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Arizona Corporation Commission

DOCKETED

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BEFORE THE ARIZONA POWER PLANT AND LINE SITING COMMITTEE

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IN THE MATTER OF THE APPLICATION OF BOWIE POWER STATION, L.L.C., IN CONFORMANCE WITH REQUIREMENTS OF ARIZONA REVISED STATUTES 40-360.03 AND 40-360.06 FOR TWO CERTIFICATES OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING CONSTRUCTION OF A 1,000 MEGAWATT NATURAL GAS-FIRED, COMBINED-CYCLE POWER PLANT, 345 kV AND 345 kV/230kV SWITCHYARDS, 345 kV 230 kV INTERCONNECTION AND RELATED FACILITIES IN COCHISE AND GRAHAM COUNTIES, ARIZONA. THE PROPOSED POWER STATION SITE IS LOCATED IN SECTIONS 28 AND 29, TOWNSHIP 12 SOUTH, RANGE 28 EAST, TOWNSHIP 11 SOUTH, RANGE 28 EAST, TOWNSHIP 11 SOUTH, RANGE 27 EAST, AND TOWNSHIP 11 SOUTH, RANGE 26 EAST, GILA AND SALT RIVER BASE AND MERIDIAN

CASE NO. 118

Docket No. L-00000BB-01-0118

(TRANSMISSION PROJECT)

DECISION NO. 64626

The Arizona Corporation Commission ("Commission") has conducted its review, as prescribed by A.R.S. § 40-360.07. Pursuant to A.R.S. § 40-360.07, the Commission, in compliance with A.R.S. § 40-360.06 and in balancing the broad public interest, the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of this state:

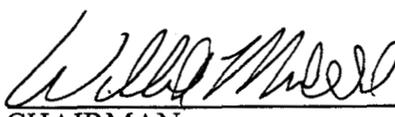
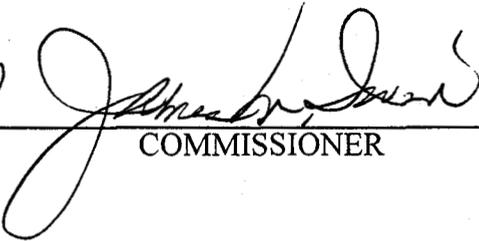
The Commission finds and concludes that the Certificate of Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee for Applicant's Transmission Project is granted as modified and amended by this Order.

The Commission modifies the CEC to add the following condition:

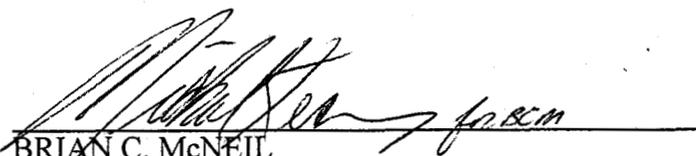
- The Applicant, its successor(s) or assignee(s) shall submit a self-certification letter annually, identifying which conditions contained in the CEC, have been met. Each letter shall be submitted to the Utilities Division Director on December 31, beginning in 2002, describing conditions which have been met as of November 30. Attached to

1 each certification letter shall be documentation explaining, in detail, how compliance
2 with each condition was achieved. Copies of each letter, along with the corresponding
3 documentation, shall also be submitted to the Arizona Attorney General and the
4 Directors of the Arizona Department of Environmental Quality, Department of Water
5 Resources, and Department of Commerce Energy Office.

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7 **APPROVED AS AMENDED BY ORDER OF THE**
8 **ARIZONA CORPORATION COMMISSION**

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11 CHAIRMAN
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13 COMMISSIONER
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15 COMMISSIONER

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17 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
18 Secretary of the Arizona Corporation Commission, have
19 hereunto, set my hand and caused the official seal of the
20 Commission to be affixed at the Capitol, in the City of Phoenix,
21 this 7th day of MARCH, 2002.

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23 BRIAN C. McNEIL
24 Executive Secretary

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DISSENT: _____

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

3 IN THE MATTER OF THE APPLICATION OF)
4 BOWIE POWER STATION, LLC, IN)
5 CONFORMANCE WITH THE REQUIREMENTS OF)
6 ARIZONA REVISED STATUTES 40-360.03 AND)
7 40-360.06, FOR TWO CERTIFICATES OF)
8 ENVIRONMENTAL COMPATIBILITY)
9 AUTHORIZING CONSTRUCTION OF A NOMINAL)
10 1,000 MEGAWATT NATURAL GAS-FIRED,)
11 COMBINED-CYCLE POWER PLANT, 345KV and)
12 345KV/230KV SWITCHYARDS, 345KV)
13 DOUBLE-CIRCUIT TRANSMISSION LINE AND)
14 230KV INTERCONNECTION AND RELATED)
15 FACILITIES IN COCHISE AND GRAHAM)
16 COUNTIES, ARIZONA. THE PROPOSED POWER)
17 STATION SITE IS LOCATED IN SECTIONS 28 AND)
18 29, TOWNSHIP 12 SOUTH, RANGE 28 EAST, AND)
19 THE PROPOSED TRANSMISSION LINE ROUTE IS)
20 LOCATED IN TOWNSHIP 12 SOUTH, RANGE 28)
21 EAST, TOWNSHIP 11 SOUTH, RANGE 28 EAST,)
22 TOWNSHIP 11 SOUTH, RANGE 27 EAST, AND)
23 TOWNSHIP 11 SOUTH, RANGE 26 EAST, GILA)
24 AND SALT RIVER BASE AND MERIDIAN.)

CASE NO. L00000BB-01-0118

(Case No. 118)

DECISION NO. _____
(TRANSMISSION LINE)

15 **DECISION OF THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING**
16 **COMMITTEE AND CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

17 Pursuant to notice given, as provided by law, the Arizona Power Plant and Transmission Line
18 Siting Committee ("Committee") held public hearings at the Best Western Plaza, 1100 West Rex Allen
19 Drive, Willcox, Arizona on October 11-12, 2001, and at the Embassy Suites, 1515 North 44th Street,
20 Phoenix, Arizona on December 10-11, 2001, in conformance with the requirements of Arizona Revised
21 Statutes §40-360 et. seq., for the purpose of receiving evidence and deliberating upon the Application
22 of Bowie Power Station, L.L.C. and its assigns ("Applicant") for a Certificate of Environmental
23 Compatibility ("Certificate") in the above-captioned case.

24 The following members and designees of members of the Committee were present for all or
25 portions of the evidentiary presentation during the aforesaid hearings and deliberations and vote on the
26 Application:

27 Laurie A. Woodall

Chair, and Designee for Arizona
Attorney General

28 Ray Williamson

Designee for Chairman of
Arizona Corporation Commission

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Mark McWhirter	Designee for Director of Energy Office of Arizona Department of Commerce
Patrick Schiffer	Designee for Director of Arizona Department of Water Resources
Richard Tobin	Designee for Director of Arizona Department of Environmental Quality
Jeff McGuire	Appointed Member
Mike Palmer	Appointed Member
A. Wayne Smith	Appointed Member
Sandie Smith	Appointed Member
Margaret Trujillo	Appointed Member
Mike Whalen	Appointed Member

The Applicant was represented by Lawrence V. Robertson, Jr. The Arizona Corporation Commission ("Commission") staff was represented by Jason B. Gellman. Wayne Bryant appeared on his own behalf as an individual intervenor.

At the conclusion of the public hearings, after consideration of (i) the Application and the evidence presented during the public hearings, (ii) the closing arguments of the parties, and (iii) the legal requirements of Arizona Revised Statutes § 40-360 through § 40-360.13 and A.A.C. R14-3-213, upon motion duly made and seconded, by a 10-0 vote the Committee voted to grant the Applicant the following Certificate.

Applicant is hereby granted a Certificate to site and construct the following facilities, as requested in the Application: (i) a double-circuit 345 kV transmission line, which shall interconnect Applicant's Bowie Power Station facilities with the Western Systems Coordinating Council ("WSCC") transmission grid at Tucson Electric Power Company's ("TEP") 345 kV Greenlee-Vail transmission line and Arizona Electric Power Company's ("AEP") 230 kV Red Tail-Dos Condados Transmission Line; and (ii) the new Willow 345/230 kV switchyard [Sec.14, T11S, R26E, G&SRB&M], through which the aforesaid interconnections will be accomplished. As testified to by the Applicant during the public hearings, electric power and energy produced at the Bowie Power Station are intended primarily to serve Southeastern Arizona markets.

1 The double-circuit 345 kV transmission line hereby authorized shall originate at Applicant's
2 Bowie Power Station and follow the route proposed by Applicant in its Application for a distance of
3 approximately 14.3 miles to the point of interconnection with the proposed Willow switchyard. In that
4 regard, Applicant is further authorized to use a 2500' wide corridor within which it will ultimately
5 acquire up to a 250' wide right-of-way for purposes of siting and construction of the line. Exhibit "A"
6 to this Decision and Certificate sets forth a generalized narrative legal description of the routing hereby
7 approved for the double-circuit 345 kV transmission line. Exhibit "B", as attached hereto, consists of
8 a map depicting the aforementioned 345 kV transmission line corridor.

9 The authorized double- circuit 345 kV transmission line shall be designed and constructed on
10 single-pole or monopole structures. The monopole structures shall consist of dulled galvanized steel.
11 The conductors shall be non-specular. The spans between the transmission structures shall vary in
12 distance from 800' to 1100' depending upon conductor size, terrain and environmental mitigation
13 conditions at a given location.

14 The details of the aforementioned interconnections shall be the subject of contractual
15 arrangements to be entered into between the Applicant and TEP, and the Applicant and AEPCO,
16 respectively.

17 This Certificate is further granted upon the following conditions.

- 18 1. Applicant shall comply with all existing applicable air and water pollution control
19 standards and regulations, and with all existing applicable ordinances, master plans and
20 regulations of the State of Arizona, Cochise County and Graham County, the United
21 States of America, and any other governmental entities having jurisdiction.
- 22 2. A) Applicant shall make every reasonable effort to identify and correct, on a case-
23 specific basis, all complaints of interference with radio or television signals from
24 operation of the lines and related facilities. In addition to any transmission
25 repairs, and depending upon the circumstances, the relevant corrective actions
26 may include, adjusting or modifying receivers, adjusting or repairing, replacing
27 or adding antennas, antenna signal amplifiers, filters, lead-in cables, or other
28 corrective actions.

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

9 C) Applicant shall advise interested persons how they may express concerns or
10 submit complaints to Applicant or the Commission when they believe the
11 transmission line and related facilities herein authorized are creating noise in
12 excess of applicable HUD standards or causing interference with
13 communications signals in excess of applicable FCC standards. Such complaints
14 as may be filed with the Commission shall be processed pursuant to those
15 provisions of A.A.C. R14-2-212 (A) and (C) applicable to service disputes.

16 3. Within 45 days of securing complete easements or rights-of-way, for the entire
17 alignment of the transmission lines hereby authorized, Applicant shall erect and
18 thereafter maintain signs providing public notice that such easements and rights-of-way
19 are the site of future transmission lines. Such signs shall be (i) no smaller than a
20 standard highway information sign, and (ii) prominently placed at reasonable locations
21 in close proximity to the proposed centerline of the transmission alignments which are
22 accessible to the public. Further, such signs shall advise:

23 A) that the site has been approved for the construction of Project facilities,
24 including a 345 kV transmission line, as applicable to the individual site;

25 B) the expected date of completion of the Project facilities; and

26 C) a phone number for public information regarding the Project.

27 In the event that the Project requires an extension of the term of this Certificate prior to completion of
28 construction, Applicant shall use reasonable means to directly notify all landowners and residents within

1 a one mile radius of the Project facilities of the time and place of the proceeding in which the
2 Commission shall consider such request for extension.

3 4. A) Applicant shall continue to consult with the Arizona State Historic Preservation
4 Office ("SHPO") and the Arizona State Land Department concerning the
5 identification and treatment of those cultural resources, if any, situated within
6 the area of potential effect from the transmission lines. Applicant shall comply
7 with existing state laws concerning the treatment of cultural resources on
8 private and state land, including A.R.S. §§ 41-841 to 41-846, A.R.S. §§ 41-861
9 to 41-864, and A.R.S. § 41-865.

10 B) In addition, Applicant's construction contract(s) for the transmission lines shall
11 include a provision that (i) Applicant shall cooperate with SHPO to develop and
12 implement a mitigation plan, and (ii) an archaeologist permitted by the Arizona
13 State Museum shall conduct on-site monitoring during construction. Further,
14 to the extent applicable, Applicant shall adhere to and implement the mitigation
15 measures suggested in SHPO's August 14, 2001, letter to the Chairman of the
16 Siting Committee, which was received into evidence as Exhibit No. C-3.

17 C) After construction, Applicant shall allow Arizona Site Stewards, a volunteer-
18 staffed SHPO program, to periodically inspect any archaeological or cultural
19 resource sites then existing within transmission corridors controlled by
20 Applicant for vandalism or damage.

21 5. A) In connection with the final design, routing and construction of the transmission
22 lines, Applicant shall, wherever feasible utilize the following general criteria:
23 use existing or overland access; minimize vegetation clearing and ground
24 disturbance; revegetate or restore areas of construction disturbance; use duffed,
25 monopole transmission structures; and, if necessary, complete Native Plant
26 Inventory and develop plant salvage program prior to construction.

27 B) In addition, before construction of the transmission facilities may commence,
28 Applicant shall file a construction mitigation and restoration plan with the

1 Commission's Docket Control section. The goals of the plan shall be to avoid
2 environmental impacts where practicable; and where impacts are unavoidable,
3 to minimize such impacts and focus on-site preparation to facilitate the natural
4 process of revegetation. Other key elements of the plan shall include the
5 following:

- 6 (1) emphasize final site preparation to encourage natural revegetation;
- 7 (2) avoid (i.e. preserve), where practicable, mature native trees;
- 8 (3) stipulating maximum construction corridor width, preserve topsoil and
9 plant materials from the right-of-way before grading, and respread over
10 the right-of-way after construction is complete;
- 11 (4) imprint the restored right-of-way, and provide indentations to catch seed
12 and water;
- 13 (5) implement best management practices to protect the soil;
- 14 (6) apply restoration methods that have been shown to work in the desert
15 environment;
- 16 (7) prevent the spread of noxious weeds or other undesirable species; and
- 17 (8) implement measures to discourage unauthorized off-highway vehicle use
18 of right-of-way.

19 Within one year of completion of the Project, Applicant shall rehabilitate to its
20 original state any area disturbed by construction of the Project, except for any
21 road that may be necessary to access the transmission lines for maintenance and
22 repair.

- 23 (C) The edge of each transmission line structure shall be offset at least 100' from the
24 edge of any natural gas pipeline(s) rights-of-way, if any, which the transmission
25 line(s) may parallel.
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- 1 6. Applicant shall be responsible for arranging that all field personnel involved in the
2 Project receive training as to proper ingress, egress and on-site working protocol for
3 environmentally sensitive areas and activities. Contractors employing such field
4 personnel shall maintain records documenting that the personnel have received such
5 training.
- 6 7. Prior to construction of any Project transmission facilities, Applicant shall provide the
7 Commission with copies of any Agreement(s) it enters into with the entity or entities
8 it selects to own and operate the 345 kV transmission facilities. Such Agreement(s)
9 shall be filed with the Commission within 30 days of execution of such Agreement(s).
- 10 8. Prior to construction of any Project transmission facilities, Applicant shall provide the
11 Commission with copies of the transmission interconnection agreement(s) it ultimately
12 enters into with any transmission provider(s) with whom it is interconnecting within 30
13 days of execution of such agreement(s).
- 14 9. Applicant shall continue to participate in good faith in State and regional transmission
15 study forums, including the Central Arizona Transmission Study, to identify and
16 encourage expedient implementation of transmission enhancements to reliably deliver
17 power from the Project through the WSCC transmission grid.
- 18 10. This authorization to construct the aforementioned facilities shall expire five (5) years
19 from the date this Certificate is approved by the Commission, unless construction is
20 completed to the point that the 345 kV transmission line is capable of operating by that
21 time; provided, however, that prior to such expiration Applicant may request that the
22 Commission extend this time limitation; and, provided further that, in any event,
23 Applicant shall complete construction of the aforementioned facilities prior to the date
24 the Bowie Power Station is ready for operation.
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GRANTED this 3RD day of January, 2002.

Arizona Power Plant and Transmission Line
Siting Committee

By: Laurie A. Woodall
Laurie A. Woodall, Chair

Decision No. _____

219038.1

1 APPROVED BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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4 Commissioner

Commissioner

Commissioner

5 In Witness Hereof, I, Brian C. McNeil, Executive Secretary of the Arizona Corporation
6 Commission, set my hand and cause the official seal of this Commission to be affixed, this ____
7 day of _____, 2002.

8 By _____

Brian C. McNeil
Executive Secretary

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12 Dissent: _____

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EXHIBIT A

Legal Description: Proposed Route of Bowie 345kV Transmission Line

As shown on General Corridor Map (Exhibit B), a strip of land 2,500 feet in width and being located in Cochise and Graham Counties, Arizona, the centerline of said strip of land being described as follows:

Beginning at the Northwest boundary of the Bowie Power Station's 345kV switchyard, located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, Township 12 South, Range 28 East, Gila and Salt River Base and Meridian, Cochise County Arizona, said point being located at Latitude 32°21'54"N, Longitude 109°30'8"W;

Thence Northwesterly 959 feet to a point located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, T12S, R28E at Latitude 32°22'2"N, Longitude 109°30'13"W;

Thence North-northwesterly paralleling the Arizona Eastern Railroad 18,965 feet to a point located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, T12S, R28E, Graham County, Arizona, at Latitude 32°25'3"N, Longitude 109°31'11"W;

Thence Northwesterly crossing the Arizona Eastern Railroad 13,653 feet to a point located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, T11S, R27E at Latitude 32°26'31"N, Longitude 109°33'12"W;

Thence Westerly 11,901 feet to a point located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, T11S, R27E at Latitude 32°26'29"N, Longitude 109°35'31"W;

Thence West-northwesterly 6,079 feet to a point located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, T11S, R27E at Latitude 32°26'46"N, Longitude 109°36'39"W;

Thence Westerly 11,000 feet to a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, T11S, R26E at Latitude 32°26'47"N, Longitude 109°38'47"W;

Thence Northwesterly 10,938 feet to a point in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, T11S, R26E at Latitude 32°28'20"N, Longitude 109°39'52"W;

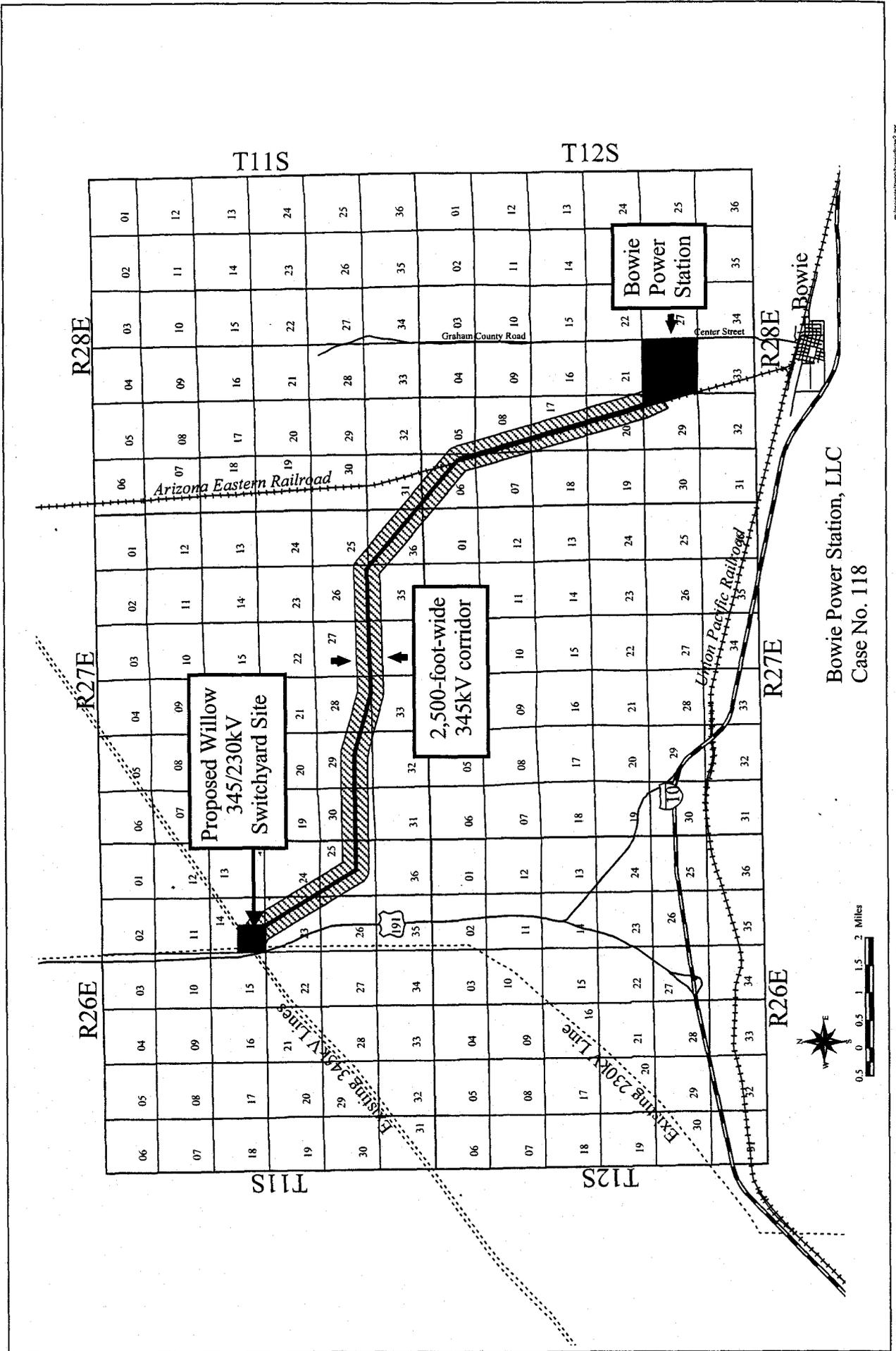
Thence West-northwesterly to a point in the SW $\frac{1}{4}$ of Section 14, T11S, R26E; said point being the point of terminus at the proposed interconnection of the Bowie 345kV transmission line with either or both the 345kV Springerville-Vail and 345kV Greenlee-Vail transmission lines at or near the proposed Willow Switchyard (substation) site.

Proposed Willow Switchyard (substation)

The proposed Willow Switchyard will be located on a parcel of land of approximately 23 acres within the SW $\frac{1}{4}$ of Section 14, Township 11 South, Range 26 East, Gila and Salt River Base and Meridian, Graham County, Arizona.

Bowie 345kV Transmission Line General Corridor Map

EXHIBIT B



Bowie Power Station, LLC
Case No. 118