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1 BRYAN CAVE LLP, #00145700
Steven A. Hirsch, #006360
2 Andrew D. Gleason, #024394
Two N. Central Avenue, Suite 2200
3 Phoenix, AZ 85004-4406
Telephone: (602) 364-7000
4 Fax: (602) 364-7070

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5 Attorneys for the Applicant SEP-II, LLC AT CORP COMMISSION
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ORIGINAL

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

9 IN THE MATTER OF THE
10 APPLICATION OF SEP-II, LLC, IN
11 CONFORMANCE WITH THE
12 REQUIREMENTS OF ARIZONA
13 REVISED STATUTES SECTION 40-
360, et seq., FOR A CERTIFICATE OF
14 ENVIRONMENTAL COMPATIBILITY
15 AUTHORIZING THE MESQUITE
16 SOLAR GEN-TIE 230KV
17 TRANSMISSION LINE, ORIGINATING
AT THE PROPOSED MESQUITE
18 SOLAR PHOTO VOLTAIC
GENERATING FACILITY IN SEC. 18,
T.1S., R.6W. G&SRB&M, MARICOPA
19 COUNTY, AND TERMINATING AT
THE EXISTING MESQUITE
GENERATING STATION 230KV
SWITCHYARD IN SEC. 15, T.1S.,
R.6W. G&SRB&M, IN MARICOPA
20 COUNTY, ARIZONA.

Docket No. L-00000KK-09-0299-00147

Case No. 147

**NOTICE OF FILING SEP II'S
WITNESS SUMMARIES AND
PROPOSED FORM OF CERTIFICATE
OF ENVIRONMENTAL
COMPATIBILITY**

Arizona Corporation Commission
DOCKETED

AUG - 3 2009

DOCKETED BY

Bryan Cave LLP
Two North Central Avenue, Suite 2200
Phoenix, Arizona 85004-4406
(602) 364-7000

21 Applicant SEP II ("SEP II" or "Applicant"), through undersigned counsel, hereby
22 provides:

- 23 1. The Witness Summary of Joseph H. Rowley.
- 24 2. The Witness Summary of Cory Breternitz.
- 25 3. The Witness Summary of George High.
- 26 4. A redlined version of the proposed form of Certificate of Environmental
27 Compatibility ("CEC"), redlined to the Commission-approved CEC in Case No. 142; and
- 28 5. A clean version of the proposed form of CEC.

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These documents will also be marked as SEP II exhibits at the hearing.
RESPECTFULLY SUBMITTED this 3rd day of August, 2009.

BRYAN CAVE LLP

By 

Steven A. Hirsch #006360
Andrew D. Gleason #024394
Two N. Central Avenue, Suite 200
Phoenix, AZ 85004-4406
Attorneys for Applicant SEP-II, LLC

ORIGINAL and 25 COPIES of the foregoing
hand-delivered this 3rd day of August, 2009 to:

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

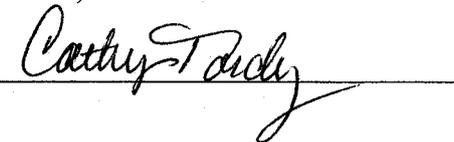
and

The Honorable John Foreman
Chairman, Arizona Power Plant
and Transmission Line Siting Committee
1275 W. Washington Street
Phoenix, Arizona 85007

COPY of the foregoing mailed this 3rd
day of August, 2009 to:

Janice Alward, Chief Counsel
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Marta T. Hetzer
Arizona Reporting Service, Inc.
2200 N. Central Avenue
Phoenix, Arizona 85004-1418



Bryan Cave LLP
Two North Central Avenue, Suite 2200
Phoenix, Arizona 85004-4406
(602) 244-7000

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Mesquite Solar Generation-Tie Project

Transmission Line Siting Committee

Case No. 147

Witness Summary: Joseph H. Rowley

Mr. Rowley will provide testimony regarding the proposed generation-tie power line associated with the Mesquite Solar project. He will explain the need for and purpose of the power line, its preferred and alternate routes, the timing of construction, and its design and visual appearance.

Qualifications

Mr. Rowley is Vice President of Sempra Generation, of which the applicant SEP II is a wholly-owned subsidiary. He has 29 years of experience in the siting, design, permitting, construction, and operation of power generation and electric transmission facilities. Mr. Rowley has been with Sempra Generation since 1998, during which time he was responsible for the siting, design, and permitting of the 570 MW Elk Hills combined cycle project and its associated generation-tie power line, the 1,250 MW Mesquite combined cycle project and its associated transmission interconnection facilities (approved by this Committee and the Arizona Corporation Commission), and the 550 MW Palomar combined cycle project and its associated transmission lines. He has also been responsible for the operation of all of Sempra Generation's power plant and power line facilities. Between 1990 and 1998, Mr. Rowley was with the Imperial Irrigation District (IID) Power Department, where he was responsible for the siting, design, permitting, and construction of several transmission line and power plant projects, as well as the operation of all of IID's power plants and transmission grid. Between 1980 and 1990, Mr. Rowley was with San Diego Gas & Electric, where he was responsible for engineering and permitting of several power plant and facility improvement projects.

Need for and Purpose of the Power Line

The proposed generation-tie power line is needed to interconnect the planned Mesquite Solar project with the transmission grid. The Mesquite Solar project will be a solar energy generation facility employing photovoltaic technology that produces power directly without use of heat transfer fluid or cooling water. The facility will be located in Maricopa County, 2 miles west of the Palo Verde Nuclear Generating Station on a site that will ultimately comprise over 3,500 acres and accommodate over 500 MW of photovoltaic solar panels. The Mesquite Solar project site and vicinity are shown in Figure 1.

Preferred and Alternate Routes

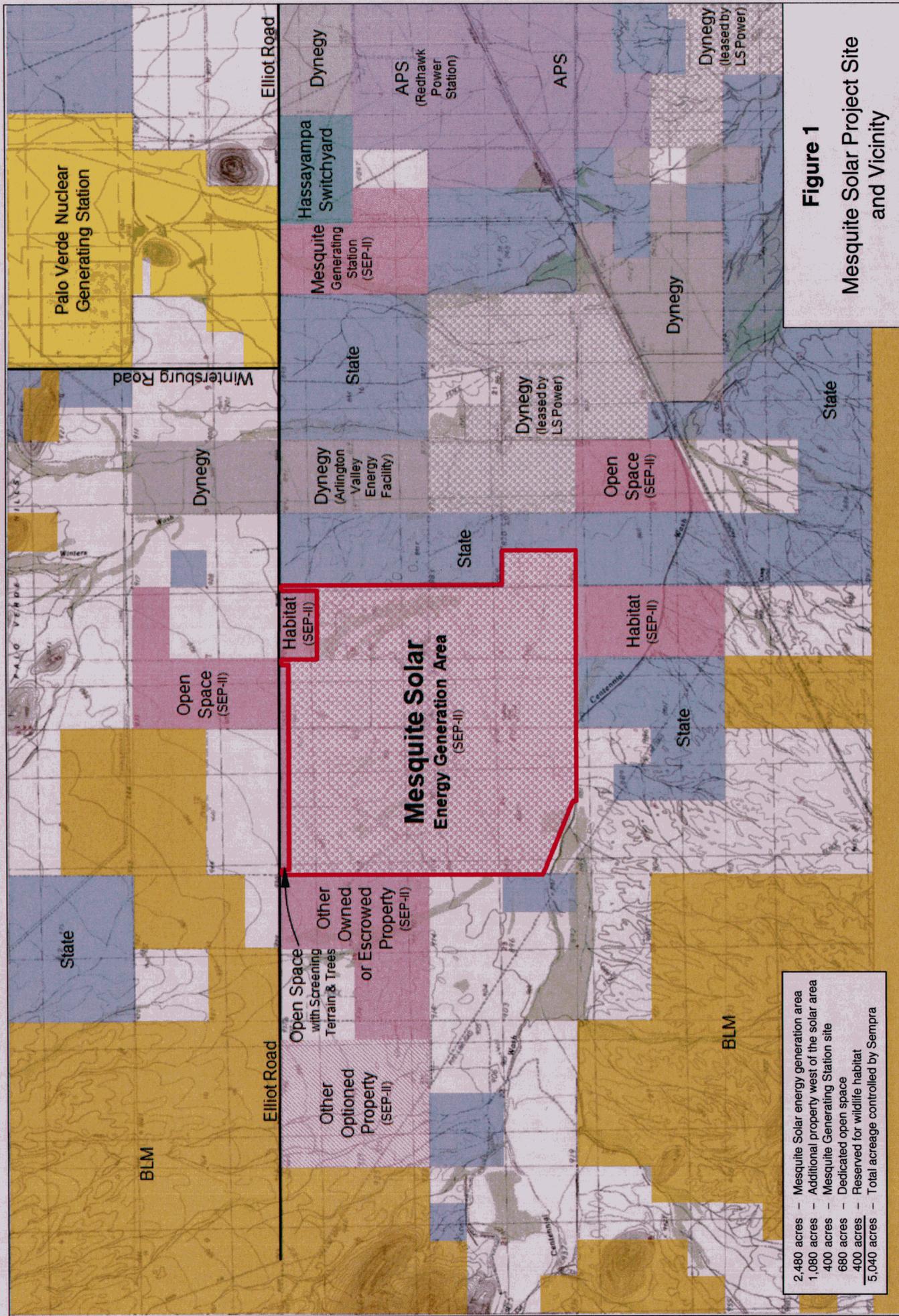
The Preferred and Alternate Routes are shown in Figure 2. In either case, the power line will originate at a new 230 kV substation on the Mesquite Solar project site and extend for a total length of about 4 miles to the existing 230 kV switchyard of the Mesquite Generating Station which, in turn is connected to the 500 kV Hassayampa switchyard. Consistent with direction from the Committee Chairman, notices of the project and the pending hearing have been placed along both routes.

The Preferred Route takes the most direct alignment available and avoids proximity to public roads. The Preferred Route crosses a half-section of public land owned by the State of Arizona, a half-section of private land owned by Dynegy (another power generation company), and then a section of public land owned by the State of Arizona before entering the existing Mesquite Generating Station site. The Alternate Route is very similar, but avoids crossing the private land owned by Dynegy by utilizing the County right-of-way along Elliot Road. The Alternate Route would be used only if right-of-way negotiations with Dynegy are unsuccessful. Both the Preferred and Alternate Routes cross Winters Wash, but in both cases the wash is relatively narrow at the crossing point and the power line would span over the wash completely with no significant impact. Because of the limited length of the transmission line and comparatively small difference between the Preferred and Alternative Routes, the fact that only one private party (Dynegy) is implicated in the routing, and the fact that SEP II has already actively been discussing the transmission line land rights acquisition, design and construction details with Maricopa County, the Arizona State Land Department and Dynegy, approval is sought for both routes at this time.

Design and Visual Appearance

The power line will be a double-circuit 230 kV design supported on a single set of steel poles or lattice towers. If the Alternate Route is used, the segment of the power line along Elliot Road will be supported on steel poles. Either circuit alone will be capable of conveying the entire output of the Mesquite Solar project to the grid, so one of the two circuits may be out of service for maintenance or repair without affecting the reliability of the generation facility. A photo of typical double-circuit 230 kV generation-tie power line is provided as Figure 3.

As shown in Figure 4, the existing 230 kV switchyard of the Mesquite Generating Station is connected to the 500 kV Hassayampa switchyard via a bank of 230/500 kV autotransformers located on the Mesquite Generating Station site. Figure 4 also shows a second connection between the Mesquite Generating Station switchyard and the Hassayampa switchyard that is currently being implemented, including a second bank of 230/500 kV autotransformers. This work also includes installation of a tie breaker that will segregate the 230 kV bus of the Mesquite Generating Station switchyard into a north section and a south section. Each of the north and south sections will have terminations for three of the six Mesquite combined cycle generators, one of the two 230/500 kV autotransformers, and one of the two circuits from the Mesquite Solar project. This configuration will enhance the reliability of the interconnection for the existing Mesquite combined cycle and provide effective redundancy for the Mesquite Solar project.



2,480 acres	-	Mesquite Solar energy generation area
1,080 acres	-	Additional property west of the solar area
400 acres	-	Mesquite Generating Station site
680 acres	-	Dedicated open space
400 acres	-	Reserved for wildlife habitat
5,040 acres	-	Total acreage controlled by Sempra

Figure 1
Mesquite Solar Project Site
and Vicinity

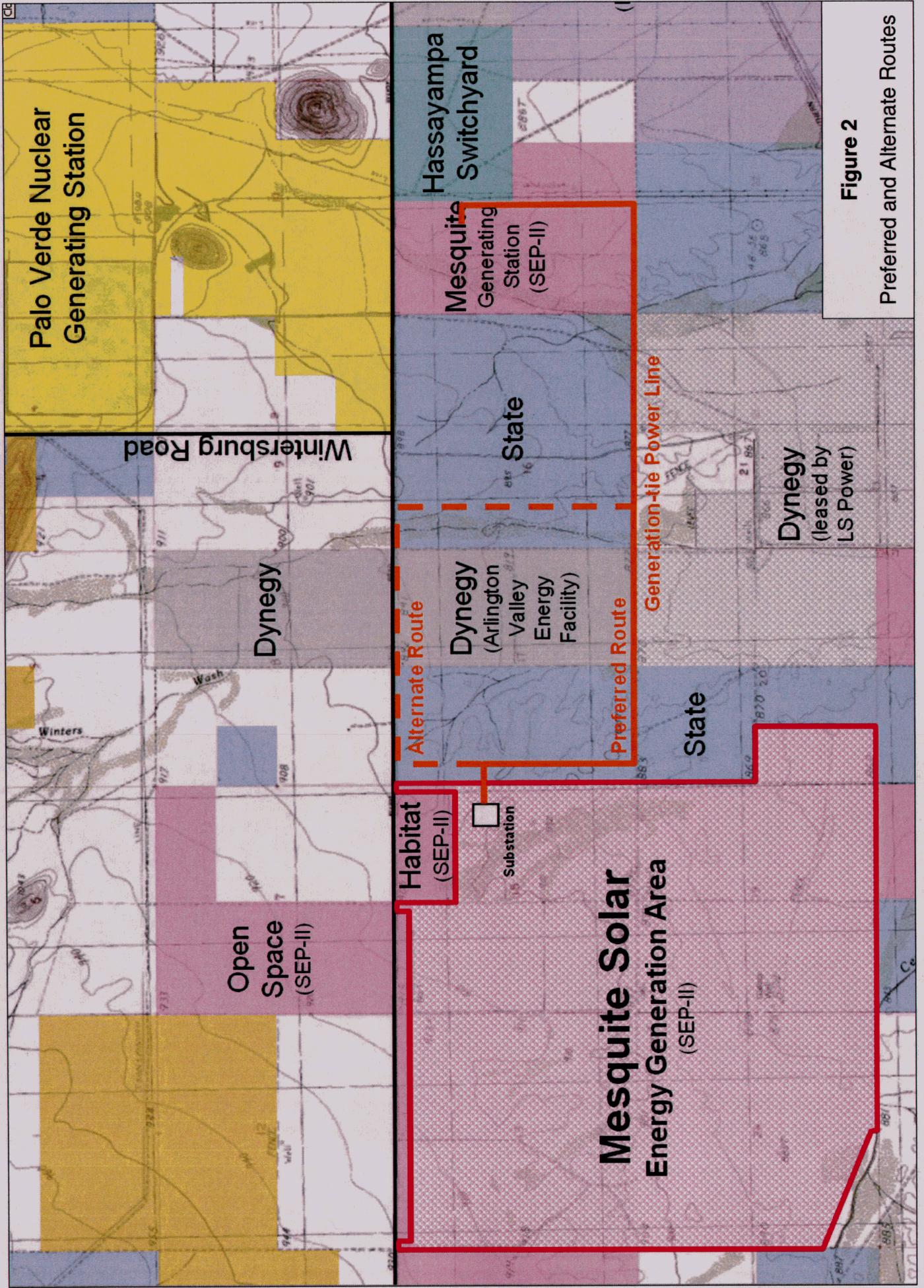


Figure 2
Preferred and Alternate Routes



Figure 3
Typical Double-Circuit 230 kV
Generation-tie Power Line

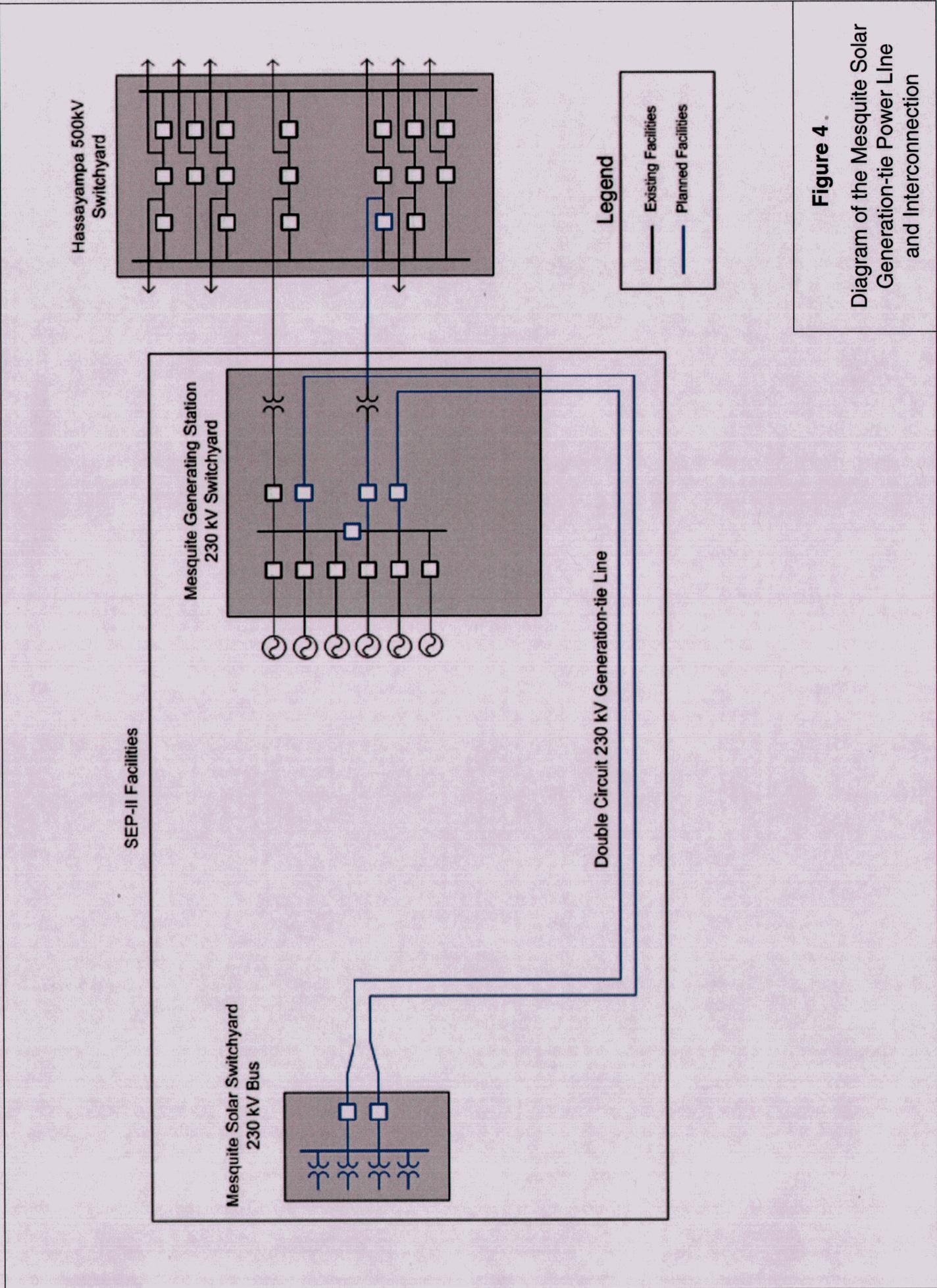


Figure 4.
 Diagram of the Mesquite Solar
 Generation-tie Power Line
 and Interconnection

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Mesquite Solar Generation-Tie Project

Transmission Line Siting Committee

Case No. 147

Witness Summary: Cory Breternitz

Mr. Breternitz will testify about the results of cultural resources inventory surveys concerning the proposed transmission line corridors for the proposed Mesquite Solar Generation Project. Specifically Mr. Breternitz will discuss:

- Background research conducted at the Arizona State Museum AZSite data base on previously identified archaeological sites and previous survey projects within a one-mile radius of the transmission line corridors;
- Protocols followed for the on-site pedestrian survey;
- Results and recommendations to the Arizona State Land Department (ASLD) and Arizona State Museum (ASM) that the proposed undertaking be determined to have no effect on historic properties.
- Determination of previously recorded archaeological site AZ T:9:63 (ASM) as not eligible to the National Register of Historic Places.

BACKGROUND

Mr. Breternitz received a B.A. degree in Anthropology with Honors from the University of Arizona and a M.A. degree in Anthropology from Washington State University. Mr. Breternitz has 39 years experience in archaeology of the southwestern United States and 25 years experience in central Arizona. He is a Registered Professional Archaeologist (RPA) and serves on the Board of Directors for the Society for American Archaeology (SAA). He was a founding member of the American Cultural Resources Association (ACRA) and served five years on the ACRA Board of Directors and one year as its President. He is a member of the Arizona Archaeological Council (AAC). Between 1984 and 2009 Mr. Breternitz was President and Owner of Soil Systems, Inc. (SSI), a Phoenix based archaeological consulting firm. In January 2009 SSI merged with PaleoWest Archaeology and Mr. Breternitz currently serves as a Principal and Senior Archaeologist for PaleoWest Archaeology based in downtown Phoenix with offices in Prescott and Wyoming.

TESTIMONY

Mr. Breternitz will first discuss the results of a Class I cultural resources overview for the proposed Mesquite Solar Generation Project and associated transmission line corridors. A review of the AZSite data base maintained by the ASM and the General Land Office (GLO) records housed at the Bureau of Land Management was conducted for the project area and a one mile radius surrounding the project area. Twenty-one previous archaeological surveys have been conducted across or near the project area since 1955. Thirteen archaeological sites are recorded in this one mile radius study area, but only a single archaeological site, AZ T:9:63 (ASM) passes

through the project area. This site is a historic linear feature, a road indicated on the 1915 and 1916 GLO plat maps.

Mr. Breternitz will discuss the protocols followed for the on-site, pedestrian survey of the proposed transmission line corridors that cross State Trust lands. Fieldwork was conducted under a Fieldwork Authorization issued by the Arizona State Museum per the requirements of PaleoWest's annual non-disturbing, non-collection permit to conduct archaeological surveys on State Trust land. Pedestrian survey transects were walked across the project area by Mr. Breternitz and Doug Mitchell, PaleoWest Senior Archaeologist, on March 24, 2009. The pedestrian survey was conducted by walking transects along the proposed transmission line corridors with two individuals spaced no more than 20 m (60 ft) apart, within the 150 ft wide transmission line corridor for the portion of the proposed project area that crossed State Trust land. All methods followed procedures outlined in the ASM's *Standards for Conducting and Reporting Cultural Resource Surveys on State Lands*.

A single, previously recorded archaeological site, AZ T:9:63 (ASM) was relocated during the survey. This historic road segment is oriented west by southwest to east by northeast and passes through Sections 14 and 15 and continues east and west outside of the proposed project area. GLO plat maps indicate that the road did not exist in 1883, but was in place by 1916 and is not shown on the 1984 USGS Gillespie and Arlington, Arizona, topographic maps. AZ T:9:63 (ASM) was reported in a previous archaeological survey for the Palo Verde Switchyard in 2000. The site has been determined to be ineligible to the National Register of Historic Places by the ASLD and the State Historic Preservation Office (SHPO) in 2000.

Seventeen trail segments were identified in the project area during the PaleoWest pedestrian survey. No artifacts were found along any of the trail segments. The trails are visible as straight to slightly curving linear features in the desert pavement and vary between 20 to 30 cm in width and 20 to over 100 m in length. Their orientations varied, but are predominately oriented east to west. It is impossible to assign a date to these features and hundreds of similar linear trail features across areas of desert pavement are documented for west central Arizona. These trail segments may be hundreds or thousands of years old, or they may be more recent historic features created by cattle or off road recreational travel. Aerial photography of the project area shows that permanent linear features can be created across areas of desert pavement by a single vehicle traversing the area.

Five isolated occurrences of prehistoric and historic artifacts were identified during the survey. These consisted of a single or multiple historic rusted cans, a possible prehistoric roasting pit, and a single prehistoric quartzite cobble grinding tool. None of the isolated occurrences meet the ASM criteria for archaeological sites. Isolated occurrences are described and GPS coordinates are provided in the PaleoWest survey report. No further documentation is required for the isolated occurrences.

The single archaeological site documented in the proposed project area on State Trust land crossed by the proposed transmission line corridors, AZ T:9:63 (ASM) has already been determined by the ASLD and SHPO to be ineligible to the National Register of Historic Places. No additional archaeological sites were documented during the survey of the proposed transmission line corridors across State Trust land. PaleoWest recommends that the proposed undertaking be determined to have no effect on historic properties (PaleoWest Technical Report 09-06, April 10, 2009).

3

Mesquite Solar Generation-Tie Project

Transmission Line Siting Committee

Case No. 147

Witness Summary: George High

Mr. High will testify regarding environmental compatibility of the preferred transmission line and alternatives for the Mesquite Solar Generation-Tie Project ("Project"), and will provide further details concerning the studies performed under the supervision of AECOM as set forth in the Application. The transmission line routes originate at the planned Mesquite Solar Energy Project, a photovoltaic (PV) solar energy facility located southwest of Wintersburg, Arizona, and terminate at the existing Mesquite Generating Station 230 kV switchyard. Both the Preferred Route and Alternate Route would be located within undeveloped rural lands that are zoned for industrial development and range from 4.52 to 5.15 miles in length.

Specifically, Mr. High will address:

- the approach undertaken to the transmission line routing process in this instance (including the identification of alternative routes);
- project transmission line alternatives identified and evaluated;
- species of concern that have been identified by the Arizona Game and Fish Department that may be affected by the project, including their likelihood of occurrence;
- potential short-term and long-term impacts to species of concern;
- compatibility with existing land uses, zoning, ordinances, and master plans; and
- potential short-term and long-term socioeconomic and visual impacts.

BACKGROUND

Mr. High has over 30 years experience in environmental consulting and has served as project manager for more than 25 transmission line routing and permitting projects. He is a senior program manager for AECOM and has a B.S. degree in Biology.

Relevant projects for which Mr. High has been responsible include the Reliant – Eldorado 500 kV Transmission Line Environmental Assessment, Nevada (EA); Ivanpah Energy Center and Transmission Line Environmental Impact Statement, Nevada (EIS); the Reliant Bighorn Generating Facility and Transmission Line, Nevada EA; Basin Electric Belfield – Rhame 230 kV Transmission Line Project, North Dakota EA; Williston – Tioga 230 kV Transmission Line Project, North Dakota EA; Big Stone Coal-fired Generating Facility and Transmission Line, South Dakota and Minnesota EIS; and more than 25 transmission line routing and permitting projects in Texas ranging in size from 69 kV to 348 kV. Previous projects in Arizona include support for the 500 kV Navajo Transmission Line Environmental Impact Statement.

His state permitting experience includes support for Certificates of Convenience and Necessity (CCN) for several transmission line projects in Texas and two Utility Environmental Protection Act (UEPA) documents in Nevada. His North Dakota projects were permitted through the North Dakota Public Service Commission. He provided Expert Testimony before the Texas Public Utility Commission on a controversial 138 kV transmission line in the Texas hill country.

Mr. High is currently responsible for preparing siting and routing documents in support of the Lewis Creek Power Station and the Horse Hollow Generation Tie-line in Texas and is AECOM's project manager for the development of an Environmental Impact Statement for a new international airport south of Las Vegas, Nevada.

TESTIMONY

- Mr. High will first describe the approach used in transmission line routing and the selection of a preferred alternative in this case. He will discuss the application of project constraints and opportunities, screening of alternatives, and the selection of alternatives to be evaluated.
- He will describe the biological resources and existing habitats that occur within the proposed Mesquite Solar Generation-Tie Project area, as well as potential impacts to those resources that may occur as a result of project construction and/or operation.
- Species of concern to be addressed include:
 - Kit fox
 - LeConte's Thrasher
 - Western Burrowing Owl
 - Sonoran Desert Tortoise
- Mr. High will explain short-term minor impacts to wildlife that may result during construction due to vegetation clearing, increased noise and activity, and associated disturbances. Potential mitigation measures also will be addressed.
- He will address potential long-term impacts to wildlife that could result from Project operations, such as habitat fragmentation, avian collision and electrocution issues. Potential mitigation measures also will be addressed.
- Mr. High will specifically address the types of surveys planned prior to construction to determine the presence of LeConte's Thrasher and Western Burrowing Owl. The surveys will follow the most recent burrowing owl guidelines published by Arizona Game and Fish Department, as requested by the agency. The survey results will be used to develop mitigation measures during construction and maintenance of the transmission line.
- Based on a review of public records, it was determined that the proposed Project would not conflict with existing land uses, zoning, ordinances or master plans. Mr. High will address Project compatibility issues related to the Mesquite Power Wildlife Oasis, an educational resource developed and maintained by Mesquite Power and Sempra Energy Company. He also will address potential impacts to a

recreational area managed by Maricopa County and the Buckeye Hills Recreation Area which are in the vicinity of the proposed Project.

- Short-term socioeconomic impacts related to project construction are expected to be minimal and limited to construction worker employment and materials, although Arizona workers and materials will be employed in the Project where feasible. The proposed Project, whether the Preferred or Alternate Route is constructed, would result in minimal long-term visual impacts to sensitive receptors, due to existing transmission lines and power plants in the area, intervening vegetation, and distance. Mr. High will describe short-term socioeconomic impacts and long-term visual resources analyses associated with transmission line routing in this instance.

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

4
5 IN THE MATTER OF THE APPLICATION
6 OF SOUTHWEST TRANSMISSION
7 COOPERATIVE, INC., OR ITS
8 ASSIGNEES SEP-II, LLC, IN
9 CONFORMANCE WITH THE
10 REQUIREMENTS OF ARIZONA REVISED
11 STATUTES SECTION 40-360, et seq., FOR A
12 CERTIFICATE OF ENVIRONMENTAL
13 COMPATIBILITY FOR THE SAN MANUEL
14 INTERCONNECT PROJECT LOCATED IN
15 THE VICINITY OF SAN MANUEL IN
16 PINAL COUNTY, ARIZONA
17 AUTHORIZING THE MESQUITE SOLAR
18 GENERATION-TIE 230KV TRANSMISSION
19 LINE, ORIGINATING AT THE PROPOSED
20 MESQUITE SOLAR PHOTO VOLTAIC
21 GENERATING FACILITY IN SEC. 18, T.1S.,
22 R.6W. G&SRB&M, MARICOPA COUNTY,
23 AND TERMINATING AT THE EXISTING
24 MESQUITE GENERATING STATION
25 230KV SWITCHYARD IN SEC. 15, T.1S.,
26 R.6W. G&SRB&M, IN MARICOPA
27 COUNTY, ARIZONA.

Docket No. L-00000CCKK-09-0158-
001420299-00147

Case No. 142147

18 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

19 Pursuant to notice given as provided by law, the Arizona Power Plant and
20 Transmission Line Siting Committee (the "Committee") held a public hearing on May
21 12, August 13 and 14, 2009, in conformance with the requirements of A.R.S. § 40-360, *et*
22 *seq.*, and A.A.C. R14-3-201, *et seq.*, for the purpose of receiving evidence and deliberating
23 on the Application of Southwest Transmission Cooperative, Inc. SEP-II, LLC (the
24 "Applicant") for a Certificate of Environmental Compatibility for the San Manuel
25 Interconnect Project (the "Project" Mesquite Solar 230kV Generation-Tie Transmission Line
26 (the "Project") as described in its Application.

26 The following members and designees of members of the Committee were present
27 for the hearing:

28 John Foreman, Esq.

Chairman, Designee for Arizona

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- Attorney General, Terry Goddard
- Paul Rasmussen Designee for Director, Arizona Department of Environmental Quality
- ~~Jessica Gregg Youle Houtz~~ Designee for Director, Energy Department, Arizona Department of Commerce Water Resources
- ~~Jack Haenichen~~ Designee for the Director of the Energy Office of the Arizona Department of Commerce
- David Eberhart Designee for Chairman, Arizona Corporation Commission
- Barry Wong, Esq. Appointed Member
- ~~Mike Palmer~~ Appointed Member
- William Mundell Appointed Member
- The Honorable Mike Whalen Appointed Member
- The Honorable Patricia Noland Appointed Member
- Jeff McGuire Appointed Member

Applicant was represented by counsel, ~~Michael M. Grant of Gallagher & Kennedy, P.A.~~ Intervenor Pinal County was represented by ~~Lawrence V. Robertson, Jr. Steven A. Hirsch and Andrew D. Gleason of Bryan Cave LLP.~~ No parties requested intervention.

At the conclusion of the hearing, after consideration of the Application, the evidence and exhibits presented, the legal requirements of A.R.S. §§ 40-360 to 40-360.13, and in accordance with A.A.C. R14-3-213, upon motion duly made and seconded, the Committee voted 9-0 to to grant Applicant, its successors and assigns the following Certificate of Environmental Compatibility (Case No. 142147):

Applicant is granted a Certificate of Environmental Compatibility for the construction of facilities as described in its Application as the Preferred and Alternate Routes, consisting of approximately 4.5 to 5.1 miles of double-circuit 230-kV line which initially will be energized at 115 kV connecting the existing Apache to Hayden transmission line to the existing APS San Manuel Substation. Beginning at the Apache to Hayden 115-

BRYAN CAVE LLP
 Two North Central Avenue, Suite 2200
 Phoenix, Arizona 85004-4405
 (602) 997-0900

1 kV transmission line, the new line will extend about one mile in a southwesterly direction to
2 River Road. The line then will run approximately one mile to BHP property and then 2.5
3 miles to the San Manuel Substation, which is north of the town of San Manuel. A map of
4 the Project area and the proposed route is attached as circuit 230 kV transmission line and
5 ancillary facilities along the routes described below. A general location map of the Project,
6 described herein, is set forth on Exhibit A.

7 The Project will begin at the Applicant's proposed Mesquite Solar 230 kV
8 Switchyard, to be located in the south half of the northeast quarter of Section 18, Township
9 1 South, Range 6 West, G&SRB&M, south of the existing Mesquite Generating Station
10 wildlife oasis. The Project will end at the existing Mesquite Generating Station 230 kV
11 Switchyard, located in the east half of the northwest quarter of Section 15, Township 1
12 South, Range 6 West, G&SRB&M. The Project may be routed along either the Preferred
13 Route or the Alternate Route.

14 The Preferred Route is as follows:

15 A 240-foot-wide corridor approximately 4.5 miles in length commencing at the
16 proposed Mesquite Solar 230 kV Switchyard, then proceeding east on State Land for
17 approximately 0.1 mile, then south on State Land for approximately 0.7 mile, then east on
18 State Land for approximately 0.4 mile along the Section Line between Sections 17 and 20,
19 and then continuing east along the same alignment for 0.5 mile on private property. After
20 exiting private property, continuing east on State Land for approximately 1.0 mile along the
21 Section Line between Sections 16 and 21, and then continuing east on the Mesquite
22 Generating Station site for approximately 0.5 mile along the Section Line between Sections
23 15 and 22. At approximately the midpoint of Section 15, the Preferred Route turns north
24 and continues on the Mesquite Generating Station site for approximately 0.8 mile before
25 turning west at the existing Mesquite Generating Station switchyard.

26 The Alternate Route is as follows:

27 A 240-foot-wide corridor approximately 5.1 miles in length commencing at the
28 proposed Mesquite Solar 230 kV Switchyard, then proceeding east on State Land
approximately 0.1 mile, and then north on State Land for approximately 0.3 mile to Elliot

1 Road. Then proceeding east on State Land along Elliot Road for approximately 0.4 mile.
2 then, after exiting State Land, continuing east in Maricopa County right-of-way for Elliot
3 Road for approximately 0.5 mile, and, after exiting Maricopa County right-of-way,
4 continuing east on State Land along Elliot Road for approximately 0.2 mile. Then
5 proceeding south on State Land for approximately 1.0 mile to the Section Line between
6 Sections 16 and 21. Then east on State Land for approximately 0.8 mile along the Section
7 Line between Sections 16 and 21, and then continuing east on the Mesquite Generating
8 Station site for approximately 0.5 mile along the Section Line between Sections 15 and 22.
9 At approximately the midpoint of Section 15, the Alternate Route turns north and continues
10 on the Mesquite Generating Station site for approximately 0.8 mile before turning west at
11 the existing Mesquite Generating Station switchyard.

12 This Certificate is granted upon the following conditions:

- 13 1. The Applicant shall (a) obtain all approvals and permits required by the
14 United States, the State of Arizona, the County of Pinal~~Pinal~~Maricopa and any
15 other governmental entities having jurisdiction necessary to construct the
16 Project, and (b) file application(s) for such rights-of-way across Arizona State
17 Land Department lands as may be necessary to construct the Project.
- 18 2. The Applicant shall comply with all existing applicable statutes, ordinances,
19 master plans and regulations of the United States, the State of Arizona, the
20 County of Pinal~~Pinal~~Maricopa and any other governmental entities having
21 jurisdiction during the construction and operation of the transmission line.
- 22 3. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or
23 historical site or object that is at least 50 years old is discovered on state,
24 county or municipal land during the construction or operation of the
25 transmission line, the Applicant or its representative in charge shall promptly
26 report the discovery to the Director of the Arizona State Museum, and in
27 consultation with the Director, shall immediately take all reasonable steps to
28 secure and maintain the preservation of the discovery.
4. If human remains and/or funerary objects are encountered on private land

Bevan Case LLP
100 North Central Avenue, Suite 2200
Phoenix, Arizona 85004-4406
(602) 360-0000

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during the course of any ground-disturbing activities relating to the construction or operation of the transmission line, the 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.

5. 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 the construction and operation of the transmission line. ~~In no event shall the Applicant destroy more than 100 saguaro cacti during the construction of the transmission line and access road.~~

~~6. The Applicant shall not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Commission. Any assignment of this Certificate shall require the assignee to assume all responsibilities of the Applicant listed in this Certificate.~~

6. ~~7.~~ This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Commission unless the transmission line is capable of operation within such time frame. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.

7. ~~8.~~ In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to notify (a) all landowners and residents within one mile of the Project, (b) all persons who made public comment at this proceeding and (c) all parties to this proceeding of the Applicant's request for such extension and the time and place of the hearing in which the Commission will consider the request for extension.

8. ~~9.~~ The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission lines and related facilities

Bevin-Cove LLP
Two N. Oscar Castro, Avila, Suite 2200
Phoenix, Arizona 85004-4406
(602) 967-9000

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addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television 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 in the retained records.

9. ~~10.~~ 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 line structures are constructed. To the extent practicable, within 45 days of securing easement ~~easements~~ or right ~~rights~~-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
- (f) The website of the Project.

10. ~~11.~~ Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.

11. ~~12.~~ Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for transmission line structures.

12. ~~13.~~ Before construction on this Project may commence, the Applicant shall

1 file a construction mitigation and restoration plan ("Plan") with ACC Docket Control.
2 Where practicable, the Plan shall specify the Applicant's plans for construction access and
3 methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of
4 the Project right-of-way, particularly in drainage channels and along stream banks, and shall
5 re-vegetate outside of the Project right-of-way (excepting any roads necessary to maintain
6 access to the right-of-way), unless waived by the landowner, native areas of construction
7 disturbance to its preconstruction state ~~outside of the power line right-of-way after~~
8 construction has been completed. The Plan shall specify the Applicant's plans for
9 providing a biological monitor to ensure compliance with Condition No. 5 and the Arizona
10 Native Plant ~~Law~~Laws and plans for coordination with the Arizona Game and Fish
11 Department and the State Historic Preservation Office. The Applicant shall use existing
12 roads for construction and access where practicable and the Plan shall specify the manner in
13 which the Applicant makes use of existing roads.

13 ~~13.~~ 14. With respect to the Project, Applicant shall participate in good faith in
14 state and regional transmission study forums to coordinate transmission expansion plans
15 related to the Project and to resolve transmission constraints in a timely manner.

16 ~~14.~~ 15. The Applicant shall provide copies of this Certificate to ~~Pinal~~Maricopa
17 County, the Arizona State Land Department, the Bureau of Land Management, the State
18 Historic Preservation Office and the Arizona Game and Fish Department.

19 ~~16.~~ Prior to the date construction commences on this Project, the Applicant shall
20 provide ~~known homebuilders and developers within one mile of the route the identity,~~
21 ~~location and a pictorial depiction of the type of power line being constructed, accompanied~~
22 ~~by a written description, and encourage the developers and homebuilders to include this~~
23 ~~information in the developers' and homebuilders' homeowners' disclosure statements.~~

24 ~~17.~~ Before commencing construction of Project facilities located parallel to and
25 within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:

- 26
- 27 (a) Perform the appropriate grounding and cathodic protection studies to show
- 28 that the Project's location parallel to and within 100 feet of such pipeline

BRYAN GAYE LLP
Two North Central Avenue, Suite 2200
Phoenix, Arizona 85004-4405
(602) 367-0000

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~~results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff reports of studies performed; and~~

~~(b) Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicant shall provide a copy of this study to Commission Staff.~~

15. ~~18.~~ 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.

16. ~~19.~~ 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 Docket Control of the Arizona Corporation Commission on ~~March~~ May 1 beginning in 2010. 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.

Bivins-Camp LLP
Two North Central Avenue, Suite 2200
Phoenix, Arizona 85004-4468
(602) 367-0000

BRYAN CAVE LLLP
Two North Central Avenue, Suite 2200
Phoenix, Arizona 85004-4406
(602) 967-0000

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~~20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.~~

17. ~~21.~~ The Applicant shall expeditiously pursue reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, if any, to mitigate the impacts of the location, construction and operation of the Project on private land.

~~22. The Applicant shall install and maintain marker balls on the Project's static line at the spans in the approaches to the San Manuel airport between structures No. 3 and No. 8 and over the San Pedro River between structures No. 21 and No. 25 to alert any aircraft to the Project. The marker balls, their installation and maintenance will meet FAA Advisory Circular 70/7460-1K standards or any successor standards and requirements.~~

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. The Project is in the public interest because it aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its 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.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

GRANTED this ___ day of _____, 2009.

ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

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By _____
John Foreman, Chairman

BWAV-GATE LLP
Two North Central Avenue, Suite 2200
Portland, Oregon 97004-4409
(503) 363-7000

EXHIBIT A

Project Location Map and Proposed Route

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BRAIN-CAME LLP
1701 NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4405
TEL: 602-311-3000
FAX: 602-311-3000

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

4 IN THE MATTER OF THE APPLICATION
5 OF SEP-II, LLC, IN CONFORMANCE
6 WITH THE REQUIREMENTS OF
7 ARIZONA REVISED STATUTES
8 SECTION 40-360, et seq., FOR A
9 CERTIFICATE OF ENVIRONMENTAL
10 COMPATIBILITY AUTHORIZING THE
11 MESQUITE SOLAR GENERATION-TIE
12 230KV TRANSMISSION LINE,
13 ORIGINATING AT THE PROPOSED
14 MESQUITE SOLAR PHOTO VOLTAIC
15 GENERATING FACILITY IN SEC. 18,
16 T.1S., R.6W. G&SRB&M, MARICOPA
17 COUNTY, AND TERMINATING AT THE
18 EXISTING MESQUITE GENERATING
19 STATION 230KV SWITCHYARD IN SEC.
20 15, T.1S., R.6W. G&SRB&M, IN
21 MARICOPA COUNTY, ARIZONA.

Docket No. L-00000KK-09-0299-
00147

Case No. 147

14 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

15 Pursuant to notice given as provided by law, the Arizona Power Plant and
16 Transmission Line Siting Committee (the "Committee") held a public hearing on August 13
17 and 14, 2009, in conformance with the requirements of A.R.S. § 40-360, *et seq.*, and A.A.C.
18 R14-3-201, *et seq.*, for the purpose of receiving evidence and deliberating on the
19 Application of SEP-II, LLC (the "Applicant") for a Certificate of Environmental
20 Compatibility for the Mesquite Solar 230kV Generation-Tie Transmission Line (the
21 "Project") as described in its Application.

22 The following members and designees of members of the Committee were present
23 for the hearing:

24 John Foreman, Esq.

Chairman, Designee for Arizona
Attorney General, Terry Goddard

25 Paul Rasmussen

Designee for Director, Arizona
Department of Environmental Quality

26 Gregg Houtz

Designee for Arizona Department of
Water Resources

1	Jack Haenichen	Designee for the Director of the
2		Energy Office of the Arizona
		Department of Commerce
3	David Eberhart	Designee for Chairman, Arizona
4		Corporation Commission
5	Barry Wong, Esq.	Appointed Member
6	Mike Palmer	Appointed Member
7	William Mundell	Appointed Member
8	The Honorable Mike Whalen	Appointed Member
9	The Honorable Patricia	Appointed Member
10	Noland	
	Jeff McGuire	Appointed Member

11 Applicant was represented by counsel, Steven A. Hirsch and Andrew D. Gleason of
12 Bryan Cave LLP. No parties requested intervention.

13 At the conclusion of the hearing, after consideration of the Application, the evidence
14 and exhibits presented, the legal requirements of A.R.S. §§ 40-360 to 40-360.13, and in
15 accordance with A.A.C. R14-3-213, upon motion duly made and seconded, the Committee
16 voted ___ to ___ to grant Applicant, its successors and assigns the following Certificate of
17 Environmental Compatibility (Case No. 147):

18 Applicant is granted a Certificate of Environmental Compatibility for the
19 construction of facilities as described in its Application as the Preferred and Alternate
20 Routes, consisting of approximately 4.5 to 5.1 miles of double circuit 230 kV transmission
21 line and ancillary facilities along the routes described below. A general location map of the
22 Project, described herein, is set forth on Exhibit A.

23 The Project will begin at the Applicant's proposed Mesquite Solar 230 kV
24 Switchyard, to be located in the south half of the northeast quarter of Section 18, Township
25 1 South, Range 6 West, G&SRB&M, south of the existing Mesquite Generating Station
26 wildlife oasis. The Project will end at the existing Mesquite Generating Station 230 kV
27 Switchyard, located in the east half of the northwest quarter of Section 15, Township 1
28 South, Range 6 West, G&SRB&M. The Project may be routed along either the Preferred
Route or the Alternate Route.

1 The Preferred Route is as follows:

2 A 240-foot-wide corridor approximately 4.5 miles in length commencing at the
3 proposed Mesquite Solar 230 kV Switchyard, then proceeding east on State Land for
4 approximately 0.1 mile, then south on State Land for approximately 0.7 mile, then east on
5 State Land for approximately 0.4 mile along the Section Line between Sections 17 and 20,
6 and then continuing east along the same alignment for 0.5 mile on private property. After
7 exiting private property, continuing east on State Land for approximately 1.0 mile along the
8 Section Line between Sections 16 and 21, and then continuing east on the Mesquite
9 Generating Station site for approximately 0.5 mile along the Section Line between Sections
10 15 and 22. At approximately the midpoint of Section 15, the Preferred Route turns north
11 and continues on the Mesquite Generating Station site for approximately 0.8 mile before
12 turning west at the existing Mesquite Generating Station switchyard.

12 The Alternate Route is as follows:

13 A 240-foot-wide corridor approximately 5.1 miles in length commencing at the
14 proposed Mesquite Solar 230 kV Switchyard, then proceeding east on State Land
15 approximately 0.1 mile, and then north on State Land for approximately 0.3 mile to Elliot
16 Road. Then proceeding east on State Land along Elliot Road for approximately 0.4 mile,
17 then, after exiting State Land, continuing east in Maricopa County right-of-way for Elliot
18 Road for approximately 0.5 mile, and, after exiting Maricopa County right-of-way,
19 continuing east on State Land along Elliot Road for approximately 0.2 mile. Then
20 proceeding south on State Land for approximately 1.0 mile to the Section Line between
21 Sections 16 and 21. Then east on State Land for approximately 0.8 mile along the Section
22 Line between Sections 16 and 21, and then continuing east on the Mesquite Generating
23 Station site for approximately 0.5 mile along the Section Line between Sections 15 and 22.
24 At approximately the midpoint of Section 15, the Alternate Route turns north and continues
25 on the Mesquite Generating Station site for approximately 0.8 mile before turning west at
26 the existing Mesquite Generating Station switchyard.

1 This Certificate is granted upon the following conditions:

- 2 1. The Applicant shall (a) obtain all approvals and permits required by the
3 United States, the State of Arizona, the County of Maricopa and any other
4 governmental entities having jurisdiction necessary to construct the Project,
5 and (b) file application(s) for such rights-of-way across Arizona State Land
6 Department lands as may be necessary to construct the Project.
- 7 2. The Applicant shall comply with all existing applicable statutes, ordinances,
8 master plans and regulations of the United States, the State of Arizona, the
9 County of Maricopa and any other governmental entities having jurisdiction
10 during the construction and operation of the transmission line.
- 11 3. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or
12 historical site or object that is at least 50 years old is discovered on state,
13 county or municipal land during the construction or operation of the
14 transmission line, the Applicant or its representative in charge shall promptly
15 report the discovery to the Director of the Arizona State Museum, and in
16 consultation with the Director, shall immediately take all reasonable steps to
17 secure and maintain the preservation of the discovery.
- 18 4. If human remains and/or funerary objects are encountered on private land
19 during the course of any ground-disturbing activities relating to the
20 construction or operation of the transmission line, the Applicant shall cease
21 work on the affected area of the Project and notify the Director of the Arizona
22 State Museum pursuant to A.R.S. § 41-865.
- 23 5. The Applicant shall comply with the notice and salvage requirements of the
24 Arizona Native Plant Law (A.R.S. §§ 3-901, *et seq.*) and shall, to the extent
25 feasible, minimize the destruction of native plants during the construction and
26 operation of the transmission line.
- 27 6. This authorization to construct this Project shall expire five years from the
28 date the Certificate is approved by the Commission unless the transmission
line is capable of operation within such time frame. However, prior to
expiration, the Applicant or its assignees may request that the Commission

1 extend this time limitation.

2 7. In the event that the Project requires an extension of the term of this
3 Certificate prior to completion of construction, Applicant shall use reasonable
4 means to notify (a) all landowners and residents within one mile of the
5 Project, (b) all persons who made public comment at this proceeding and (c)
6 all parties to this proceeding of the Applicant's request for such extension and
7 the time and place of the hearing in which the Commission will consider the
8 request for extension.

9 8. The Applicant shall make every reasonable effort to identify and correct, on a
10 case-specific basis, all complaints of interference with radio or television
11 signals from operation of the transmission lines and related facilities
12 addressed in this Certificate. The Applicant shall maintain written records for
13 a period of five years of all complaints of radio or television interference
14 attributable to operation, together with the corrective action taken in response
15 to each complaint. All complaints shall be recorded to include notations on
16 the corrective action taken. Complaints not leading to a specific action or for
17 which there was no resolution shall be noted and explained in the retained
18 records.

19 9. Within 120 days of the Commission decision granting this Certificate,
20 Applicant will post signs in public rights-of-way giving notice of the Project
21 corridor to the extent authorized by law. The Applicant shall place signs in
22 prominent locations at reasonable intervals such that the public is notified
23 along the full length of the transmission line until the transmission line
24 structures are constructed. To the extent practicable, within 45 days of
25 securing easements or rights-of-way for the Project, the Applicant shall erect
26 and maintain signs providing public notice that the property is the site of a
27 future transmission line. Such signage shall be no smaller than a normal
28 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
- (f) The website of the Project.

10. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.

11. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for transmission line structures.

12. Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way, particularly in drainage channels and along stream banks, and shall re-vegetate outside of the Project right-of-way (excepting any roads necessary to maintain access to the right-of-way), unless waived by the landowner, native areas of construction disturbance to its preconstruction state after construction has been completed. The Plan shall specify the Applicant's plans for providing a biological monitor to ensure compliance with Condition No. 5 and the Arizona Native Plant Laws and plans for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. The Applicant shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicant makes use of existing roads.

13. 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.

14. The Applicant shall provide copies of this Certificate to Maricopa County, the Arizona State Land Department, the Bureau of Land Management, the State Historic Preservation Office and the Arizona Game and Fish Department.

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

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

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

11 17. The Applicant shall expeditiously pursue reasonable efforts to work with
12 private landowners on whose property the Project right-of-way will be located, if any, to
13 mitigate the impacts of the location, construction and operation of the Project on private
14 land.

15 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

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

GRANTED this ___ day of _____, 2009.

ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

By _____
John Foreman, Chairman

EXHIBIT A

Project Location Map and Proposed Route

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