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

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IN THE MATTER OF THE APPLICATION OF
AGUA CALIENTE SOLAR, LLC, IN
CONFORMANCE WITH THE REQUIRE-
MENTS OF ARIZONA REVISED STATUTES
40-360.03 AND 40-360.06, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF THE AGUA CALIENTE
SOLAR PROJECT, A 280 MW PARABOLIC
TROUGH CONCENTRATING SOLAR
THERMAL, OR A 425 MW PHOTOVOLTAIC
SOLAR, GENERATING FACILITY AND
ASSOCIATED TRANSMISSION LINE
INTERCONNECTING THE GENERATING
FACILITY TO THE ADJACENT PALO VERDE
- NORTH GILA #1 500KV TRANSMISSION
LINE IN YUMA COUNTY APPROXIMATELY
10 MILES NORTH OF DATELAND,
ARIZONA.

Docket No. L-00000JJ-09-0279-00145

Case No. 145

Arizona Corporation Commission

DOCKETED

JUL 17 2009

DOCKETED BY [Signature]

Docket No. L-00000D-09-0280-00146

Case No. 146

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY, IN
CONFORMANCE WITH THE REQUIRE-
MENTS OF ARIZONA REVISED STATUTES
40-360.03 AND 40-360.06, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF THE APS Q43 500KV
TRANSMISSION LINE AND SWITCHYARD
INTERCONNECTION PROJECT AND
ASSOCIATED FACILITIES INTER-
CONNECTING TO THE PALO VERDE -
NORTH GILA #1 AND FUTURE PALO VERDE
- NORTH GILA #2 500KV TRANSMISSION
LINES APPROXIMATELY 10 MILES NORTH
OF DATELAND, ARIZONA (SECTION 34,
T5S, R12W, G&SRB&M, YUMA COUNTY,
ARIZONA)

NOTICE OF FILING

AZ CORP COMMISSION
DOCKET CONTROL

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NOTICE OF FILING

Pursuant to Chairman Foreman's procedural order dated June 22, 2009, Applicant, Agua Caliente Solar, LLC, hereby provides notice of filing the attached proposed Certificate of Environmental Compatibility with Findings of Fact and Conclusions of Law for consideration in the above-captioned Case No. 145.

RESPECTFULLY SUBMITTED this 17th day of July, 2009.

MOYES SELLERS & SIMS



Jay I. Moyes
1850 N. Central Avenue, Suite 1100
Phoenix, Arizona 85004
(602) 604-2141

ORIGINAL & 25 copies of the
Foregoing were filed with Docket
Control on the 17th day of July, 2009.

Copies were hand-delivered the 17th
day of July, 2009, to:

John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
1275 W. Washington
Phoenix, AZ 85004

Tom Campbell, Esq.
Lewis & Roca
40 N Central Ave.
Phoenix, AZ 85004

Arizona Reporting Service
2200 N Central Avenue #502
Phoenix, AZ 85004



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Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
Gregg Houtz	Designee for Director, Arizona Department of Water Resources
Jessica Youle	Designee for Director, Energy Office, Arizona Department of Commerce
David Eberhart	Designee for Chairman, Arizona Corporation Commission
William Mundell	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 Jay Moyes of Moyes Sellers & Sims, Ltd. There were no intervenor parties; however, Arizona Public Service Company, as applicant in Case No. 146, a consolidated matter, was represented by Thomas H. Campbell of Lewis & Roca LLP.

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 for the Agua Caliente Solar Project (Case No. 145). The Project as approved will consist of either

- (1) an approximately 280 Megawatt (“MW”) concentrating solar thermal (“CSP”) electric generating plant, or,
- (2) an up to approximately 425 MW photovoltaic solar electric generating plant,

with an associated 500kV generation intertie (“Gen-Tie”) transmission line up to approximately two-miles in length, all to be constructed within an approximately 2400-acre Project Site, which lies within the approximately 3800-acre agricultural property commonly known as the Whitewing Ranch. The Project Site comprises all or portions of Sections 16, 21, 22, 27, 28 and 34 of

1 Township 5 South Range 12 West, G&SRB&M, and is located approximately 10 miles northeast of
2 Dateland, Yuma County, Arizona

3
4 **CONDITIONS**

5 This Certificate is granted upon the following conditions:

- 6 1. Applicant, or its assignee(s), shall obtain all required approvals and permits necessary to
7 construct the Project. **[Source: Case 139 – Solana (APS)]**
- 8 2. Applicant, or its assignee(s), shall comply with all existing applicable ordinances,
9 master plans, county comprehensive plans, and regulations of the State of Arizona, the
10 Yuma County, the United States, and any other governmental entities having
11 jurisdiction over the construction and operation of the Project. **[Case 139,**
12 **w/Chairman’s suggested modifications & 144]**
- 13 3. This authorization to construct the Project shall expire fifteen years from the date the
14 Certificate is approved by the Commission; provided, however, that prior to such
15 expiration Applicant or its assignees may request that the Commission extend this time
16 limitation. **[Case 143]**
- 17 4. In the event that the Project requires an extension of the term of this Certificate,
18 Applicant, or its assignee(s), shall use commercially reasonable means to directly notify
19 by first class mail all landowners and residents within one mile of the Project Site, and all
20 persons who made public comment at this proceeding, of the date, time and place of the
21 proceeding in which the Commission shall consider such request for extension. **[Case 139 &**
22 **144]**
- 23 5. Applicant, or its assignee(s), will provide to the Commission Staff copies of the Project's
24 executed interconnection agreement with the transmission owners, and the technical
25 operating studies that will be performed prior to actual physical interconnection of the
26 Project to the transmission system. **[Case 139]**
- 27 6. Applicant, or its assignee(s), or its affiliate company, or its customer will become a member
28 of the Western Electricity Coordinating Council ("WECC") (or its successor), and will file
with the Commission Docket Control a copy of its executed WECC Membership
Agreement. **[Case 139]**
7. During the construction and maintenance of the Project, to the extent applicable,

1 Applicant, or its assignee(s), will use existing roads for access, and to the extent
2 applicable, taking into the account that the Project Site lies within a cultivated
3 agricultural area, minimize impacts to wildlife and vegetation on the Project Site. **[Case**
4 **139]**

5 8. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical site or
6 object that is at least fifty years old is discovered on state, county or municipal land
7 during Project-related activities, the person in charge shall promptly report the discovery
8 to the Director of the Arizona State Museum, and in consultation with the Director, shall
9 immediately take all reasonable steps to secure and maintain the preservation of the
10 discovery. If human remains and/or funerary objects are encountered on private land
11 during the course of any ground-disturbing activities relating to the development of the
12 subject property, Applicant shall cease work on the affected area of the Project and
13 notify the Director of the Arizona State Museum pursuant to A.R.S. § 41-865. **[Case**
14 **139]**

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

18 (a) that the site has been approved for the construction of the Project facilities;

19 (b) The expected date of completion of the Project facilities;

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

21 (d) The name of the Project;

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

23 (f) The website of the Project. **[Case 139]**

24 10. In connection with the construction of the Project, Applicant, or its assignee(s), shall use
25 commercially reasonable efforts, where feasible, to give due consideration to use of
26 qualified Arizona contractors. **[Case 139]**

27 11. Applicant, or its assignee(s), shall provide copies of this Certificate to the Yuma County
28 Department of Development Services, the Arizona State Land Department, the State Historic
Preservation Office, and the Arizona Game and Fish Department. **[Case 139]**

12. Prior to the date construction commences on the Project, Applicant, or its assignee(s), will
provide known homebuilders and developers of record within one mile of the Project the
identity, location, and a pictorial depiction of the type of power plant being constructed,

1 accompanied by a written description, and encourage the developers and homebuilders to
2 include this information in the developers' and homebuilders' homeowners' disclosure
3 statements. **[Case 139]**

4 13. Applicant, or its assignee(s), shall file with Commission Docket Control confirmation of the
5 completion of system upgrades required under the interconnection agreement at least thirty
6 days before commercial operation of the Project. **[Case 139]**

7 14. Applicant, or its assignee(s), shall comply with the most current Western Electricity
8 Coordinating Council/North American Electric Reliability Corporation Planning standards as
9 approved by the Federal Energy Regulatory Commission, and National Electrical Safety
10 Code construction standards. **[Case 143 &144]**

11 15. Applicant, or its assignee(s), shall submit a self-certification letter annually, identifying
12 progress made with respect to each condition contained in the Certificate, including which
13 conditions have been met. Each letter shall be submitted to the Commission Docket Control
14 on **[December 1]**, beginning in 2011. Attached to each certification letter shall be
15 documentation explaining how compliance with each condition was achieved. Copies of
16 each letter along with the corresponding documentation shall be submitted to the Arizona
17 Attorney General and Department of Commerce Energy Office. The requirement for the
18 self-certification shall expire on the date the Project is placed into operation.**[Case 139]**

19 16. If Applicant selects the CSP Project technology, Applicant, or its assignee(s), shall submit by
20 March 31, on an annual basis commencing on the first March 31 following commercial
21 operation of the Project, a report to the Commission Docket Control and the Arizona
22 Department of Water Resources that identifies the amount of water used for operation of the
23 Project in the previous calendar year. **[Case 139, modified]**

24 17. Applicant, or its assignees(s), shall design the Gen-Tie transmission line to incorporate
25 reasonable measures to minimize impacts to raptors. **[Case 140 --Solana / APS Gen-Tie]**

26 18. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for
27 the Gen-Tie transmission line structures. **[Case 140]**

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1 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

- 3 1. The addition of the Project’s clean energy production will offset the need for fossil-
4 fueled generation that would otherwise produce several hundred thousand tons per
5 year of greenhouse gas emissions.
- 6
- 7 2. The Project will help the economy of Yuma County and the state.
- 8 3. The Project will help meet the goal of advancing solar energy production in the state
9 and help meet the need for an adequate, economical and reliable supply of renewable
10 power.
- 11 4. The conditions placed on the Certificate by the Committee effectively minimize its
12 impact on the environment and ecology of the state.
- 13
- 14 5. The Project is in the public interest because the Project’s contribution to meeting the
15 need for an adequate, economical and reliable supply of renewable electric power
16 outweighs the minimized impact of the Project on the environment and ecology of the
17 state.
- 18 6. The conditions placed on the Certificate by the Committee resolve matters concerning
19 the need for the Project and its impact on the environment and ecology of the state
20 raised during the course of proceedings, and as such, serve as the findings on the
21 matters raised.
- 22
- 23 7. In light of these conditions, the balancing in the broad public interest results in favor
24 of granting the Certificate.

25 THE ARIZONA POWER PLANT AND
26 TRANSMISSION LINE SITING COMMITTEE

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Hon. John Foreman, Chairman