



0000100877

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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

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2
3 IN THE MATTER OF THE APPLICATION OF)
4 AGUA CALIENTE SOLAR, LLC, IN)
5 CONFORMANCE WITH THE REQUIREMENTS OF)
6 ARIZONA REVISED STATUTES 40-360.03 AND)
7 40-360.06, FOR A CERTIFICATE OF)
8 ENVIRONMENTAL COMPATIBILITY)
9 AUTHORIZING CONSTRUCTION OF THE AGUA)
10 CALIENTE SOLAR PROJECT, A 280 MW)
11 PARABOLIC TROUGH CONCENTRATING SOLAR)
12 THERMAL, OR A 425 MW PHOTOVOLTAIC)
13 SOLAR, GENERATING FACILITY AND)
14 ASSOCIATED TRANSMISSION LINE)
15 INTERCONNECTING THE GENERATING)
16 FACILITY TO THE ADJACENT PALO VERDE)
17 - NORTH GILA #1 500KV TRANSMISSION LINE IN)
18 YUMA COUNTY APPROXIMATELY 10 MILES)
19 NORTH OF DATELAND, ARIZONA.)

) Docket No. L-00000JJ-09-0279-00145
) Case No. 145

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IN THE MATTER OF THE APPLICATION OF)
ARIZONA PUBLIC SERVICE COMPANY, IN)
CONFORMANCE WITH THE REQUIREMENTS 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 INTERCONNECTING)
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))

) Docket No. L-00000D-09-0280-00146
) Case No. 146

NOTICE OF FILING E-MAIL COMMUNICATION

RECEIVED
2009 JUL 21 P 3:16
AZ CORP COMMISSION
DOCKET CONTROL

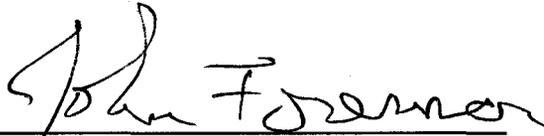
Arizona Corporation Commission
DOCKETED

JUL 21 2009

DOCKETED BY

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is providing notice of filing the attached e-mail communications that have occurred between the Parties to this case and the Chairman, up to this date, since the previous filing on June 26, 2009.

1
2 DATED: July 21, 2009
3

4 
5

6 John Foreman, Chairman
7 Arizona Power Plant and Transmission
8 Line Siting Committee
9 Assistant Attorney General
10 john.foreman@azag.gov

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

14 Docket Control
15 Arizona Corporation Commission
16 1200 W. Washington St.
17 Phoenix, AZ 85007

18 Copy of the above was mailed
19 this 21st day of July, 2009 to:

20 Nancy Scott
21 Janice Alward, Chief Counsel
22 Arizona Corporation Commission
23 1200 West Washington Street
24 Phoenix, AZ 85007
25 Counsel for Legal Division Staff

26 Jay Moyes
Moyes, Sellers & Sims
1850 North Central Avenue
Suite 1100
Phoenix, AZ 85004
Counsel for Applicant, Agua Caliente Solar

1 Thomas H. Campbell, Esq.
2 Lewis and Roca, LLP
3 Two Renaissance Square
4 40 North Central Avenue
5 Phoenix, AZ 85004
6 Counsel for Applicant, APS

7 Marta T. Hetzer
8 Arizona Reporting Service, Inc.
9 2200 North Central Avenue
10 Phoenix, Arizona 85004-1481

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15 Jara Williams
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From: "AZRS" <azrs@az-reporting.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 7/1/2009 1:39 PM
Subject: RE: #145/146 Filing

Thank you.

Marta Hetzer @ AZRS
602-274-9944

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Wednesday, July 01, 2009 1:00 PM
To: Janice Alward; Nancy Scott; Jay Moyes; Thomas Campbell
Cc: AZRS; LuAnn Kornegay; Marjorie Haberman
Subject: #145/146 Filing

Please see the attached letter, which was filed today with Docket Control.

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

3 IN THE MATTER OF THE APPLICATION OF)
4 AGUA CALIENTE SOLAR, LLC, IN)
5 CONFORMANCE WITH THE REQUIREMENTS OF)
6 ARIZONA REVISED STATUTES 40-360.03 AND)
7 40-360.06, FOR A CERTIFICATE OF)
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16 FACILITY TO THE ADJACENT PALO VERDE)
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18 YUMA COUNTY APPROXIMATELY 10 MILES)
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) Docket No. L-00000JJ-09-0279-00145
) Case No. 145

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(SECTION 34, T5S, R12W, G&SRB&M, YUMA)
COUNTY, ARIZONA))

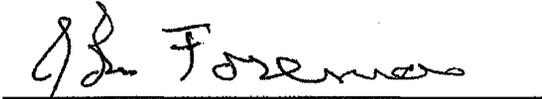
) Docket No. L-00000D-09-0280-00146
) Case No. 146

) **NOTICE OF FILING**
) **CORRESPONDENCE**

27 Attached is a letter from the State Historic Preservation Office, dated June 17, 2009, which
28 was received on this date by the Chairman of the Arizona Power Plant and Transmission
29 Line Siting Committee.
30

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DATED: July 1, 2009



John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
john.foreman@azag.gov

Pursuant to A.A.C. R14-3-204,
The Original and 25 copies were
filed July 1, 2009 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Copy of the above was mailed
this 1st day of July, 2009 to:

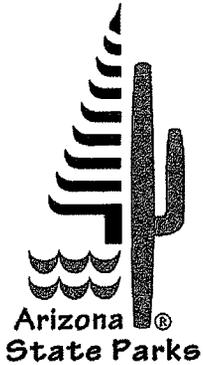
Nancy Scott
Janice Alward, Chief Counsel
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007
Counsel for Legal Division Staff

Jay Moyes
Moyes, Sellers & Sims
1850 North Central Avenue
Suite 1100
Phoenix, AZ 85004
Counsel for Applicant, Agua Caliente Solar

1 Thomas H. Campbell, Esq.
2 Lewis and Roca, LLP
3 Two Renaissance Square
4 40 North Central Avenue
5 Phoenix, AZ 85004
6 Counsel for Applicant, APS

7 Marta T. Hetzer
8 Arizona Reporting Service, Inc.
9 2200 North Central Avenue
10 Phoenix, Arizona 85004-1481

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15 Jara Williams
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"Managing and conserving Arizona's natural, cultural and recreational resources"

June 17, 2009

John Foreman, Chairman
Arizona Power Plant and Transmission Line Siting Committee
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

RE: Agua Caliente Solar Project
Docket No. L-00000JJ-09-0279-00145
APS Q43 500-kV Transmission Line and Switchyard Interconnection Project
Docket No. L-00000D-09-0280-00146
State Act Consultation
SHPO-2009-0714 (40139)

Janice K. Brewer
Governor

State Parks
Board Members

Chair
Reese Woodling
Tucson

Tracey Westerhausen
Phoenix

Larry Landry
Phoenix

Walter D. Armer, Jr.
Vail

Arlan Colton
Tucson

William C. Scaizo
Phoenix

Jamie Hogue
Acting State Land
Commissioner

Renée E. Bahl
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
AZStateParks.com

800.285.3703 from
(520 & 928) area codes

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

Mr. Foreman:

Thank you for consulting with the State Historic Preservation Office (SHPO) pursuant to A.R.S. § 41-864 for the Arizona Corporation Commission regarding an application by Agua Caliente Solar, LLC, for a Certificate of Environmental Compatibility regarding their solar generating project and associated transmission line and switchyard in Yuma County, Arizona. We have reviewed the submitted materials and offer the following comments.

Our records indicate that vast majority of the project area has **not** been inspected for cultural resources. We recommend that the **project area be inspected for cultural resources by a qualified archaeologist** in order to locate and evaluate any existing cultural remains within the project area. In addition, the Governor of Arizona's Executive Order 2006-14 regarding tribal consultation should be noted, given the tribal interests in the area where project area is located. The applicant is reminded that Arizona State Law requires that if human remains or burial goods are encountered during any ground-disturbing activities, even on private lands [i.e., A.R.S. § 41-865], work in the immediate vicinity must cease and the Director of the Arizona State Museum promptly notified.

We appreciate your cooperation with this office in considering the potential impacts of development on cultural resources situated in Arizona. If you have any questions or comments, please contact me at (602) 542-7140 or electronically at djacobs@azstateparks.gov.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

CC: Jon Shumaker, APS

* Personal information
has been deleted.

From: "LuAnn Kornegay" <LKKornegay@LAWMS.COM>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 7/10/2009 12:38 PM
Subject: RE: Line Siting Committee Mailing Addresses

CC: "Susan Ellis" <Susan.Ellis@azag.gov>
Great. Thanks.

LuAnn Kornegay
Administrative Coordinator
Moyes Sellers & Sims
1850 N. Central Avenue, Suite 1100
Phoenix, AZ 85004
(602) 604-2156
(602) 274-9135 - Fax
lkkornegay@lawms.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, July 10, 2009 12:17 PM
To: LuAnn Kornegay
Cc: Susan Ellis
Subject: RE: Line Siting Committee Mailing Addresses

LuAnn,

I forgot one other correction. A while back, Ms. Noland requested the Commission send her everything to her office address, which is:

Patricia Noland
[REDACTED]
[REDACTED]

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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>>> "LuAnn Kornegay" <LKKornegay@LAWMS.COM> 7/10/2009 11:24 AM >>>
Thank you Tara.

LuAnn Kornegay
Administrative Coordinator
Moyes Sellers & Sims
1850 N. Central Avenue, Suite 1100
Phoenix, AZ 85004
(602) 604-2156
(602) 274-9135 - Fax
lkkornegay@lawms.com

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Friday, July 10, 2009 11:21 AM
To: LuAnn Kornegay
Subject: Line Siting Committee Mailing Addresses

Hi LuAnn,

There were some errors/typos with the Docket addresses:

Mike Whalen
[REDACTED]
[REDACTED]

David Eberhart
[REDACTED]
[REDACTED]

Also, Mr. McGuire and Mr. Houtz need to be included. Their mailing addresses are:

Gregg Houtz
[REDACTED]
[REDACTED]
[REDACTED]

Jeff McGuire
[REDACTED]
[REDACTED]

I will contact the Committee regarding the Wellton hotel and get back to you for confirmation. Let me know if you need anything else.

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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From: Tara Williams
To: LuAnn Kornegay
Date: 7/10/2009 4:27 PM
Subject: Committee Hotel Information

CC: Susan Ellis
Hi LuAnn,

Committee Members who will be staying at the Microtel are listed below:

Chairman Foreman
Bill Mundell
David Eberhart
Paul Rasmussen
Jessica Youle
Jeff McGuire (maybe, will contact me next week either way)

Committee Members who will not be needing their reservation include:

Barry Wong
Patricia Noland
Gregg Houtz
Mike Whalen

I have not heard from one Committee Member yet, but I will let you know as soon as I do.

The Chairman, Mr. Rasmussen and Ms. Youle are the only ones who have told me they need their room reserved for the evening of the 20th.

Please let me know if you need anything else.

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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From: "LuAnn Kornegay" <LKKornegay@LAWMS.COM>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 7/13/2009 10:22 AM
Subject: RE: July 21st - 23rd

CC: "Susan Ellis" <Susan.Ellis@azag.gov>

Good morning!

Not a problem at all! I've changed the information that the hotel has.

If anything else comes up, just let me know!

Have a good day!

LuAnn Kornegay
Administrative Coordinator
Moyes Sellers & Sims
1850 N. Central Avenue, Suite 1100
Phoenix, AZ 85004
(602) 604-2156
(602) 274-9135 - Fax
lkkornegay@lawms.com

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information. Although this email and any attachments are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free & no responsibility is accepted by Moyes Sellers & Sims for any loss or damage arising in any way from its use.

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Monday, July 13, 2009 10:10 AM
To: LuAnn Kornegay
Cc: Susan Ellis
Subject: July 21st - 23rd

Hi LuAnn,

I received a message from Ms. Noland saying that she would prefer to stay at the Microtel in Wellton if possible and have the reservation for the evening of the 20th.

Mr. Rasmussen has decided to stay in Yuma and will commute. I hope these changes won't be a problem.

From: Tara Williams
To: LKKornegay@LAWMS.COM
Date: 7/13/2009 10:22 AM
Subject: RE: July 21st - 23rd (Out of Office)

I will be out of the office the week of July 13th. I will be returning on Monday, July 20th. If you need to contact someone before then, and it concerns line siting, please e-mail Susie Ellis at Susan.Ellis@azag.gov.

Thank you,
Tara Williams

>>> LKKornegay 07/13/09 10:15 >>>

Good morning!
Not a problem at all! I've changed the information that the hotel has.

If anything else comes up, just let me know!

Have a good day!

LuAnn Kornegay
Administrative Coordinator
Moyes Sellers & Sims
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Phoenix, AZ 85004
(602) 604-2156
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Subject: July 21st - 23rd

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Mr. Rasmussen has decided to stay in Yuma and will commute. I hope these changes won't be a problem.

From: "LuAnn Kornegay" <LKKornegay@LAWMS.COM>
To: "John Foreman" <John.Foreman@azag.gov>, "Tara Williams" <Tara.Williams@a...>
Date: 7/18/2009 7:04 AM
Subject: Agua Caliente Solar Project
Attachments: 20090718094625.pdf

CC: "Jay Moyes" <JIMoyes@LAWMS.COM>
Good Morning

Because I did not receive back confirmation that the attached Notice of Filing of the Agua Caliente's Proposed CEC with Findings of Fact and Conclusions of Law was delivered to you yesterday, I am attaching an electronic copy.

Thank you!

LuAnn Kornegay

Administrative Coordinator

Moyes Sellers & Sims

1850 N. Central Avenue, Suite 1100

Phoenix, AZ 85004

(602) 604-2156

(602) 274-9135 - Fax

lkkornegay@lawms.com

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

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

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)

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

Case No. 146

NOTICE OF FILING

RECEIVED
2009 JUL 17 P 1:21
AZ CORP COMMISSION
DOCKET CONTROL

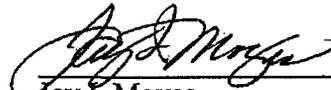
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NOTICE OF FILING

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



1 **DRAFT 7-17-09 of PROPOSED FORM FOR HEARING**
2 **[WITH CONDITION REPRESENTATIVE SOURCE(S) REFERENCES]**
3

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

6 IN THE MATTER OF THE APPLICATION)
7 OF AGUA CALIENTE SOLAR, LLC, IN)
8 CONFORMANCE WITH THE REQUIREMENTS)
9 OF ARIZONA REVISED STATUTES 40-360.03)
10 AND 40-360.06, FOR A CERTIFICATE OF)
11 ENVIRONMENTAL COMPATIBILITY)
12 AUTHORIZING CONSTRUCTION OF THE)
13 AGUA CALIENTE SOLAR PROJECT,)
14 A 280 MW PARABOLIC TROUGH)
15 CONCENTRATING SOLAR THERMAL, OR A)
16 425 MW PHOTOVOLTAIC SOLAR, GENERA-)
TING FACILITY AND ASSOCIATED TRANS-)
MISSION 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-0279-00145

Case No. 145

Decision No. _____

17 **CERTIFICATE OF ENVIRONMENTAL COMPATABILITY**

18 Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line
19 Siting Committee (the "Committee") held public hearings on July 21 and 22, 2009, in conformance
20 with the requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of
21 receiving evidence and deliberating on the Application of Agua Caliente Solar, LLC ("Applicant")
22 for a Certificate of Environmental Compatibility ("Certificate") in the above-captioned case No. 145
23 (the "Project").
24

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

27 John Foreman

Chairman, Designee for Arizona Attorney General
Terry Goddard

1	Paul Rasmussen	Designee for Director, Arizona Department of Environmental Quality
2		
3	Gregg Houtz	Designee for Director, Arizona Department of Water Resources
4	Jessica Youle	Designee for Director, Energy Office, Arizona Department of Commerce
5	David Eberhart	Designee for Chairman, Arizona Corporation Commission
6	William Mundell	Appointed Member
7	Jeff McGuire	Appointed Member
8	Patricia Noland	Appointed Member
9		
10	Michael Palmer	Appointed Member
11	Michael Whalen	Appointed Member
12	Barry Wong	Appointed Member

13
 14 Applicant was represented by Jay Moyes of Moyes Sellers & Sims, Ltd. There were no
 15 intervenor parties; however, Arizona Public Service Company, as applicant in Case No. 146, a
 16 consolidated matter, was represented by Thomas H. Campbell of Lewis & Roca LLP.

17 At the conclusion of the hearings, the Committee, having received the Application, the
 18 appearances of the parties, the evidence, testimony, and exhibits presented at the hearings, and
 19 being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made
 20 and seconded, voted ____ to ____ to grant Applicant this Certificate of Environmental
 21 Compatibility for the Agua Caliente Solar Project (Case No. 145). The Project as approved will
 consist of either

- 22 (1) an approximately 280 Megawatt ("MW") concentrating solar thermal ("CSP")
 23 electric generating plant, or,
- 24 (2) an up to approximately 425 MW photovoltaic solar electric generating plant,

25 with an associated 500kV generation intertie ("Gen-Tie") transmission line up to approximately
 26 two-miles in length, all to be constructed within an approximately 2400-acre Project Site, which
 27 lies within the approximately 3800-acre agricultural property commonly known as the Whitewing
 28 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]
28

From: "AZRS" <azrs@az-reporting.com>
To: "Tara Williams" <Tara.Williams@azag.gov>
Date: 7/20/2009 9:33 AM
Subject: RE: Notice of Intent

Thanks.

Marta Hetzer @ AZRS
602-274-9944

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

From: Tara Williams [mailto:Tara.Williams@azag.gov]
Sent: Monday, July 20, 2009 9:04 AM
To: Janice Alward; Nancy Scott; Jay Moyes; Thomas Campbell
Cc: AZRS; LuAnn Kornegay; Marjorie Haberman
Subject: Notice of Intent

Good Morning,

I have attached a letter of correspondence that was filed with ACC Docket Control last week. The Chairman will discuss this with the parties at the hearing tomorrow. If you have received similar correspondence, please let us know.

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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L-00000JJ-09-0279-00145
L-00000D-09-0280-00146

ORIGINAL

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

4/5

Investigator: Richard Martinez

Phone:

Fax:

Priority: Respond Within Five Days

Opinion No. 2009 80039

Date: 6/26/2009

Complaint Description: 08E Rate Cases Items - In Favor
N/A Not Applicable

Complaint By: **First:** David D. **Last:** Frei

Account Name: David D. Frei

Home: (000) 000-0000

Street: -----

Work:

City: Yuma

CBR:

State: AZ **Zip:** 85364

Is:

Utility Company: Miscellaneous ACC Questions

Division: Misc.

Contact Name: Unknown

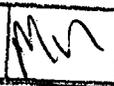
Contact Phone: (000) 000-0000

Nature of Complaint:

(Docket No. L-00000JJ-09-0279-00145
(Docket No. L-00000D-09-0280-00140

Arizona Corporation Commission
DOCKETED
JUL 16 2009

June 22,
2009

DOCKETED BY 

RECEIVED
JUL 16 A 9:03
CORP COMMISSION
DOCKET CONTROL

Dear Commission,

This is my notice of intent to be a Party, to the Augua Calient Solar Project know as "Whitewing Ranch" and will Comprise essentially the South half of Section 16, and all Portions of Section 21, 22, 28, 27 and Section 34 TSS, R12W, G&SRB&M Yuma County Arizona.

Please Send
Docket Control Center of the ACC, Phoenix office;

Docket No. L-00000J_09-0279-00145, case 145
Docket No. L-000009-0280-00146, case 146

In the matter of the Application of Arizona Public Service Company, in Conformance with Requirements of Arizona Revised Statute 40-360.03 and 40-360.06, for a Certificate of Environmental Compatibilities. Please be advised that I submit this request under fo I act and good faith. Also acuded is the proceedings is Governed by ARS and Arizona Administration Code A-14-3-201 to R14-3-221 to R14-3-220!

Thank you for your time and consideration

Mr. David D. Frei

Correspondence had a return address of:

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

Yuma County Adult Detention Center
220 W. Court Street
Yuma, AZ 85364-2222

Jacket # 7252A
Unit: Red Room/Bunk: 720
End of Complaint

Utilities' Response:

na
End of Response

Investigator's Comments and Disposition:

I emailed this OPINION to Trish Meeter @ ACC Phoenix Office to have this docketed towards both the Agua Caliente Solar Project Docket No. L-0000JJ-09-0279-00145 and towards the Arizona Public Service Company L-00000D-09-0280-00146 for a Certificate of Environmental Compatibility. FILE CLOSED.

End of Comments

Date Completed: 7/13/2009

Opinion No. 2009 - 80039

From: Tara Williams
To: Jay Moyes; Nancy Scott; Thomas Campbell
Date: 7/20/2009 9:59 AM
Subject: RE: Notice of Intent

CC: LuAnn Kornegay; Marjorie Haberman
Thank you, Mr. Moyes.

Tara

>>> "Jay Moyes" <JIMoyes@LAWMS.COM> 7/20/2009 9:56 AM >>>
Tara: Yes, we saw the same correspondence on eDocket. We have confirmed that the gentlemen who authored the letter to the Commission, Mr. David D Frei, is, as indicated by his address, incarcerated at the Yuma County Adult Detention Center, where he is being held on \$50,000 bail pending sentencing on 9-29-09 on two charges of aggravated harassment, according to our phone conversation with the Detention Center.

Jay I. Moyes, Esq.
Moyes Sellers & Sims
1850 N. Central Ave.
Suite 1100
Phoenix, AZ 85004
jimoyes@lawms.com
602-604-2106
602-274-9135 (fax)

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

From: Tara Williams [<mailto:Tara.Williams@azag.gov>]
Sent: Monday, July 20, 2009 9:04 AM
To: Janice Alward; Nancy Scott; Jay Moyes; Thomas Campbell
Cc: Marta Hetzer; LuAnn Kornegay; Marjorie Haberman
Subject: Notice of Intent

Good Morning,

I have attached a letter of correspondence that was filed with ACC Docket Control last week. The Chairman will discuss this with the parties at the hearing tomorrow. If you have received similar correspondence, please let us know.

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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From: "Haberman, Marjorie" <MHaberman@lrlaw.com>
To: "Chairman John Foreman" <john.foreman@azag.gov>, "Alward, Janice" <jalwa...>
Date: 7/20/2009 4:05 PM
Subject: APS Q43 500kV Transmission Line and Switchyard Project
Attachments: APS Notice of Filing Proposed Form of CEC.pdf; Agua Caliente CEC Map.pdf

CC: "LuAnn Kornegay" <LKKornegay@LAWMS.COM>, "Williams, Tara" <Tara.Williams...>
Attached please find APS's Notice of Filing Proposed Form of CEC docketed today in matter L-00000D-09-0280-00146. Color copies also will be distributed to the Committee and parties at the hearing in Dateland later this week. I have attached a color copy of the CEC map because the black and white scanned version is not readable.

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 <blocked::mailto:mhaberman@lrlaw.com>
Website: www.lewisandroca.com <blocked::http://www.lewisandroca.com/>

For more information about Lewis and Roca LLP, please go to
www.lewisandroca.com.
Phoenix (602) 262-5311
Tucson (520) 622-2090
Las Vegas (702) 949-8200
Reno (775) 823-2900
Minden (775) 586-9500
Albuquerque (505) 764-5400
Silicon Valley (650) 391-1380

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In accordance with Internal Revenue Service Circular 230, we advise you that if this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

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

IN THE MATTER OF THE)	
APPLICATION OF ARIZONA PUBLIC)	Docket No. L-00000D-09-0280-00146
SERVICE COMPANY, IN)	
CONFORMANCE WITH THE)	Case No. 146
REQUIREMENTS OF ARIZONA)	
REVISED STATUTES 40-360.03 AND)	
40-360.06, FOR A CERTIFICATE OF)	ARIZONA PUBLIC SERVICE
ENVIRONMENTAL COMPATIBILITY)	COMPANY'S NOTICE OF
AUTHORIZING CONSTRUCTION OF)	FILING PROPOSED FORM
THE APS Q43 500kV TRANSMISSION)	OF CERTIFICATE OF
LINE AND SWITCHYARD)	ENVIRONMENTAL COMPATIBILTY
INTERCONNECTION PROJECT AND)	
ASSOCIATED FACILITIES)	
INTERCONNECTING TO THE PALO)	
VERDE - NORTH GILA #1 AND #2)	
500kV TRANSMISSION LINES)	
APPROXIMATELY 10 MILES NORTH)	
OF DATELAND, ARIZONA (SECTION)	
34, T5S, R12W, G&SRBM, YUMA)	
COUNTY))	

Pursuant to Paragraph 19 of Chairman Foreman's June 8, 2009 Procedural Order, Arizona Public Service Company ("APS") files a proposed form of Certificate of Environmental Compability, findings of fact, and conclusions of law. (Exhibit 1) Consistent with Paragraph 20 of the Procedural Order, APS also files a document showing the previous cases upon which the proposed conditions in Case 146 are based. (Exhibit 2).

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RESPECTFULLY SUBMITTED this 20th day of July, 2009.

LEWIS AND ROCA LLP



Thomas H. Campbell
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ORIGINAL and twenty-five (25) copies
of the foregoing hand-delivered this
20th day of July, 2009 to:

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

COPIES of the foregoing delivered electronically
this 20th day of July, 2009 to:

Hon. John Foreman, Chairman
Arizona Power Plant and Transmission
Line Siting Committee
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

Janice Alward, Legal Department
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

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Betty J. Griffin

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EXHIBIT 1

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

IN THE MATTER OF THE)
APPLICATION OF ARIZONA PUBLIC) Docket No. L-00000D-09-0280-00146
SERVICE COMPANY, IN)
CONFORMANCE WITH THE) Case No. 146
REQUIREMENTS 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)
INTERCONNECTING TO THE PALO)
VERDE - NORTH GILA #1 AND #2)
500kV TRANSMISSION LINES)
APPROXIMATELY 10 MILES NORTH)
OF DATELAND, ARIZONA (SECTION)
34, T5S, R12W, G&SRBM, YUMA)
COUNTY))

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 July 21,
22 and 23, 2009, 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 Public Service Company ("Applicant") in conjunction with
San Diego Gas and Electric Company, as co-applicant, for a Certificate of Environmental
Compatibility ("Certificate") in the above-captioned case (the "Project").

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

4 Hon. John Foreman Chairman, Designee for Arizona Attorney General,
5 Terry Goddard

6 David L. Eberhart, P.E. Designee for Chairman, Arizona Corporation
7 Commission

8 Jessica Youle Designee for Director, Energy Department, Arizona
9 Department of Commerce

10 Paul Rasmussen Designee for Director, Arizona Department of
11 Environmental Quality

12 Gregg Houtz Designee for Director, Arizona Department of Water
13 Resources

14 Jeff McGuire Appointed Member

15 William Mundell Appointed Member

16 Patricia Noland Appointed Member

17 Michael Palmer Appointed Member

18 Michael Whalen Appointed Member

19 Barry Wong Appointed Member

20 The Applicant was represented by Thomas H. Campbell of Lewis and Roca LLP.
21 Agua Caliente Solar, L.L.C., an applicant in Line Siting Case No. 145, a consolidated
22 matter, was represented by Jay Moyes of Moyes, Sellers & Sims.

23 At the conclusion of the hearing, the Committee, having received the Application,
24 the appearance of the Applicant, the evidence, testimony and exhibits presented at the
25 hearing, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13,
26

1 upon motion duly made and seconded, voted ___ to ___ to grant the Applicant this
2 Certificate of Environmental Compatibility (Case No. 146) for the Project.

3 The Project as approved consists of a series of proposed 500kV transmission lines
4 and a new regional switchyard that will initially connect the solar project proposed by
5 Agua Caliente Solar L.L.C. (Case No. 145), to the existing Palo Verde-North Gila No. 1
6 500kV transmission line (ACC Decision No. 52428). The Project will be designed to
7 accommodate the future interconnection of the planned Palo Verde-North Gila No. 2
8 500kV transmission line (ACC Decision No. 70127), a future 500kV/69kV substation, and
9 other related transmission facilities.

10 The Project will be located on a portion of a 3,800 acre private agricultural property
11 referred to as the "Whitewing Ranch" (Property) in the northwest corner of Section 34,
12 T5S, R12W, G&SRBM, Yuma County, Arizona, plus some additional private land that
13 extends south of the Property to a point 200 feet south of the Palo Verde to North Gila
14 No.1 centerline. The substation site is located just north of Palomas Road (also referred to
15 as Palomas/Hyder Road) and will occupy approximately 30 acres of the Property. Each
16 interconnection line will be within a separate 200 foot right-of-way. All interconnection
17 lines will be in rights of way within a corridor. The corridor length extends southwest for
18 5,875 feet from the point where the eastern boundary of the Property intersects the Union
19 Pacific Railroad. The 2,200 foot width includes the 2,000 foot corridor approved in
20 Decision No. 70127 for the Palo Verde to North Gila No. 2 transmission line, plus 200 feet
21 south of the centerline of the Palo Verde to North Gila No. 1 transmission line. A general
22 location map of the Project is set forth in **Exhibit A**.

23 CONDITIONS

24 This Certificate is granted upon the following conditions:

- 25 1. The Applicant shall obtain all required approvals and permits necessary to
26 construct the Project.

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- 2. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the State of Arizona, the County of Yuma, the United States, and any other governmental entities having jurisdiction.
- 3. This authorization to construct this Project shall expire fifteen (15) years from the date the Certificate is approved by the Commission unless the transmission line is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.
- 4. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken.
Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.
- 5. To the extent applicable, the Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, et seq.) and shall, to the extent feasible, minimize the destruction of native plants during Project construction.
- 6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during plan-related activities, the person in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery. If human remains and/or

1 funerary objects are encountered during the course of any ground-disturbing
2 activities relating to the development of the subject property, Applicant shall
3 cease work on the affected area of the Project and notify the Director of the
4 Arizona State Museum, pursuant to A.R.S. § 41-865, and any appropriate
5 federal agency.

6 7. The Applicant shall design the transmission lines to incorporate reasonable
7 measures to mitigate impacts to raptors.

8 8. The Applicant shall use non-specular conductor and dulled surfaces for
9 transmission line structures.

10 9. In the event that the Project requires an extension of the term of this Certificate,
11 Applicant shall use reasonable means to notify all landowners and residents
12 within one mile of the Project corridor, all persons who made public comment at
13 this proceeding, and all parties to this proceeding of the request and the time and
14 place of the hearing in which the Commission will consider the request for
15 extension.

16 10. Before construction on this Project may commence, the Applicant must file a
17 construction mitigation and restoration plan ("Plan") with ACC Docket Control.
18 Where practicable, the Plan shall specify that the Applicant use existing roads
19 for construction and access, minimize impacts to wildlife, minimize vegetation
20 disturbance outside of the Project right-of-way, and revegetate, unless waived
21 by the landowner, native areas following construction disturbance.

22 11. The Applicant shall provide copies of this Certificate to Yuma County Planning
23 Division, the State Historic Preservation Office, and the Arizona Game and Fish
24 Department.

25 12. Applicant will follow the latest Western Electricity Coordinating Council/ North
26 American Electric Reliability Corporation Planning standards as approved by

1 the Federal Energy Regulatory Commission, and National Electrical Safety
2 Code construction standards.

3 13. Within 120 days of the Commission decision granting this Certificate, Applicant
4 will post signs in public rights-of-way giving notice of the project corridor to
5 the extent authorized by law. The Applicant shall place signs in prominent
6 locations at reasonable intervals such that the public is notified along the full
7 length of the transmission line until the transmission structures are constructed.
8 To the extent practicable, within 45 days of securing easement or right-of-way
9 for the Project, the Applicant shall erect and maintain signs providing public
10 notice that the property is the site of a future transmission line. Such signage
11 shall be no smaller than a normal roadway sign. The signs shall advise:

- 12 (a) That the site has been approved for the construction of Project
13 facilities;
- 14 (b) The expected date of completion of the project facilities;
- 15 (c) A phone number for public information regarding the Project;
- 16 (d) The name of the Project;
- 17 (e) The name of the Applicant; and
- 18 (f) The website of the Project

19 14. With respect to the Project, Applicant shall participate in good faith in state and
20 regional transmission study forums to coordinate transmission expansion plans
21 related to the project and to resolve transmission constraints in a timely manner.

22 15. Prior to the date construction commences on this Project, the Applicant shall
23 provide known homebuilders and developers within one mile of the center line
24 of the certificated route the identify, location, and a pictorial depiction of the
25 type of power line being constructed, accompanied by a written description, and
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1 encourage the developers and homebuilders to include this information in the
2 developers' and homebuilders' homeowners' disclosure statements.

3 16. The Applicant shall submit a self-certification letter annually, identifying
4 progress made with respect to each condition contained in the Certificate,
5 including which conditions have been met. Each letter shall be submitted to
6 ACC Docket Control on December 1 beginning in 2010. Attached to each
7 certification letter shall be documentation explaining how compliance with each
8 condition was achieved. Copies of each letter along with the corresponding
9 documentation shall be submitted to the Arizona Attorney General and
10 Department of Commerce Energy Office. The requirement for the self-
11 certification shall expire on the date the Project is placed into operation.

12 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

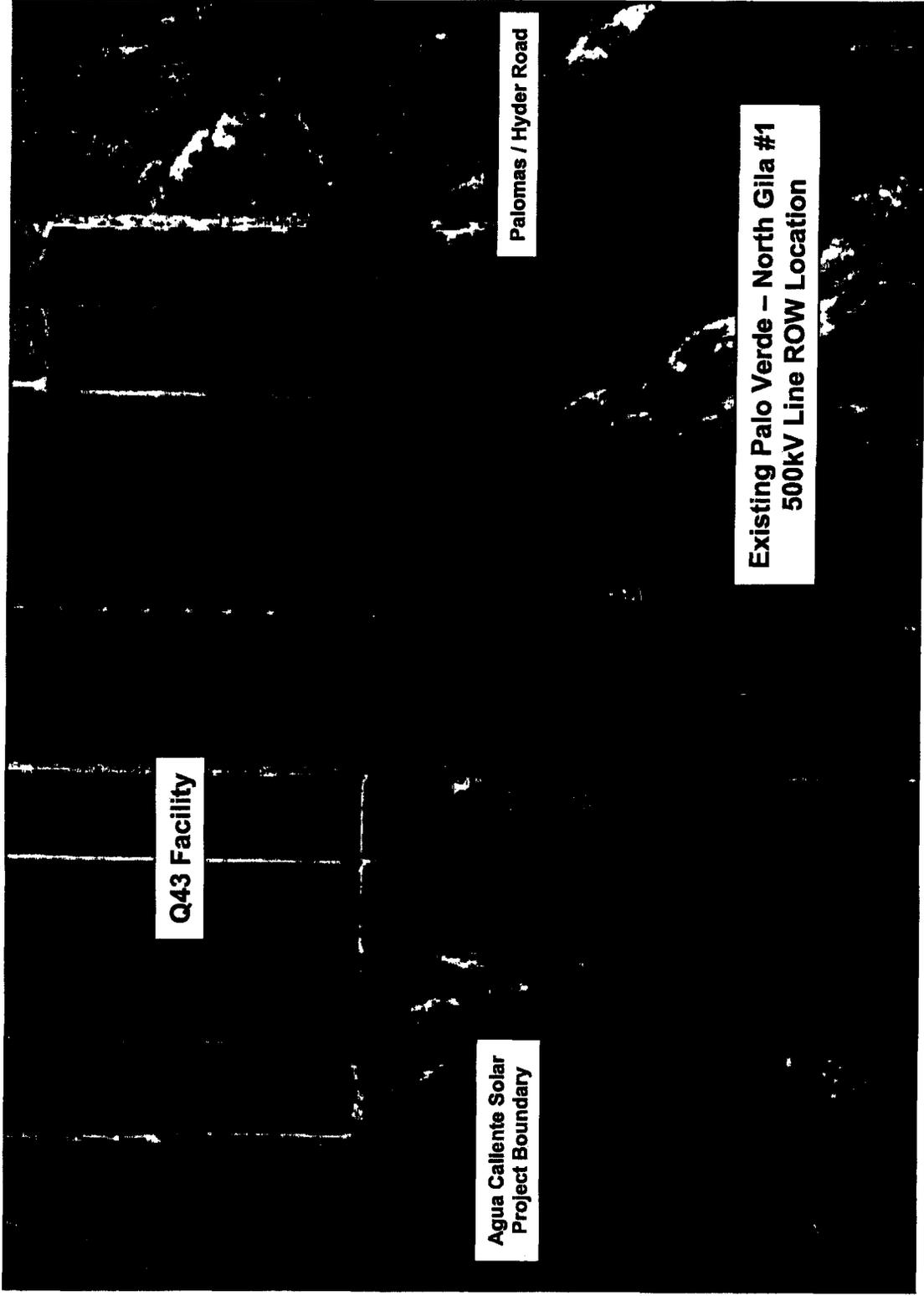
- 13 1. The Project is in the public interest because it aids the state in meeting the need
14 for an adequate, economical and reliable supply of electric power.
- 15 2. In balancing the need for the Project with its effect on the environment and
16 ecology of the state, the conditions placed on the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

John Foreman, Chairman

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EXHIBIT A



Q43 Facility

**Agua Caliente Solar
Project Boundary**

Palomas / Hyder Road

**Existing Palo Verde - North Gila #1
500kV Line ROW Location**

Interconnection Area of Detail

EXHIBIT 2

Comparison of CEC conditions proposed for Case 146 with the CEC conditions approved for Case 143 (Decision No. 71217); source of other conditions is as noted.

Case 1436 CONDITIONS

This Certificate is granted upon the following conditions:

1. The Applicant shall obtain all required approvals and permits necessary to construct the Project.
2. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the State of Arizona, the County of ~~Yavapai~~Yuma, the United States, and any other governmental entities having jurisdiction.
3. This authorization to construct this Project shall expire ~~ten~~fifteen (105) years from the date the Certificate is approved by the Commission unless the transmission line is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.
4. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.
5. To the extent applicable, the Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901, et

Comparison of CEC conditions proposed for Case 146 with the CEC conditions approved for Case 143 (Decision No. 71217); source of other conditions is as noted.

seq.) and shall, to the extent feasible, minimize the destruction of native plants during Project construction.

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

Comparison of CEC conditions proposed for Case 146 with the CEC conditions approved for Case 143 (Decision No. 71217); source of other conditions is as noted.

minimize vegetation disturbance outside of the Project right-of-way, and revegetate, unless waived by the landowner, native areas following construction disturbance.

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

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

[Condition 13 corresponds to Condition 9 in Case 136, Decision No. 70325]

13. Within 120 days of the Commission decision granting this Certificate, Applicant will post signs in public rights-of-way giving notice of the project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:

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

(b) The expected date of completion of the project facilities;

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

(d) The name of the Project;

(e) The name of the Applicant; and

Comparison of CEC conditions proposed for Case 146 with the CEC conditions approved for Case 143 (Decision No. 71217); source of other conditions is as noted.

(f) The website of the Project

[Condition 14 corresponds to Condition 11 in Case 136, Decision No. 70325]

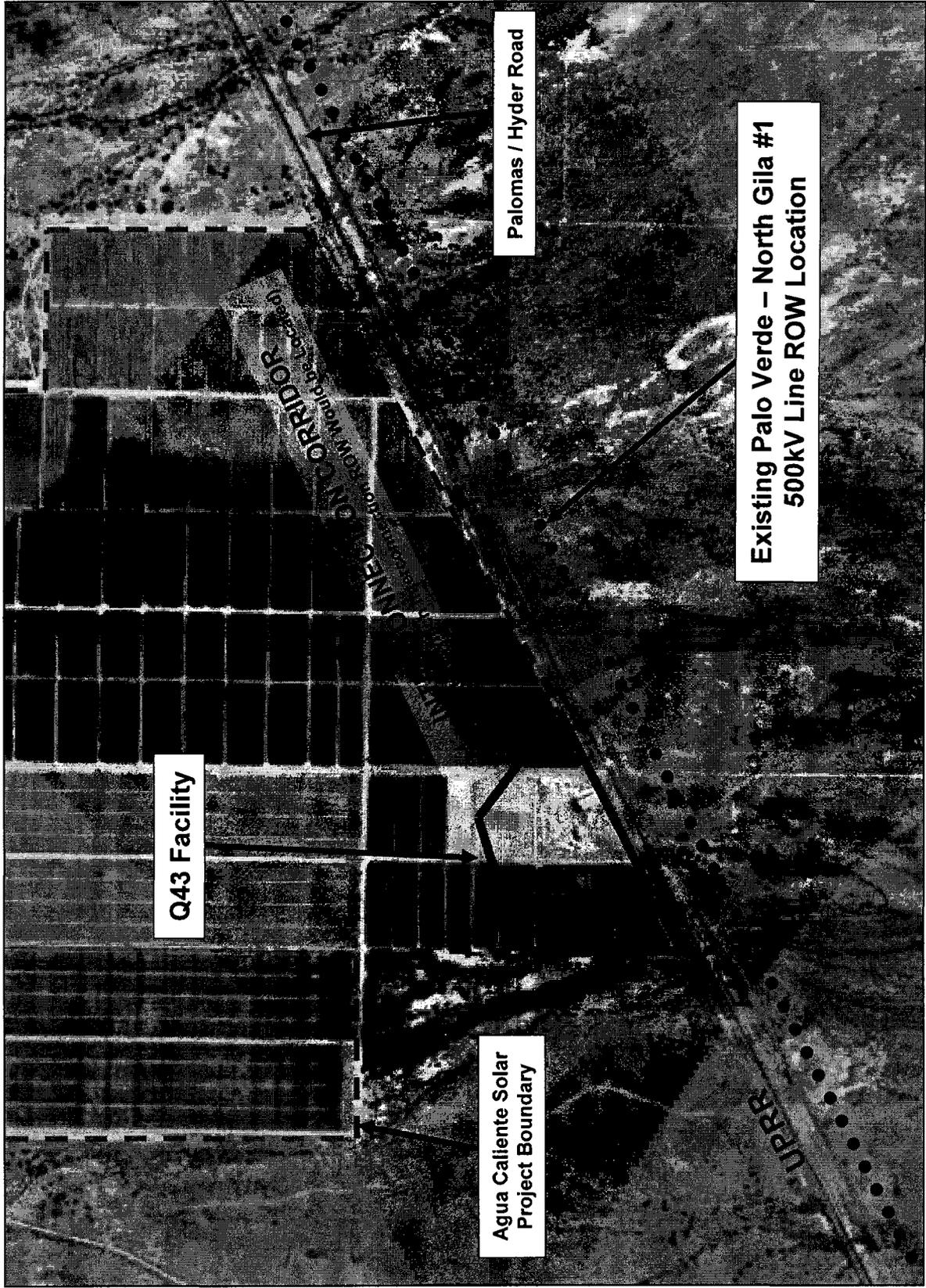
14. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the project and to resolve transmission constraints in a timely manner.

[Condition 15 corresponds to Condition 13 in Case 136, Decision No. 70325]

15. Prior to the date construction commences on this Project, the Applicant shall provide known homebuilders and developers within one mile of the center line of the certificated route the identify, location, and a pictorial depiction of the type of power line being constructed, accompanied by a written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.

16. 13. The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to ACC Docket Control on December 1 beginning in 2010~~9~~. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.

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



Q43 Facility

Agua Caliente Solar Project Boundary

Palomas / Hyder Road

Existing Palo Verde - North Gila #1
500kV Line ROW Location

Interconnection Area of Detail