

# **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.

Case No. 250

## PROCEDURAL ORDER

On September 5, 2025, CG Apache County Wind LLC and CG Apache County Solar LLC (“Applicants”) filed an Application for a Certificate of Environmental Compatibility (“Certificate”) in the above captioned matter with Docket Control of the Arizona Corporation Commission (“Commission”). 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”).

Pursuant to notice given as provided by law, the Committee held public hearings on October 20 through October 23, 2025, in Pinetop, Arizona, in conformance with the requirements of Arizona Revised Statutes (“A.R.S.”) §§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application in the above-captioned case.

At the conclusion of the hearing, the Committee, after considering the (i) Application, (ii) evidence, testimony, and exhibits presented by the Applicants, (iii) limited appearance statements, and (iv) comments of the public, and being advised of the legal

1 requirements of A.R.S. §§ 40-360 through 40-360.13, upon motion duly made and  
2 seconded, voted 8 to 2 to grant the Applicants, their successors and assigns, a Certificate  
3 for construction of the Lava Run Interconnection Project. On October 30, 2025, the  
4 Chairman filed the Certificate with Docket Control of the Commission.

5 At its Open Meeting on December 3, 2025, the Commission considered and  
6 discussed the Certificate issued by the Committee and voted to send the matter back to the  
7 Committee for the taking of additional evidence. On December 10, 2025, the Commission  
8 issued Decision No. 81582, which found and concluded:

- 9 1. The matter is remanded for consideration of additional evidence on  
10 county and municipal land use concerns, land use impacts in Apache  
11 County in the area of jurisdiction, and that such evidence can be accorded  
12 proper weight in the balancing required by A.R.S. § 40-360.07(B).
- 13 2. Additional evidence about land use plans in the affected area of  
14 jurisdiction, and any other matter of public concern, is necessary in  
15 balancing the need for an adequate, economical, and reliable supply of  
16 electric power against the impact on the area of jurisdiction.
- 17 3. This remand does not require the Applicant to resubmit an application,  
18 nor does it require the Committee to revisit the matter de novo. The  
19 remand is focused on additional public, county and municipal input for  
20 the record.

21 As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E),  
22 the Chairman issues the following procedural order.

23 **IT IS ORDERED:**

24 1. The Applicant and all potential parties (“person” within the meaning of  
25 A.R.S. § 40-360(8) who has filed a Notice of Intent to Be a Party pursuant to A.R.S. § 40-  
26 360.05(A) or a request to intervene not less than ten (10) days before the date set for  
27 hearing) (hereinafter “potential parties”), shall advise the Chairman in writing on or before  
28 the time of the pre-hearing conference, scheduled below, if they disagree that the time limit

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

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

18       4. The Applicant shall make arrangements for the hearing to commence at the  
19 Commission, located at 1200 West Washington Street, Phoenix, Arizona 85007. The  
20 hearing will begin on Monday, February 9, 2026, at 10:00 a.m. and will continue as  
21 necessary through Wednesday, February 11, 2026, commencing at 10:00 a.m. each day at  
22 the same location through the completion of the hearing. **THE PUBLIC HAS THE**  
23 **OPTION OF WATCHING THE MEETING ONLINE, LISTENING TO THE**  
24 **MEETING VIA TELEPHONE, OR ATTENDING IN PERSON.** At least 24 hours in  
25 advance of the hearing, information regarding online and telephone hearing access as well  
26 as any additional details regarding safety protocols or other revisions to the hearing  
27 schedule, will be posted on the Project website at <https://www.lavarunprojects.com/> and on  
28 the Commission's website at <https://www.azcc.gov/arizona-power-plant/hearings-and->

1 meetings.

2       5.     Public comment will be taken on February 9, 2026, starting at 10:00 a.m. via  
3 telephone, video conference, or in person at the Commission, located at 1200 West  
4 Washington Street, Phoenix, Arizona 85007. Public comment may also be taken at other  
5 times during the hearing, at the discretion of the Chairman.

6       6.     The Applicant shall make arrangements to take public comment in person at  
7 the Springerville Municipal Airport conference room, located at 905 West Airport Road,  
8 Springerville, Arizona 85938, on Monday, February 9, 2026, at 10:00 a.m. and for that  
9 public comment to be heard live via video conference by the Committee at the hearing in  
10 Phoenix.

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

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

25       9.     Parties and potential parties shall not communicate with any Member of the  
26 Committee about any procedural matters, or any factual issues or legal issues relating to the  
27 Application, while the Application is pending before the Committee. The only exception is  
28 that parties may communicate with the Chairman during the time the Application is

1 pending about procedural matters relating to the Application, preparation of the notice of  
2 hearing and its publication, the agenda for the hearing, any pre-hearing conferences, the  
3 hearing on the Application, and the decision on the Application by the Committee.  
4 Communication by the parties with the Chairman about any procedural matter during the  
5 time an Application is pending shall be in writing or, if oral, shall be memorialized by an e-  
6 mail or other written summary with a copy of the written communication or summary to all  
7 parties and potential parties, or shall be on the record at pre-filing conferences, at pre-  
8 hearing conferences, or at the hearing on the Application. Any party who initiates any  
9 written communication sent to the Chairman, or who summarizes an oral communication  
10 with the Chairman on a procedural matter, shall file with Docket Control a copy of the  
11 communication or summary, including its distribution list, within 10 days of sending the  
12 written communication or making the oral communication.

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

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

25       12. Service of any pleading, document, or writing upon the Chairman may be  
26 made electronically to the e-mail address of the Chairman below. Service of any pleading,  
27 document, or writing upon parties and potential parties may be made electronically to the  
28 e-mail address of the parties and potential parties. Any pleading, document or writing filed

1 with Docket Control shall include the appropriate number of copies as determined by  
2 Docket Control.

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

14       14. All parties and potential parties shall meet, confer, and exchange all exhibits  
15 the party or potential party plans to offer in evidence by 5:00 p.m. of the day before the  
16 pre-hearing conference set below. The Applicant shall, and other parties and potential  
17 parties may, provide one or more three-ring binders for the Chairman and each Member of  
18 the Committee to hold exhibits at the beginning of the hearing and as needed during the  
19 hearing. Each party and potential party shall prepare for the Chairman and each Committee  
20 Member a numbered list of the exhibits and a copy of all exhibits suitable for placement in  
21 the binders that each party and potential party expects to offer in evidence at the hearing.  
22 The exhibits shall be provided to the Chairman and each Committee Member at the  
23 beginning of the hearing and during the hearing before reference to the exhibit is made in  
24 the hearing. In lieu of copies of exhibits in paper format, Applicant may provide the  
25 Chairman and each Member of the Committee a laptop, tablet, or iPad loaded with  
26 electronic copies of the exhibits. Except for good cause, no exhibit that was not exchanged  
27 with the other parties shall be considered at the hearing. Any exhibit to which reference is  
28 made during any hearing that is not offered or admitted into evidence shall be provided to

1 the court reporter at the hearing for inclusion in the record, unless it is withdrawn and the  
2 Chairman determines its filing is not necessary to an understanding of the actions of the  
3 Committee.

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

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

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

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

23 19. All pleadings, notices, testimonial summaries, direct testimony, proposed  
24 findings of fact, proposed conclusions of law, proposed certificates of environmental  
25 compatibility, and proposed conditions of certificates that must be filed pursuant to this  
26 Procedural Order or otherwise by law, shall be filed with Docket Control. Copies of all  
27 documents described in this paragraph that are filed with Docket Control shall be served  
28 upon the Chairman, the Committee, all parties, and all potential parties. Before the hearing,

1 documents may be served upon parties and potential parties electronically to the e-mail  
2 address or FAX number provided by the party or potential party. Before the hearing,  
3 documents may be served electronically upon the Chairman and the Committee, to the e-  
4 mail address of the Chairman. Documents that are served during the hearing shall be hand  
5 delivered to parties. During the hearing, eleven (11) copies of any filed document shall be  
6 delivered to the Chairman for distribution to the Committee, and a copy shall be sent  
7 electronically to the e-mail address of the Chairman.

8       20. The Applicant and all potential parties shall meet with the Chairman for a  
9 pre-hearing conference on February 2, 2026, at 11:00 a.m. via Zoom at  
10 <https://us02web.zoom.us/j/82972757765?pwd=1cKr6uLgsOG4wFkgtOS1rslKKebQ7N.1>  
11 *Meeting ID: 829 7275 7765; Passcode: 248025.* At the final pre-hearing conference, the  
12 Chairman shall review with the Applicant and potential parties:

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

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

4           **DATED** this 24th day of December, 2025.

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8           Adam Stafford  
9           Chairman, Arizona Power Plant and  
10          Transmission Line Siting Committee  
11          2005 North Central Avenue  
12          Phoenix, Arizona 85004-1592  
13          Adam.Stafford@azag.gov

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## CERTIFICATE OF MAILING

**ORIGINAL** of the foregoing e-filed  
this 24th day of December, 2025, with

Utilities Division-Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

**COPY** of the foregoing e-mailed/mailed this 24th day of December, 2025, to:

Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, AZ 85007  
[legaldv@azcc.gov](mailto:legaldv@azcc.gov)

Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007  
[utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)

Glennie Reporting Services, LLC  
1555 East Orangewood  
Phoenix, AZ 85020  
[admin@gennie-reporting.com](mailto:admin@gennie-reporting.com)

J. Matthew Derstine  
Snell & Wilmer, L.L.P.  
One East Washington Street  
Suite 2700  
Phoenix, AZ 85004  
mderstine@swlaw.com

Counsel for Applicant CG Apache County Wind LLC  
and CG Apache County Solar LLC

Apache County  
Ryan Patterson, Manager  
75 West Cleveland,  
St. Johns, AZ 85936

1 Town of Eagar  
2 Brannon Eagar, Town Manager  
2 22 W. 2nd St. PO Box 1300  
3 Eagar, AZ 85925

4 Brett Rigg  
5 The Rigg Law Firm  
5 377 E. White Mountain Blvd.  
6 Pinetop, AZ 85935  
7 Attorney for the Town of Eagar

8 Town of Springerville  
9 Tim Rasmussen, Town Manager  
418 E Main Street,  
10 Springerville, AZ 85938

11 Arizona Department of Transportation  
12 Priscilla Thompson, Assistant District Engineer, South Central District  
12 1221 S. Second Avenue  
13 Tucson, AZ 85713

14 Arizona Department of Transportation  
15 Nicholas Edwards, PE  
15 North/South Project Manager - MPD  
16 1611 W. Jackson  
16 MD310B  
17 Phoenix, AZ 85007

18 Arizona State Land Department  
19 Ruben Ojeda, Assistant Director  
20 Real Estate Division  
20 1110 W. Washington Street,  
21 Phoenix, AZ 85007

22 Karen Glennon  
23 [kgofaz@gmail.com](mailto:kgofaz@gmail.com)

24 Linda Weiland  
25 [LindaWeiland85603@gmail.com](mailto:LindaWeiland85603@gmail.com)

26 Michael Anable  
27 [manable@flc.phcoxmail.com](mailto:manable@flc.phcoxmail.com)

1  
2 Monica Boehning  
3 [mobo58wind@gmail.com](mailto:mobo58wind@gmail.com)

4  
5 By: T. Brewer  
6 CEC 250  
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