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OF COUNSEL TO
MUNGER CHADWICK, P.L.C

ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

August 16, 2006

Shaunna Lee-Rice
Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

AUG 18 2006

DOCKETED BY **NR**

Re: Bowie Power Station
Docket No. L-00000BB-01-0118
Decision No. 64626

Dear Ms. Lee-Rice,

Enclosed for filing in the above-referenced docket are the original and thirteen (13) copies of a Request For Extension Of Certificate Of Environmental Compatibility Expiration Date of Decision No. 64626 ("Request For Extension") on behalf of Bowie Power Station, L.L.C. ("Bowie").

Also enclosed are two (2) additional copies of the Request For Extension. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance with regard to this matter.

Sincerely,

Lawrence V. Robertson, Jr.

AZ CORP COMMISSION
DOCUMENT CONTROL

2006 AUG 18 P 4: 19

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BEFORE THE ARIZONA CORPORATION COMMISSION

2006 AUG 18 P 4:19

JEFF HATCH-MILLER

Chairman

WILLIAM A. MUNDELL

Commissioner

MIKE GLEASON

Commissioner

KRISTIN K. MAYES

Commissioner

BARRY WONG

Commissioner

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission
DOCKETED

AUG 18 2006

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION OF) DOCKET NO. L-00000BB-01-0118
 BOWIE POWER STATION, L.L.C., IN)
 CONFORMANCE WITH REQUIREMENTS OF) (DECISION NO. 64626)
 ARIZONA REVISED STATUTES 40-360.03 AND)
 40-360.06 FOR TWO CERTIFICATES OF)
 ENVIRONMENTAL COMPATABILITY)
 AUTHORIZING CONSTRUCTION OF A 1,000)
 MEGAWATT NATURAL GAS-FIRED,)
 COMBINED-CYCLE POWER PLANT, 345 kV) REQUEST FOR EXTENSION OF
 AND 345 kV/230 kV SWITCHYARDS, 345 kV 230) CERTIFICATE OF
 kV INTERCONNECTION AND RELATED) ENVIRONMENTAL
 FACILITIES IN COCHISE AND GRAHAM) COMPATIBILITY EXPIRATION
 COUNTIES, ARIZONA. THE PROPOSED) DATE
 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)

By means of this filing, and pursuant to A.R.S. § 40-252, Bowie Power Station, L.L.C.
 ("Bowie") is requesting an extension of the expiration date set forth in Decision No. 64626 from
 March 7, 2007 until (i) December 31, 2008 or (ii) that date upon which the Commission issues a
 final and non-appealable decision in a separate proceeding regarding whether the Certificate of

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 TUCSON, ARIZONA 85711
 (520) 721-1900

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2 Environmental Compatibility (“CEC”) granted by Decision No. 64626 should be altered or
3 amended, whichever is sooner. A copy of Decision No. 64626 is attached hereto as Appendix
4 “A” and incorporated herein by reference.
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I.
BACKGROUND

On January 3, 2002 the Arizona Power Plant and Transmission Line Siting Committee (“Siting Committee”) voted 10-0 to grant Bowie a CEC authorizing it to site and construct (i) a double-circuit 345 kV transmission line interconnecting Bowie’s Bowie Power Station facilities with the Western System Coordinating Council transmission grid at Tucson Electric Power Company’s 345 kV Greenlee-Vail transmission line and Arizona Electric Power Company’s 230 kV Red Tail-Dos Condados transmission line, and (ii) a new Willow 345/230 kV switchyard, as more particularly described in Decision No. 64626. On March 7, 2002, the Commission affirmed the vote of the Siting Committee, with certain added conditions, and formally granted the aforesaid CEC by the issuance of Decision No. 64626. Condition No. 10 of the decision provided as follows:

“10. This authorization to construct the aforementioned facilities shall expire five (5) years from the date this Certificate is approved by the Commission, unless construction is committed to the point that the 345 kV transmission line is capable of operating by that time; provided, however, that prior to such expiration Applicant may request that the Commission extend this time limitation; and, provided further that, in any event, Applicant shall complete construction of the aforementioned facilities prior to the date the Bowie Power Station is ready for operation.” [Decision No. 64626 at page 7, lines 18-24] [Emphasis added]

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II.
CIRCUMSTANCES OCCASIONING REQUEST
FOR EXTENSION OF EXPIRATION DATE

As indicated in Decision No. 64626, and the underlying evidentiary record, the transmission facilities therein authorized were planned and designed in contemplation of a 1,000 MW natural gas-fired, combined cycle electric generating plant that was authorized for siting and construction in Decision No. 64625, which was issued by the Commission on the same day as Decision 64626. In a companion request for an extension of the expiration date for the power plant CEC granted in Decision No. 64625¹, Bowie describes the circumstances which led it to delay the commencement of construction of the 1,000 MW electric generating facilities authorized in Decision No. 64626. Those same circumstances, in turn, led Bowie to delay the commencement of construction of the electric transmission system facilities authorized in Decision No. 64626.

In addition, subsequent to the issuance of Decision No. 64626, Bowie has learned that the Arizona State Land Department ("ASLD") is unwilling to grant that right-of-way alignment for the double-circuit 345 kV transmission line which had been contemplated by Bowie, the Siting Committee and the Commission at the time that Decision No. 64626 was issued. ASLD's refusal to do so is apparently the result of a recently evolved ASLD policy which opposes right-of-way alignments which do not parallel section lines. The right-of-way alignment contemplated by Decision No. 64626 contemplated diagonally transecting ASLD land in several locations in order to shorten the length of the line. As a result of this unforeseen development, Bowie would

¹ Contemporaneous with the filing of this request, Bowie is also filing a similar request for an extension of the expiration date for the CEC granted in Decision No. 64625.

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2 have to request an alteration or amendment of the CEC granted in Decision No. 64626,
3 independent of those circumstances which occasioned delay in commencement of the electric
4 generating facilities authorized in Decision No. 64625.
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7 **III.**
8 **EXPLANATION OF PROPOSED PERIOD OF EXTENSION**

9 As indicated above, Bowie is requesting an extension of the expiration date for the CEC
10 granted in Decision No. 64626 from the current March 7, 2007 date to the earlier of (i)
11 December 31, 2008 or (ii) that date upon which the Commission issues a final and non-
12 appealable decision in a separate proceeding regarding whether the CEC granted in Decision No.
13 64626 should be altered or amended. Bowie currently anticipates that it will be filing its request
14 for such a separate proceeding (and an alteration or amendment of its CEC) pursuant to A.R.S. §
15 40-252 within the next few weeks. At this juncture, it does not know when a hearing on such
16 request might occur, or when a final and non-appealable decision by the Commission thereon
17 might be issued. However, Bowie has assumed for purposes of this request that such events
18 would take place no later than December 31, 2008.

19
20 **IV.**
21 **CONCLUSION**

22 WHEREFORE, Bowie hereby requests that the Commission issue an appropriate form of
23 decision or order extending the expiration date for the CEC granted in Decision No. 64626 from
24 the current March 7, 2007 date to the earlier of (i) December 31, 2008 or (ii) that date upon
25 which the Commission issues a final and non-appealable decision in a separate proceeding
26 regarding whether the CEC granted in Decision No. 64626 should be altered or amended.

27 Dated this 16th day of August 2006.
28

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Respectfully submitted,

Lawrence V. Robertson, Jr.
Munger Chadwick, P.L.C.

and

Richard W. Tobin, II
Lewis and Roca, L.L.P.

Attorneys for Bowie Power
Station, L.L.C.

By Lawrence V. Robertson, Jr.
Lawrence V. Robertson, Jr.

Original and thirteen (13) copies of the
foregoing mailed this 16th day
of August, 2006 to:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

A copy of the same served by e-mail or First
Class mail this same date upon:

Laurie A. Woodall, Chairman
Arizona Power Plant and Transmission Line Siting Committee
Office of the Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Christopher Kempley, Chief Counsel
Legal Division

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Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

A.R.S.

APPENDIX "A"

MAK 11 2002

Arizona Corporation Commission

DOCKETED

MAR 07 2002

BEFORE THE ARIZONA POWER PLANT
AND LINE SITING COMMITTEE

DOCKETED BY

JK

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

CASE NO. 118

Docket No. L-00000BB-01-0118

(TRANSMISSION PROJECT)

DECISION NO. 64626

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

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

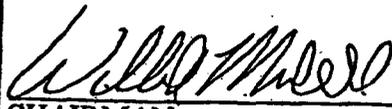
24 The Commission modifies the CEC to add the following condition:

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

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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 the Directors of the Arizona Department of Environmental Quality, Department of Water Resources, and Department of Commerce Energy Office.

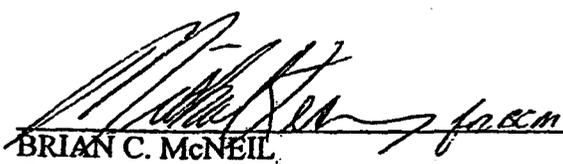
**APPROVED AS AMENDED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**


CHAIRMAN


COMMISSIONER


COMMISSIONER

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


BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

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BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF)
BOWIE POWER STATION, LLC, IN)
CONFORMANCE WITH THE REQUIREMENTS OF)
ARIZONA REVISED STATUTES 40-360.03 AND)
40-360.06, FOR TWO CERTIFICATES OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING CONSTRUCTION OF A NOMINAL)
1,000 MEGAWATT NATURAL GAS-FIRED,)
COMBINED-CYCLE POWER PLANT, 345KV and)
345KV/230KV SWITCHYARDS, 345KV)
DOUBLE-CIRCUIT TRANSMISSION LINE AND)
230KV 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, AND)
THE PROPOSED TRANSMISSION LINE ROUTE IS)
LOCATED IN 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. L00000BB-01-0118

(Case No. 118)

DECISION NO. _____
(TRANSMISSION LINE)

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

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

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

Application:

- | | |
|-------------------|--|
| Laurie A. Woodall | Chair, and Designee for Arizona
Attorney General |
| Ray Williamson | Designee for Chairman of
Arizona Corporation Commission |

1	Mark McWhirter	Designee for Director of Energy Office of Arizona Department of Commerce
2	Patrick Schiffer	Designee for Director of Arizona Department of Water Resources
3		
4	Richard Tobin	Designee for Director of Arizona Department of Environmental Quality
5	Jeff McGuire	Appointed Member
6	Mike Palmer	Appointed Member
7	A. Wayne Smith	Appointed Member
8	Sandie Smith	Appointed Member
9	Margaret Trujillo	Appointed Member
10	Mike Whalen	Appointed Member
11		

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

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

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

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

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

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

(C) The edge of each transmission line structure shall be offset at least 100' from the edge of any natural gas pipeline(s) rights-of-way, if any, which the transmission line(s) may parallel.

- 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

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;

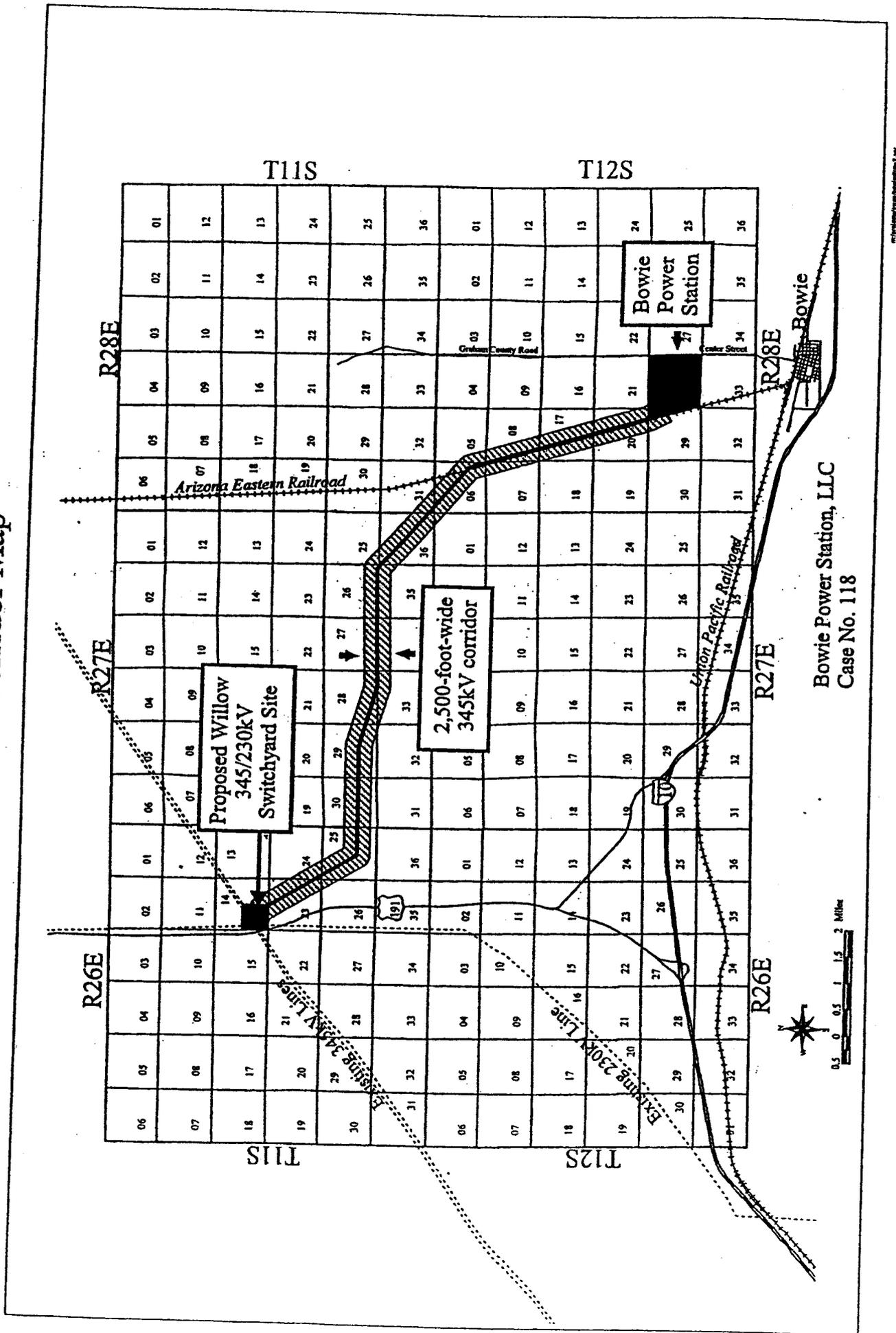
Thence West-northwesterly to a point in the SW $\frac{1}{4}$ of Section 14, T11S, R26E; said point being the point of terminus at the proposed interconnection of the Bowie 345kV transmission line with either or both the 345kV Springerville-Vail and 345kV Greenlee-Vail transmission lines at or near the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



COCHISE COUNTY PLANNING DEPARTMENT

1415 W. Melody Lane, Bisbee, Arizona 85603

(520) 432-9450

Fax 432-9429

James E. Vlahovich, Director

September 13, 2002

Bowie Power Station, LLC
Attention: Tom C. Wray
4350 East Camelback Road
Suite B-150
Phoenix, AZ 85018

RE: Docket SU-02-08, Tax Parcels (301-04-028, 032, 033A, 033C, 034)

Applicants: Bowie Power Station LLC

Dear Mr. Wray:

As you are aware, at their regular meeting on September 11, 2002 the Cochise County Planning and Zoning Commission voted (7-0, Guy abstaining) to approve your special use request, with modifications, for a 1000-megawatt power plant as detailed in the application and site plan submitted with the application. The approval was subject to the following conditions:

1. The applicant complies with all requirements of the Health Department.
2. The applicant complies with all requirements of the Highway and Floodplain Department to include but not limited to:
 - A. Prior to operation of the plant, dedicate right-of-way to the County along the eastern portion of the subject property that abuts Central Avenue at a width to be determined by the Highway and Floodplain Department as necessary for the improvements noted below;
 - B. Prior to operation of the plant, perfect right-of-way for the one-mile portion of Central Avenue that runs along the east section line of Section 33, Township 12 and Range 28 at a width to be determined by the Highway and Floodplain Department as necessary for the improvements noted below. The applicant will bear the cost of acquisition of land to perfect said right-of-way with administrative assistance from the County; and
 - C. Prior to operation of the plant, improve Central Avenue with a 28-foot wide, asphalt concrete surface (4" of asphalt over 6" of ABC or 3" of asphalt over 10 inches of ABC) from Business Interstate 10 to the north property boundary of the site of the power plant.
3. The applicant complies with all requirements of the State Fire Marshal.
4. During construction of the plant, the applicant repairs and restores to ADOT's standards any pavement damage to Business Interstate 10 due to associated heavy construction traffic.
5. Prior to permit issuance, the applicant submits a detailed site plan meeting the standards set forth in § 1705 of the Zoning Regulations for any structure or group of structures on the site.
6. Prior to construction, the applicant submits construction plans for the plant prepared and stamped by an Arizona Registrant.



7. Prior to permit issuance, the applicant completes Section 2 of the Hazardous Materials Information Sheet, provides MSDS sheets for materials that are to be stored or used on the site, and provides information as to the amount of ammonia that may be stored on the site.
8. Prior to permit issuance, the applicant addresses detention/retention requirements when they develop and clear the subject property.
9. It is the applicant's responsibility to obtain any additional permits, or meet additional conditions, if any, that may be applicable to the proposed activity pursuant to other federal, state, or local laws or regulations.
10. Any changes to the approved special use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.
11. Approval of this Special Use Permit is contingent upon approval of the proposed rezoning to HI by the Board of Supervisors on September 24, 2002 (Z-02-13).
12. The applicants notify NOAA of the proposed project.

Modifications approved by the Commission.

1. 100-foot modification limiting the height of all structures on the site to 150 feet.
2. A waiver of § 1403.07 permitting noise to be discernable on neighboring residential sites with the condition that the levels of noise conform to the guidelines established by HUD and the EPA.

Per Section 1716.03E of the Cochise County Zoning Regulations, the conditions of the Special Use Permit must be formally accepted by the applicant within thirty (30) days of the Commission's decision or the permit will be void. Please sign and return the enclosed Acceptance of Conditions form as soon as possible. Permits cannot be issued without a signed Acceptance of Conditions form.

After the permit is issued, there must be substantial progress in construction, alteration, improvement or use within 12 months of the date of issuance of your permit. The Planning Department may request that the Commission revoke the permit if there is not substantial progress towards completing the project in a timely fashion.

If you or anyone disagrees with the Commission's action, Section 1716.04 of the Zoning Regulations allows for an appeal to the Board of Supervisors. This appeal must be filed within fifteen (15) calendar days of the Commission's action.

Sincerely,



Daniel Coxworth, Planner

Attachments: Special Use Conditions Acceptance Form

Xc: Les Thompson, District 3, Supervisor
Commercial Permit Coordinator
Docket File
Parcel File