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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

- Mike Gleason, Chairman
- William A. Mundell
- Jeff Hatch-Miller
- Kristin K. Mayes
- Gary Pierce

2008 JAN -8 P 4: 30

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE PALO VERDE HUB TO NORTH GILA 500kV TRANSMISSION LINE AND ASSOCIATED FACILITIES AND INTERCONNECTIONS ORIGINATING FROM EITHER THE ARLINGTON VALLEY ENERGY FACILITY, SECTION 17, TOWNSHIP 1 SOUTH, RANGE 6 WEST, G&SRB&M, OR THE REDHAWK POWER PLANT, SECTION 23, TOWNSHIP 1 SOUTH, RANGE 6 WEST, G&SRB&M, EACH LOCATED SOUTH OF INTERSTATE 10 NEAR WINTERSBURG ROAD IN AN UNINCORPORATED AREA OF MARICOPA COUNTY, ARIZONA, TO THE NORTH GILA SUBSTATEION, FIVE MILES NORTHEAST OF THE CITY OF YUMA, YUMA COUNTY, ARIZONA, AT SECTION 11, TOWNSHIP 8 SOUTH, RANGE 22 WEST, G&SRB&M

CASE NO. 135

DOCKET NO. L-00000D-07-0566-00135

NOTICE OF FILING SAMPLE FORMS OF ORDER

Arizona Corporation Commission
DOCKETED

JAN 8 2008

DOCKETED BY

Pursuant to A.R.S. § 40-360.07, the Commission has the authority to confirm, deny or modify a Certificate of Environmental Compatibility ("CEC") issued by the Siting Committee. The Commission's Legal Division hereby submits sample forms of order for the Commission's convenience when considering the Siting Committee's decision in the above-captioned matter. One sample order approves the Siting Committee's decision as it was issued by the Siting Committee. The second sample order is in a format for Commission modifications to the Siting Committee's decision. The third sample order is in a format denying the Siting Committee's decision.

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1 RESPECTFULLY SUBMITTED this 8th day of January, 2008.

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4 Christopher C. Kempley
5 Christopher C. Kempley
6 Arizona Corporation Commission
7 1200 West Washington Street
8 Phoenix, Arizona 85007
9 (602) 542-3402

10 **Original and twenty-eight (28)**
11 **copies of the foregoing filed this**
12 **8th day of January, 2008 with:**

13 Docket Control
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 **Copies of the foregoing**
18 **mailed this 8th day of**
19 **January, 2008 to:**

20 Thomas H. Campbell
21 LEWIS & ROCA
22 40 North Central Avenue
23 Phoenix, Arizona 85004-4429
24 Attorneys for APS

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By SBL

**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

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CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capital, in the City of Phoenix, this _____ day of _____ 2008.

BRIAN C. MCNEIL
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Mike Gleason, Chairman
4 William A. Mundell
5 Jeff Hatch-Miller
6 Kristin K. Mayes
7 Gary Pierce

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY, IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360, *et seq.*, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING THE PALO
15 VERDE HUB TO NORTH GILA 500kV
16 TRANSMISSION LINE AND ASSOCIATED
17 FACILITIES AND INTERCONNECTIONS
18 ORIGINATING FROM EITHER THE
19 ARLINGTON VALLEY ENERGY FACILITY,
20 SECTION 17, TOWNSHIP 1 SOUTH, RANGE
21 6 WEST, G&SRB&M, OR THE REDHAWK
22 POWER PLANT, SECTION 23, TOWNSHIP 1
23 SOUTH, RANGE 6 WEST, G&SRB&M, EACH
24 LOCATED SOUTH OF INTERSTATE 10
25 NEAR WINTERSBURG ROAD IN AN
26 UNINCORPORATED AREA OF MARICOPA
27 COUNTY, ARIZONA, TO THE NORTH GILA
28 SUBSTATEION, FIVE MILES NORTHEAST
OF THE CITY OF YUMA, YUMA COUNTY,
ARIZONA, AT SECTION 11, TOWNSHIP 8
SOUTH, RANGE 22 WEST, G&SRB&M

CASE NO. 135

DOCKET NO. L-00000D-07-0566-00135

DECISION NO. _____

SAMPLE ORDER NO. 1

(Sample Form of Order Granting CEC as Issued by the Siting Committee)

18 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to
19 A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental
20 Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee
21 ("Committee") is hereby granted by this Order.

22 The Commission further finds and concludes that: (1) the Project is in the public interest
23 because it aids the state in meeting the need for an adequate, economical and reliable supply of
24 electric power; (2) in balancing the need for the Project with its effect on the environment and
25 ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its
26 impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the
27 Committee resolve matters concerning the need for the Project and its impact on the environment
28 and ecology of the state raised during the course of proceedings, and as such, serve as the findings on

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the matters raised; and (4) in light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN COMMISSIONER

COMMISSIONER COMMISSIONER COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capital, in the City of Phoenix, this _____ day of _____ 2008.

BRIAN C. MCNEIL
Executive Director

DISSENT: _____

DISSENT: _____

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Mike Gleason, Chairman
William A. Mundell
Jeff Hatch-Miller
Kristin K. Mayes
Gary Pierce

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE PALO
VERDE HUB TO NORTH GILA 500kV
TRANSMISSION LINE AND ASSOCIATED
FACILITIES AND INTERCONNECTIONS
ORIGINATING FROM EITHER THE
ARLINGTON VALLEY ENERGY FACILITY,
SECTION 17, TOWNSHIP 1 SOUTH, RANGE
6 WEST, G&SRB&M, OR THE REDHAWK
POWER PLANT, SECTION 23, TOWNSHIP 1
SOUTH, RANGE 6 WEST, G&SRB&M, EACH
LOCATED SOUTH OF INTERSTATE 10
NEAR WINTERSBURG ROAD IN AN
UNINCORPORATED AREA OF MARICOPA
COUNTY, ARIZONA, TO THE NORTH GILA
SUBSTATEION, FIVE MILES NORTHEAST
OF THE CITY OF YUMA, YUMA COUNTY,
ARIZONA, AT SECTION 11, TOWNSHIP 8
SOUTH, RANGE 22 WEST, G&SRB&M

CASE NO. 135

DOCKET NO. L-00000D-07-0566-00135

DECISION NO. _____

SAMPLE ORDER NO. 2

(Sample Form of Order Modifying CEC as Issued by the Siting Committee by Adding or Deleting Conditions to the CEC)

The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee ("Committee") is hereby granted as modified by this Order.

The Commission modifies the CEC to add (or delete) the following condition(s):

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The Commission further finds and concludes that: (1) the Project is in the public interest because it aids the state in meeting the need for an adequate, economical and reliable supply of electric power; (2) in balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC by the Committee as modified by the Commission effectively minimize its impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the Committee as modified by the Commission resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised; and (4) in light of these conditions, the balancing in the broad public interest results in favor of granting the CEC as modified by the Commission.

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**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

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CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capital, in the City of Phoenix, this _____ day of _____ 2008.

BRIAN C. MCNEIL
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Mike Gleason, Chairman
4 William A. Mundell
5 Jeff Hatch-Miller
6 Kristin K. Mayes
7 Gary Pierce

8 IN THE MATTER OF THE APPLICATION
9 OF ARIZONA PUBLIC SERVICE
10 COMPANY, IN CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360, *et seq.*, FOR A
13 CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING THE
15 PALO VERDE HUB TO NORTH GILA 500kV
16 TRANSMISSION LINE AND ASSOCIATED
17 FACILITIES AND INTERCONNECTIONS
18 ORIGINATING FROM EITHER THE
19 ARLINGTON VALLEY ENERGY FACILITY,
20 SECTION 17, TOWNSHIP 1 SOUTH, RANGE
21 6 WEST, G&SRB&M, OR THE REDHAWK
22 POWER PLANT, SECTION 23, TOWNSHIP 1
23 SOUTH, RANGE 6 WEST, G&SRB&M,
24 EACH LOCATED SOUTH OF INTERSTATE
25 10 NEAR WINTERSBURG ROAD IN AN
26 UNINCORPORATED AREA OF MARICOPA
27 COUNTY, ARIZONA, TO THE NORTH GILA
28 SUBSTATEION, FIVE MILES NORTHEAST
OF THE CITY OF YUMA, YUMA COUNTY,
ARIZONA, AT SECTION 11, TOWNSHIP 8
SOUTH, RANGE 22 WEST, G&SRB&M

CASE NO. 135

DOCKET NO. L-00000D-07-0566-00135

DECISION NO. _____

SAMPLE ORDER NO. 3

(Sample Form of Order Denying CEC as Issued by the Siting Committee)

18 The Arizona Corporation Commission ("Commission") has conducted its review,
19 pursuant to A.R.S. § 40-360.07. Pursuant to A.R.S. § 40-360.07(B), the Commission, in compliance
20 with A.R.S. § 40-360.06 and in balancing the broad public interest, the need for an adequate,
21 economical and reliable supply of electric power with the desire to minimize the effect thereof on the
22 environment and ecology of this state, finds that the above-captioned Application for a Certificate of
23 Environmental Compatibility ("CEC") for siting approval is hereby denied.

24 The Commission further finds and concludes that in balancing the broad public interest under
25 A.R.S. § 40-360.07(B) in this matter:

- 26
- 27 1. the evidence in the record is not sufficient to weigh the balancing of the public interest
28 in favor of granting a CEC in this matter when all the factors set forth in A.R.S. §

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40-360.06 are considered along with need for an adequate economical, and reliable supply of electric power;

2. the conditions placed upon CEC by the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee") are not sufficient to weigh the balancing of the public interest in favor of granting a CEC in this matter when all the factors set forth in A.R.S. § 40-360.06 are considered along with the need for an adequate, economical, and reliable supply of electric power;

3. the record compels balancing the competing public interests in favor of protection of the environment and ecology of the State of Arizona by denying Applicant a Certificate of Environmental Compatibility;

4. the CEC issued by the Siting Committee should not be confirmed and approved by the Commission; and

5. the Commission's findings 1 through 4 above serve as the Commission's findings of fact and conclusions of law in reaching its decision.

Therefore, the Commission further finds and concludes that the CEC issued by the Siting Committee is hereby denied by this Order; and, the above-captioned Application for a CEC is hereby denied by this Order.

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**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS DENIED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

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CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capital, in the City of Phoenix, this _____ day of _____ 2008.

BRIAN C. MCNEIL
Executive Director

DISSENT: _____

DISSENT: _____