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

1  
2  
3 IN THE MATTER OF THE APPLICATION OF )  
4 ARIZONA PUBLIC SERVICE COMPANY, IN )  
5 CONFORMANCE WITH THE REQUIREMENTS OF )  
6 ARIZONA REVISED STATUTES SECTION 40-360, )  
7 et seq., FOR A CERTIFICATE OF )  
8 ENVIRONMENTAL COMPATIBILITY )  
9 AUTHORIZING THE BAGDAD 115kV )  
10 TRANSMISSION LINE RELOCATION PROJECT, )  
11 WHICH INCLUDES THE RELOCATION OF A )  
12 115kV TRANSMISSION LINE BETWEEN AN )  
13 EXISTING CAPACITOR BANK STATION, 0.5 )  
TOWN OF BAGDAD, YAVAPAI COUNTY, )  
ARIZONA, AT SECTION 10, TOWNSHIP 14 )  
NORTH, RANGE 9 WEST, G&SRB&M, AND AN )  
EXISTING MINE SUBSTATION, THREE MILES )  
NORTHWEST OF THE UNINCORPORATED )  
TOWN OF BAGDAD, YAVAPAI COUNTY, )  
ARIZONA, AT SECTION 31, TOWNSHIP 15 )  
NORTH, RANGE 9 WEST, G&SRB&M )

Arizona Corporation Commission  
Docket No. L-00000D-09-0161-00143  
Case No. 143

**NOTICE OF FILING**  
**E-MAIL COMMUNICATION**

14  
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16  
17 Pursuant to the Procedural Order filed on April 8, 2009, the Chairman of the Arizona Power  
18 Plant and Transmission Line Siting Committee is providing notice of filing the following  
19 e-mail communications that have occurred between the Parties to this case and the  
20 Chairman, up to this date, since the last filing on April 20, 2009.

Arizona Corporation Commission  
**DOCKETED**

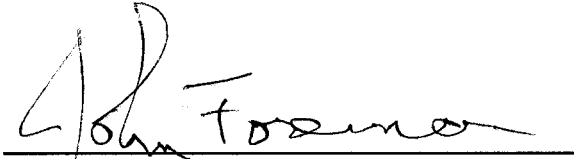
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1 DATED: May 21, 2009  
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6 John Foreman, Chairman  
7 Arizona Power Plant and Transmission  
8 Line Siting Committee  
9 Assistant Attorney General  
10 [john.foreman@azag.gov](mailto:john.foreman@azag.gov)

11  
12  
13  
14 Pursuant to A.A.C. R14-3-204,  
15 The Original and 25 copies were  
16 filed May 21, 2009 with:

17 Docket Control  
18 Arizona Corporation Commission  
19 1200 W. Washington St.  
20 Phoenix, AZ 85007

21 Copy of the above was mailed  
22 this 21<sup>st</sup> day of May, 2009 to:

23 Amanda Ho  
24 Wesley Van Cleve  
25 Janice Alward, Chief Counsel  
26 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007  
Counsel for Legal Division Staff

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Thomas H. Campbell, Esq.  
Lewis and Roca, LLP  
Two Renaissance Square  
40 North Central Avenue  
Phoenix, AZ 85004  
Counsel for Applicant, APS

Marta T. Hetzer  
Arizona Reporting Service, Inc.  
2200 North Central Avenue  
Phoenix, Arizona 85004-1481

Jana Williams

**From:** "Haberman, Marjorie" <MHaberman@lrlaw.com>  
**To:** "Susan Ellis" <Susan.Ellis@azag.gov>  
**Date:** 5/14/2009 3:16 PM  
**Subject:** RE: #143 - Bagdad Relocation Project

**CC:** "John Foreman" <John.Foreman@azag.gov>, "Tara Williams" <Tara.Williams@a...  
Hi Susie,

Thank you for forwarding the letter. Yes, we plan to proceed Monday, and will be prepared to address this letter during the hearing.

Marge

Marjorie J. Haberman  
Paralegal  
Lewis and Roca LLP  
40 N. Central Avenue, #1500  
Phoenix, AZ 85004  
Direct Phone: (602) 262-5351  
Direct Fax: (602) 734-3873  
Email: mhaberman@lrlaw.com  
Website: www.lewisandroca.com

-----Original Message-----

From: Susan Ellis [mailto: Susan.Ellis@azag.gov]  
Sent: Thursday, May 14, 2009 11:04 AM  
To: Haberman, Marjorie  
Cc: John Foreman; Tara Williams  
Subject: #143 - Bagdad Relocation Project

Hi Marge: The Chairman asked me to forward the attached letter, which was just hand-delivered to us. The Chairman wants to know if you plan to proceed with the Hearing on Monday.

In addition, please be advised that tomorrow, Friday, May 15th, the Chairman, Tara, and myself will not be in the office, due to the State's Budget crisis.

Please get back to the Chairman as soon as possible.

Thanking you advance... Susie

Susie Ellis  
Office of the Arizona Attorney General  
Antitrust Unit  
1275 W. Washington  
Phoenix, AZ 85007-2926  
Tel: (602) 542-7764  
Fax: (602) 542-9088  
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For more information about Lewis and Roca LLP, please go to  
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Janice K. Brewer  
Governor

Mark Winkleman  
State Land  
Commissioner

ARIZONA STATE  LAND DEPARTMENT

ANTITRUST  
MAY 14 2009  
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May 7, 2009

Hon: John Foreman, Chairman  
ACC Siting Committee  
1300 West Adams Street  
Phoenix, AZ 85007

Re: Bagdad 115 kV Transmission Line Relocation Project  
ACC Docket No: L-00000D-09-0161-00143  
SLD File: 14-113067

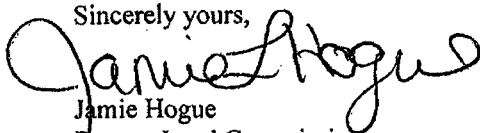
Dear Judge Foreman:

The Arizona State Land Department (ASLD) has been processing an application for a ROW for a power line to be built by APS in T14N, R9W, Sec: 20 and 21. It has come to our attention that a public hearing has been scheduled for May 18, 2009 on this matter and that APS has not, as of this date, received any approval from either your Committee or the Corporation Commission for a corridor.

The Department believes that, in addition to the proposed corridor, there are others available to APS that can be limited to the Section lines and that those alternatives should receive the consideration of the Committee. As it is not the desire of the Department to duplicate efforts or supersede the public process, we will delay finalizing this application until the Commission has completed its work.

It is unfortunate that there appears to be confusion on the part of APS as to the order in which these applications should be processed, and the Department regrets that it was not aware of the issue earlier. We will attempt to avoid any such issue in the future.

Sincerely yours,

  
Jamie Hogue  
Deputy Land Commissioner

cc: APS  
ACC Docket: L-00000D-09-0161-00143

**From:** Tara Williams  
**To:** Marjorie Haberman  
**Date:** 5/21/2009 10:12 AM  
**Subject:** Re: Bagdad CEC

Thank you, Marge.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Haberman, Marjorie" <MHaberman@lrlaw.com> 5/21/2009 10:10 AM >>>  
Tara,

Here is the Word version of the Bagdad CEC that was filed on May 20, 2009, with Docket Control.

Marge

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1 **BEFORE THE ARIZONA POWER PLANT**  
2 **AND TRANSMISSION LINE SITING COMMITTEE**  
3

4 IN THE MATTER OF THE APPLICATION OF )  
5 ARIZONA PUBLIC SERVICE COMPANY, IN )  
6 CONFORMANCE WITH THE REQUIREMENTS )  
7 OF ARIZONA REVISED STATUTES §§40-360, *et* )  
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ARIZONA, AT SECTION 3 TOWNSHIP 15 )  
NORTH, RANGE 9 WEST, G&SRB&M )

Docket No.  
L-00000D-09-0161-00143

Case No. 143

15 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

16 Pursuant to notice given as provided by law, the Arizona Power Plant and  
17 Transmission Line Siting Committee (the "Committee") held a public hearing on  
18 May 18, 2009, in conformance with the requirements of Arizona Revised Statutes  
19 ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on  
20 the Application of Arizona Public Service Company ("Applicant") for a Certificate of  
21 Environmental Compatibility ("Certificate") in the above-captioned case (the "Project").

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

25 Hon. John Foreman

Chairman, Designee for Arizona Attorney General,  
26 Terry Goddard



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|-------------------------|--|
| David L. Eberhart, P.E. | Designee for Chairman, Arizona Corporation Commission                    |
| Jessica Youle           | Designee for Director, Energy Department, Arizona Department of Commerce |
| Paul Rasmussen          | Designee for Director, Arizona Department of Environmental Quality       |
| Jeff McGuire            | Appointed Member   |
| William Mundell         | Appointed Member   |
| Patricia Noland         | Appointed Member   |
| Michael Palmer          | Appointed Member   |
| Michael Whalen          | Appointed Member   |
| Barry Wong              | Appointed Member   |

The Applicant was represented by Albert H. Acken of Lewis and Roca LLP. No parties requested intervention.

At the conclusion of the hearing, the Committee, having received the Application, the appearance of the Applicant, the evidence, testimony and exhibits presented at the hearing, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made and seconded, voted 10 to 0 to grant the Applicant this Certificate of Environmental Compatibility (Case No. 143) for the Project.

The Project as approved consists of approximately five miles of 115kV transmission line to be relocated approximately one mile south of the existing location. The Project originates at an existing capacitor bank station, located 0.5 miles west of the Town of Bagdad in Section 10, Township 14 North, Range 9 West, G&SRB&M. The Project terminates at an existing mine substation, located 3 miles northwest of the Town of Bagdad, in Section 31, Township 15 North, Range 9 West, G&SRB&M. The total right-

1 of-way width is 100 feet within a corridor that is 200 feet wide. A general location map of  
2 the Project is set forth in **Exhibit A**.

3 **CONDITIONS**

4 This Certificate is granted upon the following conditions:

- 5 1. The Applicant shall obtain all required approvals and permits necessary to  
6 construct the Project.
- 7 2. The Applicant shall comply with all existing applicable statutes, ordinances,  
8 master plans and regulations of the State of Arizona, the County of Yavapai, the  
9 United States, and any other governmental entities having jurisdiction.
- 10 3. This authorization to commence construction of the Project shall expire seven  
11 years from the date the Certificate is approved by the Commission; provided,  
12 however, that prior to such expiration the Applicant or its assignees may request  
13 that the Commission extend this time limitation.
- 14 4. The Applicant shall make every reasonable effort to identify and correct, on a  
15 case-specific basis, all complaints of interference with radio signals from  
16 operation of the transmission lines and related facilities addressed in this  
17 Certificate. The Applicant shall maintain written records for a period of five  
18 years of all complaints of radio interference attributable to operation, together  
19 with the corrective action taken in response to each complaint. All complaints  
20 shall be recorded to include notations on the corrective action taken.  
21 Complaints not leading to a specific action or for which there was no resolution  
22 shall be noted and explained.
- 23 5. To the extent applicable, the Applicant shall comply with the notice and salvage  
24 requirements of the Arizona Native Plant Law and shall, to the extent feasible,  
25 minimize the destruction of native plants during Project construction.

- 1           6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical  
2           site or object that is at least fifty years old is discovered on state, county or  
3           municipal land during plan-related activities, the person in charge shall  
4           promptly report the discovery to the Director of the Arizona State Museum, and  
5           in consultation with the Director, shall immediately take all reasonable steps to  
6           secure and maintain the preservation of the discovery. If human remains and/or  
7           funerary objects are encountered during the course of any ground-disturbing  
8           activities relating to the development of the subject property, Applicant shall  
9           cease work on the affected area of the Project and notify the Director of the  
10          Arizona State Museum, pursuant to A.R.S. § 41-865, and any appropriate  
11          federal agency.
- 12         7. The Applicant shall design the transmission lines to incorporate reasonable  
13          measures to mitigate impacts to raptors.
- 14         8. The Applicant shall use non-specular conductor and dulled surfaces for  
15          transmission line structures.
- 16         9. In the event that the Project requires an extension of the term of this Certificate,  
17          Applicant shall use reasonable means to notify all landowners and residents  
18          within one mile of the Project corridor, all persons who made public comment at  
19          this proceeding, and all parties to this proceeding of the request and the time and  
20          place of the hearing in which the Commission will consider the request for  
21          extension.
- 22         10. Before construction on this Project may commence, the Applicant must file a  
23          construction mitigation and restoration plan ("Plan") with ACC Docket Control.  
24          Where practicable, the Plan shall specify that the Applicant use existing roads  
25          for construction and access, minimize impacts to wildlife, minimize vegetation  
26

1 disturbance outside of the Project right-of-way, and revegetate native areas  
2 following construction disturbance.

3 11. The Applicant shall provide copies of this Certificate to Yavapai County  
4 Planning Division, the Arizona State Land Department, the State Historic  
5 Preservation Office, and the Arizona Game and Fish Department.

6 12. Applicant will follow the latest Western Electricity Coordinating Council/ North  
7 American Electric Reliability Corporation Planning standards as approved by  
8 the Federal Energy Regulatory Commission, and National Electrical Safety  
9 Code construction standards.

10 13. The Applicant shall submit a self-certification letter annually, identifying  
11 progress made with respect to each condition contained in the Certificate,  
12 including which conditions have been met. Each letter shall be submitted to  
13 ACC Docket Control on December 1 beginning in 2009. Attached to each  
14 certification letter shall be documentation explaining how compliance with each  
15 condition was achieved. Copies of each letter along with the corresponding  
16 documentation shall be submitted to the Arizona Attorney General and  
17 Department of Commerce Energy Office. The requirement for the self-  
18 certification shall expire on the date the Project is placed into operation.

19 14. The Applicant will install gates and/or cattle guards acceptable to the land  
20 owners and/or lessees at any existing fence lines crossed by new permanent  
21 access roads.

22 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

23 1. The Project is in the public interest because it aids the state in meeting the need  
24 for an adequate, economical and reliable supply of electric power.

