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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF ARIZONA SOLAR ONE, LLC IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06, *et seq.* FOR A CERTIFICATE OF ENVIRONMENTAL COMPATABILITY AUTHORIZING 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 Corporation Commission  
**DOCKETED**

NOV 25 2008

DOCKETED BY	<i>MS</i>
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IN THE MATTER OF THE APPLICATION OF ARIZONA SOLAR ONE, LLC IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF THE SOLANA GEN-TIE, WHICH ORIGINATES AT THE SOLANA GENERATING STATION, LOCATED IN MARICOPA COUNTY, AND TERMINATES AT THE PANDA 230 kV SUBSTATION, LOCATED IN GILA BEND, ARIZONA.

DOCKET NO. L- 00000GG-08-0408-00140

CASE NO. 140

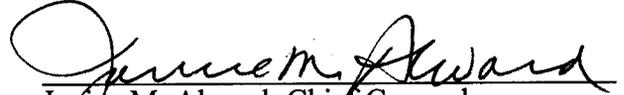
**NOTICE OF FILING SAMPLE FORMS OF ORDER FOR SOLANA GENERATING STATION, CASE NO. 139**

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

6/6

1 decision.

2 RESPECTFULLY SUBMITTED this 25<sup>th</sup> day of November, 2008.

3  
4 

5 Janice M. Alward, Chief Counsel  
6 Arizona Corporation Commission  
7 1200 West Washington Street  
8 Phoenix, Arizona 85007  
9 (602) 542-3402

10 **Original and twenty-five (25)**  
11 **copies of the foregoing filed this**  
12 **25<sup>th</sup> day of November, 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 25<sup>th</sup> day of**  
19 **November, 2008 to:**

20 John Foreman, Chairman  
21 Arizona Power Plant & Line Transmission Siting Committee  
22 Office of the Attorney General  
23 1275 West Washington Street  
24 Phoenix, Arizona 85007

25 Thomas H. Campbell  
26 Albert H. Acken  
27 LEWIS & ROCA  
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Phoenix, AZ 85004

27 By   
28 \_\_\_\_\_

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 SOLAR ONE, LLC IN  
10 CONFORMANCE WITH THE  
11 REQUIREMENTS OF ARIZONA REVISED  
12 STATUTES §§ 40-360.03 AND 40-360.06, et  
13 seq. FOR A CERTIFICATE OF  
14 ENVIRONMENTAL COMPATABILITY  
15 AUTHORIZING CONSTRUCTION OF THE  
16 SOLANA GENERATING STATION,  
17 LOCATED IN SECTION 9, TOWNSHIP 6  
18 SOUTH, RANGE 7 WEST, MARICOPA  
19 COUNTY ARIZONA.**

DOCKET NO. L- 00000GG-08-0407-00139  
CASE NO. 139

20 **IN THE MATTER OF THE APPLICATION  
21 OF ARIZONA SOLAR ONE, LLC IN  
22 CONFORMANCE WITH THE  
23 REQUIREMENTS OF ARIZONA REVISED  
24 STATUTES §§ 40-360, et seq., FOR A  
25 CERTIFICATE OF ENVIRONMENTAL  
26 COMPATIBILITY AUTHORIZING THE  
27 CONSTRUCTION OF THE SOLANA GEN-  
28 TIE, WHICH ORIGINATES AT THE  
SOLANA GENERATING STATION,  
LOCATED IN MARICOPA COUNTY, AND  
TERMINATES AT THE PANDA 230 kV  
SUBSTATION, LOCATED IN GILA BEND,  
ARIZONA.**

DOCKET NO. L- 00000GG-08-0408-00140  
CASE NO. 140

**DECISION NO. \_\_\_\_\_  
for GENERATING STATION, Case No.  
139**

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

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

26 The Commission further finds and concludes that: (1) the Project is in the public interest  
27 because it aids the state in meeting the need for an adequate, economical and reliable supply of  
28 electric power; (2) in balancing the need for the Project with its effect on the environment and

1 ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its  
2 impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the  
3 Committee resolve matters concerning the need for the Project and its impact on the environment  
4 and ecology of the state raised during the course of proceedings, and as such, serve as the findings on  
5 the matters raised; and (4) in light of these conditions, the balancing in the broad public interest  
6 results in favor of granting the CEC.

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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 SOLAR ONE, LLC IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06, et seq. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATABILITY AUTHORIZING 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

**IN THE MATTER OF THE APPLICATION OF ARIZONA SOLAR ONE, LLC IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, et seq., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF THE SOLANA GENERATING STATION, WHICH ORIGINATES AT THE SOLANA GENERATING STATION, LOCATED IN MARICOPA COUNTY, AND TERMINATES AT THE PANDA 230 kV SUBSTATION, LOCATED IN GILA BEND, ARIZONA.**

DOCKET NO. L- 00000GG-08-0408-00140  
CASE NO. 140

**DECISION NO. \_\_\_\_\_  
for GENERATING STATION, Case No. 139**

***Sample Order Modifying 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 the following condition(s):

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

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1 THE CEC ISSUED BY THE SITING COMMITTEE IS  
2 INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY THE  
3 COMMISSION BY ORDER OF THE  
4 ARIZONA CORPORATION COMMISSION  
5  
6

7 CHAIRMAN

COMMISSIONER

COMMISSIONER

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10 COMMISSIONER

COMMISSIONER

11  
12 IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive  
13 Director of the Arizona Corporation Commission, have  
14 hereunto, set my hand and caused the official seal of this  
15 Commission to be affixed at the Capital, in the City of Phoenix,  
16 this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

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18 \_\_\_\_\_  
19 BRIAN C. McNEIL  
20 Executive Director

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22 DISSENT: \_\_\_\_\_

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24 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 SOLAR ONE, LLC IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360.03 AND 40-360.06, *et seq.* FOR A CERTIFICATE OF ENVIRONMENTAL COMPATABILITY AUTHORIZING 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

IN THE MATTER OF THE APPLICATION OF ARIZONA SOLAR ONE, LLC IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, *et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF THE SOLANA GENTIE, WHICH ORIGINATES AT THE SOLANA GENERATING STATION, LOCATED IN MARICOPA COUNTY, AND TERMINATES AT THE PANDA 230 kV SUBSTATION, LOCATED IN GILA BEND, ARIZONA.

DOCKET NO. L- 00000GG-08-0408-00140  
CASE NO. 140

**DECISION NO. \_\_\_\_\_  
for GENERATING STATION, Case No. 139**

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

The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to A.R.S. § 40-360.07. Pursuant to A.R.S. § 40-360.07(B), 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, finds that the above-captioned Application for a Certificate of Environmental Compatibility ("CEC") for siting approval is hereby denied.

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

- 3
- 4           1.     the evidence in the record is not sufficient to weigh the balancing of the public interest  
5                 in favor of granting a CEC in this matter when all the factors set forth in A.R.S. §  
6                 40-360.06 are considered along with need for an adequate economical, and reliable  
7                 supply of electric power;
- 8           2.     the conditions placed upon CEC by the Arizona Power Plant and Transmission Line  
9                 Siting Committee ("Siting Committee") are not sufficient to weigh the balancing of  
10                the public interest in favor of granting a CEC in this matter when all the factors set  
11                forth in A.R.S. § 40-360.06 are considered along with the need for an adequate,  
12                economical, and reliable supply of electric power;
- 13           3.     the record compels balancing the competing public interests in favor of protection of  
14                the environment and ecology of the State of Arizona by denying Applicant a  
15                Certificate of Environmental Compatibility;
- 16           4.     the CEC issued by the Siting Committee should not be confirmed and approved by the  
17                Commission; and
- 18           5.     the Commission's findings 1 through 4 above serve as the Commission's findings of  
19                fact and conclusions of law in reaching its decision.
- 20
- 21

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

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1 THE ABOVE CAPTIONED APPLICATION FOR A CEC IS DENIED, AND,  
2 THE CEC ISSUED BY THE SITING COMMITTEE IS  
3 INCORPORATED HEREIN AND IS DENIED BY ORDER OF THE  
4 ARIZONA CORPORATION COMMISSION  
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CHAIRMAN

COMMISSIONER

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COMMISSIONER

COMMISSIONER

COMMISSIONER

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14 IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive  
15 Secretary of the Arizona Corporation Commission, have  
16 hereunto, set my hand and caused the official seal of this  
17 Commission to be affixed at the Capitol, in the City of Phoenix,  
18 this \_\_\_\_\_ day of \_\_\_\_\_,  
19 2008.

20 \_\_\_\_\_  
BRIAN C. McNEIL  
Executive Secretary

21  
22 DISSENT: \_\_\_\_\_

23 DISSENT: \_\_\_\_\_  
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