



BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER  
Chairman

WILLIAM MUNDELL  
Commissioner

MIKE GLEASON  
Commissioner

KRISTIN K. MAYES  
Commissioner

GARY PIERCE  
Commissioner

Arizona Corporation Commission

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In the Matter of the Application of  
Southern California Edison Company,  
Pursuant to A.R.S. §40-252, for an  
Amendment of ACC Decision No: 51170  
or, in the Alternative, a Declaration of  
no Substantial Change

Docket No: E-020465A-06-0457

**SOUTHERN CALIFORNIA EDISON COMPANY'S  
PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW  
AND ORDER**

As requested by the Arizona Power Plant and Transmission Line Siting Committee (the "Committee"), Southern California Edison Company ("SCE") files its proposed findings of fact, conclusions of law and ordering provision.

**FINDINGS OF FACT**

1. On August 9, 1977, SCE filed an Application for a Certificate of Environmental Compatibility ("CEC") for the Devers to Palo Verde No. 1 ("DPV1")

1 500kV transmission line in Line Siting Case No. 34. SCE filed an Amended Application  
2 in Case No. 34 on January 10, 1978. Double circuit towers were described in Exhibit B to  
3 both applications.

4 2. On August 3, 1978, the Arizona Corporation Commission ("Commission")  
5 issued Decision No. 49226 granting SCE a CEC to build DPV1. The Decision neither  
6 specifically authorized double circuit towers nor did it specifically mention tower type.

7 3. In August 1978, the Bureau of Land Management ("BLM") issued the Draft  
8 Federal Environmental Impact Statement on the DPV1 project. In February 1979, the  
9 BLM issued the Final Federal Environmental Impact Statement on the DPV1 project.  
10 Both reports mention the possible use of double circuit towers in narrow mountain passes  
11 such as Copper Bottom Pass.

12 4. On February 1, 1980, the BLM issued a right of way grant for DPV1 for a  
13 route that was different in two segments from the route approved by the Commission in  
14 Decision No. 49226. The BLM right of way grant also required that SCE either build  
15 double circuit towers in the Copper Bottom Pass as part of DPV1 or build single circuit  
16 towers to accommodate DPV1 and remove those towers and replace them with double  
17 circuit towers if a second major transmission line was sited in the Copper Bottom Pass.

18 5. On March 3, 1980, SCE filed an application (Line Siting Case No. 48) for  
19 Commission approval to change the route of DPV1 to include the two variant segments  
20 granted in the BLM right of way. Double circuit towers were described in Exhibit B to the  
21 Case No. 48 application.

22 6. On July 23, 1980, the Commission issued Decision No. 51170 in Case No.  
23 48, amending SCE's CEC and approving the DPV1 route with the two variant segments  
24 granted in the BLM right of way. One of those segments, referred to as Segment 5,  
25 included the western portion of the Copper Bottom Pass. Decision No. 51170 neither  
26 specifically authorized double circuit towers nor did it specifically mention tower type.

1           7.     On July 22, 1981, the BLM amended its right of way grant to approve the  
2 construction of 13 double circuit towers as part of DPV1 in the western portion of the  
3 Copper Bottom Pass.

4           8.     SCE built 382 towers in Arizona as part of DPV1, 368 of those towers were  
5 single circuit towers and 14 were double circuit towers. In addition to the 13 towers in  
6 Copper Bottom Pass, SCE constructed a double circuit tower at the Palo Verde Nuclear  
7 Generation Station Switchyard where the DPV1 line enters the switchyard.

8           9.     The double circuit towers in Copper Bottom Pass were sited on the route and  
9 right of way approved in Case No. 48. Double circuit towers are taller than the single  
10 circuit towers. The 13 double circuit towers in the Copper Bottom Pass contain an extra  
11 set of conductors on the opposite side of the towers from the DPV1 conductors. This extra  
12 set of conductors was not connected or energized and was placed there in anticipation of  
13 construction of DPV2. These double circuit towers have existed in Copper Bottom Pass  
14 since late 1981.

15          10.    On November 10 1987, SCE filed a CEC application with the Commission  
16 seeking approval to construct the Devers to Palo Verde No. 2 500kV transmission line  
17 ("DPV2"). That case was assigned Line Siting Case No. 76. That application proposed  
18 that DPV2 utilize the double circuit towers in the Copper Bottom Pass. Both before and  
19 after filing Case No. 76, SCE filed with the Commission ten year plans that disclosed the  
20 existence of the double circuit towers and SCE's proposal to use those towers for DPV2.  
21 SCE withdrew its application for DPV2 in Case No. 76 on December 18, 1987.

22          11.    On May 1, 2006, SCE again filed a CEC application with the Commission  
23 for approval to construct DPV2 (Line Siting Case No. 130.) In that application, SCE  
24 proposed to use the double circuit towers in Copper Bottom Pass. The record for Case No.  
25 130 contains substantial testimony and exhibits relating to the environmental impact and  
26 reliability of the double circuit towers in Copper Bottom Pass. The Commission Utilities

1 Division Staff (“Staff”) opposes the use of the double circuit towers in Copper Bottom  
2 Pass for DPV2.

3 12. On July 10, 2006, in response to a question raised by the Committee  
4 Chairman, SCE filed an application, pursuant to A.R.S. §40-252, for an amendment of  
5 Decision No. 51170 to authorize construction of the 13 double circuit towers in Copper  
6 Bottom Pass or, in the alternative, a declaration of no substantial change to the  
7 authorization granted in Decision No. 51170. SCE subsequently amended that application  
8 to include the 14<sup>th</sup> double circuit tower at the Palo Verde Nuclear Generating Station  
9 Switchyard, and to request an amendment to Decision No. 49226, to the extent necessary.

10 13. On August 9, 2006, the Staff filed a response to SCE’s application agreeing  
11 with SCE that A.R.S. §40-252 was the appropriate procedure and requesting an  
12 evidentiary hearing. The Sierra Club, Grand Canyon Chapter, also filed a response.

13 14. On August 18, 2006, SCE filed a reply in support of its request.

14 15. On October 17, 2006, at a regularly scheduled open meeting, the  
15 Commission asked the Committee to serve as the hearing officer over this matter, to  
16 determine whether the use of the double circuit towers constituted a substantial change,  
17 whether the CEC should be amended and whether any other remedies were appropriate.

18 16. On October 26, 2006, the Committee issued a procedural order scheduling  
19 hearings. Notice of hearing was provided on November 1, 2006, pursuant to that  
20 procedural order.

21 17. On January 3, 2007, both SCE and the Staff filed briefs on the appropriate  
22 legal standard for substantial change.

23 18. Hearings were held before the Committee on December 7, 2006, and  
24 January 8, 2007. During those hearings and in its pre-filed testimony, Staff requested that  
25 SCE be fined \$4.8 million for use of the double circuit towers in DPV1. Staff also  
26 requested that SCE not be allowed to use the double circuit towers in the Copper Bottom

1 Pass for DPV2 and that SCE be ordered to remove the unused set of conductors currently  
2 existing on those towers.

3  
4 **CONCLUSIONS OF LAW**

5 1. The Commission has jurisdiction over the siting of DPV1 pursuant to A.R.S.  
6 §40-360 *et. seq.*

7 2. The standard for determining whether a decision that grants a CEC must be  
8 amended is whether the proposed change is a “substantial” change. The primary  
9 Commission ruling on the question of substantial change is Decision No. 58793 (1994),  
10 known as *The Whispering Ranch* case.

11 3. The question of what constitutes a substantial change must be made on the  
12 facts of each particular case using the criteria set forth in the Administrative Procedures  
13 Act (A.R.S. §41-1025).

14 4. The use of double circuit towers in DPV1 constituted a substantial change.

15 5. It is in the public interest to amend the DPV1 CEC, pursuant to A.R.S. §40-  
16 252, to authorize the existing 14 double circuit towers.

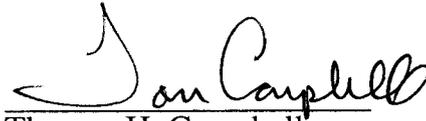
17 6. Under the facts and circumstances of this case, it is neither in the public  
18 interest nor appropriate to fine SCE for construction of the double circuit towers as part of  
19 DPV1.

20 **ORDER**

21 IT IS THEREFORE ORDERED, SCE’s Application to Amend is approved and that  
22 Decision No. 51170 (and to the extent necessary, Decision No. 49226) is amended to  
23 authorize the 14 double circuit towers that were constructed as part of DPV1.  
24  
25  
26

1 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of January, 2007.

2 LEWIS AND ROCA LLP

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10 **ORIGINAL** and thirteen (13) copies  
11 of the foregoing filed this 26<sup>th</sup> day of  
12 January, 2007, with:

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17 **COPY** of the served electronically  
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