

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

IN THE MATTER OF THE
APPLICATION OF CG APACHE
COUNTY WIND LLC AND CG APACHE
COUNTY SOLAR LLC, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA
REVISED STATUTES §§ 40-360, ET
SEQ., FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE CONSTRUCTION
OF THE LAVA RUN
INTERCONNECTION PROJECT, A 345-
KILOVOLT (KV) ALTERNATING
CURRENT GENERATION TIE
TRANSMISSION LINE, WITH
ASSOCIATED INTERCONNECTION
FACILITIES, WITHIN APACHE
COUNTY, ARIZONA.

Arizona Corporation Commission

Docket No.

L-21364A-25-0198-00250

Case No. 250

PROCEDURAL ORDER

An Application for Certificates of Environmental Compatibility (“Application”) was filed in the above captioned matter with Docket Control of the Arizona Corporation Commission (“Commission”) on September 5, 2025. A copy of the Application was transmitted to Adam Stafford, designee of the Attorney General of Arizona, Kristin Mayes, as Chairman (“Chairman”) and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee (“Committee”). A.R.S. §§ 40-360.01(B)(1) and 40-360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), the Chairman issues the following procedural order.

IT IS ORDERED:

1. The Applicant and all potential parties (“person” within the meaning of A.R.S. § 40-360(8) who intends to intervene or requests to intervene, pursuant to A.R.S. § 40-360.05(A)) (hereinafter “potential parties”), shall advise the Chairman in writing on or before the time of the pre-hearing conference, scheduled below, if they disagree that the

1 time limit for decision on the Application by the Committee set by A.R.S. § 40.360.04(D)
2 is March 4, 2026.

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

10 3. The Applicant shall arrange for the timely publication and posting of notice
11 of the hearing, in a form approved by the Chairman, at locations discussed and agreed to by
12 the Applicant at the pre-filing conference held on September 2, 2025. Posting of the
13 Notice of Hearing should occur at least twenty days before the hearing scheduled below.
14 The Applicant shall provide notice by certified mail to all affected jurisdiction within the
15 meaning of A.R.S. § 40-360.04(A), at least twenty days before the hearing scheduled
16 below. Applicant shall also use social media to provide notice of the hearing as discussed
17 at the pre-filing conference held on September 2, 2025. In addition, at the hearing the
18 Applicant shall submit a copy of the notice and present testimony describing the
19 publication, providing of notice and posting of the notice.

20 The Applicant shall make arrangements for the hearing to commence in Pinetop,
21 Arizona. The hearing in Pinetop, Arizona will be held at the Hon-Dah Resort Casino,
22 located at 777 Highway 260, Pinetop, Arizona 85935, commencing on October 20, 2025, at
23 1:00 p.m., and will continue each weekday on October 21, 2025, through October 24, 2025,
24 as necessary, at the same location beginning at 9:00 a.m. on each day, unless a tour is taken.
25 If a tour is taken, it will begin on an alternative date and time set by the Committee. Public
26 comment may be taken during the hearing at times designated by the Chairman.

27 Public comment also will be taken in a special evening session on October 20, 2025,
28 beginning 5:30 p.m. via Zoom, or in person at the same location. Public comment may also

1 be taken at the beginning of each hearing day, or at other times during the hearing, at the
2 discretion of the Chairman of the Committee. **THE PUBLIC HAS THE OPTION OF**
3 **WATCHING THE MEETING ONLINE, LISTENING TO THE MEETING VIA**
4 **TELEPHONE, OR ATTENDING IN PERSON.** At least 24 hours in advance of the
5 hearing, information regarding online and telephone hearing access as well as any additional
6 details regarding safety protocols or other revisions to the hearing schedule, will be posted
7 on the Project website at <https://www.lavarunprojects.com/> and on the Commission's
8 website at <https://www.azcc.gov/arizona-power-plant/hearings-and-meetings>. The
9 Applicant shall contact the appropriate member of the staff of the Commission, and advise
10 them of the Applicant's position concerning reimbursement of the Line Siting Fund should
11 the expenses of the hearing exceed the application fee, and discuss financial arrangements
12 regarding hotel reservations and other expenses of the Committee Members. A.R.S. § 40-
13 360.10. The Applicant shall advise the Chairman of the results of these discussions so that
14 the necessary information may be communicated to the Committee Members.

15 4. The Applicant shall provide a copy of this Procedural Order to all other
16 parties and potential parties who have not already received a copy.

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

25 6. The Applicant and all other parties and potential parties shall meet and confer
26 as needed before, during, and after the hearing to attempt to resolve any disputes amongst
27 the parties. The parties and potential parties shall also keep all other parties and potential
28 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 repetitive evidence, and any unfair advantage from surprise.

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

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

9. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties and potential parties shall serve upon the Chairman as soon as practicable, and at least forty-eight (48) hours before the hearing or meeting described in the agenda, any objections, additions, or corrections to the agenda they believe are necessary in order to bring the agenda into compliance with A.R.S. § 38-431.02. The objections, additions or corrections shall be in writing and shall be served upon all other parties and potential parties. A copy

1 shall be filed with Docket Control. Objections that are not timely raised will be deemed
2 waived.

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

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

20 12. All parties and potential parties shall meet, confer, and exchange all exhibits
21 the party or potential party plans to offer in evidence by 5:00 p.m. of the day before the
22 pre-hearing conference set below. The Applicant shall, and other parties and potential
23 parties may, provide one or more three-ring binders for the Chairman and each Member of
24 the Committee to hold exhibits at the beginning of the hearing and as needed during the
25 hearing. Each party and potential party shall prepare for the Chairman and each Committee
26 Member a numbered list of the exhibits and a copy of all exhibits suitable for placement in
27 the binders that each party and potential party expects to offer in evidence at the hearing.
28 The exhibits shall be provided to the Chairman and each Committee Member at the

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

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

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

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

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

17. No tour of the Project Area is planned by the Committee at this time. If the Chairman later decides to conduct a tour, the Applicant shall provide notice that includes a map and itinerary of such tour, and will make the notice available at the hearing and shall post the same on the Project and Commission websites. In the event the Chairman

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

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

19. The Applicant shall make arrangements for the preparation of expedited court reporter transcripts of all pre-filing conferences, all pre-hearing conferences, and the hearing, so that the transcripts are available for public inspection within three working days after each hearing date, as required by A.R.S. §§ 38-431.01(D) and 40-360.04(C). In addition, the Applicant shall file a certification with Docket Control that it has provided a copy of the transcripts to two public libraries identified in the certification that are in the vicinity of the proposed route and alternates in the Application. The Applicant shall also

1 post the transcripts on the Applicant's project website at:
2 <https://www.lavarunprojects.com/>. Transcripts shall remain on the Applicant's project
3 website until 30 days after the final decision has been issued by the Commission.

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

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

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

26 23. All pleadings, testimonial summaries, direct testimony, proposed findings of
27 fact, proposed conclusions of law, proposed certificates of environmental compatibility and
28 proposed conditions of certificates that must be filed pursuant to this Procedural Order or

otherwise by law, shall be filed with Docket Control. Copies of all documents described in this paragraph that are filed with Docket Control shall be served upon the Chairman, the Committee, all parties, and all potential parties. Before the hearing, documents may be served upon parties and potential parties electronically to the e-mail address or FAX number provided by the party or potential party. Before the hearing, documents may be served electronically upon the Chairman and the Committee, to the e-mail address of the Chairman. Documents that are served during the hearing shall be hand delivered to parties. During the hearing, eleven (11) copies of any filed document shall be delivered to the Chairman for distribution to the Committee, and a copy shall be sent electronically to the e-mail address of the Chairman.

24. If the final wording of the certificate of environmental compatibility that is adopted by the Committee at the end of the hearing is in dispute, the Chairman may order the parties to meet and confer in person or electronically to determine if they can agree upon the final wording of a proposed certificate of environmental compatibility. If the parties can agree upon the final wording of a proposed certificate of environmental compatibility, Applicant shall forthwith hand-deliver the agreed-upon proposed certificate of environmental compatibility to the Chairman for signature. If the parties are not able to agree upon a proposed form of certificate of environmental compatibility, the Applicant shall file, and the other parties may file, within ten (10) days after the date of the decision of the Committee, those portions of the proposed certificate of environmental compatibility upon which the parties agree. The Applicant also shall file, and any other party also may file, within ten (10) days after the date of the decision of the Committee, its understanding of any disputed portions of the proposed certificate of environmental compatibility. All proposed forms of the certificate of environmental compatibility and any objections or proposed revisions shall be filed with Docket Control, and a copy shall be hand delivered to the Chairman at 2005 North Central Avenue, Phoenix, Arizona. All other parties shall be served. Objections or suggestions that are not timely filed shall be considered waived.

25. The copy of the proposed certificate of environmental compatibility filed by

the Applicant and any objections or proposed revisions filed by the parties that are served upon the Chairman, shall include an electronic file containing the wording of the proposed language in a format compatible with Microsoft® Word word-processing program.

26. The Applicant and all potential parties shall meet with the Chairman for a **pre-hearing conference on October 14, 2025, at 2:00 p.m. via Zoom at <https://us02web.zoom.us/j/82240462715?pwd=FGcsEgIE28qMNSJY5BTtinOuHIyyuY.1>** **Meeting ID: 822 4046 2715; Passcode: 225510.** 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;
- e. 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;
- f. The status of the exchange of exhibits amongst the parties;
- g. Any objections, motions, responses, and legal memoranda that have been filed; and
- h. Plans and preparations for the hearing, public comment session, and 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.

1 **DATED** this 8th day of September, 2025.
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5 Adam Stafford
6 Chairman, Arizona Power Plant and
7 Transmission Line Siting Committee
8 2005 North Central Avenue
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10 Adam.Stafford@azag.gov
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CERTIFICATE OF MAILING

ORIGINAL of the foregoing e-filed
this 8th day of September, 2025, with

Utilities Division-Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
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COPY of the foregoing e-mailed/mailed
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