

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER



0000000682

ARIZONA CORPORATION COMMISSION

NOTICE

TO: POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE  
MEMBERS AND INTERESTED PARTIES

SUBJECT: PANDA GILA RIVER, LP  
DOCKET NO. L-00000Q-00-0099

DATE: June 12, 2000

Enclosed for your review is a copy of the Certificate of Environmental Compatibility in Case No. 99, which has been executed by Charles Pierson, Chairman –Designee for the Power Plant and Transmission Line Siting Committee.

This matter will be on the schedule for Open Meeting of June 27,2000, and June 28, 2000, for consideration and approval by the Commission unless request for review of the decision is received on or before June 22,2000.

Sincerely,

A handwritten signature in black ink, appearing to read "Alicen Perry".

Alicen Perry  
Utilities Division

Enc.

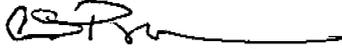
Cc. Charles Pierson, Assistant Attorney General



OFFICE OF THE ATTORNEY GENERAL  
ADMINISTRATIVE LAW SECTION  
MEMORANDUM  
CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGE

Direct Line - 542-8330  
FAX No. - 542-4385

**TO:** THE HONORABLE CARL KUNASEK  
Chairman, Arizona Corporation Commission

**FROM:** CHARLES PIERSON   
Chairman, Power Plant & Transmission Line Siting Committee  
Assistant Attorney General, Administrative Law Section

**DATE:** May 4, 2000

**RE:** Power Plant & Transmission Line Siting Committee Case No.99 (Panda Gila River, L.P.); Amended Certificate of Environmental Compatibility

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On April 24, 2000, I signed and transmitted to the Commission the Certificate of Environmental Compatibility (the "CEC") in the captioned case. As I understand it, the Commission has scheduled it for consideration on June 6, 2000.

The CEC contains 10 conditions, which were agreed to by the applicant and by Staff of the Commission; these conditions were contained in Exhibit A-6, which was received in evidence. At the end of the hearing, the Committee voted to grant the CEC with the conditions contained in Exhibit A-6.

It was pointed out to me that in the CEC I had inadvertently shortened condition number 4. Therefore, I have signed an Amended Certificate of Environmental compatibility that contains the complete wording of condition number 4.

Because the mistake so clearly contravenes the vote of the Committee and because it was inadvertent, I have signed the amended CEC *nunc pro tunc*, which means "now for then." This is why the amended CEC shows that it was granted on April 24, 2000. In my opinion, the amended CEC may still be considered by the Commission on June 6.

I do not consider the backdating of the amended CEC to be a problem in this case, because the change merely correctly reflects what the only two parties to the proceeding had agreed upon. I regret the inconvenience this causes the Commission, but I think it is better to amend it now than to try to unravel the mistake at a later date.

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

3 IN THE MATTER OF THE APPLICATION  
4 OF PANDA GILA RIVER, L.P. OR THEIR  
5 ASSIGNEE(S), IN CONFORMANCE WITH  
6 THE REQUIREMENTS OF ARIZONA  
7 REVISED STATUTES 40-360.03 AND  
8 40-360.06, FOR A CERTIFICATE OF  
9 ENVIRONMENTAL COMPATIBILITY  
10 AUTHORIZING THE CONSTRUCTION OF  
11 NATURAL GAS-FIRED, COMBINED  
12 CYCLE GENERATING PLANT,  
13 SWITCHYARD, AND RELATED  
14 FACILITIES IN THE TOWN OF GILA  
15 BEND, MARICOPA COUNTY, ARIZONA,  
16 LOCATED IN SECTIONS 8, 17, 20, AND  
17 21, TOWNSHIP 5 SOUTH, RANGE 4  
18 WEST, GILA AND SALT RIVER BASE  
19 AND MERIDIAN.

CASE NO. 99

DOCKET NO. L-00000Q-00-0099

DECISION NO. \_\_\_\_\_

12 **AMENDED**  
13 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

14 Pursuant to notice given as provided by law, the Power Plant and Transmission Line Siting  
15 Committee of Arizona (the "Committee"), held public hearings at the Best Western Executive Park  
16 Downtown Hotel, 1100 North Central Avenue, Phoenix, Arizona, on March 30, 2000, in  
17 conformance with the requirements of Arizona Revised Statutes § 40-360 *et seq.*, for the purpose  
18 of receiving evidence and deliberating on the Application of Panda Gila River, L.P. ("Panda" or  
19 the "Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the  
20 above-captioned case.

21 The following members and designees of members of the Committee were present for the  
22 deliberations and vote on the Application at the March 30, 2000 hearing:

23 Charles S. Pierson Chairman, Designee for the Attorney General of Arizona  
24 Steve Olea Designee for the Chairman of the Arizona Corporation Commission  
25 Mark McWhirter Designee for the Director of the Energy Office of the Arizona  
26 Department of Commerce

- 1 Dennis Sundie Designee for the Director of the Arizona Department of Water Resources
- 2 Wayne Smith Appointed Member
- 3 Robert C. Berger Appointed Member
- 4 Sandie Smith Appointed Member

5 The Applicant was represented by C. Webb Crockett and Karen E. Errant of Fennemore  
6 Craig, P.C. Staff of the Arizona Corporation Commission ("Staff") noticed their intervention as a  
7 party, and were represented by Teena Wolfe. The Arizona Center for Law in the Public Interest  
8 (the "Center") noticed its intervention as a party but did not make an appearance; accordingly, the  
9 Center was not made a party to the proceeding. There were no other interventions or limited  
10 appearances.

11 At the conclusion of the hearing, the Committee, having received the Application, the  
12 appearances of Panda and Staff, the evidence, testimony and exhibits presented by Panda and  
13 Staff, and being advised of the legal requirements of Arizona Revised Statutes §§ 40-360 to  
14 40-360.13, upon motion duly made and seconded, voted to grant Panda the following Certificate  
15 of Environmental Compatibility (Case No. 99):

16 Panda Gila River, L.P. and its assignee(s), hereby are granted a Certificate of  
17 Environmental Compatibility authorizing construction of four natural gas-fired, combined cycle  
18 generating units each of a nominal 520 megawatts, together with related infrastructure and  
19 appurtenances, including intra-plant transmission and a switchyard, which generating unit shall be  
20 located in Maricopa County, Arizona, approximately 75 miles southwest of Phoenix, within the  
21 jurisdiction of the Town of Gila Bend.

22 The Certificate is granted upon the following conditions:

- 23 1. The Applicant and its assignees shall comply with all existing applicable air and  
24 water pollution control standards and regulations, and with all existing applicable  
25 ordinances, master plans and regulations of the State of Arizona, the County of  
26 Maricopa, the Town of Gila Bend, the United States, and any other governmental  
entities having jurisdiction.

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2. This authorization to construct the Project will expire five (5) years from the date the Certificate is approved by the Arizona Corporation Commission unless construction is completed to the point that the plant is capable of operating at its rated capacity by that time; provided, however, that prior to such expiration the Project owner may request that the Arizona Corporation Commission extend this time limitation.
3. Applicant's project having two (2) or more approved transmission lines emanating from its power plant's transmission switchyard and interconnecting with the existing transmission system. This plant interconnection must satisfy the single contingency outage criteria (N-1) without reliance on remedial action such as generator unit tripping or load shedding.
4. Applicant providing to the commission a technical study regarding the sufficiency of transmission capacity to the plant. Applicant agrees to satisfy this condition for its facility prior to commencement of construction, and to provide an updated technical study regarding the sufficiency of transmission capacity to the plant not more than 12 months prior to the commercial operation of the plant.
5. Applicant submitting to the Commission an interconnection agreement with the transmission provider with whom it is interconnecting.
6. Applicant or one of its affiliates becoming a member of WSCC, or its successor, and filing a copy of its WSCC Reliability Criteria Agreement or Reliability Management System (RMS) Generator Agreement with the Commission.
7. Applicant using commercially reasonable efforts to become a member of the Southwest Reserve Sharing Group, or its successor, thereby making its units available for reserve sharing purposes, subject to competitive pricing.
8. Conditions 3-7 above shall automatically terminate if they or substantially similar conditions are not included in future generating facility Certificates of Environmental Compatibility as approved by the Commission or upon any subsequent amendment or invalidation by the Commission or a reviewing court.
9. If human remains and/or funerary objects are encountered during the course of any ground disturbing activities related to the development of the subject property, Applicant shall cease work and notify the Director of the Arizona State Museum in accordance with A.R.S. § 41-685.

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10. Applicant shall implement a land management and reclamation plan in accordance with the requirements of the Annexation-Development Agreement to be executed between Applicant and the Town of Gila Bend.

GRANTED this 24th day of April, 2000.  
Entered nunc pro tunc this 4th day of May, 2000.

THE POWER PLANT AND TRANSMISSION  
LINE SITING COMMITTEE OF ARIZONA

By   
Charles S. Pierson  
Chairman

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APPROVED BY ORDER OF THE ARIZONA CORPORATION COMMISSION

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

In Witness Hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation Commission, set my hand and cause the official seal of this Commission to be affixed, this \_\_\_\_ day of \_\_\_\_\_, 2000.

By \_\_\_\_\_

Brian C. McNeil  
Executive Secretary

Dissent: \_\_\_\_\_

P 618 188 004

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <i>Councilman Richard Stuart</i>	
Street & Number <i>Box 2</i>	
Post Office, State, & ZIP Code <i>Coila Bend, AZ 85337</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

P 618 188 003

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.  
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Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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P 618 188 002

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.  
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Sent to <i>Edward Arillo, State Sen</i>	
Street & Number <i>Capital Complex, Senate</i>	
Post Office, State, & ZIP Code <i>Phoenix, AZ 85007-2890</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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P 618 188 001

US Postal Service  
**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to <i>US Postal Service</i>	
Street & Number <i>Post Master</i>	
Post Office, State, & ZIP Code <i>Coila Bend, AZ 85337-9998</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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P 618 188 012

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Mr. Robert Lynch	
Street & Number	340 E. Palmkn., #140	
Post Office, State, & ZIP Code	Phx., Az 85007-4529	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

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P 618 188 011

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Mr. Hayden Van Kleeve	
Street & Number	P.O. Box 54923	
Post Office, State, & ZIP Code	Phx., Az 85078	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

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P 618 188 009

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US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Ralph Vasquez - Town of He	
Street & Number	644 W. Pima St. P.O. Box A	
Post Office, State, & ZIP Code	Gila Bend, Az 85333	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

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P 618 188 010

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US Postal Service

Receipt for Certified Mail

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Sent to	Jeffrey W. Schroeter, PE	
Street & Number	4900 Spring Valley Rd #1001	
Post Office, State, & ZIP Code	Dallas, Tx 75244	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

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P 618 188 008

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Councilman Steve Holt	
Street & Number	Box 30	
Post Office, State, & ZIP Code	Gila Bend, Az 85337	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

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P 618 188 007

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Councilman Bud Turner	
Street & Number	Box 2089	
Post Office, State, & ZIP Code	Gila Bend, Az 85337	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

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Receipt for Certified Mail

No Insurance Coverage Provided.

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Sent to	Steve Marshall	
Street & Number	308 N. Martin Ave. P.O. Box V	
Post Office, State, & ZIP Code	Gila Bend, Az 85337	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

P 618 188 005

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US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	Gila Bend Chamber of Commerce	
Street & Number	PO Drawer C	
Post Office, State, & ZIP Code	Gila Bend, Az 85337	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

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P 618 188 006

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)



P 618 188 028

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

**Panda Gila River LP**  
4100 Spring Valley Rd #1001  
Dallas, TX 75244  
Mr. T. Edward McDaniel

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

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P 618 188 027

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

**James W. Garrison**  
State Historic Preservation Officer  
Arizona State Parks  
1300 West Washington  
Phoenix, AZ 85007

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

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US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

**Alan Matheson, Esq**  
Ryley, Carlock & Applewhite  
101 North 1<sup>st</sup> Ave #2700  
Phoenix, AZ 85003-1973

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

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P 618 188 025

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.  
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**Robert B. Weisenmiller, Ph. D**  
MRW & Associates, Inc  
1999 Harrison Street, #1440  
Oakland, CA 94612

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

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US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.  
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**Scott McCullough**  
Planning & Development Department  
111 North Central Ave 3<sup>rd</sup> Floor  
Phoenix, AZ 85004

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
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P 618 188 023

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**Receipt for Certified Mail**

No Insurance Coverage Provided.  
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**Fennemore Craig**  
3003 North Central Ave #2600  
Phoenix, AZ 85012  
**C. Webb Crockett**  
**Karen Errant**

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

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**Receipt for Certified Mail**

US Postal Service  
No Insurance Coverage Provided.  
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**Lucille Hays**  
Stirling Energy Systems  
Biltmore Corporate Park  
6245 North 24<sup>th</sup> Parkway #209  
Phoenix, AZ 85016-2030

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
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Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
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P 618 188 021

**Receipt for Certified Mail**

US Postal Service  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

**Patrick M. Sherrill**  
5310 East Camelback Rd  
Phoenix, AZ 85018

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
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