

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 15<sup>th</sup> 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

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

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

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

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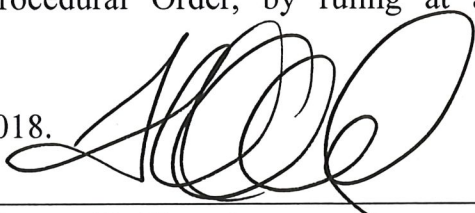
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1       **IT IS FURTHER ORDERED**, the Chairman may amend or waive any portion of  
2 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing  
3 conference, or at a hearing.

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



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5 Thomas K. Chenal  
6 Chairman, Arizona Power Plant and  
7 Transmission Line Siting Committee  
8 15 South 15<sup>th</sup> Avenue  
9 Phoenix, Arizona 85007-2926  
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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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20 Cadence Community Facilities District  
21 c/o James Smith, City Attorney  
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

Attn: City Manager

9 City of Apache Junction

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