



BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION)
OF ARIZONA PUBLIC SERVICE)
COMPANY IN CONFORMANCE WITH)
THE REQUIREMENTS OF ARIZONA)
REVISED STATUTES SECTION 40-360,)
et seq., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING THE WEST VALLEY)
NORTH 230KV TRANSMISSION LINE)
PROJECT, INCLUDING THE)
CONSTRUCTION OF APPROXIMATELY)
25 MILES OF 230KV TRANSMISSION)
LINES AND TWO SUBSTATIONS IN)
MARICOPA COUNTY, ARIZONA,)
ORIGINATING AT THE TS2)
SUBSTATION IN SECTION 25 TOWNSHIP)
3 NORTH, RANGE 2 WEST, G&SRB&M)
AND CONTINUING TO THE PROPOSED)
TS1 SUBSTATION IN SECTION 20,)
TOWNSHIP 4 NORTH, RANGE 2 WEST,)
G&SRB&M AND TERMINATING AT THE)
PROPOSED TS5 SUBSTATION IN)
SECTION 29, TOWNSHIP 4 NORTH,)
RANGE 4 WEST, G&SRB&M)

Docket No. L00000D-04-0127

Case No. 0127

Arizona Corporation Commission

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AZ CORP COMMISSION
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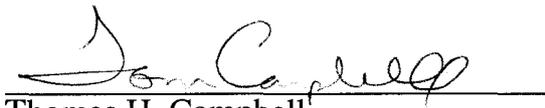
NOTICE OF SUBMITTAL OF APPLICANT'S PROPOSED CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to the request of the Arizona Power Plant and Transmission Line Siting Committee (the "Committee"), the parties to this matter met and conferred on February 16, 2005 to discuss the Applicant's Proposed Certificate of Environmental Compatibility. All issues between the parties were resolved during that meeting, with the exception of language regarding the specific location for siting APS's proposed TS5 substation.

Attached is APS's Proposed Certificate of Environmental Compatibility. Counsel representing Interveners 10,000 West LLC and Hogan, Parker, Ivan and McDuff LLC are expected to file alternative language for the Committee's consideration with respect to the

1 siting of TS5. APS cannot agree to the language proposed by either intervener because
2 APS needs some flexibility and discretion in siting TS5. APS requests the ability to site
3 TS5 in Section 29, with the precise location determined based on final engineering plans
4 and resolution of land acquisition issues.

5 RESPECTFULLY SUBMITTED this 22nd day of February, 2005.

6 

7 Thomas H. Campbell
8 Carol S. Comer
9 LEWIS AND ROCA LLP
40 North Central Avenue
Phoenix, Arizona 85004-4429

10 Attorneys for Arizona Public Service
11 Company

12
13 ORIGINAL and twenty-five (25) copies of
14 the foregoing filed this 22nd day of February,
2005, with:

15 The Arizona Corporation Commission
16 Utilities Division – Docket Control
1200 W. Washington Street
Phoenix, Arizona 85007

17
18 COPY of the foregoing mailed this
22nd day of February, 2005, to:

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20 Office of the Attorney General
1275 W. Washington Street
21 Phoenix, Arizona 85007-2997

22 Lisa Vandenberg
23 Diane Targovnik
Utilities Division
24 Arizona Corporation Commission
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25 Phoenix, Arizona 85007-2996
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SECTION 29, TOWNSHIP 4 NORTH,)
RANGE 4 WEST, G&SRB&M)

Docket No. L00000D-04-0127
Case No. 0127

CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") held public hearings on January 24 and 25, 2005, February 28, 2005, and March 1, 2005, all in conformance with the requirements of Arizona Revised Statutes § 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of Arizona Public Service Company ("Applicant") for a Certificate of Environmental Compatibility in the above-captioned case. A route tour was conducted on February 22, 2005.

1 The following members and designees of members of the Committee were present
2 at one or more of the hearings for the evidentiary presentations and/or for the
3 deliberations:

4	Laurie Woodall	Chairman, Designee for Arizona Attorney General, Terry Goddard
5		
6	Ray Williamson	Designee for Chairman, Arizona Corporation Commission
7		
8	Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
9		
10	Mark McWhirter	Designee for Director, Energy Department, Arizona Department of Commerce
11		
12	Greg Houtz	Designee Director, Arizona Department of Water Resources
13		
14	Sandie Smith	Appointed Member
15		
16	Jeff McGuire	Appointed Member
17		
18	Margaret Trujillo	Appointed Member
19		
20	A. Wayne Smith	Appointed Member
21		
22	Michael Whalen	Appointed Member
23		
24	Michael Palmer	Appointed Member

18 The Applicant was represented by Thomas H. Campbell and Carol S. Comer of
19 Lewis and Roca LLP. The following parties were granted intervention pursuant to A.R.S.
20 § 40-360.05: Arizona Corporation Commission Staff, represented by Lisa Vandenberg and
21 Diane Targovnik; Pulte Homes, represented by C. Webb Crockett of Fennemore Craig;
22 Suburban Land Reserve, Inc., Property Reserve Arizona, LLC and Fulton Homes, Inc.,
23 represented by Richard R. Thomas of Beus Gilbert PLLC; 10,000 West LLC and Stardust
24 Development, Inc., represented by Lynne A. Lagarde of Earl Curley & Lagarde; South
25 Side of Olive Avenue Property Owners and Hogan, Parker, Ivan and McDuff, LLC,
26 represented by Court S. Rich of Jordan Bischoff McGuire Rose & Hiser; Maricopa Water

1 District, represented by John R. Dacey of Gammage & Burnham; and propria persona,
2 Walter W. Meek.

3 At the conclusion of the hearings, the Committee, having received the Application,
4 the appearances of the parties, the evidence, testimony and exhibits presented at the
5 hearings, and being advised of the legal requirements of Arizona Revised Statutes §§ 40-
6 360 to 40-360.13, upon motion duly made and seconded, voted unanimously to grant the
7 Applicant a Certificate of Environmental Compatibility (Case No. 127) for authority to
8 construct the following facilities as requested in the Application: a double circuit 230kV
9 transmission line within a corridor as indicated below, two substations and related
10 facilities.

11 The West Valley – North transmission line route (depicted on Exhibit A (attached))
12 will begin at the TS2 substation site located on the northwest corner of Loop 303 and
13 Olive Avenue in Section 25, Township 3 North, Range 2 West (certificated in West
14 Valley-South, Case 122). From there, the transmission line will extend north along the
15 west side of Loop 303 within a 1500 foot corridor west of the centerline of Loop 303 and
16 as close to Loop 303 as the City of Surprise, Maricopa County and the Arizona
17 Department of Transportation will allow (and is technically feasible) to Cactus Road in
18 Section 13, Township 3 North, Range 2 West. The line will then continue west along the
19 north side of Cactus Road within a 1000 foot corridor from the centerline of Cactus and as
20 close to Cactus Road as the City of Surprise will allow (and is technically feasible) to 0.5
21 mile east of the 195th Avenue/Jackrabbit Trail alignment. The line will then extend north
22 along the mid-section line between Perryville Road and the 195th Avenue/Jackrabbit Trail
23 alignment in Section 16, Township 3 North, Range 2 West within a 4000 foot corridor
24 (1,000 feet east and 3,000 feet west of the mid-section line), continue to the mid-section
25 line 0.5 mile north of Union Hills Drive in Section 28, Township 4 North, Range 2 West,
26 and then turn west along the mid-section line between Union Hills Drive and Beardsley

1 Road within a 4000 foot corridor (2,000 feet north and 2,000 feet south of the mid-section
2 line) to a point 0.5 mile west of the 195th Avenue/Jackrabbit Trail alignment in Section 29,
3 Township 4 North, Range 2 West. The line will then extend north along the mid-section
4 line of Section 20, Township 4 North, Range 2 West within a 4000 foot corridor (1,000
5 feet east and 3,000 feet west of the mid-section line) into the TS1 substation after crossing
6 under the existing 500kV transmission lines. The project route will continue west out of
7 the TS1 substation along the north side of the existing 500kV transmission line corridor to
8 243rd Avenue within a 1000 foot corridor from the north boundary of the existing
9 transmission line corridor right of way, turn north on 243rd Avenue, which is the section
10 line between Sections 20 and 21, Township 4 North, Range 3 West within a 2000 foot
11 corridor (1000 feet on either side of the 243rd Avenue centerline), and then cross the CAP
12 Canal on the section line between Sections 16 and 17, Township 4 North, Range 3 West.
13 The line will extend west generally paralleling the CAP Canal on the north side of the
14 Canal within a 2500 foot corridor from the fence-line of the Canal until, approximately,
15 the mid-section of Section 20, Township 4 North, Range 4 West where the line will cross
16 to the south side of the CAP Canal. The project route will continue south on the mid-
17 section line of Sections 20 and 29 (291st Avenue alignment), Township 4 North, Range 4
18 West within a 2000 foot corridor (a 1000 foot corridor on either side of the 291st Avenue
19 alignment), and then into the proposed TS5 substation located in Section 29, Township 4
20 North, Range 4 West.

21 The Project shall be constructed with double circuit monopoles from the TS2
22 substation site to 0.5 mile east of the 195th Avenue/Jackrabbit Trail alignment and from the
23 existing 500kV transmission line corridor at 243rd Avenue to the proposed TS5 substation
24 site. Double circuit 69kV may be constructed on monopoles in all sections where
25 monopoles are placed.

26

1 The Project shall be constructed with double circuit lattice towers west out of the
2 TS1 substation until the line turns north from the existing 500 kV transmission line
3 corridor at 243rd Avenue.

4 The Project may be built with either lattice towers or monopoles from where the
5 route turns north off Cactus Road at 0.5 mile east of the 195th Avenue/Jackrabbit Trail
6 alignment to TS1.

7 This Certificate is granted upon the following conditions:

- 8 1. The Applicant shall obtain all required approvals and permits
9 necessary to construct the Project.
- 10 2. The Applicant shall comply with all existing applicable air and water
11 pollution control standards and regulations, and with all existing
12 applicable ordinances, master plans and regulations of the State of
13 Arizona, the County of Maricopa, the United States, and any other
14 governmental entities having jurisdiction.
- 15 3. This authorization to construct the Project shall expire 10 years from
16 the date the Certificate is approved by the Arizona Corporation
17 Commission unless construction is completed to the point that the
18 Project is capable of operating by that time; provided, however, that
19 the authorization to construct the second circuit of the Project shall
20 expire 20 years from the date of this Certificate; provided however
21 that prior to either such expiration the Applicant or its assignees may
22 request that the Commission extend this time limitation.
- 23 4. The Applicant shall make every reasonable effort to identify and
24 correct, on a case-specific basis, all complaints of interference with
25 radio or television signals from operation of the transmission line and
26 related facilities addressed in this Certificate. The Applicant shall

1 maintain written records for a period of five years of all complaints of
2 radio or television interference attributable to operation, together with
3 the corrective action taken in response to each complaint. All
4 complaints shall be recorded to include notations on the corrective
5 action taken. Complaints not leading to a specific action or for which
6 there was no resolution shall be noted and explained. The record shall
7 be signed by the Applicant and also the complainant, if possible, to
8 indicate concurrence with the corrective action or agreement with the
9 justification for a lack of action.

- 10 5. The Project shall comply with applicable noise guidelines of the
11 federal Department of Housing and Urban Development and the
12 Environmental Protection Agency.
- 13 6. Applicant shall maintain a setback distance of 100 feet from the toe of
14 McMicken Dam for any lattice tower or monopole structure related to
15 the Project.
- 16 7. The Applicant has consulted with the State Historic Preservation
17 Office ("SHPO") and by letter dated January 6, 2005, SHPO
18 determined that the Beardsley Canal (AZ T:6:5 ASTM) is eligible for
19 inclusion in the State Register of Historic Places. In order to
20 minimize impacts to properties considered eligible for inclusion in the
21 State and National Register of Historic Places to the extent possible,
22 the Applicant shall comply with SHPO's recommendations in the
23 January 6, 2005 letter, including the recommendation that the Project
24 span Beardsley Canal. A copy of this letter is Attachment B.
- 25 8. If human remains and/or funerary objects are encountered during the
26 course of any ground disturbing activities relating to the development

1 of the subject property, Applicant shall cease work on the affected
2 area of the Project and notify the Director of the Arizona State
3 Museum in accordance with A.R.S. § 41-865.

4 9. Applicant shall consult an archeologist during construction activities
5 in applicable areas, as determined by SHPO, to advise them in
6 connection with any additional archeological studies that may be
7 required and any mitigation efforts for archeological sites that may be
8 affected by the construction of the Project.

9 10. After construction, the Applicant, in conjunction with any applicable
10 land managing agency, shall allow Arizona Site Stewards, a
11 volunteer-staffed SHPO program, to periodically inspect
12 archeological sites within the corridor for vandalism or other damage.

13 11. The Applicant shall follow the Arizona State Land Department's
14 instructions, if any, regarding the treatment of State Register of
15 Historic Places-eligible properties situated on Arizona State Land
16 Department land in consultation with SHPO.

17 12. In consultation with SHPO and the land-managing agency, the
18 Applicant will consider and assess potential direct and indirect
19 impacts to eligible properties related to new access roads or any
20 existing access roads that require blading.

21 13. Where practicable, the Applicant shall use existing roads for
22 construction and access. The Applicant shall minimize vegetation
23 disturbance outside of the power-line right of way, particularly in
24 drainage channels and along stream banks, and shall re-vegetate
25 native areas of construction disturbance outside of the power-line
26 right of way after construction has been completed.

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14. The Applicant shall use non-specular conductor and dulled surfaces for transmission line structures.

15. Within 45 days of securing easement or right of way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line or substation site. Such signage shall be no smaller than a normal roadway sign. The Applicant shall place signs such that the public is notified along the full length of the transmission line until the transmission structures are constructed. There must also be signs at the location of the proposed substations. The signs shall advise:

- that the site has been approved for the construction of Project facilities including a 230 kV transmission line, as applicable to the individual site;
- the expected date of completion of the Project facilities;
- a phone number for public information regarding the Project;
- the name of the project;
- the name of the applicant; and
- the applicant's website.

16. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to directly notify all landowners and residents within a one-half mile radius of the Project facilities for which the extension is sought. Such landowners and residents shall be notified of the time and place of the proceeding in which the Commission shall consider such request for extension.

1 17. Before construction on this Project may commence, the Applicant
2 must file a construction mitigation and reclamation plan with ACC
3 Docket Control with copies to affected areas of jurisdiction. The
4 Applicant shall, within one year of completion of construction of the
5 Project, revegetate any native area disturbed by construction of the
6 Project outside of the power-line right of way, except for any road
7 that may be necessary to access the transmission lines or substation
8 sites for maintenance and repair.

9 The goals of the Plan will be to:

- 10 • Avoid impacts where practical;
11 • Where impacts are unavoidable, minimize impacts; and
12 • Focus on site preparation to facilitate natural processes of
13 revegetation and drainage

14 Other key elements of the Plan, when not inconsistent with the
15 respective land management agencies' or local owners' requirements
16 are to:

- 17 • Emphasize final site preparation to encourage natural
18 revegetation;
19 • Avoid (i.e., preserve), where practical, mature native trees;
20 • Stipulate a maximum construction corridor width;
21 • Reserve topsoil and native plant materials from right-of-way
22 before grading, and distribute over the right-of-way after
23 construction is complete;
24 • Imprint the reclaimed right-of-way to provide indentations to
25 catch seed and water;
26 • Implement best management practices to protect the soil;

- Apply reclamation methods that have been proven effective in the desert environment; and
- Prevent, where applicable, the spread of noxious weeds or other undesirable species.

18. Applicant shall comply with the mitigation measures contained in the December 27, 2004 letter from Arizona Game and Fish Department to the Power Plant and Transmission Line Siting Committee which is attached as Exhibit C.

19. Applicant shall monitor all ground clearing/disturbance activities that could affect sensitive species or habitat. Where warranted, Applicant shall retain a qualified biologist to conduct pre-construction activities to minimize or prevent impacts to sensitive species or habitat. Specifically, Applicant shall survey or monitor for Sonoran desert tortoises. If desert tortoises are encountered during construction, the Applicant shall follow the Arizona Game & Fish Department's Guidelines for Handling Sonoran Desert Tortoises.

20. Applicant shall salvage mesquite, ironwood, palo verde trees and saguaros removed during project construction activities consistent with Arizona's Native Plant Law and use the vegetation for reclamation in or near its original location.

21. Applicant shall work with the applicable jurisdictions to implement landscaping for the substation sites in accordance with municipal planning and zoning requirements.

22. Applicant shall submit a self-certification letter annually, identifying which conditions contained in the Certificate have been met. Each letter shall be submitted to the Utilities Division Director on

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December 1, beginning in 2006. Attached to each certification letter shall be documentation explaining, in detail, how compliance with each condition was achieved. Copies of each letter, along with the corresponding documentation, shall also be submitted to the Arizona Attorney General and Department of Commerce Energy Office.

- 23. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums, and shall coordinate transmission expansion plans related to the Project to resolve transmission constraints in a timely manner.
- 24. Applicant shall provide copies of this Certificate to appropriate city and county planning agencies, SHPO, AGFD and ASLD.
- 25. Applicant shall work with developers along the route to encourage them to include the identity and location of the certificated route in the developers' homeowners' disclosure statement.

GRANTED this ___ day of _____, 2005.

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

By: _____

Laurie A. Woodall, Chairman