



0000100157

OPEN MEETING AGENDA ITEM

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

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
27
28

COMMISSIONERS

Kristin K. Mayes, Chairman
Gary Pierce
Sandra D. Kennedy
Paul Newman
Bob Stump

2009 JUN 30 P 2:00

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
SOUTHWEST TRANSMISSION
COOPERATIVE, INC., OR ITS ASSIGNEES, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF THE SAN MANUEL
INTERCONNECT PROJECT LOCATED IN
THE VICINITY OF SAN MANUEL IN PINAL
COUNTY, ARIZONA

CASE NO. 142

DOCKET NO. L-00000CC-09-0158-00142

**NOTICE OF FILING SAMPLE FORMS
OF ORDER**

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.

RESPECTFULLY SUBMITTED this 30th day of June, 2009.

Arizona Corporation Commission
DOCKETED

Janice Alward

Janice Alward
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

DOCKETED BY

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
27
28

**Original and twenty-eight (28)
copies of the foregoing filed this
30th day of June, 2009 with:**

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

**Copies of the foregoing
mailed this 30th day of
June, 2009 to:**

Michael M. Grant
Gallagher and Kennedy, P.A.
2575 East Camelback Road
Suite 1100
Phoenix, AZ 85016
Counsel for Applicant, SW Transco

Lawrence V. Robertson, Jr.
P.O. Box 1448
Tubac, AZ 85646
Counsel for Pinal County

By Roseann Osorio

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman
4 Gary Pierce
5 Sandra D. Kennedy
6 Paul Newman
7 Bob Stump

8 IN THE MATTER OF THE APPLICATION OF
9 SOUTHWEST TRANSMISSION
10 COOPERATIVE, INC., OR ITS ASSIGNEES, IN
11 CONFORMANCE WITH THE
12 REQUIREMENTS OF ARIZONA REVISED
13 STATUTES §§ 40-360, *et seq.*, FOR A
14 CERTIFICATE OF ENVIRONMENTAL
15 COMPATIBILITY AUTHORIZING THE
16 CONSTRUCTION OF THE SAN MANUEL
17 INTERCONNECT PROJECT LOCATED IN
18 THE VICINITY OF SAN MANUEL IN PINAL
19 COUNTY, ARIZONA

CASE NO. 142

DOCKET NO. L-00000CC-09-0158-00142

DECISION NO. _____

SAMPLE ORDER NO. 1

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

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

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

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

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
27
28

CHAIRMAN	COMMISSIONER	
COMMISSIONER	COMMISSIONER	COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL KEARNS, Interim 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 _____ 2009.

MICHAEL KEARNS
Interim Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman
4 Gary Pierce
5 Sandra D. Kennedy
6 Paul Newman
7 Bob Stump

8 IN THE MATTER OF THE APPLICATION OF
9 SOUTHWEST TRANSMISSION
10 COOPERATIVE, INC., OR ITS ASSIGNEES,
11 IN CONFORMANCE WITH THE
12 REQUIREMENTS OF ARIZONA REVISED
13 STATUTES §§ 40-360, *et seq.*, FOR A
14 CERTIFICATE OF ENVIRONMENTAL
15 COMPATIBILITY AUTHORIZING THE
16 CONSTRUCTION OF THE SAN MANUEL
17 INTERCONNECT PROJECT LOCATED IN
18 THE VICINITY OF SAN MANUEL IN PINAL
19 COUNTY, ARIZONA

CASE NO. 142

DOCKET NO. L-00000CC-09-0158-00142

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)

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

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

25 *(For example, modifications to the Siting Committee's CEC could include amending*
26 *the Committee's determinations, adding new conditions and/or deleting the*
27 *Committee's conditions.)*

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.

11 . . .
12 . . .
13 . . .
14 . . .
15 . . .
16 . . .
17 . . .
18 . . .
19 . . .
20 . . .
21 . . .
22 . . .
23 . . .
24 . . .
25 . . .
26 . . .
27 . . .
28 . . .

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

6 CHAIRMAN

COMMISSIONER

9 COMMISSIONER

COMMISSIONER

COMMISSIONER

10
11 IN WITNESS WHEREOF, I, MICHAEL KEARNS, Interim
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto, set my hand and caused the official seal of this
14 Commission to be affixed at the Capital, in the City of
15 Phoenix, this _____ day of _____ 2009.

16
17 MICHAEL KEARNS
18 Interim Executive Director

19
20
21 DISSENT: _____

22
23 DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Kristin K. Mayes, Chairman
4 Gary Pierce
5 Sandra D. Kennedy
6 Paul Newman
7 Bob Stump

8 IN THE MATTER OF THE APPLICATION
9 OF SOUTHWEST TRANSMISSION
10 COOPERATIVE, INC., OR ITS ASSIGNEES,
11 IN CONFORMANCE WITH THE
12 REQUIREMENTS OF ARIZONA REVISED
13 STATUTES §§ 40-360, *et seq.*, FOR A
14 CERTIFICATE OF ENVIRONMENTAL
15 COMPATIBILITY AUTHORIZING THE
16 CONSTRUCTION OF THE SAN MANUEL
17 INTERCONNECT PROJECT LOCATED IN
18 THE VICINITY OF SAN MANUEL IN PINAL
19 COUNTY, ARIZONA

CASE NO. 142

DOCKET NO. L-00000cc-09-0158-00142

DECISION NO. _____

SAMPLE ORDER NO. 3

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

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

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

- 28 1. the evidence in the record is 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 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,

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
27
28

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.

...
...
...
...
...
...
...
...

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

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
27
28

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL KEARNS, Interim 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 _____ 2009.

MICHAEL KEARNS
Interim Executive Director

DISSENT: _____

DISSENT: _____