 denominated: SRP-1, SRP-2 etc. Each intervening party will be assigned by the Chairman

1 a letter or letters of the alphabet as a preface with which to consecutively number its
2 exhibits.

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

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

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

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

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

9 21. 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 22. 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 23. 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 modifications

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

3 24. 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 25. 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 15th Avenue, Phoenix, Arizona. All other parties shall be
4 served. Objections or suggestions that are not timely filed shall be considered waived.

5 26. 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.

9 27. The Applicant and all potential parties shall meet with the Chairman for a
10 **pre-hearing conference on October 30, 2019 beginning at 1:00 p.m. at the Offices of**
11 **the Attorney General of Arizona, 15 South 15th Avenue, Phoenix, Arizona 85007.**

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

- 15 a. The publication and posting of notices of the hearing;
- 16 b. The proposed agenda for the hearing;
- 17 c. Any notices to intervene, requests to intervene, and applications to make a
18 limited appearance;
- 19 d. The status of attempts to narrow the issues at the hearing or to agree to
20 language in the proposed findings of fact, proposed conclusions of law, proposed
21 certificates of environmental compatibility and proposed conditions to the certificate;

22 28. The status of the filing and exchange of witness summaries or written
23 testimony, proposed findings of fact, proposed conclusions of law, proposed certificates of
24 environmental compatibility and proposed conditions to the certificate;

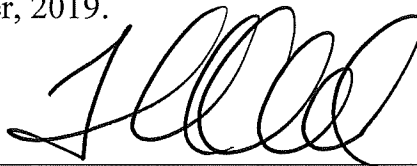
25 29. The status of the exchange of exhibits amongst the parties;

26 30. Any objections, motions, responses, and legal memoranda that have been
27 filed; and
28

1 31. Plans and preparations for the hearing, public comment session, and tour of
2 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, 2019.

7 

8 _____
9 Thomas K. Chenal
10 Chairman, Arizona Power Plant and
11 Transmission Line Siting Committee
12 15 South 15th Avenue
13 Phoenix, Arizona 85007-2926
14 Thomas.Chenal@azag.gov
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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 30th day of September, 2019 with:

Utilities Division - Docket Control

Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

COPY of the above mailed this 1st day of October, 2019 to:

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Court Reporter



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