

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

3 IN THE MATTER OF THE APPLICATION  
4 OF MARICOPA ENERGY CENTER, LLC,  
5 OR ITS ASSIGNEES, IN CONFORMANCE  
6 WITH THE REQUIREMENTS OF A.R.S. §  
7 40-360 et. seq., FOR A CERTIFICATE OF  
8 ENVIRONMENTAL COMPATIBILITY  
9 AUTHORIZING THE MARICOPA ENERGY  
10 CENTER 500KV TRANSMISSION LINE  
11 PROJECT.

Arizona Corporation Commission

Docket No.

L-21206A-22-0243-00207

Case No. 207

**PROCEDURAL ORDER**

9 An Application for Certificates of Environmental Compatibility  
10 ("Application") was filed in the above captioned matter with Docket Control of the  
11 Arizona Corporation Commission ("Commission") on September 9, 2022. A copy of the  
12 Application was transmitted to Paul Katz, designee of the Attorney General of Arizona,  
13 Mark Brnovich, as Chairman ("Chairman") and Presiding Officer of the Arizona Power  
14 Plant and Transmission Line Siting Committee ("Committee"). A.R.S. §§ 40-360.01(B)(1)  
15 and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C.  
16 R14-3-201(E), the Chairman issues the following procedural order.

17 **IT IS ORDERED:**

18 1. The Applicant and all potential parties ("person" within the meaning of  
19 A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to A.R.S.  
20 § 40-360.05(A)) (hereinafter "potential parties"), shall advise the Chairman in writing on  
21 or before the time of the pre-hearing conference, scheduled below, if they disagree that the  
22 time limit for decision on the Application by the Committee set by A.R.S. § 40.360.04(D)  
23 is March 8, 2023.

24 2. All parties or potential parties listed on pleadings or procedural orders filed  
25 by the Applicant or the Chairman shall notify Docket Control of their desire to receive  
26 pleadings and procedural orders in this matter and shall regularly review the Docket  
27 Control file in this matter to make sure they have received all pleadings and procedural  
28 orders relating to this case. Neither the Committee nor the Chairman has the authority to

1 direct Docket Control to send one of the 25 copies of pleadings and procedural orders filed  
2 with Docket Control to prospective parties.

3         3.       The Applicant shall arrange for the timely publication and posting of notice  
4 of the hearing, in a form approved by the Chairman, at locations discussed and agreed to by  
5 the Applicant at the pre-filing conference held on August 29, 2022. Posting of the Notice  
6 of Hearing should occur at least twenty days before the hearing scheduled below. The  
7 Applicant shall provide notice by certified mail to any and all affected jurisdiction within  
8 the meaning of A.R.S. § 40-360.04(A), at least twenty days before the hearing scheduled  
9 below. Applicant shall also use social media to provide notice of the hearing as discussed  
10 at the pre-filing conference held on August 29, 2022. In addition, at the hearing the  
11 Applicant shall submit a copy of the notice and present testimony describing the  
12 publication, providing of notice and posting of the notice.

13         4.       The Applicant shall make arrangements for the hearing to commence in  
14 Goodyear, Arizona. The hearing in Goodyear, Arizona will be held at the Hampton Inn &  
15 Suites, located at 2000 North Litchfield Road, Goodyear, Arizona 85395, commencing on  
16 Monday, October 24, 2022, at 1:00 p.m. and will continue each weekday on Tuesday,  
17 October 25, 2022, through Wednesday, October 26, 2022, as necessary, at the same  
18 location beginning at 9:00 a.m. on each day unless a tour is taken. If a tour is taken, it will  
19 begin on an alternative date and time set by the Chairman of the Committee.

20         Public comment also will be taken in a special evening session on Monday, October  
21 24, 2022, beginning 5:30 p.m. via Zoom, by telephone or in person at the same location.  
22 Public comment may also be taken at the beginning of each hearing day, or at other times  
23 during the hearing, at the discretion of the Chairman of the Committee. **DUE TO THE**  
24 **COVID-19 PANDEMIC, THE PUBLIC IS STRONGLY ENCOURAGED TO**  
25 **PARTICIPATE BY EITHER WATCHING THE MEETING ONLINE OR**  
26 **LISTENING TO THE MEETING VIA TELEPHONE, RATHER THAN**  
27 **ATTENDING IN PERSON.** At least 24 hours in advance of the hearing, information  
28 regarding online and telephone hearing access as well as any additional details regarding



COVID-19 safety protocols or other revisions to the hearing schedule, will be posted on the Project website at <https://maricopasolarandstorageproject.com/> and on the Arizona Corporation Commission (ACC) website at <https://www.azcc.gov/arizona-power-plant/meeting-schedule>. **PLEASE BE ADVISED THAT ALL LOCAL AND STATE PUBLIC HEALTH AND SAFETY GUIDELINES REGARDING COVID-19 WILL BE FOLLOWED DURING THE PUBLIC COMMENT PERIOD. ADDITIONAL 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.

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

1 parties advised of their positions and intentions with regard to the presentation of evidence,  
2 witnesses, and the application process in general to avoid delay, the presentation of  
3 repetitive evidence, and any unfair advantage from surprise.

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

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

24       11. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties and  
25 potential parties shall serve upon the Chairman as soon as practicable, and at least forty-  
26 eight (48) hours before the hearing or meeting described in the agenda, any objections,  
27 additions, or corrections to the agenda they believe are necessary in order to bring the  
28 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  
27 Member a numbered list of the exhibits and a copy of all exhibits suitable for placement in  
28 the binders that each party and potential party expects to offer in evidence at the hearing.

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

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

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

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

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

27 19. No tour of the Project Area is planned by the Committee at this time. If the  
28 Chairman later decides to conduct a tour, the Applicant shall provide notice that includes a



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

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

24       21. The Applicant shall make arrangements for the preparation of expedited  
25 court reporter transcripts of all pre-filing conferences, all pre-hearing conferences, and the  
26 hearing, so that the transcripts are available for public inspection within three working days  
27 after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-360.04(C). In  
28 addition, the Applicant shall file a certification with Docket Control that it has provided a

1 copy of the transcripts to two public libraries identified in the certification that are in the  
2 vicinity of the proposed route and alternates in the Application. The Applicant shall also  
3 post the transcripts on the Applicant's project website at:  
4 <https://maricopasolarandstorageproject.com/>. Transcripts shall remain on the Applicant's  
5 project website until 30 days after the final decision has been issued by the Commission.

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

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

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



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

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

1 to the Chairman at 15 South 15<sup>th</sup> Avenue, Phoenix, Arizona. All other parties shall be  
2 served. Objections or suggestions that are not timely filed shall be considered waived.

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

7 28. The Applicant and all potential parties shall meet with the Chairman for a  
8 **pre-hearing conference on October 20, 2022 beginning at 3:00 p.m. via Zoom at**  
9 **<https://us02web.zoom.us/j/89021344902?pwd=czAyR2doWkNTVhVnWG04Ti8yZkFydz0>**  
10 **9 Meeting ID: 890 2134 4902; Passcode 766900.** Parties and potential parties other than

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

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



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

**DATED** this 12<sup>th</sup> day of September, 2022.

Paul A. Katz

Paul A. Katz  
Chairman, Arizona Power Plant and  
Transmission Line Siting Committee  
15 South 15<sup>th</sup> Avenue  
Phoenix, Arizona 85007-2926  
Paul.Katz@azag.gov

1 **CERTIFICATION OF MAILING**

2 Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 26 copies were  
3 filed this 13<sup>th</sup> day of September, 2022 with:

4 **Utilities Division - Docket Control**

5 Arizona Corporation Commission  
6 1200 West Washington Street  
7 Phoenix, AZ 85007

8 **COPIES** of the above mailed this 13<sup>th</sup> day of September, 2022 to:

9 Robin Mitchell, General Counsel  
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