

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

3 IN THE MATTER OF THE
4 APPLICATION OF SELMA ENERGY
5 CENTER, LLC, IN CONFORMANCE
6 WITH THE REQUIREMENTS OF
7 ARIZONA REVISED STATUTES 40-360,
8 ET SEQ., FOR A CERTIFICATE OF
9 ENVIRONMENTAL COMPATIBILITY
10 AUTHORIZING THE SELMA SOLAR
11 PROJECT GENERATION TIE LINE,
12 WHICH CONSISTS OF A NEW,
13 APPROXIMATELY 2.3 TO 2.9-MILE-
14 LONG, 230KV TRANSMISSION LINE
15 CONNECTING THE PLANNED SELMA
16 ENERGY CENTER LOCATED WEST OF
17 HIGHWAY-87 NEAR THE
18 INTERSECTION OF EAST SELMA
19 HIGHWAY AND HIGHWAY 87 IN
20 UNINCORPORATED PINAL COUNTY,
21 ARIZONA TO THE EXISTING SALT
22 RIVER PROJECT VAH KI
23 SUBSTATION.

Arizona Corporation Commission

Docket No.
L-21324A-24-0210-00237

Case No. 237

PROCEDURAL ORDER

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL
2024 SEP 10 A 10:50

16
17 An Application for Certificates of Environmental Compatibility
18 ("Application") was filed in the above captioned matter with Docket Control of the
19 Arizona Corporation Commission ("Commission") on September 4, 2024. A copy of the
20 Application was transmitted to Adam Stafford, designee of the Attorney General of
21 Arizona, Kristin Mayes, as Chairman ("Chairman") and Presiding Officer of the Arizona
22 Power Plant and Transmission Line Siting Committee ("Committee"). A.R.S. §§ 40-
23 360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04
24 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order.

25 **IT IS ORDERED:**

26 1. The Applicant and all potential parties ("person" within the meaning of
27 A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to A.R.S.
28 § 40-360.05(A)) (hereinafter "potential parties"), shall advise the Chairman in writing on

1 or before the time of the pre-hearing conference, scheduled below, if they disagree that the
2 time limit for decision on the Application by the Committee set by A.R.S. § 40.360.04(D)
3 is March 3, 2025.

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

11 3. The Applicant shall arrange for the timely publication and posting of notice
12 of the hearing, in a form approved by the Chairman, at locations discussed and agreed to by
13 the Applicant at the pre-filing conference held on August 29, 2024. Posting of the Notice
14 of Hearing should occur at least twenty days before the hearing scheduled below. The
15 Applicant shall provide notice by certified mail to any and all affected jurisdiction within
16 the meaning of A.R.S. § 40-360.04(A), at least twenty days before the hearing scheduled
17 below. Applicant shall also use social media to provide notice of the hearing as discussed
18 at the pre-filing conference held on August 29, 2024. In addition, at the hearing the
19 Applicant shall submit a copy of the notice and present testimony describing the
20 publication, providing of notice and posting of the notice.

21 4. The Applicant shall make arrangements for the hearing to commence in Casa
22 Grande, Arizona. The hearing in Casa Grande, Arizona will be held at the Francisco
23 Grande Hotel and Golf Resort located at 12684 West Gila Bend Highway, Casa Grande,
24 AZ 85193, commencing on October 21, 2024, at 1:00 p.m. and will continue each weekday
25 on October 22, 2024, as necessary, at the same location beginning at 9:00 a.m. unless a tour
26 is taken. If a tour is taken, it will begin on an alternative date and time set by the Chairman
27 of the Committee. Public comment may be taken during the hearing at times designated by
28 the Chairman.

1
2 Public comment also will be taken in a special evening session on October 21, 2024,
3 beginning 5:30 p.m. via Zoom, or in person at the same location. Public comment may
4 also be taken at the beginning of each hearing day, or at other times during the hearing, at
5 the discretion of the Chairman of the Committee. **THE PUBLIC HAS THE OPTION**
6 **OF WATCHING THE MEETING ONLINE, LISTENING TO THE MEETING VIA**
7 **TELEPHONE, OR ATTENDING IN PERSON.** At least 24 hours in advance of the
8 hearing, information regarding online and telephone hearing access as well as any
9 additional details regarding safety protocols or other revisions to the hearing schedule, will
10 be posted on the Project website at www.selmasolarproject.com and on the Commission's
11 website at <https://www.azcc.gov/arizona-power-plant/meeting-schedule>. **PLEASE BE**
12 **ADVISED THAT ALL LOCAL AND STATE PUBLIC HEALTH AND SAFETY**
13 **GUIDELINES WILL BE FOLLOWED DURING THE PUBLIC COMMENT**
14 **PERIOD. RESTRICTIONS ON PUBLIC ACCESS, SAFETY PROTOCOLS, AND**
15 **REVISIONS TO THE HEARING SCHEDULE MAY OCCUR DUE TO PUBLIC**
16 **HEALTH CONSIDERATIONS.**

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

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

26 7. The Applicant and all other parties and potential parties shall meet and confer
27 prior to the beginning of the hearing, to determine whether any of the parties or potential
28 parties have similar interests in the application process that will allow them to jointly

1 present testimony on direct or cross-examination of witnesses, or to jointly offer exhibits
2 into evidence. The Applicant shall, and any other party or potential party may, report to the
3 Chairman the results of their attempts to resolve the issues and to determine if common
4 interests exist that will allow parties to jointly present evidence and argument or to avoid
5 repetition of testimony and argument at the hearing.

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

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

28 10. Parties and potential parties shall not communicate with any Commissioner

1 of the Commission concerning the substantive merits of the Application while the
2 Application is pending before the Committee, in accordance with the requirements of
3 A.A.C. R14-3-113.

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

12 12. Service of any pleading, document, or writing upon the Chairman may be
13 made electronically to the e-mail address of the Chairman below. Service of any pleading,
14 document or writing upon parties and potential parties may be made electronically to the e-
15 mail address of the parties and potential parties. Any pleading, document or writing filed
16 with Docket Control shall include the appropriate number of copies as determined by
17 Docket Control.

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

1 14. All parties and potential parties shall meet, confer, and exchange all exhibits
2 the party or potential party plans to offer in evidence by 5:00 p.m. of the day before the
3 pre-hearing conference set below. The Applicant shall, and other parties and potential
4 parties may, provide one or more three-ring binders for the Chairman and each Member of
5 the Committee to hold exhibits at the beginning of the hearing and as needed during the
6 hearing. Each party and potential party shall prepare for the Chairman and each Committee
7 Member a numbered list of the exhibits and a copy of all exhibits suitable for placement in
8 the binders that each party and potential party expects to offer in evidence at the hearing.
9 The exhibits shall be provided to the Chairman and each Committee Member at the
10 beginning of the hearing and during the hearing before reference to the exhibit is made in
11 the hearing. In lieu of copies of exhibits in paper format, Applicant may provide the
12 Chairman and each Member of the Committee a laptop, tablet or iPad loaded with
13 electronic copies of the exhibits. Except for good cause, no exhibit that was not exchanged
14 with the other parties shall be considered at the hearing. Any exhibit to which reference is
15 made during any hearing that is not offered or admitted into evidence shall be provided to
16 the court reporter at the hearing for inclusion in the record, unless it is withdrawn and the
17 Chairman determines its filing is not necessary to an understanding of the actions of the
18 Committee.

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

23 16. The Applicant shall create an exhibit summarizing all public outreach efforts
24 concerning the Application, with representatives of federal, state and municipal bodies and
25 the general public, and all comments received as a result of such public outreach, including
26 comments received at meetings, through comment cards, emails, phone calls, faxes,
27 correspondence, social media and through the Applicant's website. Applicant shall
28 exchange the exhibit with all parties and potential parties and the Chairman by 5:00 p.m. of

1 the day before the pre-hearing conference set below.

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

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

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

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

4 21. The Applicant shall make arrangements for the preparation of expedited
5 court reporter transcripts of all pre-filing conferences, all pre-hearing conferences, and the
6 hearing, so that the transcripts are available for public inspection within three working days
7 after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-360.04(C). In
8 addition, the Applicant shall file a certification with Docket Control that it has provided a
9 copy of the transcripts to two public libraries identified in the certification that are in the
10 vicinity of the proposed route and alternates in the Application. The Applicant shall also
11 post the transcripts on the Applicant's project website at: www.selmasolarproject.com.
12 Transcripts shall remain on the Applicant's project website until 30 days after the final
13 decision has been issued by the Commission.

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

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

1 beginning of closing arguments and the Committee's deliberations.

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

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

21 26. If the final wording of the certificate of environmental compatibility that is
22 adopted by the Committee at the end of the hearing is in dispute, the Chairman may order
23 the parties to meet and confer in person or electronically to determine if they can agree
24 upon the final wording of a proposed certificate of environmental compatibility. If the
25 parties can agree upon the final wording of a proposed certificate of environmental
26 compatibility, Applicant shall forthwith hand-deliver the agreed-upon proposed certificate
27 of environmental compatibility to the Chairman for signature. If the parties are not able to
28 agree upon a proposed form of certificate of environmental compatibility, the Applicant

1 shall file, and the other parties may file, within ten (10) days after the date of the decision
2 of the Committee, those portions of the proposed certificate of environmental compatibility
3 upon which the parties agree. The Applicant also shall file, and any other party also may
4 file, within ten (10) days after the date of the decision of the Committee, its understanding
5 of any disputed portions of the proposed certificate of environmental compatibility. All
6 proposed forms of the certificate of environmental compatibility and any objections or
7 proposed revisions shall be filed with Docket Control, and a copy shall be hand delivered
8 to the Chairman at 15 South 15th Avenue, Phoenix, Arizona. All other parties shall be
9 served. Objections or suggestions that are not timely filed shall be considered waived.

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

14 28. The Applicant and all potential parties shall meet with the Chairman for a
15 **pre-hearing conference on October 16, 2024, beginning at 3:00 p.m. via Zoom at**
16 **<https://us02web.zoom.us/j/81984230484?pwd=TZVRBk2JeDRYgw2djxsMPsyCcO0HFn.>**
17 **1. Meeting ID: 819 8423 0484; Passcode: 882372.** Parties and potential parties other than
18 the Applicant may appear by telephone with the prior permission of the Chairman. At the
19 final pre-hearing conference, the Chairman shall review with the Applicant and potential
20 parties:

- 21 a. The publication and posting of notices of the hearing;
- 22 b. The proposed agenda for the hearing;
- 23 c. Any notices to intervene, requests to intervene, and applications to
24 make a limited appearance;
- 25 d. The status of attempts to narrow the issues at the hearing or to agree to
26 language in the proposed findings of fact, proposed conclusions of law, proposed
27 certificates of environmental compatibility and proposed conditions to the certificate;
- 28

1 e. The status of the filing and exchange of witness summaries or written
2 testimony, proposed findings of fact, proposed conclusions of law, proposed certificates of
3 environmental compatibility and proposed conditions to the certificate;

4 f. The status of the exchange of exhibits amongst the parties;

5 g. Any objections, motions, responses, and legal memoranda that have
6 been filed; and

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

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

12 **DATED** this 10 day of September, 2024.

13
14
15 

16 _____
17 Adam Stafford
18 Chairman, Arizona Power Plant and
19 Transmission Line Siting Committee
20 15 South 15th Avenue
21 Phoenix, Arizona 85007-2926
22 Adam.Stafford@azag.gov
23
24
25
26
27
28

CERTIFICATION OF MAILING

Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 26 copies were filed this 10 day of September, 2024 with:

Utilities Division - Docket Control

Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

COPIES of the above mailed this 10 day of September, 2024 to:

Tom Van Flein, General Counsel
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007
legal@azcc.gov
Counsel for Legal Division Staff

Britton Baxter and Ranelle Paladino,
Directors
Utilities Division
ARIZONA CORPORATION
COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007
utildivservicebyemail@azcc.gov

Jeffrey W. Crockett, Esq.
Crockett Law Group PLLC
2198 East Camelback Road, Ste. 305
Phoenix, Arizona 85016
bert@ackenlaw.com
Attorney for Selma Energy Center, LLC

Lisa L. Glennie
Glennie Reporting Services, LLC
1555 East Orangewood
Phoenix, Arizona 85020
admin@glennie-reporting.com
Court Reporter



CEC 237