

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

3 IN THE MATTER OF THE  
4 APPLICATION OF 1886 SOLAR  
5 ENERGY STATION LLC, IN  
6 CONFORMANCE WITH THE  
7 REQUIREMENTS OF ARIZONA  
8 REVISED STATUTES, SECTIONS 40-  
9 360, ET. SEQ., FOR A CERTIFICATE OF  
10 ENVIRONMENTAL COMPATIBILITY  
11 AUTHORIZING THE 1886 SOLAR  
12 ENERGY STATION  
13 INTERCONNECTION PROJECT  
14 LOCATED IN COCONINO COUNTY,  
15 ARIZONA.

Arizona Corporation Commission

Docket No.  
L-21260A-23-0218-00224

Case No. 224

**PROCEDURAL ORDER**

12                   An Application for Certificates of Environmental Compatibility  
13 (“Application”) was filed in the above captioned matter with Docket Control of the  
14 Arizona Corporation Commission (“Commission”) on July 24, 2023. A copy of the  
15 Application was transmitted to Adam Stafford, designee of the Attorney General of  
16 Arizona, Kristin Mayes, as Chairman (“Chairman”) and Presiding Officer of the Arizona  
17 Power Plant and Transmission Line Siting Committee (“Committee”). A.R.S. §§ 40-  
18 360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04  
19 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order.

20                   **IT IS ORDERED:**

21                   1.     The Applicant and all potential parties (“person” within the meaning of  
22 A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to A.R.S.  
23 § 40-360.05(A)) (hereinafter “potential parties”), shall advise the Chairman in writing on  
24 or before the time of the pre-hearing conference, scheduled below, if they disagree that the  
25 time limit for decision on the Application by the Committee set by A.R.S. § 40.360.04(D)  
26 is January 20, 2024.

27                   2.     All parties or potential parties listed on pleadings or procedural orders filed  
28 by the Applicant or the Chairman shall notify Docket Control of their desire to receive

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

6         3.       The Applicant shall arrange for the timely publication and posting of notice  
7 of the hearing, in a form approved by the Chairman, at locations discussed and agreed to by  
8 the Applicant at the pre-filing conference held on July 14, 2023. Posting of the Notice of  
9 Hearing should occur at least twenty days before the hearing scheduled below. The  
10 Applicant shall provide notice by certified mail to any and all affected jurisdiction within  
11 the meaning of A.R.S. § 40-360.04(A), at least twenty days before the hearing scheduled  
12 below. Applicant shall also use social media to provide notice of the hearing as discussed  
13 at the pre-filing conference held on July 14, 2023. In addition, at the hearing the Applicant  
14 shall submit a copy of the notice and present testimony describing the publication,  
15 providing of notice and posting of the notice.

16         4.       The Applicant shall make arrangements for the hearing to commence in  
17 Flagstaff, Arizona. The hearing in Flagstaff, Arizona will be held at the High Country  
18 Conference Center's 1899 Ballroom located at 307 West Dupont Ave., Flagstaff, Arizona  
19 86001, commencing on September 7, 2023, at 10:00 a.m. and will continue each weekday  
20 on September 8, 2023, as necessary, at the same location beginning at 9:00 a.m. on each  
21 day. unless a tour is taken. If a tour is taken, it will begin on an alternative date and time  
22 set by the Chairman of the Committee. Public comment may be taken during the hearing at  
23 times designated by the Chairman.

24         Public comment also will be taken in a special evening session on September 7,  
25 2023, beginning at 5:30 p.m. via Zoom, via telephone or in person at the same location.  
26 Public comment may also be taken at the beginning of each hearing day, or at other times  
27 during the hearing, at the discretion of the Chairman of the Committee. **THE PUBLIC**  
28 **HAS THE OPTION OF WATCHING THE MEETING ONLINE, LISTENING TO**

1 **THE MEETING VIA TELEPHONE, OR ATTENDING IN PERSON.** At least 24  
2 hours in advance of the hearing, information regarding online and telephone hearing access  
3 as well as any additional details regarding safety protocols or other revisions to the hearing  
4 schedule, will be posted on the Project website at  
5 <https://www.swcavirtualpublicinvolvement.com/1886-solar> and on the Arizona  
6 Corporation Commission (ACC) website at [https://www.azcc.gov/arizona-power-](https://www.azcc.gov/arizona-power-plant/meeting-schedule)  
7 [plant/meeting-schedule](https://www.azcc.gov/arizona-power-plant/meeting-schedule). **PLEASE BE ADVISED THAT ALL LOCAL AND STATE**  
8 **PUBLIC HEALTH AND SAFETY GUIDELINES WILL BE FOLLOWED DURING**  
9 **THE PUBLIC COMMENT PERIOD. RESTRICTIONS ON PUBLIC ACCESS,**  
10 **SAFETY PROTOCOLS, AND REVISIONS TO THE HEARING SCHEDULE MAY**  
11 **OCCUR DUE TO PUBLIC HEALTH CONSIDERATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 hearing, so that the transcripts are available for public inspection within three working days  
2 after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-360.04(C). In  
3 addition, the Applicant shall file a certification with Docket Control that it has provided a  
4 copy of the transcripts to two public libraries identified in the certification that are in the  
5 vicinity of the proposed route and alternates in the Application. The Applicant shall also  
6 post the transcripts on the Applicant's project website at:  
7 <https://www.swcavirtualpublicinvolvement.com/1886-solar>. Transcripts shall remain on  
8 the Applicant's project website until 30 days after the final decision has been issued by the  
9 Commission.

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

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

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



1 language approved by the Commission. Any proposed additions, deletions or modifications  
2 to the language approved by the Commission for each prior condition shall be designated  
3 using the “Track Changes” function.

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

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

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

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

10 The Applicant and all potential parties shall meet with the Chairman for a **pre-**  
11 **hearing conference on August 29, 2023, beginning at 3:00 p.m. via Zoom at:**  
12 **<https://us02web.zoom.us/j/86150088079?pwd=UTIRUjhDbHZIbGJoWTRIdkJ4QlE1Zz0>**  
13 ***9; Meeting ID: 861 5008 8079; Passcode: 115413.***

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

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

1 g. Any objections, motions, responses, and legal memoranda that have  
2 been filed; and

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

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

8 **DATED** this 27 day of July, 2023.

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11 \_\_\_\_\_  
12 Adam Stafford  
13 Chairman, Arizona Power Plant and  
14 Transmission Line Siting Committee  
15 15 South 15<sup>th</sup> Avenue  
16 Phoenix, Arizona 85007-2926  
17 Adam.Stafford@azag.gov  
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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 27 day of July, 2023 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 27 day of July, 2023 to:

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