



0000089356

57

1 ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE APPLICATION)
4 OF ARIZONA SOLAR ONE, LLC., IN)
5 CONFORMANCE WITH THE)
6 REQUIREMENTS OF ARIZONA REVISED)
7 STATUTES §§ 40-360, *et seq.*, FOR A)
8 CERTIFICATE OF ENVIRONMENTAL)
9 COMPATIBILITY AUTHORIZING THE)
CONSTRUCTION OF THE SOLANA)
GENERATING STATION, LOCATED IN)
SECTION 9, TOWNSHIP 6 SOUTH, RANGE)
7 WEST, MARICOPA COUNTY, ARIZONA.)

Docket No. L-00000GG-08-0407-00139

Case No. 139

Arizona Conservation Commission

DOCKETED

SEP 11 2008

830-27337 Mn

10 IN THE MATTER OF THE APPLICATION)
11 OF ARIZONA SOLAR ONE, LLC., IN)
12 CONFORMANCE WITH THE)
13 REQUIREMENTS OF ARIZONA REVISED)
14 STATUTES §§ 40-360, *et seq.*, FOR A)
15 CERTIFICATE OF ENVIRONMENTAL)
16 COMPATIBILITY AUTHORIZING THE)
17 CONSTRUCTION OF THE SOLANA GEN-)
18 TIE, WHICH ORIGINATES AT THE)
19 SOLANA GENERATING STATION,)
LOCATED IN SECTION 9, TOWNSHIP 6)
SOUTH, RANGE 7 WEST, MARICOPA)
COUNTY, AND TERMINATES AT THE)
PANDA 230 kV SUBSTATION, LOCATED)
IN SECTION 20, TOWNSHIP 5 SOUTH,)
RANGE 4 WEST, GILA BEND, ARIZONA.)

Docket No. L-00000GG-08-0408-00140

Case No. 140

RECEIVED
2008 OCT 10 P 4: 55
ARIZONA CONSERVATION COMMISSION
DOCKET CONTROL

**NOTICE OF FILING REVISED PROPOSED CEC
AND SUMMARY OF MEET AND CONFER RESULTS**

23 Arizona Solar One, LLC. ("Applicant") submits the attached revised proposed findings of
24 fact, proposed conclusions of law, and proposed Certificates of Environmental Compatibility.

25 In accordance with Paragraph 15 of the Chairman's August 6, 2008, Procedural Order, the
26 parties met and conferred concerning proposed findings of fact, proposed conclusions of law, and

1 the wording of proposed Certificates of Environmental Compatibility. The parties were able to
2 reach general consensus, but not complete agreement. Language shown in italicized text in the
3 attached documents reflects these areas where agreement has not been reached. Following is a
4 brief summary of those issues:

5
6 **CASE 139:**

7 **Condition 9:**

8 Paloma Irrigation and Drainage District proposed language concerning the source of
9 water. The language is not supported by the Applicant or Arizona Corporation Commission Staff
10 (“Staff”).

11 **CASE 140:**

12 **Route Description:**

13 In its Rebuttal Testimony, the Applicant will propose a 1,250 foot corridor south of
14 Watermelon Road. The other parties have not had an opportunity to assess this proposal.

15 **Condition 17:**

16 Staff proposed a pole separation condition. The Applicant does not support the inclusion
17 of this condition.
18

19 RESPECTFULLY SUBMITTED this 10th day of October, 2008.

20
21 LEWIS AND ROCA LLP

22 

23 Thomas H. Campbell
24 Albert H. Acken
25 40 N. Central Avenue
26 Phoenix, Arizona 85004
Attorneys for Arizona Solar One, LLC.

1 **ORIGINAL** and twenty-seven (27) copies of
2 the foregoing filed this 10th day of October, 2008, with:

3 The Arizona Corporation Commission
4 Utilities Division – Docket Control
5 1200 W. Washington Street
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing served electronically
8 this 10th day of October, 2008, to:

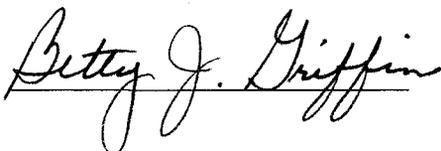
9 John Foreman, Chairman
10 Arizona Power Plant and Transmission Line Siting Committee
11 Office of the Attorney General
12 PAD/CPA
13 1275 W. Washington Street
14 Phoenix, Arizona 85007

15 All Members of the Arizona Power Plant
16 and Transmission Line Siting Committee

17 Charles H. Hains
18 Legal Division
19 Arizona Corporation Commission
20 1200 W. Washington Street
21 Phoenix, Arizona 85007

22 Timothy M. Hogan
23 202 E. McDowell Road
24 Suite 153
25 Phoenix, Arizona 85004
26 Attorneys for Sierra Club – Grand Canyon Chapter

Jay Moyes
Jeffrey Zimmerman
Moyes Sellers & Sims
1850 N. Central Avenue
Suite 1100
Phoenix, Arizona 85004
Attorneys for Paloma Irrigation and Drainage District



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

IN THE MATTER OF THE APPLICATION)
OF ARIZONA SOLAR ONE, LLC., IN) Docket No. L-00000GG-08-0407-00139
CONFORMANCE WITH THE)
REQUIREMENTS OF ARIZONA REVISED)
STATUTES §§ 40-360, *et seq.*, FOR A) Case No. 139
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE)
CONSTRUCTION OF THE SOLANA)
GENERATING STATION, LOCATED IN)
SECTION 9, TOWNSHIP 6 SOUTH, RANGE)
7 WEST, MARICOPA COUNTY, ARIZONA.)
_____)

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 September 22 and 23, 2008 and
October 14, 2008, in conformance with the requirements of Arizona Revised Statutes ("A.R.S.")
§§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of
Arizona Solar One, LLC. ("Applicant") for a Certificate of Environmental Compatibility
("Certificate") in the above-captioned case (the "Project").

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

- | | |
|----------------|---|
| John Foreman | Chairman, Designee for Arizona Attorney General,
Terry Goddard |
| Paul Rasmussen | Designee for Director, Arizona Department of
Environmental Quality |
| Gregg Houtz | Designee for Director, Arizona Department of Water
Resources |
| Jack Haenichen | Designee for Director, Energy Office, Arizona
Department of Commerce |

1	David Eberhart	Designee for Chairman, Arizona Corporation Commission
2		
3	Michael Biesemeyer	Appointed Member
4	Jeff McGuire	Appointed Member
5	Patricia Noland	Appointed Member
6	Michael Palmer	Appointed Member
7	Michael Whalen	Appointed Member
8	Barry Wong	Appointed Member

9
10 Applicant was represented by Thomas H. Campbell and Albert H. Acken of Lewis and
11 Roca LLP. Arizona Corporation Commission (“ACC” or “Commission”) Staff, represented by
12 Charles H. Hains and Robin R. Mitchell, the Sierra Club-Grand Canyon Chapter, represented by
13 Timothy M. Hogan, and the Paloma Irrigation and Drainage District, represented by Jay Moyes
14 and Jeffrey Zimmerman, were granted intervention pursuant to A.R.S. § 40-360.05.

15 At the conclusion of the hearings, the Committee, having received the Application, the
16 appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and
17 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly
18 made and seconded, voted __ to __ to grant Applicant this Certificate of Environmental
19 Compatibility (Line Siting Case No. 139) for the Project.

20 The Project as approved consists of a 280 MW gross output (250 MW nominal output)
21 concentrating solar power electric generating plant located on an approximately 3000-acre site
22 west of the Town of Gila Bend, in Maricopa County, Arizona. A general location map of the
23 Project is set forth in **Exhibit A**.

24 ...
25 ...
26 ...

1 CONDITIONS

2 This Certificate is granted upon the following conditions:

- 3 1. The Applicant, or its assignee(s), shall obtain all required approvals and permits
4 necessary to construct the Project.
- 5 2. The Applicant, or its assignee(s), shall comply with all existing applicable ordinances,
6 master plans and regulations of the State of Arizona, the County of Maricopa, the
7 United States, and any other governmental entities having jurisdiction, including but
8 not limited to the following:
- 9 (a) all applicable land use regulations;
 - 10 (b) all applicable zoning stipulations and conditions, including but not limited
11 to landscaping and dust control requirements;
 - 12 (c) all applicable water use, discharge and/or disposal requirements of the
13 Arizona Department of Water Resources and the Arizona Department of
14 Environmental Quality;
 - 15 (d) all applicable noise control standards;
 - 16 (e) all applicable regulations and permits governing storage and handling of
17 chemicals and petroleum products;
 - 18 (f) all other applicable federal and state regulations and standards.
- 19 3. This authorization to construct the Project will expire ten (10) years from the date the
20 Certificate is approved by the Commission unless the Project is completed and capable
21 of operation within the ten-year time frame. If the Project is not complete and capable
22 of operation within the ten-year time frame, the Applicant or its assignee(s) may
23 request that the Commission extend this time limitation.
- 24 4. In the event that the Project requires an extension of the term of this Certificate prior to
25 completion of construction, Applicant, or its assignee(s), shall use commercially
26 reasonable means to directly notify all landowners and residents within a one mile of

1 the Project site for which the extension is sought. Such landowners and residents shall
2 be notified of the time and place of the proceeding in which the Commission shall
3 consider such request for extension.

4 5. Applicant, or its assignee(s) and/or its customer will work in good faith to develop and
5 implement an educational program to teach the students about the science of solar
6 electric technology.

7 6. The Applicant, or its assignee(s), will provide to the Commission Staff copies of the
8 Project's executed interconnection agreement with APS, and the technical operating
9 studies which will be performed prior to actual physical interconnection of the Project
10 to the APS transmission system.

11 7. Applicant, or its assignee(s), or its affiliate company, or its customer will become a
12 member of the WECC (or its successor), and will file with the Commission Docket
13 Control a copy of its executed WECC Membership Agreement.

14 8. Applicant, or its assignee(s), and/or its affiliate company and/or its customer will
15 participate in good faith in Commission-sponsored workshops and assessments of the
16 solar renewable infrastructure and market.

17 9. Applicant, or its assignee(s), may utilize groundwater for electrical generation and
18 related uses associated with construction and commercial operation of the Project.
19 Prior to the commencement of commercial operation, Applicant, or its assignee(s) will
20 file with Commission Docket Control a letter confirming that Applicant, or its
21 assignee(s) has secured a right *from the Paloma Irrigation and Drainage District*
22 *("PIDD")* to use any groundwater needed for the purpose of construction or
23 commercial operation of the Project.

24 10. To the extent applicable, Applicant or its assignee(s), will comply with the notice and
25 salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, *et seq.*) and
26

1 will, to the extent feasible, minimize the destruction of native plants during Project
2 construction.

3 11. During the construction and maintenance of the Project, to the extent applicable, the
4 Applicant, or its assignee(s), will use existing roads for access, and to the extent
5 applicable, taking into the account that the Project Site lies within a cultivated
6 agricultural area, minimize impacts to wildlife and vegetation on the Project Site.

7 12. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical site or
8 object that is at least fifty years old is discovered on state, county or municipal land
9 during Project-related activities, the person in charge shall promptly report the
10 discovery to the Director of the Arizona State Museum, and in consultation with the
11 Director, shall immediately take all reasonable steps to secure and maintain the
12 preservation of the discovery. If human remains and/or funerary objects are
13 encountered on private land during the course of any ground-disturbing activities
14 relating to the development of the subject property, Applicant shall cease work on the
15 affected area of the Project and notify the Director of the Arizona State Museum
16 pursuant to A.R.S. § 41-865.

17 13. Within 120 days of the Commission decision granting this Certificate, Applicant, or its
18 assignee(s), will erect and maintain at the site a sign of not less than 4 feet by 8 feet
19 dimensions, advising:

20 (a) That the site has been approved for the construction of a 280 MW generating
21 facility;

22 (b) The expected date of completion of the Project;

23 (c) A phone number for public information regarding the Project;

24 (d) The name of the Project;

25 (e) The name of the Applicant, or its assignee(s); and

26 (f) The Applicant's or assignee(s) website.

- 1 14. In connection with the construction of the Project, Applicant, or its assignee(s), shall
2 use commercially reasonable efforts, where feasible, to give due consideration to use
3 of qualified Arizona contractors.
- 4 15. The Applicant, or its assignee(s), shall provide copies of this Certificate to the
5 Maricopa County Planning and Development Department, the Arizona State Land
6 Department, the State Historic Preservation Office, and the Arizona Game and Fish
7 Department.
- 8 16. Within 120 days after the approval of this Certificate by the Commission, Applicant, or
9 its assignee(s), will provide known homebuilders and developers within one mile of
10 the Project (i) a copy of this Certificate, (ii) a map showing the location of the Project,
11 (iii) a pictorial depiction of the type of power plant being constructed, and (iv) a
12 written request that the developers and homebuilders include this information in the
13 developers' and homebuilders' homeowners' disclosure statements.
- 14 17. The Applicant, or its assignee(s), shall file with Commission Docket Control,
15 confirmation of the completion of system upgrades required under the interconnection
16 agreement at least thirty days before commercial operation of the plant and associated
17 transmission lines.
- 18 18. The Applicant will comply with all applicable WECC/NERC standards, without the
19 implementation of an automated Remedial Action Scheme to mitigate N-1
20 contingencies other than the loss of the Gen-Tie line.
- 21 19. The Applicant, or its assignee(s), shall file with Commission Docket Control the final
22 APS System Impact Study, to include the Short Circuit Study, within 10 days of
23 receipt by the Applicant or its assignee(s).
- 24 20. The Applicant, or its assignee(s), shall submit a self-certification letter annually,
25 identifying progress made with respect to each condition contained in the Certificate,
26 including which conditions have been met. Each letter shall be submitted to the

1 Commission Docket Control on December 1, beginning in 2009. Attached to each
2 certification letter shall be documentation explaining how compliance with each
3 condition was achieved. Copies of each letter along with the corresponding
4 documentation shall be submitted to the Arizona Attorney General and Department of
5 Commerce Energy Office. The requirement for the self-certification shall expire on
6 the date the Project is placed into operation.

7
8 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9 This Certificate incorporates the following findings of fact and conclusions of law:

- 10 1. The Solana generating facility will use concentrating solar power (“CSP”)
11 technology.
- 12 2. CSP technology uses solar thermal energy as a fuel source to produce power with a
13 conventional steam power plant.
- 14 3. The major components of the Solana project will be a solar field, a power block, a
15 thermal energy storage system and a heat transfer fluid system.
- 16 4. The solar field will consist of approximately 2,700 to 3,000 parabolic trough
17 collectors containing approximately 900,000 mirrors.
- 18 5. The power block will contain two 140 Megawatt (“MW”) steam turbines.
- 19 6. The thermal energy storage system will use molten salt storage that will allow solar
20 power to be dispatched in accordance with peak electricity demand profiles, and during cloudy or
21 post-sunset periods.
- 22 7. The heat transfer fluid system moves the thermal energy collected in the solar field
23 to the power block and the thermal energy storage system.
- 24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION)
OF ARIZONA SOLAR ONE, LLC., IN) Docket No. L-00000GG-08-0408-00140
CONFORMANCE WITH THE)
REQUIREMENTS OF ARIZONA REVISED)
STATUTES §§ 40-360, *et seq.*, FOR A) Case No. 140
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE)
CONSTRUCTION OF THE SOLANA GEN-)
TIE, WHICH ORIGINATES AT THE)
SOLANA GENERATING STATION,)
LOCATED IN SECTION 9, TOWNSHIP 6)
SOUTH, RANGE 7 WEST, MARICOPA)
COUNTY, AND TERMINATES AT THE)
PANDA 230 kV SUBSTATION, LOCATED)
IN SECTION 20, TOWNSHIP 5 SOUTH,)
RANGE 4 WEST, GILA BEND, ARIZONA.)
_____)

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 September 22 and 23, 2008 and October 14, 2008, all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of Arizona Solar One, LLC. ("Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the above-captioned case (the "Project").

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

- | | |
|----------------|---|
| John Foreman | Chairman, Designee for Arizona Attorney General,
Terry Goddard |
| Paul Rasmussen | Designee for Director, Arizona Department of
Environmental Quality |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- | | |
|--------------------|--|
| Gregg Houtz | Designee for Director, Arizona Department of Water Resources |
| Jack Haenichen | Designee for Director, Energy Office, Arizona Department of Commerce |
| David Eberhart | Designee for Chairman, Arizona Corporation Commission |
| Michael Biesemeyer | Appointed Member |
| Jeff McGuire | Appointed Member |
| Patricia Noland | Appointed Member |
| Michael Palmer | Appointed Member |
| Michael Whalen | Appointed Member |
| Barry Wong | Appointed Member |

Applicant was represented by Thomas H. Campbell and Albert H. Acken of Lewis and Roca LLP. Arizona Corporation Commission (“ACC” or “Commission”) Staff, represented by Charles H. Hains and Robin R. Mitchell, the Sierra Club-Grand Canyon Chapter, represented by Timothy M. Hogan, and the Paloma Irrigation and Drainage District, represented by Jay Moyes and Jeffrey Zimmerman, were granted intervention pursuant to A.R.S. § 40-360.05.

At the conclusion of the hearings, the Committee, having received the Application, the appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made and seconded, voted __ to __ to grant Applicant this Certificate of Environmental Compatibility (Line Siting Case No. 140) for the Project.

The Project as approved consists of approximately 20 miles of 230 kV transmission line and required substation and switchyard facilities and modifications. The single-circuit may be constructed on either single-circuit or double-circuit towers. A general location map of the Project, described herein, is set forth in **Exhibit A**.

1 of Maricopa, the United States, and any other governmental entities having
2 jurisdiction.

- 3 3. This authorization to construct the Project will expire ten (10) years from the date the
4 Certificate is approved by the Commission unless the Project is completed and capable
5 of operation within the ten-year time frame. If the Project is not complete and capable
6 of operation within the ten-year time frame, the Applicant or its assignee(s) may
7 request that the Commission extend this time limitation.
- 8 4. In the event that the Project requires an extension of the term of this Certificate prior to
9 completion of construction, Applicant, or its assignee(s), shall use commercially
10 reasonable means to directly notify all landowners and residents within a one mile of
11 the Project corridor for which the extension is sought. Such landowners and residents
12 shall be notified of the time and place of the proceeding in which the Commission shall
13 consider such request for extension.
- 14 5. The Applicant, or its assignee(s), shall document and make every reasonable effort to
15 identify and correct, on a case-specific basis, all complaints of interference with radio
16 or television signals from operation of the transmission lines and related facilities
17 addressed in this Certificate. The Applicant, or its assignee(s), shall maintain written
18 records for a period of five years of all complaints of radio or television interference
19 attributable to operation, together with the corrective action taken in response to each
20 complaint. All complaints shall be recorded to include notations on the corrective
21 action taken. Complaints not leading to a specific action or for which there was no
22 resolution shall be noted and explained.
- 23 6. To the extent applicable, Applicant, or its assignee(s), shall comply with the notice and
24 salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, *et seq.*) and
25 will, to the extent feasible, minimize the destruction of native plants during Project
26 construction.

- 1 7. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical site or
2 object that is at least fifty years old is discovered on state, county or municipal land
3 during Project-related activities, the person in charge shall promptly report the
4 discovery to the Director of the Arizona State Museum, and in consultation with the
5 Director, shall immediately take all reasonable steps to secure and maintain the
6 preservation of the discovery. If human remains and/or funerary objects are
7 encountered on private land during the course of any ground-disturbing activities
8 relating to the development of the subject property, Applicant shall cease work on the
9 affected area of the Project and notify the Director of the Arizona State Museum
10 pursuant to A.R.S. § 41-865.
- 11 8. Applicant, or its assignee(s), shall design the transmission lines to incorporate
12 reasonable measures to minimize impacts to raptors.
- 13 9. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for
14 transmission line structures.
- 15 10. Before construction on this Project may commence, the Applicant, or its assignee(s),
16 must file a construction mitigation and restoration plan ("Plan") with ACC Docket
17 Control. Where practicable, the Plan will specify the Applicant's plans for
18 construction access and methods to minimize impacts to wildlife, to minimize
19 vegetation disturbance outside of the Project right-of-way, and to revegetate native
20 areas following construction disturbance.
- 21 11. With respect to the Project, Applicant, or its assignee(s), shall participate in good faith
22 in state and regional transmission study forums such as SWAT to coordinate
23 transmission plans related to the Project.
- 24 12. Within 120 days of the Commission decision granting this Certificate, Applicant, or its
25 assignee(s), will post signs in public rights-of-way giving notice of the Project corridor
26 to the extent authorized by law. The Applicant, or its assignee(s), shall place signs in

1 prominent locations at reasonable intervals such that the public is notified along the
2 full length of the transmission line until the transmission structures are constructed. To
3 the extent practicable, within 45 days of securing easement or right-of-way for the
4 Project, the Applicant, or its assignee(s), shall erect and maintain signs providing
5 public notice that the property is the site of a future transmission line. Such signage
6 shall be no smaller than a normal roadway sign. The signs shall advise:

- 7 (a) That the site has been approved for the construction of Project facilities;
- 8 (b) The expected date of completion of the Project facilities;
- 9 (c) A phone number for public information regarding the Project;
- 10 (d) The name of the Project;
- 11 (e) The name of the Applicant, or its assignee(s); and
- 12 (f) The Applicant's or assignee(s) website.

13 13. The Applicant, or its assignee(s), shall provide copies of this Certificate to the Town of
14 Gila Bend, the Maricopa County Planning and Development Department, the Arizona
15 State Land Department, the State Historic Preservation Office, and the Arizona Game
16 and Fish Department.

17 14. Within 120 days after the approval of this Certificate by the Commission, Applicant, or
18 its assignee(s), will provide known homebuilders and developers within one mile of
19 the center line of the Certificated route (i) a copy of this Certificate, (ii) a map showing
20 the location of the Project, (iii) a pictorial depiction of the type of power line being
21 constructed, and (iv) a written request that the developers and homebuilders include
22 this information in the developers' and homebuilders' homeowners' disclosure
23 statements.

24 15. Before commencing construction of Project facilities located parallel to and within 100
25 feet of any existing natural gas or hazardous liquid pipeline, the Applicant, or its
26 assignee(s), shall:

1 (a) Perform the appropriate grounding and cathodic protection studies to show that
2 the Project's location parallel to and within 100 feet of such pipeline results in
3 no material adverse impacts to the pipeline or to public safety when both the
4 pipeline and the Project are in operation. If material adverse impacts are noted
5 in the studies, Applicant, or its assignee(s), shall take appropriate steps to
6 ensure that such material adverse impacts are mitigated. Applicant, or its
7 assignee(s), shall provide to Commission Staff reports of studies performed;
8 and

9 (b) Perform a technical study simulating an outage of the Project that may be
10 caused by the collocation of the Project parallel to and within 100 feet of the
11 existing natural gas or hazardous liquid pipeline. This study should either:
12 i) show that such outage does not result in customer outages; or ii) include
13 operating plans to minimize any resulting customer outages. Applicant, or its
14 assignee(s), shall provide a copy of this study to Commission Staff.

15 16. Applicant, or its assignee(s), will follow the latest WECC/NERC planning standards as
16 approved by the Federal Energy Regulatory Commission, and National Electrical
17 Safety Code construction standards.

18 *17. The Applicant shall maintain appropriate distance between the Project and existing*
19 *transmission lines in the same corridor. Except when crossing existing lines or*
20 *entering and exiting substations, this distance should be at a minimum equal to or*
21 *greater than the height of the tallest tower in each span.*

22 18. Subject to Condition 17, along Powerline Road, the Applicant shall make
23 commercially reasonable efforts to obtain rights-of-way that are located adjacent to the
24 roadway.

25 19. The Applicant, or its assignee(s), shall submit a self-certification letter annually,
26 identifying progress made with respect to each condition contained in the Certificate,

1 including which conditions have been met. Each letter shall be submitted to the
2 Commission Docket Control on December 1, beginning in 2009. Attached to each
3 certification letter shall be documentation explaining how compliance with each
4 condition was achieved. Copies of each letter along with the corresponding
5 documentation shall be submitted to the Arizona Attorney General and Department of
6 Commerce Energy Office. The requirement for the self-certification shall expire on
7 the date the Project is placed into operation.

8 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

9 This Certificate incorporates the following findings of fact and conclusions of law:

- 10 1. The Project is in the public interest because it aids the state in meeting the need for an
11 adequate, economical and reliable supply of electric power.
- 12 2. In balancing the need for the Project with its effect on the environment and ecology of
13 the state, the conditions placed on the Certificate by the Committee effectively
14 minimize its impact on the environment and ecology of the state.
- 15 3. The conditions placed on the Certificate by the Committee resolve matters concerning
16 the need for the Project and its impact on the environment and ecology of the state
17 raised during the course of proceedings, and as such, serve as the findings on the
18 matters raised.
- 19 4. In light of these conditions, the balancing in the broad public interest results in favor of
20 granting the Certificate.

21 THE ARIZONA POWER PLANT AND
22 TRANSMISSION LINE SITING COMMITTEE

23
24
25 _____
26 Hon. John Foreman, Chairman